

MAY 2, 1990

OLYMPIA, WASHINGTON

ISSUE 90-09



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

## REPLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of May 1990 pursuant to RCW 19.52.020 is twelve point two four percent (12.24%).

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

The maximum allowable retail installment contract service charge applicable for calendar year 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen point zero percent (14.0%) for the second calendar quarter of 1990.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the second calendar quarter of 1990.

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# WASHINGTON STATE REGISTER

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

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

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

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

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**Kerry S. Radcliff**  
*Editor*

**Dennis W. Cooper**  
*Code Reviser*

**Joyce Matzen**  
*Subscription Clerk*

**Gary Reid**  
*Chief Assistant Code Reviser*

## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

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

### 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

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

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

### 5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1989 – 1990

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

<sup>1</sup>All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

**WSR 90-09-001**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Memorandum—April 5, 1990]

The Interagency Committee for Outdoor Recreation adopted the following meeting schedule at its March 22-23, 1990, meeting:

July 19-20, 1990	Wenatchee	Budgetary Process/ Adoption
September 28, 1990	Olympia	Wildlife and Recreation Coalition Projects Funding
November 8-9, 1990	Olympia	Funding: Traditional Grant-in-Aid Projects NOVA*-Nonhighway
Projects		NOVA-ORV Capital and Planning Projects
March 21-22, 1991	Olympia	State Trails Plan Adoption Funding: NOVA Projects-Education and Enforcement NOVA Projects-Maintenance and Operation Firearms/Shooting Ranges Projects

\* Nonhighway and Off-Road Vehicle Activities - NOVA

**WSR 90-09-002**  
**RULES COORDINATOR**  
**WASHINGTON STATE PATROL**  
 [Filed April 5, 1990, 1:37 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Washington State Patrol is Trooper L. George Abrams. Trooper Abrams is located in the General Administration Building, Mailstop AX-12, and can be reached by telephone at (206) 753-4453 or 234-4453 scan.

George B. Tellevik  
Chief

**WSR 90-09-003**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
 [Filed April 5, 1990, 1:44 p.m.]

Date of Adoption: March 21, 1990.

Purpose: Adoption of rules implemented under RCW 28B.80.180 to establish the community scholarship foundation demonstration project.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 250-69-010, 250-69-030, 250-69-040, 250-69-050, 250-69-060, 250-69-080, 250-69-090 and 250-69-100.

Statutory Authority for Adoption: RCW 28B.80.180.

Pursuant to notice filed as WSR 90-04-067 [90-04-068] on February 5, 1990.

Effective Date of Rule: Thirty-one days after filing.  
 April 4, 1990  
 Shirley A. Ort  
 Deputy Director  
 Student Financial Aid

Chapter 250-69 WAC  
**COMMUNITY SCHOLARSHIP FOUNDATION**  
**DEMONSTRATION PROJECT**

**WAC**

250-69-010	Purpose.
250-69-020	Authority to administer.
250-69-030	Program definitions.
250-69-040	Eligibility criteria.
250-69-050	Application procedure.
250-69-060	Selection criteria.
250-69-070	Award amount.
250-69-080	Disbursement of matching awards.
250-69-090	Reporting requirements.
250-69-100	Appeals.
250-69-110	Duration of demonstration project.

**NEW SECTION**

**WAC 250-69-010 PURPOSE.** The purpose of the community scholarship foundation demonstration project is to provide one-time two thousand dollar state-funded matching awards as an incentive to Washington community scholarship foundations to raise money and award scholarships to community residents who wish to pursue higher education. The community scholarship foundation program encourages (communities) community organizations to generate local dollars to complement efforts funded by the state. In making awards, priority shall be given to new organizations formed after the date of this act.

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

**NEW SECTION**

**WAC 250-69-020 AUTHORITY TO ADMINISTER.** The higher education coordinating board is charged with the administration of demonstration projects designed to prepare and assist persons to obtain a higher education in this state (as defined by RCW 28B.80.180).

**NEW SECTION**

**WAC 250-69-030 PROGRAM DEFINITIONS.**  
 (1) "Matching award" means the state appropriated funding for one-time two thousand dollar grants available to selected eligible community scholarship foundations that raise at least two thousand dollars for student scholarships.

(2) "Community scholarship foundation" means a nonprofit, tax exempt 501 (c)(3) Internal Revenue Service (c)Code, community-based organization, formed in part or in full for the purpose of providing higher education scholarships for local residents.

(3) "Higher education scholarship program" means a program which would provide awards to community residents to attend institutions of higher education in Washington state.

(4) "Institutions of higher education" or "institution" means a degree-granting college or university in the state of Washington which is a member institution of an accrediting association recognized by rule of the board for the purposes of this chapter, or a Washington public vocational-technical institute.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in this chapter, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(6) "Washington resident" means a resident as defined in RCW 28B.15.011 through 28B.15.013 and in board adopted rules and regulations pertaining to the determination of residency.

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

#### NEW SECTION

**WAC 250-69-040 ELIGIBILITY CRITERIA.** To be eligible to apply for a matching award a community organization must:

(1) Establish a higher education scholarship program and, after June 30, 1989, raise at least two thousand dollars for student scholarships;

(2) Obtain and maintain tax exempt status under section 501 (c)(3) of the Internal Revenue Code for the fund supporting the student scholarship program;

(3) Award student scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap; and

(4) Have not previously received a matching award from this program.

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

#### NEW SECTION

**WAC 250-69-050 APPLICATION PROCEDURE.** Community (Θ) organizations which meet eligibility criteria will be considered for selection after they complete an application for the matching award on a form provided by the higher education coordinating board.

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

#### NEW SECTION

**WAC 250-69-060 SELECTION CRITERIA.** Community (Θ) organizations which meet the eligibility criteria in Section 040 above will be selected for a matching award, during the demonstration period, in the following priority order:

(1) Organizations which after June 30, 1989, begin a higher education scholarship program, establish a non-profit, tax exempt 501 (c)(3) Internal Revenue Service (e)Code scholarship foundation, and raise two thousand dollars to be used for student scholarships.

(2) Organizations which have had prior scholarship programs but reorganize after June 30, 1989, to meet the eligibility criteria of the demonstration project and raise two thousand dollars to be used for student scholarships.

(3) Organizations which had scholarship programs and met the eligibility criteria of the program prior to June 30, 1989, and raise an additional two thousand dollars for student scholarships after June 30, 1989.

Among applying organizations, those which (a) solicit broad-based community support in their fund-raising activities and are representative of the community in their structure; (b) conduct fund-raising activities with volunteers and not with paid or contracted fund raisers; and (c) have a primary focus of awarding scholarships to Washington residents attending Washington institutions of higher education shall be given preference when the number of organizations applying exceeds available matching award funds.

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

#### NEW SECTION

**WAC 250-69-070 AWARD AMOUNT.** The community scholarship foundation matching award is a one-time two thousand dollar grant based on available funding.

#### NEW SECTION

**WAC 250-69-080 DISBURSEMENT OF MATCHING (GRANTS) AWARDS.** The higher education coordinating board will disburse matching awards of two thousand dollars to the selected community organizations.

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

#### NEW SECTION

**WAC 250(θ)-69-090 REPORTING REQUIREMENTS.** Community (Θ) organizations will submit, on a form provided by the board, reports of scholarships awarded from their two thousand dollar contribution and the two thousand dollar matching award. Reporting information will include, but is not limited to, recipients names and addresses, scholarship amounts and the higher education institution the recipient plans to attend.

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

#### NEW SECTION

**WAC 250-69-100 APPEALS.** The community (~~scholarship foundations~~) organizations may request in writing a review of any adverse decision affecting them

by requesting such review within twenty days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative Procedure Act, chapter 34.05 RCW.

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

#### NEW SECTION

**WAC 250-69-110 DURATION OF DEMONSTRATION PROJECT.** The demonstration project period shall end June 30, 1991.

**WSR 90-09-004  
RULES COORDINATOR  
ENERGY FACILITY  
SITE EVALUATION COUNCIL**

[Filed April 5, 1990, 1:46 p.m.]

The rules coordinator for the Energy Facility Site Evaluation Council is William L. Fitch, Executive Secretary, Mailstop PY-11, Olympia, Washington 98504, phone (206) 459-6490, 8-585-6490 scan.

Curtis Eschels  
Chairman

**WSR 90-09-005  
PERMANENT RULES  
EVERETT COMMUNITY COLLEGE**

[Filed April 5, 1990, 1:50 p.m.]

Date of Adoption: March 28, 1990.

Purpose: Student will be disqualified from participation in any school-sponsored athletic event or activity if found by the college to have violated chapter 69.41 RCW.

Statutory Authority for Adoption: Chapter 69.41 RCW, 1989 amendment.

Pursuant to notice filed as WSR 90-03-021 on January 10, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 3, 1990  
Robert J. Drewel  
President

Chapter 132E-400 WAC  
**LOSS OF ELIGIBILITY—STUDENT ATHLETIC  
PARTICIPATION**

#### NEW SECTION

**WAC 132E-400-010 GROUNDS FOR INELIGIBILITY.** Any student found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids,

will be disqualified from participation in any school-sponsored athletic event or activity.

#### NEW SECTION

**WAC 132E-400-020 SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING.** Any student notified of a claimed violation of WAC 132E-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the vice-president for instruction/student services within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

#### NEW SECTION

**WAC 132E-400-030 HEARING.** If a timely written request for a hearing is made, the vice-president for instruction/student services shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494.

#### NEW SECTION

**WAC 132E-400-040 DECISION.** The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered, or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than twenty days after the request for hearing is received by the vice-president for instruction/student services.

**WSR 90-09-006  
PERMANENT RULES  
EVERETT COMMUNITY COLLEGE**

[Filed April 5, 1990, 1:53 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To be in compliance with chapter 34.05 RCW, new Administrative Procedure Act (APA).

Citation of Existing Rules Affected by this Order: Chapter 132E-133 WAC, yet to be adopted.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 90-03-012 on January 5, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 132E-108-050(7), appeals associated with the use of human subjects.

Effective Date of Rule: Thirty days after filing.

April 3, 1990  
Robert J. Drewel  
President

Chapter 132E-108 WAC  
PRACTICE AND PROCEDURE

WAC

- 132E-108-010 Adoption of model rules of procedure.  
132E-108-020 Appointment of presiding officers.  
132E-108-030 Method of recording.  
132E-108-040 Application for adjudicative proceeding.  
132E-108-050 Brief adjudicative procedures.  
132E-108-060 Discovery.  
132E-108-070 Procedure for closing parts of the hearings.  
132E-108-080 Recording devices.

NEW SECTION

WAC 132E-108-010 **ADOPTION OF MODEL RULES OF PROCEDURE.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. All procedural rules previously adopted at this institution are specifically repealed. These rules shall supersede all procedural rules previously adopted by this institution.

NEW SECTION

WAC 132E-108-020 **APPOINTMENT OF PRESIDING OFFICERS.** The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president, or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132E-108-030 **METHOD OF RECORDING.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132E-108-040 **APPLICATION FOR ADJUDICATIVE PROCEEDING.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office  
Everett Community College  
801 Wetmore  
Everett, WA 98201

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132E-108-050 **BRIEF ADJUDICATIVE PROCEDURES.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges concerning education records consistent with state and federal law;
- (3) Student conduct proceedings. The procedural rules in WAC 132E-108-010 apply to these proceedings.
- (4) Parking violations. The procedural rules in WAC 132E-108-010 apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events.
- (7) Appeals associated with the use of human subjects.

NEW SECTION

WAC 132E-108-060 **DISCOVERY.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132E-108-070 **PROCEDURE FOR CLOSING PARTS OF THE HEARINGS.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

**WAC 132E-108-080 RECORDING DEVICES.**  
No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132E-108-010, except for the method of official recording selected by the institution.

**WSR 90-09-007**  
**EMERGENCY RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Medical Examiners)**  
[Order 048—Filed April 5, 1990, 2:34 p.m.]

Date of Adoption: April 5, 1990.

Purpose: To allow individuals who failed to submit their application for registration by December 31, 1989, but met the qualifications in WAC 308-52-640(3) by December 31, 1989, to make application prior to August 18, 1990.

Citation of Existing Rules Affected by this Order: Amending WAC 308-52-690.

Statutory Authority for Adoption: RCW 18.71A.020.

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

Reasons for this Finding: Notification of previous rules was inadequate, therefore, individuals who met the requirements prior to December 31, 1989, were not informed and these individuals have now submitted applications. Also these individuals are considered practicing medicine without a license and must come under the jurisdiction of the Board of Medical Examiners in order to regulate them.

Effective Date of Rule: April 20, 1990.

April 5, 1990  
Patti L. Rathbun  
Program Manager

**AMENDATORY SECTION** (Amending Order filed 9/27/89, effective 10/28/89)

**WAC 308-52-690 SURGICAL ASSISTANT PROGRAM REQUIREMENTS RECONSIDERATION.** (1) Applicants who submitted their application by December 31, 1989 and were determined as not meeting the requirements as set forth in WAC 308-52-640 may petition the board to reconsider their application with the submission of additional documentation to establish competency. The board will evaluate the additional documentation of competence on an individual case basis.

(2) Individuals who failed to submit their applications for registration by December 31, 1989, but who met the qualifications in WAC 308-52-640(3) by December 31, 1989, may apply for registration prior to August 18,

1990. Those individuals who submit their application after December 31, 1989 and who are determined to not have met the qualifications in WAC 308-52-640(3) may petition the board to reconsider their application with the submission of additional documentation to establish competency, which the board will evaluate on an individual case basis.

**WSR 90-09-008**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
[Order 90-01—Filed April 6, 1990, 8:23 a.m.]

Date of Adoption: February 28, 1990.

Purpose: To repeal sections of chapter 365-110 WAC that are inconsistent with the State Building Code Act, chapter 19.27 RCW as amended; and to repeal sections of chapter 365-110 WAC that are duplications of chapter 19.27A RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 365-110-030, 365-110-040, 365-110-050, 365-110-060 and 365-110-080; and amending WAC 365-110-020.

Statutory Authority for Adoption: Chapters 19.27 and 19.27A RCW.

Pursuant to notice filed as WSR 90-03-017 on January 9, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 5, 1990  
Chuck Clarke  
Director

**AMENDATORY SECTION** (Amending Order 87-19, filed 9/18/87)

**WAC 365-110-020 PURPOSE.** The purpose of these rules is to ~~((implement chapter 19.27 RCW as amended by chapter 360, Laws of 1985, and chapter 19.27A RCW, created by chapter 360, Laws of 1985 and by section 217(14), chapter 7, Laws of 1987 1st ex. sess., and by RCW 19.27.085.~~

~~Chapter 19.27A RCW, provides for the amendment of the State Energy Code by the State Building Code council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.~~

~~Chapter 19.27 RCW provides that the activities of the State Building Code council necessary to implement the purposes of the chapter shall be funded by a fee of one dollar and fifty cents to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust~~

~~the charges imposed. Section 217(14), chapter 7, Laws of 1987 1st ex. sess. provides that an additional fee of two dollars shall be added to the fee imposed under RCW 19.27.085 through June 30, 1989)) provide definitions to assist the collection of building permit fees as mandated by chapter 19.27 RCW.~~

**AMENDATORY SECTION** (Amending Order 87-19, filed 9/18/87)

WAC 365-110-035 DEFINITIONS. 1. DEPARTMENT shall mean the department of community development.

2. ~~((ENERGY CODE STUDIES SURCHARGE shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter 19.27A RCW, and subject to appropriations as provided in chapter 6, Laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter 19.27A RCW.~~

3.) STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapters 19.27 and 19.27A RCW.

~~((4.))~~ 3. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

~~((5. NEW BUILDING CONSTRUCTION PERMIT shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.))~~

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 365-110-030 SUFFICIENT FEDERAL FUNDS NOT AVAILABLE.

WAC 365-110-040 COLLECTION OF ENERGY STUDIES SURCHARGE.

WAC 365-110-050 COLLECTION OF STATE BUILDING CODE FEE.

WAC 365-110-060 TRANSMITTAL OF FUNDS.

WAC 365-110-080 TERMINATION.

**WSR 90-09-009**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—April 5, 1990]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Bioengineering.

**Faculty Meeting**

Meeting Dates	Location	Time
January 9	322 Harris	8:30 a.m.
February 13	322 Harris	8:30 a.m.
March 13	322 Harris	8:30 a.m.
April 10	322 Harris	8:30 a.m.
May 8	322 Harris	8:30 a.m.
June 12	322 Harris	8:30 a.m.
September 11	322 Harris	8:30 a.m.
October 9	322 Harris	8:30 a.m.
November 13	322 Harris	8:30 a.m.
December 11	322 Harris	8:30 a.m.

July and August we do not have meetings.

**Curriculum**

Meeting Dates	Location	Time
January 25	322 Harris	8:30 a.m.
February 22	322 Harris	8:30 a.m.
March 27	322 Harris	8:30 a.m.
April 26	322 Harris	8:30 a.m.
May 31	322 Harris	8:30 a.m.
June 28	322 Harris	8:30 a.m.
September 27	322 Harris	8:30 a.m.
October 25	322 Harris	8:30 a.m.
November 29	322 Harris	8:30 a.m.
December 27	322 Harris	8:30 a.m.

**WSR 90-09-010**  
**EMERGENCY RULES**  
**HORSE RACING COMMISSION**  
 [Filed April 6, 1990, 9:17 a.m.]

Date of Adoption: March 27, 1990.

Purpose: To facilitate issuance of owner's licenses through the use of facsimile machines; and the recognition of trainer's as agents of owners for purposes of filing for, and issuance of, provisional licenses by the commission's stewards.

Citation of Existing Rules Affected by this Order: Chapter 260-36 WAC, Occupational permits and licenses.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

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

Reasons for this Finding: Elimination of the potential inequality of opportunity to file for licenses during the period that a race meet is in session.

Effective Date of Rule: Immediately.

April 4, 1990  
John Crowley  
Executive Secretary

**[NEW SECTION]**

**WAC 260-36-190 FACSIMILE FOR OWNERS MAY BE USED.** *If an owner is unavailable to execute the application for an owner's license, the license may be issued and approved after submission to the Commission of a facsimile of the original application which does contain the signature of the owner.*

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

**[NEW SECTION]**

**WAC 260-36-200 PROVISIONAL OWNER'S LICENSE.** *The Stewards may issue a provisional license for a period of fourteen days based on an application completed by the trainer representing the owner and payment of all license fees and Labor & Industries fees due, provided that the trainer signs a statement that he or she is authorized on behalf of the owner to execute the application and that the trainer is familiar with the truth of the contents of the application.*

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

**WSR 90-09-011**

**EMERGENCY RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 2030—Filed April 6, 1990, 11:28 a.m.]

Date of Adoption: April 6, 1990.

Purpose: In response to repeated herbicide drift problems in the lower Yakima Valley and Tri-Cities area, additional measures are necessary to continue restrictions on application of pesticides in that area.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-230-805; and amending WAC 16-230-825, 16-230-835, 16-230-845, 16-230-850, 16-230-855 and 16-230-860.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

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

Reasons for this Finding: Herbicide drift from applications in certain areas of Benton County and portions of Franklin and Walla Walla counties are a continuing problem. This emergency order must be in effect prior to permanent rules because we are now in the use season.

Effective Date of Rule: Immediately.

April 6, 1990  
C. Alan Pettibone  
Director

**AMENDATORY SECTION [(Amending Order 2014, filed 7/31/89, effective 8/31/89)]**

**WAC 16-230-825 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—PERMITS.** *The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-865.*

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 2015 S. 1st Street, Yakima, Washington 98903. Applications may also be taken in person or by phone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

~~((4) Application records prescribed in WAC 16-230-805 shall be submitted to the Washington State Department of Agriculture, Compliance Branch, 2015 So. 1st Street, Yakima, Washington 98903, within three days after the aerial application under permit is performed.))~~

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

**AMENDATORY SECTION [(Amending Order 2014, filed 7/31/89, effective 8/31/89)]**

**WAC 16-230-835 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 1.** (1) Area 1 description ~~((Northwest))~~ North Horse Heaven Hills. An area including all lands lying within a boundary line beginning at the ~~((southwest corner of Section 24, T8N, R26E, thence north approximately 7 miles))~~ northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally

across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north approximately one mile along the section ((lines)) line to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence south ((approximately one and one-half miles along the Columbia River to the south section line of Section 17, T7N, R31E; thence west approximately seventeen miles along section lines to the southwest corner of Section 15, T7N, R28E; thence north one mile along the section line to the northwest corner of Section 15, T7N, R28E; thence west four miles along section lines to the intersection with Badger Canyon Road at the southwest corner of Section 12, T7N, R27E; thence north two miles along Badger Canyon Road and section lines to the intersection with Sellards Road at the southeast corner of Section 35, T8N, R27E; thence west one mile along Sellards Road and the section line to the southwest corner of Section 35, T8N, R27E; thence north one mile along the section line to the northwest corner of Section 35, T8N, R27E; thence west three miles along section lines to the southwest corner of Section 29, T8N, R27E; thence north one mile along the section line to the intersection with Cemetery Road at the northwest corner of Section 29, T8N, R27E; thence west two miles along Cemetery Road and section lines)) approximately five and one-half miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima

County line at the southwest corner of Section 6, T7N, R24E; thence north four miles along the county line to the point of beginning.

(2) Area 1 restrictions. Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: PROVIDED, That the department may issue written permits for application of insecticides not containing the signal words Danger/Poison on the label.

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

AMENDATORY SECTION [(Amending Order 2014, filed 7/31/89, effective 8/31/89)]

WAC 16-230-845 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 3. (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section ((25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately thirteen miles along the Benton-Yakima County line to the northwest corner of Section 31, T8N, R24E; thence east approximately two miles along section lines to the southeast corner of Section 29, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 29, T8N, R24E; thence east four miles along section lines to the southeast corner of Section 24, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 24, T8N, R24E; thence east two miles along section lines to the southeast corner of Section 16, T8N, R25E; thence north one mile along Burt James Road and the section line to the intersection with County Well Road at the northeast corner of Section 16, T8N, R25E; thence east two miles along County Well Road and section lines to the southeast corner of Section 10, T8N, R25E; thence north one mile along the section line to the northeast corner of Section 10, T8N, R25E; thence east three miles along section lines to the intersection with Gould Road at the southeast corner of Section 6, T8N, R26E; thence north one mile along Gould Road and the section line to the northeast corner of Section 6, T8N, R26E; thence east four miles along section lines to the southeast corner of Section 35, T9N, R26E; thence north eight miles along section lines)) 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line

to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(2) Area 3 restrictions. Application by air of restricted use herbicides as defined in WAC 16-230-810 is prohibited.

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

**AMENDATORY SECTION** [(Amending Order 2014, filed 7/31/89, effective 8/31/89)]

WAC 16-230-850 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 4. (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

~~((c) Horse Heaven Hills east buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 24, T8N, R26E; thence south three miles along section lines and Tyacke Road to the southwest corner of Section 1, T7N, R26E; thence east three miles along section lines to the northeast corner of Section 8, T7N, R27E; thence south one~~

~~mile along the section line and Travis Road to the intersection with Reese Road at the southeast corner of Section 8, T7N, R27E; thence east one mile along the section line and Reese Road to the northeast corner of Section 16, T7N, R27E; thence south two miles along section lines to the intersection with Tyrell Road at the northwest corner of Section 27, T7N, R27E; thence east one mile along the section line and Tyrell Road to the northeast corner of Section 27, T7N, R27E; thence south one mile along the section line to the southeast corner of Section 27, T7N, R27E; thence east approximately twenty-two miles along section lines to the Columbia River, thence northerly approximately two miles along the Columbia River to the south section line of Section 17, T7N, R31E; thence west approximately seventeen miles along section lines to the southwest corner of Section 15, T7N, R28E; thence north one mile along the section line to the northwest corner of Section 15, T7N, R28E; thence west four miles along section lines to the intersection with Badger Canyon Road at the southwest corner of Section 12, T7N, R27E; thence north two miles along Badger Canyon Road and section lines to the intersection with Sellards Road at the southeast corner of Section 35, T8N, R27E; thence west one mile along Sellards Road and the section line to the southwest corner of Section 35, T8N, R27E; thence north one mile along the section line to the northwest corner of Section 35, T8N, R27E; thence west three miles along section lines to the southwest corner of Section 29, T8N, R27E; thence north one mile along the section line to the intersection with Cemetery Road at the northwest corner of Section 29, T8N, R27E; thence west two miles along Cemetery Road and section lines to the point of beginning.))~~

(2) Area 4 restrictions. Application by air of restricted use pesticides as defined in WAC 16-230-810 may be made by written permit only.

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

AMENDATORY SECTION [(Amending Order 2014, filed 7/31/89, effective 8/31/89)]

WAC 16-230-855 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 5. (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

~~((c) West Horse Heaven buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east approximately two miles along section lines to the southeast corner of Section 29, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 29, T8N, R24E; thence east four miles along section lines to the southeast corner of Section 24, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 24, T8N, R24E; thence east two miles along section lines to the southeast corner of Section 16, T8N, R25E; thence north one mile along Burt James Road and the section line to the intersection with County Well Road at the northeast corner of Section 16, T8N, R25E; thence east two miles along County Well Road and section lines to the southeast corner of Section 10, T8N, R25E; thence north one mile along the section line to the northeast corner of Section 10, T8N, R25E; thence east three miles along section lines to the intersection with Gould Road at the southeast corner of Section 6, T8N, R26E; thence north one mile along Gould Road and the section line to the northeast corner of Section 6, T8N, R26E; thence east four miles along section lines to the southeast corner of Section 35, T9N, R26E; thence south seven miles along section lines and a portion of Tyacke Road to the southwest corner of Section 1, T7N, R26E; thence west approximately seventeen miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.))~~

(2) Area 5 restrictions. Application by air of restricted use herbicides as defined by WAC 16-230-810 may be made by written permit only.

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

AMENDATORY SECTION [(Amending Order 2014, filed 7/31/89, effective 8/31/89)]

WAC 16-230-860 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 6. ~~((+))~~ Area 6 description. All remaining lands in the area under order.

~~((2) Area 6 restrictions. Records shall be kept as required in WAC 16-230-805.)~~

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

NEW SECTION

WAC 16-230-861 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—WIND CONDITIONS. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-230-805 Application of pesticides in Benton County and portions of Franklin and Walla Walla Counties—Recordkeeping.

**WSR 90-09-012**

**NOTICE OF PUBLIC MEETINGS  
TRANSPORTATION IMPROVEMENT BOARD**

[Memorandum—April 6, 1990]

MEETING NOTICE FOR  
APRIL AND MAY 1990  
TRANSPORTATION IMPROVEMENT BOARD  
TRANSPORTATION BUILDING  
OLYMPIA, WASHINGTON 98504

Work session, 6:00 p.m., Thursday, April 26, 1990, in Olympia at the Aladdin Motor Inn, 900 South Capitol Way.

TIB meeting, 9:00 a.m., Friday, April 27, 1990, in Olympia at the Transportation Building, Commission Board Room.

TIB meeting, 9:00 a.m., Friday, May 18, 1990, in Kennewick City Council Chambers, 210 West 6th Avenue.

**WSR 90-09-013  
PERMANENT RULES  
BOARD OF  
PILOTAGE COMMISSIONERS**  
[Filed April 6, 1990, 3:07 p.m.]

Date of Adoption: March 8, 1990.

Purpose: To amend pilotage tariff rates for the Grays Harbor pilotage district.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to notice filed as WSR 90-03-096 on January 24, 1990.

Changes Other than Editing from Proposed to Adopted Version: Proposed version called for a 10 percent increase in tariff rate. Adopted version is for a 12.94 percent increase.

Effective Date of Rule: Thirty days after filing.

April 6, 1990

Marjorie Smitch

Assistant Attorney General

AMENDATORY SECTION (Amending Order 89-3, Resolution No. 89-3, filed 3/31/89)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on May 1, 1989.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~\$(35.13)~~ 39.68 per meter (or ~~\$(10.70)~~ 12.08 per foot) and the tonnage charge shall be ~~\$(0.1121)~~ 0.1266 per net registered ton. The minimum net registered tonnage charge is ~~\$(392.00)~~ 442.72. The charge for an extra vessel (in case of tow) is ~~\$(224.00)~~ 252.99.

Boarding fee:

Per each boarding/deboarding from a boat . . . . . ~~\$(169.00)~~  
\$190.87

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage . . . . . ~~\$(281.00)~~  
\$317.36  
Delays per hour . . . . . ~~\$(67.00)~~  
\$ 75.67  
Cancellation charge (pilot only) . . . . . ~~\$(112.00)~~  
\$126.49  
Cancellation charge (pilot boat only). ~~\$(336.00)~~  
\$379.48

CLASSIFICATION OF PILOTAGE SERVICE RATE

Travel allowance:

Boarding or debarking a vessel off  
Greys Harbor entrance . . . . . (~~(\$52.00)~~)  
\$ 58.73

Pilot when traveling to an outlying  
port to join a vessel or returning  
through an outlying port from a vessel  
which has been piloted to sea shall be  
paid \$430.00 for each day or fraction  
thereof, and the travel expense in-  
curred . . . . . (~~(\$392.00)~~)  
\$442.72

Bridge transit:

Charge for each bridge transited . . . . (~~(\$123.00)~~)  
\$138.92

Miscellaneous:

The balance of amounts due for pilot-  
age rates not paid within 45 days of  
invoice will be assessed at 1 1/2% per  
month late charge.

**WSR 90-09-014**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
**(Real Estate Commission)**  
[Filed April 6, 1990, 4:08 p.m.]

Date of Adoption: April 5, 1990.  
Purpose: Amending WAC 308-124E-014(5).  
Citation of Existing Rules Affected by this Order:  
Amending WAC 308-124E-014(5).  
Statutory Authority for Adoption: RCW 18.85.040.  
Other Authority: RCW 18.85.310.  
Pursuant to notice filed as WSR 90-05-073 on Feb-  
ruary 21, 1990.  
Effective Date of Rule: Thirty-one days after filing.  
April 5, 1990  
Mary G. Faulk  
Director

AMENDATORY SECTION (Amending WSR 90-01-  
046, filed 12/14/89, effective 1/14/90)

WAC 308-124E-014 ADMINISTRATION OF  
FUNDS HELD IN TRUST—PROPERTY MAN-  
AGEMENT. Any real estate broker who receives funds  
or moneys from any principal or any party to property  
management agreement or contract/mortgage collection  
agreement shall hold the funds or moneys in trust for the  
purposes of the agreement, and shall not utilize such  
funds or moneys for the benefit of the broker or any  
person not entitled to such benefit. These procedures are  
applicable to property management and contract/mort-  
gage collection agreements, and are in addition to the  
general trust account procedures in WAC 308-124E-  
012.

(1) Bank accounts shall be designated as trust ac-  
counts in the firm name of the real estate broker as li-  
censed. Trust bank accounts for property management  
transactions are exempt from the interest-bearing re-  
quirement of RCW 18.85.310. However, interest-bear-  
ing accounts for property management transactions may  
be established as described in this section.

(a) Interest-bearing trust bank accounts or dividend-  
earning investment accounts containing only funds held  
on behalf of an individual owner of income property  
managed by the broker may be established when direct-  
ed by written property management agreement or direc-  
tive signed by the owner: PROVIDED, That all interest  
or earnings shall accrue to the owner;

(b) Interest-bearing trust bank accounts containing  
only damage or security deposits received from tenants  
of residential income properties managed by the broker  
for an individual owner may be established by the broker  
when directed by written management agreement, and  
the interest on such trust bank accounts may be paid to  
the owner, if the broker is by written agreement desig-  
nated a "representative of the landlord" under the pro-  
visions of RCW 59.18.270, Residential Landlord-Tenant  
Act;

(c) The broker is not required to establish individual  
interest-bearing accounts for each owner when all own-  
ers assign the interest to the broker;

(d) A common account, usually referred to as a  
"clearing account" may be established if desired. No  
funds which belong to the broker or firm or are related  
to transactions on property owned by the broker or firm  
shall be maintained in this account.

(2) Any property management accounting system is to  
be an accounting of cash received and disbursed by the  
managing broker only. Any other method of accounting  
offered to owners for their rental properties, unit and/or  
complexes are to be supplementary to the brokers ac-  
counting of all cash received and disbursed through  
his/her trust account(s). All owners' summary state-  
ments must include this accounting.

(3) The preauthorization of disbursements or deduc-  
tions by the financial institution for recurring expenses  
such as mortgage payments on behalf of the owner is not  
permitted if the account contains tenant security depos-  
its or funds belonging to more than one client.

(4) A single check may be drawn on the real estate  
trust bank account, payable to the broker as licensed, in  
payment of all property management fees and commis-  
sions, if such check is supported by a schedule of com-  
missions identified to each individual client. Property  
management commissions shall be withdrawn at least  
once monthly.

(5) No disbursements from the real estate trust bank  
account shall be made of funds received as damage or  
security deposit on a lease or rental contract for property  
managed by the broker to the owner or any other person  
without the written agreement of the tenant, until the  
end of the tenancy when the funds are to be disbursed to  
the person or persons entitled to the funds as provided

by the terms of the rental or lease agreement (~~and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute~~)).

(6) When the management agreement between the owner(s) and the broker is terminated, the owner(s) funds shall be disbursed according to the agreement. Funds held as damage or security deposits shall be disbursed to the owner(s) or successor property manager, and the tenants so notified by the disbursing broker consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

**WSR 90-09-015  
PERMANENT RULES  
UTILITIES AND  
TRANSPORTATION COMMISSION**

[Order R-317, Docket No. TG-2296-R—Filed April 9, 1990, 1:14 p.m.]

In the matter of amending WAC 480-70-990 relating to garbage and/or refuse collection companies.

This action is taken pursuant to Notice No. WSR 90-03-009 filed with the code reviser on January 4, 1990. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

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

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 90-03-009 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, February 28, 1990, and continued on the record for consideration on March 28, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to February 20, 1990, and orally at 9:00 a.m., Wednesday, February 28, 1990, but rescheduled for March 28, 1990, in the Commission's Hearing Room above noted. At the March 28, 1990, meeting the commission considered the rule change proposal. Written comments were received from Harold LeMay Enterprises and Washington Waste

Management Association. Oral comments were presented on behalf of Washington Waste Management Association by Jim Sells.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-70-990 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-70-990 as amended will modify application of tariff charges for solid waste collection service, preventing assessment of additional charges when the carrier has access to property using roadways generally open to the public, even though they may be technically "private" roads.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-70-990 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

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

DATED at Olympia, Washington, this 29th day of March, 1990.

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

**APPENDIX "A"**

AMENDATORY SECTION (Amending Order R-89, filed 12/8/76)

**WAC 480-70-990 APPENDIX A—FORM—  
GARBAGE AND/OR REFUSE COLLECTION  
COMPANIES.**

APPENDIX A TO CHAPTER 480-70  
RELATING TO GARBAGE  
AND/OR REFUSE COLLECTION COMPANIES  
(Pages 1 through 14)

..... Title Page

TARIFF NO. ....  
Cancels  
TARIFF NO. ....

of

.....  
(Name of Collection Company)

CERTIFICATE NO. ....

NAMING RATES FOR THE TRANSPORTATION AND DISPOSAL OF GARBAGE, REFUSE AND TRADE WASTE

IN THE FOLLOWING DESCRIBED TERRITORY:

Issued ..... Effective .....  
(Date) (Date)

Issued by:

.....  
(Name)

.....  
(Address)

.....  
(City)

Company Name:

Tariff No. .... Page 2

CHECK SHEET

All of the pages contained in this tariff are listed consecutively by number. The pages of the tariff and/or any supplements to the tariff listed on this page have issued dates which are the same as, or are prior to, the issued date of this page. "0" in the revision column indicates an original page.

Page	Revision	Page	Revision
Title	0	8	0
1	0	9	0
2	0	10	0
3	0	11	0
4	0	12	0
5	0	13	0

Page	Revision	Page	Revision
6	0	14	0
7	0		

ISSUED: EFFECTIVE:

Issued by:

(2)

Company Name:

Tariff No. .... Page 3

Item No.

APPLICATION OF RATES - GENERAL

10 Unless otherwise provided, the rates named in this tariff cover the pickup and disposal of garbage and/or refuse, placed on the level of streets or alleys. There shall be no additional charge to customers because of fees which the collector may be obligated to pay for use of dump sites, whether such sites be publicly or privately owned, unless otherwise specifically provided. Where such dump fees are specifically provided they will be stated in the tariff and must be separately shown on the bills collector submits to customers.

DEFINITIONS OF TERMS

The following terms when used herein shall have only the meanings designated below:

(a) The term "unit" shall mean one can made of durable, corrosion-resistant, nonabsorbent material, watertight with close fitting cover and two handles, and shall not exceed 32 gallons, 4 cubic feet or 65 lbs. (including contents), nor weigh more than 12 lbs. when empty. A can which exceeds these size and weight limits will be charged \$ . . . . per dump.

Occasional extra waste material (boxes, cartons, bags, etc.) which can be readily loaded by hand and when placed on or beside the garbage can, will be taken and charged for as additional units subject to the above size and weight limits.

20

Where agreeable between collector and customer, a box, carton, cardboard barrel or other suitable container may be substituted for a garbage can, subject to the above size and weight limits.

(b) The term "bulky material" shall mean empty carriers, cartons, boxes, crates, etc., brush, trees, grass or shrub clippings, or materials offered for disposal, all of which may be readily handled without shoveling.

(c) The term "loose material" shall mean material requiring shoveling.

(d) The term "drum" shall mean a metal container of approximately 50 gallons capacity generally of a type used for oils and solvents.

ISSUED: EFFECTIVE:

Issued by:

(3)

Company Name:

Tariff No. . . . . Page 4

Item No. DEFINITIONS OF TERMS (Continued)

(e) The term "bale" shall mean material compressed by machine and securely strapped or banded.

(f) The term "litter receptacle" shall mean a container not over 60 gallons capacity of a type generally placed in shopping centers and along streets or highways for litter.

(g) The term "container" shall mean a detachable container which is left at customer's premises and emptied into the collector's truck and is lifted by mechanical means.

20 (Cont) (h) The term "drop box" shall mean a container which is placed on collector's truck by mechanical means, hauled to dump site and returned to customer's premises.

(i) The term "compacted material" shall mean any material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the collector.

(j) "Temporary and permanent:" In connection with containers and drop boxes, the temporary rates will apply only when service is required for a period of three months or less. If "temporary" service is continued for more than three months, the customer, commencing with the fourth month, will be considered a "permanent" customer and will be charged the permanent rates.

(k) The term "special pickup" shall mean a pickup requested by the customer at a time other than the regularly scheduled pickup time which does not involve the dispatch of a truck as provided in item 160 (time rates).

LIMITATION OF SERVICE

Collector may refuse to pick up materials from points where, because of the condition of the streets, alleys or roads, it is impracticable to operate vehicles; and may refuse to drive into private property when, in his judgment, driveways or roads are improperly maintained or without adequate turn arounds or have other unsafe conditions.

30

Collector will not be required to enter private property to pickup material while an animal considered or feared to be vicious is loose. The customer will be required to confine the animal on pickup days.

Collector does not warrant pickup at any particular hour, nor other than to meet reasonable requirements. No credit will be given for a skip in scheduled service due to weather or road conditions if garbage missed is taken on next pickup.

The collector assumes no responsibility for articles left on or near cans or units other than reasonable care.

ISSUED: EFFECTIVE:

Issued by:

(4)

Company Name:

Tariff No. . . . . Page 5

Item No. MATERIAL REQUIRING SPECIAL EQUIPMENT, PRECAUTIONS OR DISPOSAL

40 When customer garbage or refuse contains material such as acids, concrete, hot ashes, oils, solvents, tires, or other materials requiring special equipment or precautions in handling and disposal, service will be subject to the time rates named in item 160.

DELINQUENT ACCOUNTS

50 A late charge will be added for any account which remains unpaid at the time of the next regular billing in the amount of 1%, minimum, 50¢.

OVERTIME PERIODS

When customer requests service on holidays, Sundays or other overtime periods, a charge of \$. . . . per hour will apply in addition to all other applicable charges.

For the purpose of this rule holidays shall be:

- 60 New Year's Day (January 1) Labor Day
Washington's Birthday Veteran's Day
Memorial Day Thanksgiving
Independence Day (July 4) Christmas Day (December 25)

When any holiday above mentioned falls on Sunday, the following Monday will be observed. No additional charge will be made for overtime or holiday work performed solely for collector's convenience.

RETURN TRIPS

70 Accounts requiring return trips due to the unavailability of material to be collected for reasons within the control of the customer, will be assessed a charge in addition to regular charges as follows:

- \$ . . . . Can or Unit
\$ . . . . Drum, Bale, Litter Receptacle
\$ . . . . Container
\$ . . . . Drop Box

ISSUED: EFFECTIVE:

Issued by:

(5)

Company Name:

Tariff No. . . . . Page 6

Item No.

CAN CARRIAGE - DRIVE-INS

((Where cans or units are to be loaded by collector and if not placed at the curb, in the alley or at a point where the collector's vehicle can be driven within five feet on improved public roads, or where any of the services named below are

involved, ADDITIONAL charges shall be assessed as follows:)) The following additional charges shall be assessed if cans or units are to be loaded by collector and if the cans or units are not placed at the curb, in the alley, or at a point where the collector's vehicle can be driven within five feet on improved access roads commonly available for public use. Driveways are not considered improved access roads commonly available for public use.

RATE PER UNIT (except as noted)

Weekly Service Residential Per Month Commercial Per Pickup

- A. Charge for Carryouts:
Over 5 ft. but not over 25 ft.
For each additional 25 ft. or fraction thereof, add

Note: Collector may elect to drive in at above rates except the charge will be limited to one can. If cans are carried over 125 ft. but are safely accessible to collector's vehicle, the drive-in charge (below) will apply.

80

- B. ((Stairs or Steps
For each step up or down
C. Overhead obstructions
For each overhead obstruction less than 8 ft. from ground
D. Sunken or Elevated Cans or Units
For cans or units under ground or over 4 ft. above ground, but not involving stairs or steps

- E.)) Drive-Ins (applies only on one can)
Drive-ins on ((private roads or)) driveways of over 125 ft.

Item No. 90

CAN CARRIAGE - SPECIAL SERVICES

- A. Stairs or Steps
For each step up or down

**B. Overhead obstructions**

For each overhead obstruction less than 8 ft. from ground — . . . . .¢ . . . . .¢

**C. Sunken or Elevated Cans or Units**

For cans or units under ground or over 4 ft. above ground, but not involving stairs or steps — . . . . .¢ . . . . .¢

ISSUED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_

Issued by: \_\_\_\_\_

(6)

Company Name: \_\_\_\_\_

Tariff No. . . . . \_\_\_\_\_ Page 7

**Item No. CAN-UNIT SERVICE - RESIDENTIAL**

Rates in this item will apply only to service for residential property including single family dwellings, duplexes, apartments, mobile homes and courts, condominiums, etc., where such service is billed direct to the occupant of each residential unit.

**Monthly Rates - Weekly Service**

Number of Units serviced each pickup						
	1	2	3	4	5	6
100	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .

- (a) For service more frequent than weekly, multiply the above rate by the number of times per week service is rendered.
- (b) Charge for occasional extra cans or units on regular pickup shall be . . . . .¢ each.
- (c) Customer will be charged for service requested even if fewer units are serviced on a particular trip.
- (d) One pickup per month at . . . . .¢ per can will be charged on regular schedules for residential customers on an "on call" basis. Use special pickup rates in item 110 for residential can service not otherwise covered in this item.

**CAN-UNIT SERVICE - COMMERCIAL**

Rates in this item will apply to commercial businesses; also duplexes, apartments, mobile homes and courts, condominiums, etc., where service is billed to and paid by the residential property owner or manager.

On regular routes, not over 5 units grouped together on same pickup: — . . . . .¢ each;

110

Over 5 units . . . . .¢ each; Minimum charge per month \$ . . . . .

On special pickups (item 20k): One unit \$ . . . . .; Each additional unit . . . . .¢.

Note: A flat monthly charge may be assessed when a set number of units are serviced each week. Such monthly charge shall be computed at 4 1/3 times the applicable rates in this item and item 80 for each weekly pickup. Customer will be charged for service ordered even if fewer units are serviced on a particular trip. Occasional extra units shall be charged at . . . . .¢ each.

**DRUMS**

120	Regular Route	\$ . . . . . per drum
	Special Pickup	\$ . . . . . per drum

ISSUED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_

Issued by: \_\_\_\_\_

(7)

Company Name: \_\_\_\_\_

Tariff No. . . . . \_\_\_\_\_ Page 8

**Item No. LITTER RECEPTACLES**

130		Customer Owned			Collector Owned		
		30 gal	45 gal	60 gal	30 gal	45 gal	60 gal
	Each per pickup	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .
	Minimum per month	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .	\$ . . . . .

**BALES**

140	Not over 60 lbs.	\$ . . . . . each bale
	Over 60 lbs. & Under 90 lbs.	\$ . . . . . " "
	Over 90 lbs. & Under 125 lbs.	\$ . . . . . " "
	Over 125 lbs. & Under 150 lbs.	\$ . . . . . " "
	Over 150 lbs. & Under 175 lbs.	\$ . . . . . " "
	Over 175 lbs. & Under 225 lbs.	\$ . . . . . " "
	Over 225 lbs. & Under 300 lbs.	\$ . . . . . " "
	Over 300 lbs.	\$ . . . . . " "

LOOSE AND BULKY MATERIAL

Quantities per Pickup	Rate per Cu. Yd. - On Regular Route		
	Bulky Materials	Loose Materials Customer Load	Loose Materials Collector Load
1 to 4 cu. yd.	\$..... Per yd.	\$..... Per yd.	\$..... Per yd.
Each add'l. cu. yd	\$..... Per yd.	\$..... Per yd.	\$..... Per yd.
Each 5' over 8' from truck	\$..... Per yd.	\$..... Per yd.	\$..... Per yd.
Minimum charge	\$..... Per Pickup	\$..... Per Pickup	\$..... Per Pickup

On special jobs apply time rates in item 160.

TIME RATES

160 (Cont) Except as otherwise provided, rates named herein apply only when trucks and men are ordered by the customer for a single specific job of a special or emergency nature. Time shall be charged for upon leaving collector's terminal (or other point, if nearer) until return to such terminal (or point at which truck is released, if nearer), excluding interruptions. Add dump fees for site or facility used, as shown in item No. 230.

ISSUED: EFFECTIVE:  
 Issued by:  
 (8)

Company Name:

Tariff No. .... Page 9

Item No.	RATES PER HOUR				
	Single Axle			Tandem Axle	
	Nonpacker	Packer	Drop Box	Packer	Drop Box
Truck & Driver	\$.....	\$.....	\$.....	\$.....	\$.....
Each Extra Man	\$.....	\$.....	\$.....	\$.....	\$.....
Minimum Charge	1 hour	1 hour	1 hour	1 hour	1 hour

APPLICATION OF CONTAINER AND/OR DROP BOX RATES

(a) Pickup and rental rates for any size container or drop box not specifically provided for will take the rates applicable to the next larger size which is provided for.

- (b) Pickup and rental rates on containers will be assessed at their full capacity size regardless of the amount of waste material, etc. in the container at pickup time.
- (c) A "roll out" charge of \$..... per container will be assessed where driver is required to move container more than ..... ft. in order to reach truck.
- (d) Material, which because of its nature, is required to be taken to a special site for disposal will be charged at time rates named in item No. 160.
- (e) When, in connection with rates on containers or drop boxes noncompacted, the loaded vehicle weight is in excess of 27,000 lbs. gross or when a tandem axle truck is required, an additional charge of \$..... per load will be assessed.
- (f) When, due to no disability, fault or negligence on the part of the collector, truck must wait at or return to the customer's site to provide scheduled service, the actual waiting time or time consumed in returning to customer's site shall be charged for at the time rates named in item 160.
- (g) Rates for compacted material will apply only when such material has been compacted prior to its pickup by collector. Loose material dumped into collector's packer truck from a container will be subject to rates for noncompacted material even though the material may be later compacted within the packer truck.

ISSUED: EFFECTIVE:  
 Issued by:  
 (9)

Company Name:

Tariff No. .... Page 10

Item No.

WASHING AND SANITIZING-- CONTAINERS & DROP BOXES

For the service of washing, steam cleaning or sanitizing containers and drop boxes the following charges will apply:

- (a) Washing----- Per yd., \$.....; Min. \$.....
- (b) Steam Cleaning----- Per yd., \$.....; Min. \$.....

- (c) Sanitizing \_\_\_\_\_ Per yd., \$ . . . . .;
- (d) Pickup and redelivery charge, per container or drop box if necessary:  
 Up to 8 yds. \$ . . . . .  
 Over 8 yds. \$ . . . . .

**COMPACTOR RENTAL**

Where a compactor is furnished by the collector, a rental rate will be charged as follows:

	Rated cubic yard capacity of charge box	Monthly Rental Charge
220	1 Cubic yard	\$ . . . . .
	2 Cubic yards	\$ . . . . .
	3 Cubic yards	\$ . . . . .
	4 Cubic yards	\$ . . . . .
	_ Cubic yards	\$ . . . . .

Note: Charges named are for compactors only and do not include drop box or container the charges for which will be assessed as set forth in items 250 and 270, and are in addition to charges named in this item. Actual cost of installation will be borne by the customer.

**DISPOSAL FEES**

Charges in this item apply only in connection with items making reference hereto.

	DUMP (Name or Location)	Compacted	Noncompacted
	1.	\$ . . . per . . .	\$ . . . per . . .
	2.	\$ . . . per . . .	\$ . . . per . . .
	3.	\$ . . . per . . .	\$ . . . per . . .

230 (Indicate whether charges are per yd., per ton, per load, etc.)

ISSUED: \_\_\_\_\_ EFFECTIVE \_\_\_\_\_

Issued by: \_\_\_\_\_  
(10)

Company Name: \_\_\_\_\_

Tariff No. . . . . Page 11

CONTAINER SERVICE - DUMPED IN COLLECTOR'S VEHICLE

**Item No. NONCOMPACTED MATERIAL Rates Per Container**

Container Size	PERMANENT			TEMPORARY (Item 20j)				
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each	Each Add'l	(Item 20k)	(4)	(5)	(6)	Per Calendar Day	Per Mo.
# 1	Yd.	\$	\$	\$	\$	\$	\$	\$
# 1 1/4	Yd.							
# 1 1/2	Yd.							
# 2	Yd.							
# 3	Yd.							
# 4	Yd.							
Ø 5	Yd.							
Ø 6	Yd.							
Ø 7	Yd.							
Ø 8	Yd.							
Ø 9	Yd.							
Ø 10	Yd.							

\*Where monthly rents are shown in Col. 4, rates in Cols. 1 and 2 must be equal.

Note: A flat monthly charge, per container, for permanent regularly scheduled customers may be made if computed as follows:

- (a) Where a monthly rental is shown (Col. 4): 4 1/3 times the number of regular weekly pickups times the Col. 2 rate plus the monthly rent.
- (b) Where no monthly rent is shown in (Col. 4): for one weekly pickup - four times the Col. 1 rate plus 1/3 of Col. 2 rate. For additional weekly pickups, ADD to the charge for one weekly pickup; 4 1/2 times Col. 2 rate for each additional weekly pickup.

MINIMUM MONTHLY CHARGE PER CONTAINER (permanent accounts) - #4 pickups at Col. 1 rate plus Col. 4 Rent, if any. Ø-2 pickups at Col. 1 rate plus Col. 4 rent, if any.

ISSUED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_

Issued by: \_\_\_\_\_  
(11)

Company Name: \_\_\_\_\_

Tariff No. . . . . Page 12

CONTAINER SERVICE - DUMPED IN COLLECTOR'S VEHICLE

Item No.

COMPACTED MATERIAL Rates Per Container

Container Size	PERMANENT				TEMPORARY (Item 20j)			
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each	Each Add'l					Per	Cal-endar Day
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
# 1	Yd.	\$	\$	\$	\$	\$	\$	\$
# 1 1/4	Yd.							
# 1 1/2	Yd.							
# 2	Yd.							
# 3	Yd.							
# 4	Yd.							
Ø 5	Yd.							
Ø 6	Yd.							
Ø 7	Yd.							
Ø 8	Yd.							
Ø 9	Yd.							
Ø 10	Yd.							

\*Where monthly rents are shown in Col. 4, rates in Cols. 1 and 2 must be equal.

Note: A flat monthly charge, per container, for permanent regularly scheduled customers may be made if computed as follows:

- (a) Where a monthly rental is shown (Col. 4): 4 1/3 times the number of regular weekly pickups times the Col. 2 rate plus the monthly rent.
- (b) Where NO monthly rent is shown in (Col. 4): For one weekly pickup - four times the Col. 1 rate plus 1/3 of Col. 2 rate. For additional weekly pickups, ADD to the charge for one weekly pickup; 4 1/3 times Col. 2 rate for each additional weekly pickup.

MINIMUM MONTHLY CHARGE PER CONTAINER (permanent accounts) - #4 pickups at Col. 1 rate plus Col. 4 rent, if any. Ø-2 pickups at Col. 1 rate plus Col. 4 rent, if any.

ISSUED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_

Issued by: \_\_\_\_\_

(12)

Company Name: \_\_\_\_\_

Tariff No. . . . . Page 13

Item No.

DROP BOX SERVICE - TO DUMP AND RETURN

NONCOMPACTED MATERIAL - RATES PER CONTAINER

Size	PERMANENT			TEMPORARY (Item 20j)			
	Pickups Per Mo.		*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	First	Each Add'l				Per	Cal-endar Day
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
2 yd.							
3 yd.							
4 yd.							
5 yd.							
6 yd.							
8 yd.							
10 yd.							
12 yd.							
260 15 yd.							
18 yd.							
20 yd.							
25 yd.							
30 yd.							
35 yd.							
40 yd.							
45 yd.							
50 yd.							

\*Where monthly rent is shown in column (3), rates in columns (1) and (2) must be equal.

Note 1: Rates in this item are subject to dump fees named in Item No. 230.

Note 2: The minimum monthly charge per container (permanent accounts) shall be the rate in column (1) plus the rent in column (3), if any.

Note 3: Rates named in this item apply for all hauls not exceeding 10 miles measured from the point of pickup to the dump site. Excess miles will be charged for at . . . . .¢ per mile or fraction thereof, such charge to be in addition to all regular charges.

Note 4: A reduction of \$ . . . . . per trip shall apply on regular scheduled service.

ISSUED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_

Issued by: \_\_\_\_\_

(13)

Company Name:

Tariff No. . . . . Page 14

Item No.

DROP BOX SERVICE - TO DUMP AND RETURN

COMPACTED MATERIAL - RATES PER CONTAINER

Size	PERMANENT		TEMPORARY (Item 20j)				
	Pickups Per Mo.		*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	First	Each Add'l				Per Calendar Day	Per Mo.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
2 yd.							
3 yd.							
4 yd.							
5 yd.							
6 yd.							
8 yd.							
10 yd.							
12 yd.							
15 yd.							
18 yd.							
20 yd.							
25 yd.							
30 yd.							
35 yd.							
40 yd.							
45 yd.							
50 yd.							

\*Where monthly rent is shown in column (3), rates in columns (1) and (2) must be equal.

- Note 1: Rates in this item are subject to dump fees named in Item No. 230.
- Note 2: The minimum monthly charge per container (permanent accounts) shall be the rate in column (1) plus the rent in column (3), if any.
- Note 3: Rates named in this item apply for all hauls not exceeding 10 miles measured from the point of pickup to the dump site. Excess miles will be charged for at . . . . .¢ per mile or fraction thereof, such charge to be in addition to all regular charges.
- Note 4: A reduction of \$ . . . . . per trip shall apply on regular scheduled service.

ISSUED: EFFECTIVE:

Issued by:

WSR 90-09-016 WITHDRAWAL OF PROPOSED RULES BOARD OF PILOTAGE COMMISSIONERS

[Filed April 9, 1990, 1:59 p.m.]

The Board of Pilotage Commissioners hereby wishes to withdraw WSR 89-23-090 filed November 20, 1989, and WSR 90-08-094 filed April 4, 1990. We will be re-filing at a later date.

Chester A. Richmond, Jr. Rear Admiral USCG (Ret.) Chairman

WSR 90-09-017 RULES COORDINATOR EASTERN WASHINGTON UNIVERSITY

[Filed April 9, 1990, 2:00 p.m.]

Mr. Thomas W. Pyle, Executive Director, Institutional Research, Mailstop 111, Cheney, Washington 99004, is hereby appointed rules coordinator for Eastern Washington University.

B. Dell Felder President

WSR 90-09-018 NOTICE OF PUBLIC MEETINGS THE EVERGREEN STATE COLLEGE

[Memorandum—April 5, 1990]

Because of a lack of quorum, the board of trustees is cancelling the meeting scheduled for April 18, 1990.

WSR 90-09-019 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 10, 1990, 10:41 a.m.]

Original Notice.

Title of Rule: WAC 392-121-420 Basic education allocation—Federal forest funds.

Purpose: To change the method of adjusting state basic education allocations for federal forest funds received by school districts in Skamania County to reflect the recent United States District Court settlement.

Statutory Authority for Adoption: RCW 28A.41.170.

Statute Being Implemented: RCW 28A.02.310 and 28A.41.130.

Summary: See Purpose above.

Reasons Supporting Proposal: Needed to implement the court settlement reached in the case brought by Skamania County school districts against the Superintendent of Public Instruction and Washington state.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, Olympia,

Washington, 753-2298; Implementation: Thomas Case, Old Capitol Building, Olympia, Washington, 753-6708; and Enforcement: David Moberly, Old Capitol Building, Olympia, Washington, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is necessary because of federal court decision, Cause Number C87-676TB, United States District Court, Western District of Washington at Tacoma.

Explanation of Rule, its Purpose, and Anticipated Effects: Under existing rules, moneys paid to school districts from revenues from federal forest lands reduced state basic education allocations by a like amount, (or down to zero). The proposed rules would deduct only a portion of federal forest moneys from basic education allocations for school districts in Skamania County.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

Hearing Location: Wanamaker Conference Room, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on May 25, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 30, 1990.

April 10, 1990  
Judith A. Billings  
Superintendent of  
Public Instruction

Statute Being Implemented: Section 203, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.41.110(2).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, Olympia, Washington, 753-2298; Implementation: Thomas Case, Old Capitol Building, Olympia, Washington, 753-6708; and Enforcement: David Moberly, Old Capitol Building, Olympia, Washington, 753-7642.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules define the method of calculating ratios of certificated instructional staff to students and prescribes penalties for school districts not maintaining the required ratio of 46:1000.

Proposal does not change existing rules.

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

Hearing Location: Wanamaker Conference Room, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on May 25, 1990, at 9:00.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 30, 1990.

April 10, 1990  
Judith A. Billings  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending Order 88-8, filed 1/11/88)

WAC 392-121-420 BASIC EDUCATION ALLOCATION—FEDERAL FOREST FUNDS. The superintendent of public instruction shall ((distribute)) allocate federal forest fund(s pursuant to) moneys received under Title 16, section 500, United States Code and shall adjust basic education allocations in accordance with RCW 28A.02.310 and 28A.41.130: PROVIDED, That allocations of federal forest fund moneys received for school districts in Skamania County pursuant to Title 16, section 500, United States Code and section 8 of Public Law 97-243, the Mt. St. Helens National Volcanic Monument Act, and adjustments to basic education allocations for these school districts, shall be made pursuant to the Judgment and Decree entered by the United States District Court, Western District of Washington at Tacoma, on September 26, 1989, in cause number C87-676TB.

Chapter 392-127 WAC  
**FINANCE—((ADMINISTRATIVE SALARY AND INSURANCE BENEFITS)) CERTIFICATED INSTRUCTIONAL STAFF RATIO (46:1000) COMPLIANCE**

**AUTHORITY AND PURPOSE**

**NEW SECTION**

WAC 392-127-004 AUTHORITY. The authority for this chapter is RCW 28A.41.170(1) which empowers the superintendent of public instruction to make such rules and regulations as are necessary for the administration of chapter 28A.41 RCW, including RCW 28A.41.110(2) which sets forth for each school district as a minimum, a ratio in the basic education program of forty-six certificated instructional staff per one thousand annual average full-time equivalent students.

**NEW SECTION**

WAC 392-127-006 PURPOSE. The purpose of this chapter is to set forth the policies and procedures used by the superintendent of public instruction to determine the following:

- (1) Compliance of school districts with the statutory ratio of certificated instructional staff per one thousand full-time equivalent students in kindergarten through twelfth grade set forth in RCW 28A.41.110(2).
- (2) The monetary penalty associated with not maintaining this ratio.

**NEW SECTION**

WAC 392-127-011 OTHER RATIO REQUIREMENTS. School districts are advised that compliance with this chapter does not ensure compliance with the following statutes:

**WSR 90-09-020**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed April 10, 1990, 10:42 a.m.]

Original Notice.

Title of Rule: Chapter 392-127 WAC, Certificated instructional staff ratio (46:1000) compliance.

Purpose: To implement RCW 28A.41.110(2) which requires school districts to maintain a ratio of 46 basic education certificated instructional staff per 1000 full-time equivalent students.

Statutory Authority for Adoption: RCW 28A.41.170(1).

(1) RCW 28A.41.130, which requires that the ratio of students per classroom teacher in kindergarten through third grade be no greater than the ratio of students per classroom teacher in fourth through twelfth grade.

(2) Section 502(10), chapter 19, Laws of 1989 1st ex. sess. (uncodified), (Omnibus Appropriations Act) which sets forth a staffing and funding process to increase certificated instructional staff ratios in kindergarten through third grade to a level greater than that provided in statute.

#### DEFINITIONS

##### NEW SECTION

**WAC 392-127-015 FTE ENROLLMENT—DEFINITION.** As used in this chapter, "full-time equivalent enrollment" means for the period selected by the school district:

(1) Total full-time equivalent students reported by a school district pursuant to WAC 392-121-122; minus

(2) Handicapped full-time equivalent students calculated pursuant to WAC 392-122-131 and based on the enrollment reported by a school district pursuant to WAC 392-122-106; minus

(3) Full-time equivalent students enrolled in learning centers reported by a school district as required by the superintendent of public instruction.

##### NEW SECTION

**WAC 392-127-020 SPI FORM S-275—DEFINITION.** As used in this chapter, "SPI Form S-275" means the same as defined in WAC 392-121-220.

##### NEW SECTION

**WAC 392-127-025 SCHOOL YEAR—DEFINITION.** As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

##### NEW SECTION

**WAC 392-127-030 CURRENT SCHOOL YEAR—DEFINITION.** As used in this chapter, "current school year" means the school year for which the calculations set forth in this chapter are being performed.

##### NEW SECTION

**WAC 392-127-035 FOLLOWING SCHOOL YEAR—DEFINITION.** As used in this chapter, "following school year" means the school year immediately after the current school year.

##### NEW SECTION

**WAC 392-127-040 ACADEMIC YEAR—DEFINITION.** As used in this chapter, "academic year" means any nine-month period within the current school year in which the minimum one hundred eighty school days required by law is conducted.

##### NEW SECTION

**WAC 392-127-045 FTE BASIC EDUCATION CERTIFICATED INSTRUCTIONAL EMPLOYEE—DEFINITION.** As used in this chapter, "full-time equivalent basic education certificated instructional employee" means for a basic education certificated instructional employee as defined in WAC 392-121-210 the full-time equivalent calculated pursuant to WAC 392-121-215.

##### NEW SECTION

**WAC 392-127-050 ADDITION FTE—DEFINITION.** As used in this chapter, "addition full-time equivalent" means the increase in full-time equivalent for a basic education certificated instructional employee who is not reported on SPI Form S-275 or whose certificated instructional full-time equivalent is increased after October 1 of the current school year calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the contract change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on SPI Form S-275 from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the change occurred; and

(4) Divide the result obtained in subsection (3) of this section by nine.

##### NEW SECTION

**WAC 392-127-055 REDUCTION FTE—DEFINITION.** As used in this chapter, "reduction full-time equivalent" means the decrease in full-time equivalent" means the decrease in full-time equivalent for a basic education certificated instructional employee who is no longer employed or whose certificated instructional full-time equivalent is reduced after October 1 of the current school year calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the contract change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on SPI Form S-275 from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the change occurred; and

(4) Divide the result obtained in subsection (3) of this section by nine.

##### NEW SECTION

**WAC 392-127-060 REASSIGNMENT FTE—DEFINITION.** As used in this chapter, "reassignment full-time equivalent" means the change in full-time equivalent for a basic education certificated instructional employee after October 1 whose certificated instructional full-time equivalent does not change calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the assignment change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported on SPI Form S-275 from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (1) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the reassignment is in effect; and

(4) Divide the result obtained in subsection (2) of this section by nine.

##### NEW SECTION

**WAC 392-127-065 SUPPLEMENTAL FTE STAFF—DEFINITION.** As used in this chapter, "supplemental full-time equivalent staff" means the sum of a school district's addition, reduction, or reassignment full-time equivalents for basic education certificated instructional employees.

##### NEW SECTION

**WAC 392-127-070 BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF RATIO—DEFINITION.** As used in this chapter, "basic education certificated instructional staff ratio" means the following calculation:

(1) Add the full-time equivalent basic education certificated instructional employees as reported on SPI Form S-275 and any supplemental full-time equivalent staff;

(2) Divide the result obtained in subsection (1) of this section by the full-time equivalent enrollment for October or that period selected by the school district; and

(3) Multiply the result obtained in subsection (2) of this section by one thousand.

#### OPERATIVE PROVISIONS

NEW SECTION

WAC 392-127-075 GENERAL PROVISIONS. The following general provisions apply to this chapter:

(1) All calculations made by the superintendent of public instruction shall use the most current school district information for the school year on file with the superintendent of public instruction at the time of the calculation.

(2) Full-time equivalent staff shall be rounded to the nearest three decimal places.

(3) Full-time equivalent enrollment shall be rounded to the nearest two decimal places.

(4) Ratios of full-time equivalent staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to two decimal places (e.g., 51.21/1000).

(5) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to this chapter.

(6) The superintendent of public instruction will develop and make available such forms, reports, and other documents necessary to implement this chapter.

NEW SECTION

WAC 392-127-080 SCHOOL DISTRICT REPORTING—REQUIRED REPORTS. On or before the Wednesday prior to Thanksgiving of each school year, each school district shall submit to the superintendent of public instruction on SPI Form S-275 the school district's full-time equivalent basic education certificated instructional staff for the current school year.

NEW SECTION

WAC 392-127-085 SCHOOL DISTRICT REPORTING—OPTIONAL REPORT—STAFF CHANGES. School districts may report to the superintendent of public instruction prior to September 30 of the following school year supplemental full-time equivalent staff for the current school year.

NEW SECTION

WAC 392-127-090 SCHOOL DISTRICT REPORTING—OPTIONAL REPORT—ENROLLMENT CHANGES. A school district may request that the superintendent of public instruction use a different full-time equivalent enrollment to compute staffing ratios than that reported for October. The school district shall request the use of a different enrollment period prior to September 10 of the following school year. The school district may select either one of the following:

(1) The full-time equivalent enrollment for any one month during the current school year; or

(2) The annual average full-time equivalent enrollment for the current school year.

NEW SECTION

WAC 392-127-095 INITIAL REPORT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Prior to January 31 of each school year the superintendent of public instruction shall report to each school district its basic education certificated instructional staff ratio for the current school year. The report shall include any supplemental data submitted by the school district to the superintendent of public instruction prior to January 1 of the current school year.

NEW SECTION

WAC 392-127-101 INTERIM REPORT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Within thirty days of receiving an optional report of staff or enrollment changes from a school district, the superintendent of public instruction shall report to the school district its basic education certificated instructional staff ratio for the current school year.

NEW SECTION

WAC 392-127-106 FINAL REPORT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Prior to January 1 of the following school year, the superintendent of public instruction shall report to each school district its basic education certificated instructional

staff ratio for the current school year. Calculations shall include supplemental data for the current school year submitted by the school district prior to September 30 of the following school year.

NEW SECTION

WAC 392-127-111 CALCULATION OF PENALTY FOR FAILURE TO MAINTAIN STAFFING RATIO. For those school districts with a basic education certificated instructional staff ratio of less than forty-six shown on the school district's final report, the superintendent shall withhold from the next apportionment payment the following:

(1) Subtract the current school year final basic education certificated instructional staff ratio as reported to the school district from forty-six;

(2) Multiply the result obtained in subsection (1) of this section by the current school year full-time equivalent enrollment and further divide by one thousand;

(3) Multiply the result obtained in subsection (2) of this section by the school district's average salary, average mandatory fringe benefits, and health insurance benefits for certificated instructional staff unit used for the purpose of calculating the school district's general apportionment entitlement for the current school year.

(4) The result obtained in subsection (3) of this section is the amount that the superintendent of public instruction shall withhold from the next apportionment payment for the school district in question.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-127-003 TERMINATION DATE.  
WAC 392-127-005 AUTHORITY.  
WAC 392-127-010 PURPOSE.

**WSR 90-09-021**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed April 10, 1990, 10:43 a.m.]

Original Notice.

Title of Rule: WAC 392-139-900 Submission of revised assessed valuation data.

Purpose: To permit school districts to report changes in assessed valuations used by the Superintendent of Public Instruction to calculate local effort assistance and levy authority.

Statutory Authority for Adoption: RCW 84.52.0531(10) and 28A.41.170.

Statute Being Implemented: RCW 84.52.0531 and 28A.41.155.

Summary: The deadline for notice to school districts of levy authority is changed from November 1 of each year to October 15. Districts have fifteen days from the notice to report changes in assessed valuations to the Superintendent of Public Instruction.

Reasons Supporting Proposal: To permit more current assessed valuation data to be used in determining local effort assistance and levy authority.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, Olympia, Washington, 753-2298; Implementation: Thomas Case, Old Capitol Building, Olympia, Washington, 753-6708; and Enforcement: David Moberly, Old Capitol Building, Olympia, Washington, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently the Superintendent of Public Instruction uses assessed valuations reported to the Department of Revenue in February and March to calculate levy authority and local effort assistance. The proposed rules would allow the school district to report changes in assessed valuations made prior to the Superintendent of Public Instruction's calculations in October.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

Hearing Location: Wanamaker Conference Room, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on May 25, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 30, 1990.

April 10, 1990  
Judith A. Billings  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-900 NOTIFICATION OF AMOUNTS CALCULATED. The superintendent of public instruction shall provide notice of amounts calculated pursuant to this chapter as follows:

(1) Prior to ~~((November 1))~~ October 15 of each year, the superintendent of public instruction shall notify each school district of the results of calculations made for the school district for the next calendar year including the following:

- (a) Excess levy authority;
- (b) Maximum excess levy percentage;
- (c) Eligibility for local effort assistance; and
- (d) If eligible for local effort assistance:
  - (i) Maximum local effort assistance;
  - (ii) State matching ratio;
  - (iii) Certified excess levy necessary to qualify for maximum local effort assistance; and
  - (iv) Projected local effort assistance allocation based on the superintendent of public instruction's estimate of certified excess levies for the next calendar year at the time of the notice.

(2) Prior to November 15 of each year, the superintendent of public instruction shall notify the county assessor and chairman of the board of county commissioners of each county of excess levy authority for the next calendar year for those school districts headquartered in the county.

(3) At the time of the January apportionment payment each year, the superintendent of public instruction shall notify each eligible school district of the amount of the school district's local effort assistance allocations for the year.

**NEW SECTION**

WAC 392-139-905 SUBMISSION OF REVISED ASSESSED VALUATION DATA AND RECALCULATION. Within fifteen days from the date of the notice provided pursuant to WAC 392-139-900(1), any school district may submit to the superintendent of public instruction revised assessed valuation data for taxes collected in the current calendar year. Revised assessed valuation data shall be documented in writing by the county assessor or assessors from the county or counties in which the school district is located. The superintendent of public instruction shall recalculate excess levy authority and local

effort assistance based on the revised assessed valuation data and shall notify the school district submitting revised assessed valuation data and any other affected school districts of the results of the recalculation prior to November 1.

**WSR 90-09-022**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed April 10, 1990, 10:44 a.m.]

Original Notice.

Title of Rule: WAC 392-140-336 1989-90 through 1993-94 school year enrollment of returning high school students.

Purpose: To implement RCW 28A.120.092 which permits high school dropouts and other at-risk high school students to attend the high school of their choice regardless of residence.

Statutory Authority for Adoption: RCW 28A.120.800.

Statute Being Implemented: Chapter 233, Laws of 1989 and RCW 28A.120.092.

Summary: See Purpose above.

Reasons Supporting Proposal: RCW 28A.120.800 directs the Superintendent of Public Instruction to adopt rules necessary to implement chapter 28A.120 RCW.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, Olympia, Washington, 753-2298; Implementation: Thomas Case, Old Capitol Building, Olympia, Washington, 753-6708; and Enforcement: David Moberly, Old Capitol Building, Olympia, Washington, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: Existing rules permit attendance outside a student's school district of residence only by consent of the resident district. The proposed rule permits nonresident attendance for at-risk high school students without consent of the district of residence provided the student is accepted by another district.

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

Hearing Location: Wanamaker Conference Room, Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98504, on May 25, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 30, 1990.

April 10, 1990  
Judith A. Billings  
Superintendent of  
Public Instruction

NEW SECTION

WAC 392-140-336 1989-90 THROUGH 1993-94 SCHOOL YEAR ENROLLMENT OF RETURNING HIGH SCHOOL STUDENTS—APPLICABLE PROVISIONS AND AUTHORITY. The provisions of WAC 392-140-336 through 392-140-338 apply to enrollment of high school students for the 1989-90 through 1993-94 school years as identified in RCW 28A.120.092. The authority for WAC 392-140-336 through 392-140-901 is RCW 28A.120.800 directing the superintendent of public instruction to adopt rules and regulations as necessary to carry out RCW 28A.120.092.

NEW SECTION

WAC 392-140-337 1989-90 THROUGH 1993-94 SCHOOL YEAR ENROLLMENT OF RETURNING HIGH SCHOOL STUDENTS—AUTHORITY TO REPORT FOR APPORTIONMENT PURPOSES. School districts are authorized to report those nonresident high school students enrolled pursuant to RCW 28A.120.092 according to those procedures authorized in chapters 392-121, 392-122, and 392-141 WAC.

NEW SECTION

WAC 392-140-338 1989-90 THROUGH 1993-94 SCHOOL YEAR ENROLLMENT OF RETURNING HIGH SCHOOL STUDENTS—SPECIAL ENROLLMENT REPORTING BY SCHOOL DISTRICTS. School districts shall provide such information and in such form as required by the superintendent of public instruction for those nonresident high school students reported pursuant to WAC 392-140-337.

**WSR 90-09-023**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE LIBRARY  
(Library Commission)**

[Memorandum—April 10, 1990]

Friday, May 4, 1990, the first quarterly work session of the Washington State Library Commission will be held at the West Coast Sea-Tac Hotel, Parlor Room #532, beginning at 9:30 a.m.

**WSR 90-09-024**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE LIBRARY  
(Library Commission)**

[Memorandum—April 10, 1990]

Thursday, June 14, 1990, 6:30 p.m., the Washington State Library Commission will meet for a staff briefing in the Windows of Seasons Restaurant, Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA.

Friday, June 15, 1990, 10:00 a.m., the Washington State Library Commission will hold its regular business meeting in the Corbin Room, Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA.

**WSR 90-09-025  
PREPROPOSAL COMMENTS  
DEPARTMENT OF HEALTH  
(Professional Licensing Services)  
(Optometry Board)**

[Filed April 10, 1990, 2:49 p.m.]

Subject of Possible Rule Making: Proposed regulation defining a contact lens prescription; proposed regulation, WAC 308-53-210 Retention of minimum contact lens record; and proposed regulation, WAC 308-53-265 Required identification on prescriptions.

Persons may comment on this subject in writing to the Optometry Board, Professional Licensing Services, P.O. Box 1099, Olympia, WA 98507-1099, or attendance at the May 12, 1990, Optometry Board Meeting, Olympia Room, West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98168, on Saturday, May 12, 1990.

Other Information or Comments by Agency at this Time, if any: The Optometry Board particularly welcomes comments from dispensing opticians, optometrists, others.

April 10, 1990  
Dorothy Gosney  
Program Manager

**WSR 90-09-026**

**PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Order 90-01—Filed April 10, 1990, 3:08 p.m., effective May 25, 1990]

Date of Adoption: April 10, 1990.

Purpose: Amendments to WAC 296-24-20700 are state-initiated housekeeping changes to correct a publication error; amendments to WAC 296-24-870, 296-24-87001 and 296-24-87009; new sections WAC 296-24-87011, 296-24-87013, 296-24-87015, 296-24-87017, 296-24-87019, 296-24-87031, 296-24-87033, 296-24-87035 and 296-24-87037; and repealed sections WAC 296-24-87003, 296-24-87005 and 296-24-87007, are federal-initiated changes to be at-least-as-effective-as the federal final rule as published in Federal Register Volume 54, Number 144, dated July 28, 1989; amendment to WAC 296-54-569 is a state-initiated change to delete a subsection that is in direct conflict with RCW 40.87.340 [46.37.340] as amended by HB 1042 passed April 17, 1989 and administered by the Washington State Patrol; WAC 296-62-07007 and 296-62-07517 are state-initiated changes to repeal sections that are no longer required; amendment to WAC 296-62-07107 is a state-initiated change in response to a hazard not covered by a standard (HNC). The amendment requires employees to wear respirators when such equipment is necessary; amendment to WAC 296-62-07531 is a state-initiated change to make administrative housekeeping typographical corrections. These corrections will make the WISHA limits, conditions and

equation components identical to those in the comparable federal regulation which was adopted May 15, 1989; amendment to WAC 296-62-3110 is a state-initiated housekeeping change to remove a phrase inadvertently repeated in the section; amendment to WAC 296-155-480 is a state-initiated change in response to a HNC that specifies the wood group to be used for construction wood cleats; and amendment to WAC 296-350-030 is a state-initiated change to correct the address of the Division of Industrial Safety and Health.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-24-87003, 296-24-87005, 296-24-87007 and 296-62-07007; and amending WAC 296-24-20700, 286-24-870, 296-24-87001, 296-24-87009, 296-54-569, 296-62-07107, 296-62-07517, 296-62-07531, 296-62-3110, 296-155-480 and 296-350-030.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 90-03-093 on January 24, 1990.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendments to WAC 296-155-225 Fall protection and new section WAC 296-155-227 Fall protection for multistory building and bridges have been withdrawn; and housekeeping changes to WAC 296-24-87035 (3)(g) and 296-62-3110 were completed. All remaining proposed changes are being adopted, amended or repealed as proposed.

Effective Date of Rule: May 25, 1990.

April 10, 1990  
Joseph A. Dear  
Director

**AMENDATORY SECTION** (Amending Order 88-25, filed 11/14/88)

WAC 296-24-20700 APPENDIX A TO WAC 296-24-195. Mandatory requirements for certification/validation of safety systems for presence sensing device initiation of mechanical power presses.

(1) Purpose. The purpose of the certification/validation of safety systems for presence sensing device initiation (PSDI) of mechanical power presses is to ensure that the safety systems are designed, installed, and maintained in accordance with all applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(2) General.

(a) The certification/validation process shall utilize an independent third-party validation organization recognized by OSHA in accordance with the requirements specified in WAC 296-24-20720 Appendix C.

(b) While the employer is responsible for assuring that the certification/validation requirements in WAC 296-24-19517(11) are fulfilled, the design certification of PSDI safety systems may be initiated by manufacturers, employers, and/or their representatives. The term "manufacturers" refers to the manufacturer of any of the components of the safety system. An employer who assembles a PSDI safety system would be a manufacturer as well as employer for purposes of this standard and Appendix.

(c) The certification/validation process includes two stages. For design certification, in the first stage, the manufacturer (which can be an employer) certifies that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, based on appropriate design criteria and tests. In the second stage, the OSHA-recognized third-party validation organization validates that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the manufacturer's certification by reviewing the manufacturer's design and test data and performing any additional reviews required by this standard or which it believes appropriate.

(d) For installation certification/validation and annual recertification/revalidation, in the first stage the employer certifies or recertifies that the employer is installing or utilizing a PSDI safety system validated as meeting the design requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A by an OSHA-recognized third-party validation organization and that the installation, operation and maintenance meet the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. In the second stage, the OSHA-recognized third-party validation organization validates or revalidates that the PSDI safety system installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the employer's certification, by reviewing that the PSDI safety system has been certified; the employer's certification, designs and tests, if any; the installation, operation, maintenance and training; and by performing any additional tests and reviews which the validation organization believes is necessary.

(3) Summary. The certification/validation of safety systems of PSDI shall consider the press, controls, safeguards, operator, and environment as an integrated system which shall comply with all of the requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A. The certification/validation process shall verify that the safety system complies with the OSHA safety requirements as follows:

(a) Design certification/validation.

(i) The major parts, components, and subsystems used shall be defined by part number or serial number, as appropriate, and by manufacturer to establish the configuration of the system.

(ii) The identified parts, components, and subsystems shall be certified by the manufacturer to be able to withstand the functional and operational environments of the PSDI safety system.

(iii) The total system design shall be certified by the manufacturer as complying with all requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(iv) The third-party validation organization shall validate the manufacturer's certification under (a)(i) and (ii) of this subsection.

(b) Installation certification/validation.

(i) The employer shall certify that the PSDI safety system has been design certified and validated, that the

installation meets the operational and environmental requirements specified by the manufacturer, that the installation drawings are accurate, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. (The operational and installation requirements of the PSDI safety system may vary for different applications.)

(ii) The third-party validation organization shall validate the employer's certifications that the PSDI safety system is design certified and validated, that the installation meets the installation and environmental requirements specified by the manufacturer, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(c) Recertification/revalidation.

(i) The PSDI safety system shall remain under certification/validation for the shorter of one year or until the system hardware is changed, modified or refurbished, or operating conditions are changed (including environmental, application or facility changes), or a failure of a critical component has occurred.

(ii) Annually, or after a change specified in (c)(i) of this subsection, the employer shall inspect and recertify the installation as meeting the requirements set forth under subsection (3)(b) of this section, Installation certification/validation.

(iii) The third-party validation organization, annually or after a change specified in (c)(i) of this subsection, shall validate the employer's certification that the requirements of subsection (b) of this section, Installation certification/validation have been met.

Note: Such changes in operational conditions as die changes of press relocations not involving disassembly or revision to the safety system would not require recertification/revalidation.

(4) Certification/validation requirements.

(a) General design certification/validation requirements.

(i) Certification/validation program requirements. The manufacturer shall certify and the OSHA-recognized third-party validation organization shall validate that:

(A) The design of components, subsystems, software, and assemblies meets OSHA performance requirements and are ready for the intended use; and

(B) The performance of combined subsystems meets OSHA's operational requirements.

(ii) Certification/validation program level of risk evaluation requirements. The manufacturer shall evaluate and certify, and the OSHA-recognized third-party validation organization shall validate, the design and operation of the safety system by determining conformance with the following:

(A) The safety system shall have the ability to sustain a single failure or a single operating error and not cause injury to personnel from point of operation hazards. Acceptable design features shall demonstrate, in the following order or precedence, that:

(I) No single failure points may cause injury; or

(II) Redundancy, and comparison and/or diagnostic checking, exist for the critical items that may cause injury, and the electrical, electronic, electromechanical and mechanical parts and components are selected so

that they can withstand operational and external environments. The safety factor and/or derated percentage shall be specifically noted and complied with.

(B) The manufacturer shall design, evaluate, test and certify, and the third-party validation organization shall evaluate and validate, that the PSDI safety system meets appropriate requirements in the following areas.

(I) Environmental limits

- Temperature
- Relative humidity
- Vibration
- Fluid compatibility with other materials

(II) Design limits

- Power requirements
- Power transient tolerances
- Compatibility of materials used
- Material stress tolerances and limits
- Stability to long term power fluctuations
- Sensitivity to signal acquisition
- Repeatability of measured parameter without inadvertent initiation of a press stroke
- Operational life of components in cycles, hours, or both

- Electromagnetic tolerance to:

- Specific operational wave lengths; and
- Externally generated wave lengths
- New design certification/validation. Design certification/validation for a new safety system, i.e., a new design or new integration of specifically identified components and subsystems, would entail a single certification/validation which would be applicable to all identical safety systems. It would not be necessary to repeat the tests on individual safety systems of the same manufacture or design. Nor would it be necessary to repeat these tests in the case of modifications where determined by the manufacturer and validated by the third-party validation organization to be equivalent by similarity analysis. Minor modifications not affecting the safety of the system may be made by the manufacturer without revalidation.

(III) Substantial modifications would require testing as a new safety system, as deemed necessary by the validation organization.

(b) Additional detailed design certification/validation requirements.

(i) General. The manufacturer or the manufacturer's representative shall certify to and submit to an OSHA-recognized third-party validation organization the documentation necessary to demonstrate that the PSDI safety system design is in full compliance with the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, as applicable, by means of analysis, tests, or combination of both, establishing that the following additional certification/validation requirements are fulfilled.

(ii) Reaction times. For the purpose of demonstrating compliance with the reaction time required by WAC 296-24-19517, the tests shall use the following definitions and requirements:

(A) "Reaction time" means the time, in seconds, it takes the signal, required to activate/deactivate the system, to travel through the system, measured from the

time of signal initiation to the time the function being measured is completed.

(B) "Full stop" or "no movement of the slide or ram" means when the crankshaft rotation has slowed to two or less revolutions per minute, just before stopping completely.

(C) "Function completion" means for, electrical, electromechanical and electronic devices, when the circuit produces a change of state in the output element of the device.

(D) When the change of state is motion, the measurement shall be made at the completion of the motion.

(E) The generation of the test signal introduced into the system for measuring reaction time shall be such that the initiation time can be established with an error of less than 0.5 percent of the reaction time measured.

(F) The instrument used to measure reaction time shall be calibrated to be accurate to within 0.001 second.

(iii) Compliance with WAC 296-24-19517 (2)(b).

(A) For compliance with these requirements, the average value of the stopping time,  $T_s$ , shall be the arithmetic mean of at least twenty-five stops for each stop angle initiation measured with the brake and/or clutch unused, fifty percent worn, and ninety percent worn. The recommendations of the brake system manufacturer shall be used to simulate or estimate the brake wear. The manufacturer's recommended minimum lining depth shall be identified and documented, and an evaluation made that the minimum depth will not be exceeded before the next (annual) recertification/revalidation. A correlation of the brake and/or clutch degradation based on the above tests and/or estimates shall be made and documented. The results shall document the conditions under which the brake and/or clutch will and will not comply with the requirement. Based upon this determination, a scale shall be developed to indicate the allowable ten percent of the stopping time at the top of the stroke for slide or ram overtravel due to brake wear. The scale shall be marked to indicate that brake adjustment and/or replacement is required. The explanation and use of the scale shall be documented.

(B) The test specification and procedure shall be submitted to the validation organization for review and validation prior to the test. The validation organization representative shall witness at least one set of tests.

(iv) Compliance with WAC 296-24-19517 (5)(c) and (9)(f). Each reaction time required to calculate the safety distance, including the brake monitor setting, shall be documented in separate reaction time tests. These tests shall specify the acceptable tolerance band sufficient to assure that tolerance build-up will not render the safety distance unsafe.

(I) Integrated test of the press fully equipped to operate in the PSDI mode shall be conducted to establish the total system reaction time.

(II) Brakes which are the adjustable type shall be adjusted properly before the test.

(v) Compliance with WAC 296-24-19517 (2)(c).

(A) Prior to conducting the brake system test required by WAC 296-24-19517 (2)(b), a visual check shall be made of the springs. The visual check shall include a determination that the spring housing or rod does not

show damage sufficient to degrade the structural integrity of the unit, and the spring does not show any tendency to interleave.

(B) Any detected broken or unserviceable springs shall be replaced before the test is conducted. The test shall be considered successful if the stopping time remains within that which is determined by WAC 296-24-19517 (9)(f) for the safety distance setting. If the increase in press stopping time exceeds the brake monitor setting limit defined in WAC 296-24-19517 (5)(c), the test shall be considered unsuccessful, and the cause of the excessive stopping time shall be investigated. It shall be ascertained that the springs have not been broken and that they are functioning properly.

(vi) Compliance with WAC 296-24-19517(7).

(A) Tests which are conducted by the manufacturers of electrical components to establish stress, life, temperature and loading limits must be tests which are in compliance with the provisions of the National Electrical Code.

(B) Electrical and/or electronic cards or boards assembled with discreet components shall be considered a subsystem and shall require separate testing that the subsystems do not degrade in any of the following conditions:

(I) Ambient temperature variation from  $-20^{\circ}\text{C}$  to  $+50^{\circ}\text{C}$ .

(II) Ambient relative humidity of ninety-nine percent.

(III) Vibration of 45G for one millisecond per stroke when the item is to be mounted on the press frame.

(IV) Electromagnetic interference at the same wavelengths used for the radiation sensing field, at the power line frequency fundamental and harmonics, and also from autogenous radiation due to system switching.

(V) Electrical power supply variations of  $(\pm 15)\%$ .

(C) The manufacturer shall specify the test requirements and procedures from existing consensus tests in compliance with the provisions of the National Electrical Code.

(D) Tests designed by the manufacturer shall be made available upon request to the validation organization. The validation organization representative shall witness at least one set of each of these tests.

(vii) Compliance with WAC 296-24-19517 (9)(d).

(A) The manufacturer shall design a test to demonstrate that the prescribed minimum object sensitivity of the presence sensing device is met.

(B) The test specifications and procedures shall be made available upon request to the validation organization.

(viii) Compliance with WAC 296-24-19517 (9)(k).

(A) The manufacturer shall design a test(s) to establish the hand tool extension diameter allowed for variations in minimum object sensitivity response.

(B) The test(s) shall document the range of object diameter sizes which will produce both single and double break conditions.

(C) The test(s) specifications and procedures shall be made available upon request to the validation organization.

(ix) Integrated tests certification/validation.

(A) The manufacturer shall design a set of integrated tests to demonstrate compliance with the following requirements:

WAC 296-24-19517 (6)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o).

(B) The integrated test specifications and procedures shall be made available to the validation organization.

(x) Analysis. The manufacturer shall submit to the validation organization the technical analysis such as hazard analysis, failure mode and effect analysis, stress analysis, component and material selection analysis, fluid compatibility, and/or other analyses which may be necessary to demonstrate compliance with the following requirements:

WAC 296-24-19517 (8)(a) and (b); (2)(b) and (c); (3)(a)(i) and (iv) and (b); (5)(a), (b) and (c); (6)(a), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p); (7)(a) and (b); (9)(d), (f), (i), (j) and (k); (10)(a) and (b).

(xi) Types of tests acceptable for certification/validation.

(A) Test results obtained from development testing may be used to certify/validate the design.

(B) The test results shall provide the engineering data necessary to establish confidence that the hardware and software will meet specifications, the manufacturing process has adequate quality control and the data acquired was used to establish processes, procedures, and test levels supporting subsequent hardware design, production, installation and maintenance.

(xii) Validation for design certification/validation. If, after review of all documentation, tests, analyses, manufacturer's certifications, and any additional tests which the third-party validation organization believes are necessary, the third-party validation organization determines that the PSDI safety system is in full compliance with the applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, it shall validate the manufacturer's certification that it so meets the stated requirements.

(c) Installation certification/validation requirements.

(i) The employer shall evaluate and test the PSDI system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall certify that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A have been met and that the installation is proper.

(ii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation tests, documentation and representations. If it so determines, it shall validate the employer's certification that the PSDI safety system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(d) Recertification/revalidation requirements.

(i) A PSDI safety system which has received installation certification/validation shall undergo recertification/revalidation the earlier of:

(A) Each time the systems hardware is significantly changed, modified, or refurbished;

(B) Each time the operational conditions are significantly changed (including environmental, application or facility changes, but excluding such changes as die changes or press relocations not involving revision to the safety system);

(C) When a failure of a significant component has occurred or a change has been made which may affect safety; or

(D) When one year has elapsed since the installation certification/validation or the last recertification/revalidation.

(ii) Conduct or recertification/revalidation. The employer shall evaluate and test the PSDI safety system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall recertify that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A are being met. The documentation shall include, but not be limited to, the following items:

(A) Demonstration of a thorough inspection of the entire press and PSDI safety system to ascertain that the installation, components and safeguarding have not been changed, modified or tampered with since the installation certification/validation or last recertification/revalidation was made.

(B) Demonstrations that such adjustments as may be needed (such as to the brake monitor setting) have been accomplished with proper changes made in the records and on such notices as are located on the press and safety system.

(C) Demonstration that review has been made of the reports covering the design certification/validation, the installation certification/validation, and all recertification/revalidation, in order to detect any degradation to an unsafe condition, and that necessary changes have been made to restore the safety system to previous certification/validation levels.

(iii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation, tests, documentation and representations. If it so determines, it shall revalidate the employer's recertification that the PSDI system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-870 POWER PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE. (1) Scope. This section covers powered platform installations permanently dedicated to interior or exterior building maintenance of a specific structure or group of structures. This section does not apply to suspended scaffolds (swinging scaffolds) used to service buildings on a temporary basis and covered under Part J-1 of this chapter, nor to suspended scaffolds used for construction work and covered under Part J of chapter 296-155 WAC. Building maintenance includes, but is not limited to, such tasks as window cleaning, caulking, metal polishing, and reglazing.

(2) Application.

(a) New installations. This section applies to all permanent installations completed after July 23, 1990. Major modifications to existing installations completed after that date are also considered new installations under this section.

(b) Existing installations.

(i) Permanent installations in existence and/or completed before July 23, 1990, shall comply with WAC 296-24-87009, 296-24-87015, 296-24-87017, 296-24-87019, and 296-24-87035.

(ii) In addition, permanent installations completed after August 27, 1971, and in existence and/or completed before July 23, 1990, shall comply with WAC 296-24-87037.

(3) Assurance.

(a) Building owners of new installations shall inform the employer before each use in writing that the installation meets the requirements of WAC 296-24-87011(1) and 296-24-87013(1) and the additional design criteria contained in other provisions of WAC 296-24-87011 and 296-24-87013 relating to: Required load sustaining capabilities of platforms, building components, hoisting and supporting equipment; stability factors for carriages, platforms and supporting equipment; maximum horizontal force for movement of carriages and davits; design of carriages, hoisting machines, wire rope and stabilization systems; and design criteria for electrical wiring and equipment.

(b) Building owners shall base the information required in (a) of this subsection on the results of a field test of the installation before being placed into service and following any major alteration to an existing installation, as required in WAC 296-24-87009(1). The assurance shall also be based on all other relevant available information, including, but not limited to, test data, equipment specifications and verification by a registered professional engineer.

(c) Building owners of all installations, new and existing, shall inform the employer in writing that the installation has been inspected, tested and maintained in compliance with the requirements of WAC 296-24-87009 and 296-24-87015 and that all protection anchorages meet the requirements of WAC 296-24-87035 (3)(j), Appendix C.

(d) The employer shall not permit employees to use the installation prior to receiving assurance from the building owner that the installation meets the requirements contained in (a) and (c) of this subsection.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

**WAC 296-24-87001 DEFINITIONS.** (1) Anemometer. An instrument for measuring wind velocity.

(2) Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

~~((2))~~ (3) ANSI. American National Standards Institute.

~~((3))~~ (4) Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

~~((4))~~ (5) Brake-disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

~~((5))~~ (6) Brake-self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

~~((6))~~ (7) Brake-shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

~~((7))~~ (8) Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

~~((8))~~ (9) Building maintenance. Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

(10) Cable. A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to supply electrical power and/or control current for equipment or to provide voice communication circuits.

(11) Carriage. A wheeled vehicle used for the horizontal movement and support of other equipment.

(12) Certification. A written, signed, and dated statement confirming the performance of a requirement of this section.

(13) Combination cable. A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

(14) Competent person. A person who, because of training and experience, is capable of identifying hazardous or dangerous conditions in powered platform installations and of training employees to identify such conditions.

(15) Continuous pressure. Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

~~((9))~~ (16) Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

~~((10))~~ (17) Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

((+1)) (18) Davit. A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

(19) Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

((+2)) (20) Equivalent. Alternative designs, materials or methods which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

(21) Ground rigging. A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

(22) Ground rigged davit. A davit which cannot be used to raise a suspended working platform above the building face being serviced.

(23) Guide button. A building face anchor designed to engage a guide track mounted on a platform.

(24) Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

((+3)) (25) Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

((+4)) (26) Hoisting machine. A device intended to raise and lower a suspended or supported unit.

(27) Hoist rated load. The hoist manufacturer's maximum allowable operating load.

(28) Installation. All the equipment and all affected parts of a building which are associated with the performance of building maintenance using powered platforms.

(29) Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

((+5)) (30) Intermittent stabilization. A method of platform stabilization in which the angulated suspension wire rope(s) are secured to regularly spaced building anchors.

(31) Lanyard. A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

(32) Lifeline. A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

(33) Live load. The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

(34) Obstruction detector. A control that will stop the suspended or supported unit in the direction of travel if

an obstruction is encountered, and will allow the unit to move only in a direction away from the obstruction.

(35) Operating control. A mechanism regulating or guiding the operation of equipment that ensures a specific operating mode.

(36) Operating device. A pushbutton, lever, or other manual device used to actuate a control.

((+6)) (37) Outrigger. A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

(38) Platform rated load. The combined weight of workers, tools, equipment and other material which is permitted to be carried by the working platform at the installation, as stated on the load rating plate.

(39) Poured socket. The method of providing wire rope terminations in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

(40) Powered platform. Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

((+7)) (41) Primary brake. A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

(42) Prime mover. The source of mechanical power for a machine.

(43) Rated load. The combined weight of employees, tools, equivalent, and other material which the working platform is designed and installed to lift.

((+8)) (44) Rated strength. The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

(45) Rated working load. The combined static weight of men, materials, and suspended or supported equipment.

(46) Registered professional engineer. A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

(47) Relay, direction. An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

((+9)) (48) Relay, potential for vertical travel. An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition "relay direction."

((+10)) (49) Roof car. A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

((+11)) (50) Roof-powered platform. A powered platform having the raising and lowering mechanism located on a roof car.

~~((22))~~ (51) Roof rigged davit. A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground-rigged.

(52) Rope. The equipment used to suspend a component of an equipment installation, i.e., wire rope.

(53) Safe surface. A horizontal surface intended to be occupied by personnel, which is so protected by a fall protection system that it can be reasonably assured that said occupants will be protected against falls.

(54) Secondary brake. A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

(55) Self-powered platform. A powered platform having the raising and lowering mechanism located on the working platform.

~~((23))~~ (56) Speed reducer. A positive type speed reducing machine.

(57) Stability factor. The ratio of the stabilizing moment to the overturning moment.

(58) Stabilizer tie. A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

(59) Supported equipment. Building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

(60) Suspended equipment. Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

(61) Suspended scaffold (swinging scaffold). A scaffold supported on wire or other ropes, used for work on, or for providing access to, vertical sides of structures on a temporary basis. Such scaffold is not designed for use on a specific structure or group of structures.

(62) Tail line. The nonsupporting end of the wire rope used to suspend the platform.

(63) Tie-in guides. The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

(64) Traction hoist. A type of hoisting machine that does not accumulate the suspension wire rope on the hoisting drum or sheave, and is designed to raise and lower a suspended load by the application of friction forces between the suspension wire rope and the drum or sheave.

(65) Transportable outriggers. Outriggers designed to be moved from one work location to another.

(66) Traveling cable. A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

~~((24))~~ (67) Trolley carriage. A carriage suspended from an overhead track structure.

(68) Verified. Accepted by design, evaluation, or inspection by a registered professional engineer.

(69) Weatherproof. Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

~~((25))~~ (70) Winding drum hoist. A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

(71) Working platform. The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

~~((26))~~ (72) Wrap. One complete turn of the suspension wire rope around the surface of a hoist drum.

(73) Yield point. The stress at which the material exhibits a permanent set of 0.2 percent.

~~((27))~~ (74) Zinc fastenings. The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-87009 INSPECTIONS AND TESTS. (1) ~~((Inspections and tests of new installations and alterations. All powered platform installations shall, on their completion, and before being placed in service, be subjected to an acceptance test in the field to determine that all parts of the installation conform to applicable requirements of these safety and health standards, and that all safety and operating equipment functions as required. A similar inspection and test shall be made following a major alteration to an existing installation.))~~ Installations and alterations. All completed building maintenance equipment installations shall be inspected and tested in the field before being placed in initial service to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment is functioning as required. A similar inspection and test shall be made following any major alteration to an existing installation. No hoist in an installation shall be subjected to a load in excess of 125 percent of its rated load.

(2) Periodic inspections and tests. ~~((Each installation shall undergo a periodic inspection and test at least every 12 months. All parts of the equipment shall be inspected, and where necessary, tested to determine that they are in safe operating condition.))~~

(a) Related building supporting structures shall undergo periodic inspection by a competent person at intervals not exceeding 12 months.

(b) All parts of the equipment including control systems shall be inspected, and, where necessary, tested by a competent person at intervals specified by the manufacturer/supplier, but not to exceed 12 months, to determine that they are in safe operating condition. Parts subject to wear, such as wire ropes, bearings, gears, and governors shall be inspected and/or tested to determine that they have not worn to such an extent as to affect the safe operation of the installation.

(c) The building owner shall keep a certification record of each inspection and test required under (a) and (b) of this subsection. The certification record shall include the date of the inspection, the signature of the person who performed the inspection, and the number, or other identifier, of the building support structure and equipment which was inspected. This certification record

shall be kept readily available for review by the director or an authorized representative and by the employer.

(d) Working platforms and their components shall be inspected by the employer for visible defects before every use and after each occurrence which could affect the platform's structural integrity.

~~(3) Maintenance, inspections and tests. ((Each installation shall undergo a maintenance inspection and test every 30 days, except where the cleaning cycle is less than 30 days, such inspection and test shall be made prior to each cleaning cycle. The results of these inspections and tests shall be recorded in a log which is available for review by the director or his designated representative. Each log entry shall include the date of the inspection or test and shall be signed by the person making the inspection or test.))~~

(a) A maintenance inspection and, where necessary, a test shall be made of each platform installation every 30 days, or where the work cycle is less than 30 days such inspection and/or test shall be made prior to each work cycle. This inspection and test shall follow procedures recommended by the manufacturer, and shall be made by a competent person.

(b) The building owner shall keep a certification record of each inspection and test performed under (a) of this subsection. The certification record shall include the date of the inspection and test, the signature of the person who performed the inspection and/or test, and an identifier for the platform installation which was inspected. The certification record shall be kept readily available for review by the director or an authorized representative and by the employer.

~~(4) Special inspection of governors and secondary brakes.~~

~~((a) Special inspections and tests of the governor and secondary braking system shall be made at intervals not exceeding 1 year.~~

~~(b) The inspection and test shall include a verification that the initiating device for the secondary breaking operates at the proper overspeed.~~

~~(c) If adequate tests cannot be performed in the field, the initiating device may be removed from the powered platform and sent to a shop equipped to make such a test.~~

~~(d) The inspection shall include a verification of the proper functioning of the secondary brake. If an adequate test cannot be performed in the field, the hoisting machine may be removed from the building and sent to a shop equipped to make such a test.~~

~~(e) If any hoisting machine or initiating device for the secondary brake system is removed from the building for testing, all reinstalled and directly related components shall be reinspected prior to returning the powered platform installation to service.))~~ (a) Governors and secondary brakes shall be inspected and tested at intervals specified by the manufacturer/supplier but not to exceed every 12 months.

(b) The results of the inspection and test shall confirm that the initiating device for the secondary braking system operates at the proper overspeed.

(c) The results of the inspection and test shall confirm that the secondary brake is functioning properly.

(d) If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, all reinstalled and directly related components shall be reinspected prior to returning the equipment installation to service.

(e) Inspection of governors and secondary brakes shall be performed by a competent person.

(f) The secondary brake governor and actuation device shall be tested before each day's use. Where testing is not feasible, a visual inspection of the brake shall be made instead to ensure that it is free to operate.

~~(5) Adverse weather. The operation of powered platforms during severe adverse weather conditions is prohibited.~~

~~(6) ((Maintenance:~~

~~(a) Required maintenance. All parts of equipment on which safe operation depends shall be maintained in proper working order so that they perform the function for which they are intended.~~

~~(b) Broken or worn parts, worn switch contacts, brushes, and short flexible conductors of electrical devices, which may interfere with safe operation, shall be replaced promptly. Electrical receptacles and plugs shall be replaced promptly when worn or damaged. All electrical connections shall be kept tight.~~

~~(c) Components of the electrical service system and traveling cables shall be replaced when damaged or substantially abraded.~~

~~(d) Gears, shafts, bearings, brakes, and hoisting drums shall be maintained in proper alignment. Gears shall be replaced promptly when there is evidence of appreciable wear.~~

~~(7) Cleaning:~~

~~(a) Controller contactors and relays shall be kept clean and free from dirt.~~

~~(b) All other parts shall be kept clean, if their proper functioning would be affected by the presence of dirt or other contaminants.~~

~~(8) Periodic reshackling of hoisting ropes. The hoisting ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. In reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.~~

~~(9) Making safety devices inoperative. No person shall at any time make any required safety device or electrical protective device inoperative, except when necessary during tests, inspections, and maintenance. Immediately upon completion of such test, inspections, and maintenance, the devices shall be restored to their normal operating condition.~~

~~(10) Damaged rope. Wire ropes shall be replaced whenever there are six or more broken wires in any one lay of the wire rope, or whenever the ropes are damaged or in a deteriorated condition.~~

~~(11) Roof track system. Roof track systems tiedowns, or similar equipment, if provided, shall be maintained in proper working order so that they perform the function for which they are intended.~~

~~(12) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of the building, if provided, shall be maintained in proper working order so that they perform the function for~~

which they are intended. Brackets for cable stabilizers, if provided, shall similarly be maintained in proper working order.) Suspension wire rope maintenance, inspection and replacement.

(a) Suspension wire rope shall be maintained and used in accordance with procedures recommended by the wire rope manufacturer.

(b) Suspension wire rope shall be inspected by a competent person for visible defects and gross damage to the rope before every use and after each occurrence which might affect the wire rope's integrity.

(c) A thorough inspection of suspension wire ropes in service shall be made once a month. Suspension wire ropes that have been inactive for 30 days or longer shall have a thorough inspection before they are placed into service. These thorough inspections of suspension wire ropes shall be performed by a competent person.

(d) The need for replacement of a suspension wire rope shall be determined by inspection and shall be based on the condition of the wire rope. Any of the following conditions or combination of conditions will be cause for removal of the wire rope:

(i) Broken wires exceeding three wires in one strand or six wires in one rope lay;

(ii) Distortion of rope structure such as would result from crushing or kinking;

(iii) Evidence of heat damage;

(iv) Evidence of rope deterioration from corrosion;

(v) A broken wire within 18 inches (460.8 mm) of the end attachments;

(vi) Noticeable rusting and pitting;

(vii) Evidence of core failure (a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter suggests core failure); or

(viii) More than one valley break (broken wire);

(ix) Outer wire wear exceeds one-third of the original outer wire diameter;

(x) Any other condition which the competent person determines has significantly affected the integrity of the rope.

(e) The building owner shall keep a certification record of each monthly inspection of a suspension wire rope as required in subdivision (c) of this subsection. The record shall include the date of the inspection, the signature of the person who performed the inspection, and a number, or other identifier, of the wire rope which was inspected. This record of inspection shall be made available for review by the director or an authorized representative and by the employer.

(7) Hoist inspection. Before lowering personnel below the top elevation of the building, the hoist shall be tested each day in the lifting direction with the intended load to make certain it has sufficient capacity to raise the personnel back to the boarding level.

## NEW SECTION

WAC 296-24-87011 POWERED PLATFORM INSTALLATIONS—AFFECTED PARTS OF BUILDINGS. (1) General requirements. The following requirements apply to affected parts of buildings which utilize working platforms for building maintenance.

(a) Structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation shall be designed by or under the direction of a registered professional engineer experienced in such design;

(b) Exterior installations shall be capable of withstanding prevailing climatic conditions;

(c) The building installation shall provide safe access to, and egress from, the equipment and sufficient space to conduct necessary maintenance of the equipment;

(d) The affected parts of the building shall have the capability of sustaining all the loads imposed by the equipment; and

(e) The affected parts of the building shall be designed so as to allow the equipment to be used without exposing employees to a hazardous condition.

(2) Tie-in guides.

(a) The exterior of each building shall be provided with tie-in guides unless the conditions in (b) or (c) of this subsection are met.

Note: See Figure 1 in Appendix B of this section for a description of a typical continuous stabilization system utilizing tie-in guides.

(b) If angulated roping is employed, tie-in guides required in (a) of this subsection may be eliminated for not more than 75 feet (22.9 m) of the uppermost elevation of the building, if infeasible due to exterior building design, provided an angulation force of at least 10 pounds (44.4 n) is maintained under all conditions of loading.

(c) Tie-in guides required in (a) of this subsection may be eliminated if one of the guide systems in items (i), (ii), or (iii) of this subdivision is provided, or an equivalent.

(i) Intermittent stabilization system. The system shall keep the equipment in continuous contact with the building facade, and shall prevent sudden horizontal movement of the platform. The system may be used together with continuous positive building guide systems using tie-in guides on the same building, provided the requirements for each system are met.

(A) The maximum vertical interval between building anchors shall be 3 floors or 50 feet (15.3 m), whichever is less.

(B) Building anchors shall be located vertically so that attachment of the stabilizer ties will not cause the platform suspension ropes to angulate the platform horizontally across the face of the building. The anchors shall be positioned horizontally on the building face so as to be symmetrical about the platform suspension ropes.

(C) Building anchors shall be easily visible to employees and shall allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval. If more than two suspension ropes are used on a platform, only the two building-side suspension ropes at the platform ends shall require a stabilizer attachment.

(D) Building anchors which extend beyond the face of the building shall be free of sharp edges or points. Where cables, suspension wire ropes and lifelines may be in contact with the building face, external building anchors shall not interfere with their handling or operation.

(E) The intermittent stabilization system building anchors and components shall be capable of sustaining without failure at least 4 times the maximum anticipated load applied or transmitted to the components and anchors. The minimum design wind load for each anchor shall be 300 (1334 n) pounds, if 2 anchors share the wind load.

(F) The building anchors and stabilizer ties shall be capable of sustaining anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on a building face. If the building anchors have different spacing than the suspension wire rope or if the building requires different suspension spacings on one platform, one building anchor and stabilizer tie shall be capable of sustaining the wind loads.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(ii) Button guide stabilization system.

(A) Guide buttons shall be coordinated with platform mounted equipment of WAC 296-24-87013 (5)(f).

(B) Guide buttons shall be located horizontally on the building face so as to allow engagement of each of the guide tracks mounted on the platform.

(C) Guide buttons shall be located in vertical rows on the building face for proper engagement of the guide tracks mounted on the platform.

(D) Two guide buttons shall engage each guide track at all times except for the initial engagement.

(E) Guide buttons which extend beyond the face of the building shall be free of sharp edges or points. Where cables, ropes and lifelines may be in contact with the building face, guide buttons shall not interfere with their handling or operation.

(F) Guide buttons, connections and seals shall be capable of sustaining without damage at least the weight of the platform, or provision shall be made in the guide tracks or guide track connectors to prevent the platform and its attachments from transmitting the weight of the platform to the guide buttons, connections and seals. In either case, the minimum design load shall be 300 pounds (1334 n) per building anchor.

Note: See WAC 296-24-87013 (5)(f) for relevant equipment provisions.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(iii) System utilizing angulated roping and building face rollers. The system shall keep the equipment in continuous contact with the building facade, and shall prevent sudden horizontal movement of the platform. This system is acceptable only where the suspended portion of the equipment in use does not exceed 130 feet (39.6 m) above a safe surface or ground level, and where the platform maintains no less than 10 pounds (44.4 n) angulation force on the building facade.

(d) Tie-in guides for building interiors (atriums) may be eliminated when a registered professional engineer determines that an alternative stabilization system, including systems in (c)(i), (ii), and (iii) of this subsection, or a platform tie-off at each work station will provide equivalent safety.

(3) Roof guarding.

(a) Employees working on roofs while performing building maintenance shall be protected by a perimeter guarding system which meets the requirements of WAC 296-24-75007(1).

(b) The perimeter guard shall not be more than 6 inches (152 mm) inboard of the inside face of a barrier, i.e. the parapet wall, or roof edge curb of the building being serviced; however, the perimeter guard location shall not exceed an 18 inch (457 mm) setback from the exterior building face.

(4) Equipment stops. Operational areas for trackless type equipment shall be provided with structural stops, such as curbs, to prevent equipment from traveling outside its intended travel areas and to prevent a crushing or shearing hazard.

(5) Maintenance access. Means shall be provided to traverse all carriages and their suspended equipment to a safe area for maintenance and storage.

(6) Elevated track.

(a) An elevated track system which is located 4 feet (1.2 m) or more above a safe surface, and traversed by carriage supported equipment, shall be provided with a walkway and guardrail system; or

(b) The working platform shall be capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel and shall be provided with a safe means of access and egress to the lower safe surface.

(7) Tie-down anchors. Imbedded tie-down anchors, fasteners, and affected structures shall be resistant to corrosion.

(8) Cable stabilization.

(a) Hanging lifelines and all cables not in tension shall be stabilized at each 200 foot (61 m) interval of vertical travel of the working platform beyond an initial 200 foot (61 m) distance.

(b) Hanging cables, other than suspended wire ropes, which are in constant tension shall be stabilized when the vertical travel exceeds an initial 600 foot (183 m) distance, and at further intervals of 600 feet (183 m) or less.

(9) Emergency planning. A written emergency action plan shall be developed and implemented for each kind of working platform operation. This plan shall explain the emergency procedures which are to be followed in the event of a power failure, equipment failure or other emergencies which may be encountered. The plan shall also include that employees be informed about the building emergency escape routes, procedures and alarm systems before operating a platform. Upon initial assignment and whenever the plan is changed the employer shall review with each employee those parts of the plan which the employee must know to protect himself or herself in the event of an emergency.

(10) Building maintenance. Repairs or major maintenance of those building portions that provide primary support for the suspended equipment shall not affect the capability of the building to meet the requirements of this standard.

(11) Electrical requirements. The following electrical requirements apply to buildings which utilize working platforms for building maintenance.

(a) General building electrical installations shall comply with WAC 296-24-956 through 296-24-95615, unless otherwise specified in this section;

(b) Building electrical wiring shall be of such capacity that when full load is applied to the equipment power circuit not more than a five percent drop from building service vault voltage shall occur at any power circuit outlet used by equipment regulated by this section;

(c) The equipment power circuit shall be an independent electrical circuit that shall remain separate from all other equipment within or on the building, other than power circuits used for hand tools that will be used in conjunction with the equipment. If the building is provided with an emergency power system, the equipment power circuit may also be connected to this system;

(d) The power circuit shall be provided with a disconnect switch that can be locked in the "OFF" and "ON" positions. The switch shall be conveniently located with respect to the primary operating area of the equipment to allow the operators of the equipment access to the switch;

(e) The disconnect switch for the power circuit shall be locked in the "ON" position when the equipment is in use; and

(f) An effective two-way voice communication system shall be provided between the equipment operators and persons stationed within the building being serviced. The communications facility shall be operable and shall be manned at all times by persons stationed within the building whenever the platform is being used.

#### NEW SECTION

WAC 296-24-87013 POWERED PLATFORM INSTALLATIONS—EQUIPMENT. (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations shall be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design shall provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service shall be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and

(d) Equipment that is exposed to wind when in service shall be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections shall be self-locking or shall otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment shall be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment shall comply with the following:

(i) The horizontal movement of a carriage shall be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages shall not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface shall not require a person to exert a horizontal force greater than 40 pounds (444.8 n);

(iv) Structural stops and curbs shall be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage shall be of a continuous pressure weatherproof type. Multiple controls when provided shall be arranged to permit operation from only one control station at a time. An emergency stop device shall be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) shall be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages shall be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning shall not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value shall include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation shall be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning shall be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, shall be provided that will prevent unintentional traversing of power-traversed or power-assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, shall be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage shall be provided;

(xi) Safe access to and egress from the carriage shall be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage shall be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate shall be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position shall be identified by location markings and/or position indicators; and

(xiii) The motors shall stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) shall be provided which meet the requirements of WAC 296-24-87011(2).

(ii) Transportable outriggers shall be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger shall be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage shall be designed to have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform shall be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger shall be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design shall be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger shall be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger shall be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger shall be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope shall be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable shall be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform shall be from a safe surface. Access or egress shall not require persons to climb over a building's parapet or guard railing; and

(B) The working platform shall be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension shall not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) shall be provided which meet the requirements of WAC 296-24-87011(2);

(B) Access to and egress to and from the working platform shall only be from a safe surface below the point of suspension.

(iv) A rotating davit shall not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) shall be provided with a means for its transport, which shall keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit shall be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(C) Means shall be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment shall be performed only by a hoisting machine.

(b) Each hoisting machine shall be capable of arresting any overspeed descent of the load.

(c) Each hoisting machine shall be powered only by air, electric or hydraulic sources.

(d) Flammable liquids shall not be carried on the working platform.

(e) Each hoisting machine shall be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine shall be enclosed or guarded in compliance with Part C of chapter 296-24 WAC.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines shall be compatible with, and sized for, the wire rope used.

(h) Each winding drum shall be provided with a positive means of attaching the wire rope to the drum. The attachment shall be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine shall be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake shall be directly connected to the drive train of the hoisting machine, and shall not be connected through belts, chains, clutches, or set screw type devices. The brake shall automatically set when power to the prime mover is interrupted.

(ii) The secondary brake shall be an automatic emergency type of brake that, if actuated during each stopping cycle, shall not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it shall stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning shall be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, shall be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component shall be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit shall be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit shall be capable of remaining continuously stable under all conditions of use and position of the live load, and shall maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers shall be provided, and shall compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit shall be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-87011 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-87011 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-87011 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-87011 (2)(c)(iii).

(vii) Each working platform of a suspended unit shall be provided with a guardrail system on all sides which shall meet the following requirements:

(A) The system shall consist of a top guardrail, mid-rail, and a toeboard;

(B) The top guardrail shall not be less than 36 inches (914 mm) high and shall be able to withstand at least a 200-pound (444 n) force in any downward or outward direction;

(C) The midrail shall be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, shall be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot (.09 m<sup>2</sup>). The material shall have all openings small enough to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards shall be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards shall be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards shall be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards shall be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform shall be not less than 24 inches (610 mm) wide and shall be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring shall be of a slip-resistant type and shall contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it shall be protected by placing a material under the opening which shall prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform shall be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform shall be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform shall be of the continuous-pressure type, and shall be located on the platform.

(vi) Each operating station of every working platform shall be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform shall not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions shall be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 shall be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, shall be provided by stairs, ladders, platforms and runways conforming to the provisions of Part J-1 of chapter 296-24 WAC. Access gates shall be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface shall be provided with a guardrail system or ladder handrails that conform to the provisions of Part J-1 of chapter 296-24 WAC.

(xii) The platform shall be provided with a secondary wire rope suspension system if the platform contains overhead structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage shall be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline shall be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device shall be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device shall be mounted in a secured compartment, and the compartment shall be labeled with instructions for use. A means for opening the compartment shall be mounted in a break-glass receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection shall also apply to a single point working platform.

(ii) Each single point suspended working platform shall be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage shall be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms shall comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building shall be disconnected from a ground-rigged working platform, and the platform shall be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform shall comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie shall be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and shall be resistant to adverse environmental conditions.

(iii) The platform shall be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers shall not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms shall allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length shall be maintained at all building anchor locations.

(vi) The platform shall be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties shall not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes shall not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes shall be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform shall comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform shall engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system shall be provided with a storage position on the platform.

(iv) Each guide track on the platform shall be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks shall be mounted on the platform and shall provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform shall be capable of supporting the weight of the platform, or provision shall be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment shall maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means shall be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes shall be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides shall be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment shall comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation shall use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoisting machine used. Connections shall be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope shall have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and shall be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade shall be at least improved plow steel or equivalent.

(d) Suspension wire ropes shall be sized to conform with the required design factor, but shall not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays shall be permitted.

(f) A corrosion-resistant tag shall be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This tag shall bear the following wire rope data:

- (i) The diameter (inches and/or mm);
- (ii) Construction classification;
- (iii) Whether nonpreformed or preformed;
- (iv) The grade of material;
- (v) The manufacturer's rated strength;
- (vi) The manufacturer's name;
- (vii) The month and year the ropes were installed; and
- (viii) The name of the person or company which installed the ropes.

(g) A new tag shall be installed at each rope renewal.

(h) The original tag shall be stamped with the date of the resocketing, or the original tag shall be retained and a supplemental tag shall be provided when ropes are resocketed. The supplemental tag shall show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists shall contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists shall be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended

unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment shall comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems shall be of a type designed for use in exterior locations, and shall be located so that they do not come into contact with accumulated snow or water.

(c) Cables shall be protected against damage resulting from overtensioning or from other causes.

(d) Devices shall be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system shall have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment shall have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements shall apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contract(s) shall be provided and so connected that the operating devices for the suspended or supported equipment shall be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection shall be provided in the hoisting or suspension system to protect against the equipment operating in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector shall be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch shall only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels shall be provided.

(h) Emergency stop switches shall be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension shall have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices shall be coordinated with other overload settings at the time of design of the system, and shall be clearly indicated on or near

the device. The device shall interrupt the equipment travel in the "down" direction.

### NEW SECTION

WAC 296-24-87015 MAINTENANCE. (1) General maintenance. All parts of the equipment affecting safe operation shall be maintained in proper working order so that they may perform the functions for which they were intended. The equipment shall be taken out of service when it is not in proper working order.

(2) Cleaning.

(a) Control or power contactors and relays shall be kept clean.

(b) All other parts shall be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

(3) Periodic resocketing of wire rope fastenings.

(a) Hoisting ropes utilizing poured socket fastenings shall be resocketed at the nondrum ends at intervals not exceeding 24 months. In resocketing the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(b) Resocketed ropes shall conform to the requirements of WAC 296-24-87013(7).

(c) Limit switches affected by the resocketed ropes shall be reset, if necessary.

(4) Periodic reshackling of suspension wire ropes. The hoisting ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. When reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(5) Roof systems. Roof track systems, tie-downs, or similar equipment shall be maintained in proper working order so that they perform the function for which they were intended.

(6) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of a building shall be maintained in proper working order so that they perform the functions for which they were intended. Brackets for cable stabilizers shall similarly be maintained in proper working order.

(7) Inoperative safety devices. No person shall render a required safety device or electrical protective device inoperative, except as necessary for tests, inspections, and maintenance. Immediately upon completion of such tests, inspections, and maintenance, the device shall be restored to its normal operating condition.

(8) Damaged rope. Wire ropes shall be replaced whenever there are six or more broken wires in any one lay of the wire rope, or whenever the ropes are damaged or in a deteriorated condition.

### NEW SECTION

WAC 296-24-87017 OPERATIONS. (1) Training.

(a) Working platforms shall be operated only by persons who are proficient in the operation, safe use and inspection of the particular working platform to be operated.

(b) All employees who operate working platforms shall be trained in the following:

(i) Recognition of, and preventive measures for, the safety hazards associated with their individual work tasks.

(ii) General recognition and prevention of safety hazards associated with the use of working platforms, including the provisions in the section relating to the particular working platform to be operated.

(iii) Emergency action plan procedures required in WAC 296-24-87011(9).

(iv) Work procedures required in (d) of this subsection.

(v) Personal fall arrest system inspection, care, use and system performance.

(c) Training of employees in the operation and inspection of working platforms shall be done by a competent person.

(d) Written work procedures for the operation, safe use and inspection of working platforms shall be provided for employee training. Pictorial methods of instruction, may be used, in lieu of written work procedures, if employee communication is improved using this method. The operating manuals supplied by manufacturers for platform system components can serve as the basis for these procedures.

(e) The employer shall certify that employees have been trained in operating and inspecting a working platform by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training and the date that training was completed. The certification record shall be prepared at the completion of the training required in (b) of this subsection, and shall be maintained in a file for the duration of the employee's employment. The certification record shall be kept readily available for review by the director or an authorized representative.

(2) Use.

(a) Working platforms shall not be loaded in excess of the rated load, as stated on the platform load rating plate.

(b) Employees shall be prohibited from working on snow, ice, or other slippery material covering platforms, except for the removal of such materials.

(c) Adequate precautions shall be taken to protect the platform, wire ropes and life lines from damage due to acids or other corrosive substances, in accordance with the recommendations of the corrosive substance producer, supplier, platform manufacturer or other equivalent information sources. Platform members which have been exposed to acids or other corrosive substances shall be washed down with a neutralizing solution, at a frequency recommended by the corrosive substance producer or supplier.

(d) Platform members, wire ropes and life lines shall be protected when using a heat producing process. Wire ropes and life lines which have been contacted by the heat producing process shall be considered to be permanently damaged and shall not be used.

(e) The platform shall not be operated in winds in excess of 25 miles per hour (40.2 km/hr) except to move it from an operating to a storage position. Wind speed

shall be determined based on the best available information, which includes on-site anemometer readings and local weather forecasts which predict wind velocities for the area.

(f) On exterior installations, an anemometer shall be mounted on the platform to provide information of on-site wind velocities prior to and during the use of the platform. The anemometer may be a portable (hand held) unit which is temporarily mounted during platform use.

(g) Tools, materials and debris not related to the work in progress shall not be allowed to accumulate on platforms. Stabilizer ties shall be located so as to allow unencumbered passage along the full length of the platform and shall be of such length so as not to become entangled in rollers, hoists or other machinery.

#### NEW SECTION

WAC 296-24-87019 PERSONAL FALL PROTECTION. Employees on working platforms shall be protected by a personal fall arrest system meeting the requirements of Appendix C, Part I, WAC 296-24-87035 of this standard, and as otherwise provided by this standard.

#### NEW SECTION

WAC 296-24-87031 APPENDIX A—GUIDELINES (ADVISORY). (1) Use of the appendix. Appendix A provides examples of equipment and methods to assist the employer in meeting the requirements of the indicated provision of the standard. Employers may use other equipment or procedures which conform to the requirements of the standard. This appendix neither adds to nor detracts from the mandatory requirements set forth in WAC 296-24-870 through 296-24-87037.

(2) Assurance. WAC 296-24-870(3) requires the building owner to inform the employer in writing that the powered platform installation complies with certain requirements of the standard, since the employer may not have the necessary information to make these determinations. The employer, however, remains responsible for meeting these requirements which have not been set off in WAC 296-24-870 (3)(a).

(3) Design requirements. The design requirements for each installation should be based on the limitations (stresses, deflections, etc.), established by nationally recognized standards as promulgated by the following organizations, or to equivalent standards:

AA—The Aluminum Association, 818 Connecticut Avenue N.W., Washington, D.C. 20006

Aluminum Construction Manual  
Specifications for Aluminum Structures  
Aluminum Standards and Data

AGMA—American Gear Manufacturers Association, 101 North Fort Meyer Dr., Suite 1000, Arlington, VA 22209

AISC—American Institute of Steel Construction, 400 North Michigan Avenue, Chicago, IL 60611

ANSI—American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018

ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017

ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017

ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

AWS—American Welding Society, Inc., Box 351040, 550 N.W. LeJeune Road, Miami, FL 33126

JIC—Joint Industrial Council, 2139 Wisconsin Avenue N.W., Washington, D.C. 20007

NEMA—National Electric Manufacturers Association, 2101 L Street N.W., Washington, D.C. 20037

(4) Tie-in guides. Indented mullions, T-rails or other equivalent guides are acceptable as tie-in guides in a building face for a continuous stabilization system. Internal guides are embedded in other building members with only the opening exposed (see Figure 1 of Appendix B). External guides, however, are installed external to the other building members and so are fully exposed. The minimum opening for tie-in guides is three-quarters of an inch (19 mm), and the minimum inside dimensions are one-inch (25 mm) deep and two inches (50 mm) wide.

Employers should be aware of the hazards associated with tie-in guides in a continuous stabilization system which was not designed properly. For example, joints in these track systems may become extended or discontinuous due to installation or building settlement. If this alignment problem is not corrected, the system could jam when a guide roller or guide shoe strikes a joint and this would cause a hazardous situation for employees. In another instance, faulty design will result in guide rollers being mounted in a line so they will jam in the track at the slightest misalignment.

(5) Building anchors (intermittent stabilization system). In the selection of the vertical distance between building anchors, certain factors should be given consideration. These factors include building height and architectural design, platform length and weight, wire rope angulation, and the wind velocities in the building area. Another factor to consider is the material of the building face, since this material may be adversely affected by the building rollers.

External or indented type building anchors are acceptable. Receptacles in the building facade used for the indented type should be kept clear of extraneous materials which will hinder their use. During the inspection of the platform installation, evidence of a failure or abuse

of the anchors should be brought to the attention of the employer.

(6) Stabilizer tie length. A stabilizer tie should be long enough to provide for the planned angulation of the suspension cables. However, the length of the tie should not be excessive and become a problem by possibly becoming entangled in the building face rollers or parts of the platform machinery.

The attachment length may vary due to material elongation and this should be considered when selecting the material to be used. Consideration should also be given to the use of ties which are easily installed by employees, since this will encourage their use.

(7) Intermittent stabilization system. Intermittent stabilization systems may use different equipment, tie-in devices and methods to restrict the horizontal movement of a powered platform with respect to the face of the building. One acceptable method employs corrosion-resistant building anchors secured in the face of the building in vertical rows every third floor or 50 feet (15.3 m), whichever is less. The anchors are spaced horizontally to allow a stabilization attachment (stabilizer tie) for each of the two platform suspension wire ropes. The stabilizer tie consists of two parts. One part is a quick connect-quick disconnect device which utilizes a corrosion-resistant yoke and retainer spring that is designed to fit over the building anchors. The second part of the stabilizer tie is a lanyard which is used to maintain a fixed distance between the suspension wire rope and the face of the building.

In this method, as the suspended powered platform descends past the elevation of each anchor, the descent is halted and each of the platform occupants secures a stabilizer tie between a suspension wire rope and a building anchor. The procedure is repeated as each elevation of a building anchor is reached during the descent of the powered platform.

As the platform ascends, the procedure is reversed; that is, the stabilizer ties are removed as each elevation of a building anchor is reached. The removal of each stabilizer tie is assured since the platform is provided with stopping devices which will interrupt power to its hoist(s) in the event either stopping device contacts a stabilizer during the ascent of the platform.

Figure 2 of Appendix B illustrates another type of acceptable intermittent stabilization system which utilizes retaining pins as the quick connect-quick disconnect device in the stabilizer tie.

(8) Wire rope inspection. The inspection of the suspension wire rope is important since the rope gradually loses strength during its useful life. The purpose of the inspection is to determine whether the wire rope has sufficient integrity to support a platform with the required design factor.

If there is any doubt concerning the condition of a wire rope or its ability to perform the required work, the rope should be replaced. The cost of wire rope replacement is quite small if compared to the cost in terms of human injuries, equipment down time and replacement.

No listing of critical inspection factors, which serve as a basis for wire rope replacement in the standard, can be a substitute for an experienced inspector of wire rope.

The listing serves as a user's guide to the accepted standards by which ropes must be judged.

Rope life can be prolonged if preventive maintenance is performed regularly. Cutting off an appropriate length of rope at the end termination before the core degrades and valley brakes appear minimizes degradation at these sections.

(9) General maintenance. In meeting the general maintenance requirement in WAC 296-24-87015(1), the employer should undertake the prompt replacement of broken, worn and damaged parts, switch contacts, brushes, and short flexible conductors of electrical devices. The components of the electrical service system and traveling cables should be replaced when damaged or significantly abraded. In addition, gears, shafts, bearings, brakes and hoisting drums should be kept in proper alignment.

(10) Training. In meeting the training requirement of WAC 296-24-87017(1), employers should use both on the job training and formal classroom training. The written work procedures used for this training should be obtained from the manufacturer, if possible, or prepared as necessary for the employee's information and use.

Employees who will operate powered platforms with intermittent stabilization systems should receive instruction in the specific ascent and descent procedures involving the assembly and disassembly of the stabilizer ties.

An acceptable training program should also include employee instruction in basic inspection procedures for the purpose of determining the need for repair and replacement of platform equipment. In addition, the program should cover the inspection, care and use of the personal fall protection equipment required in Appendix C, Part I, subsections (5) and (6).

In addition, the training program should also include emergency action plan elements. OSHA brochure #3088 (Rev.) 1985, "How to Prepare for Workplace Emergencies," details the basic steps needed to prepare to handle emergencies in the workplace.

Following the completion of a training program, the employee should be required to demonstrate competency in operating the equipment safely. Supplemental training of the employee should be provided by the employer, as necessary, if the equipment used or other working conditions should change.

An employee who is required to work with chemical products on a platform should receive training in proper cleaning procedures, and in the hazards, care and handling of these products. In addition, the employee should be supplied with the appropriate personal protective equipment, such as gloves and eye and face protection.

(11) Suspension and securing of powered platforms (equivalency). One acceptable method of demonstrating the equivalency of a method of suspending or securing a powered platform, as required in WAC 296-24-87011(2)(c), 296-24-87013(3), and (5)(a)(vi), is to provide an engineering analysis by a registered professional engineer. The analysis should demonstrate that the proposed method will provide an equal or greater degree of safety for employees than any one of the methods specified in the standard.

NEW SECTION

WAC 296-24-87033 APPENDIX B—EXHIBITS (ADVISORY). The three drawings in Appendix B illustrate typical platform stabilization systems which are addressed in the standard. The drawings are to be used for reference purposes only, and do not illustrate all the mandatory requirements for each system.

Figure 1. Typical Self-Powered Platform—Continuous External or Indented Mullion Guide System

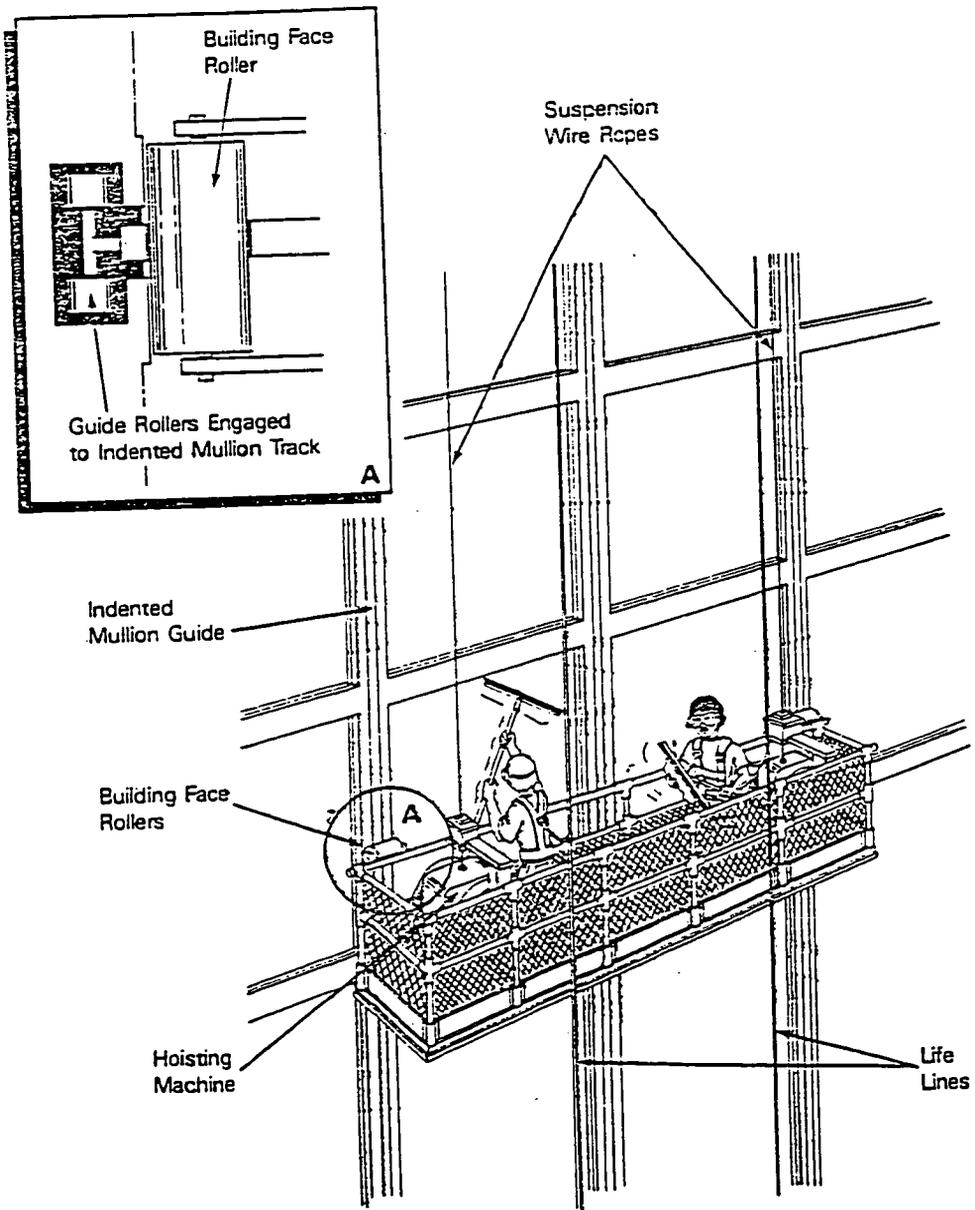


Figure 2. Typical Self-Powered Platform--  
Intermittent Tie-In System

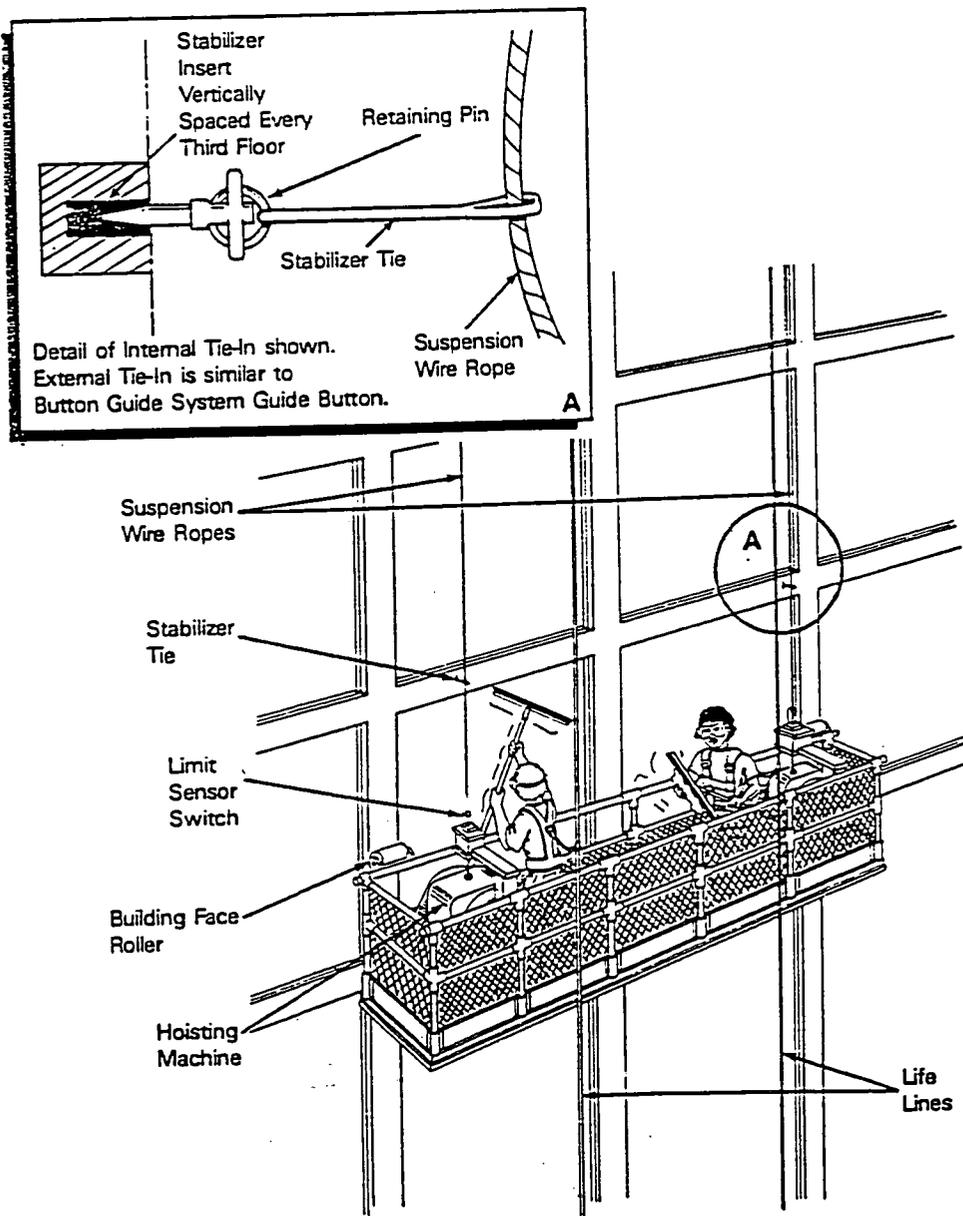
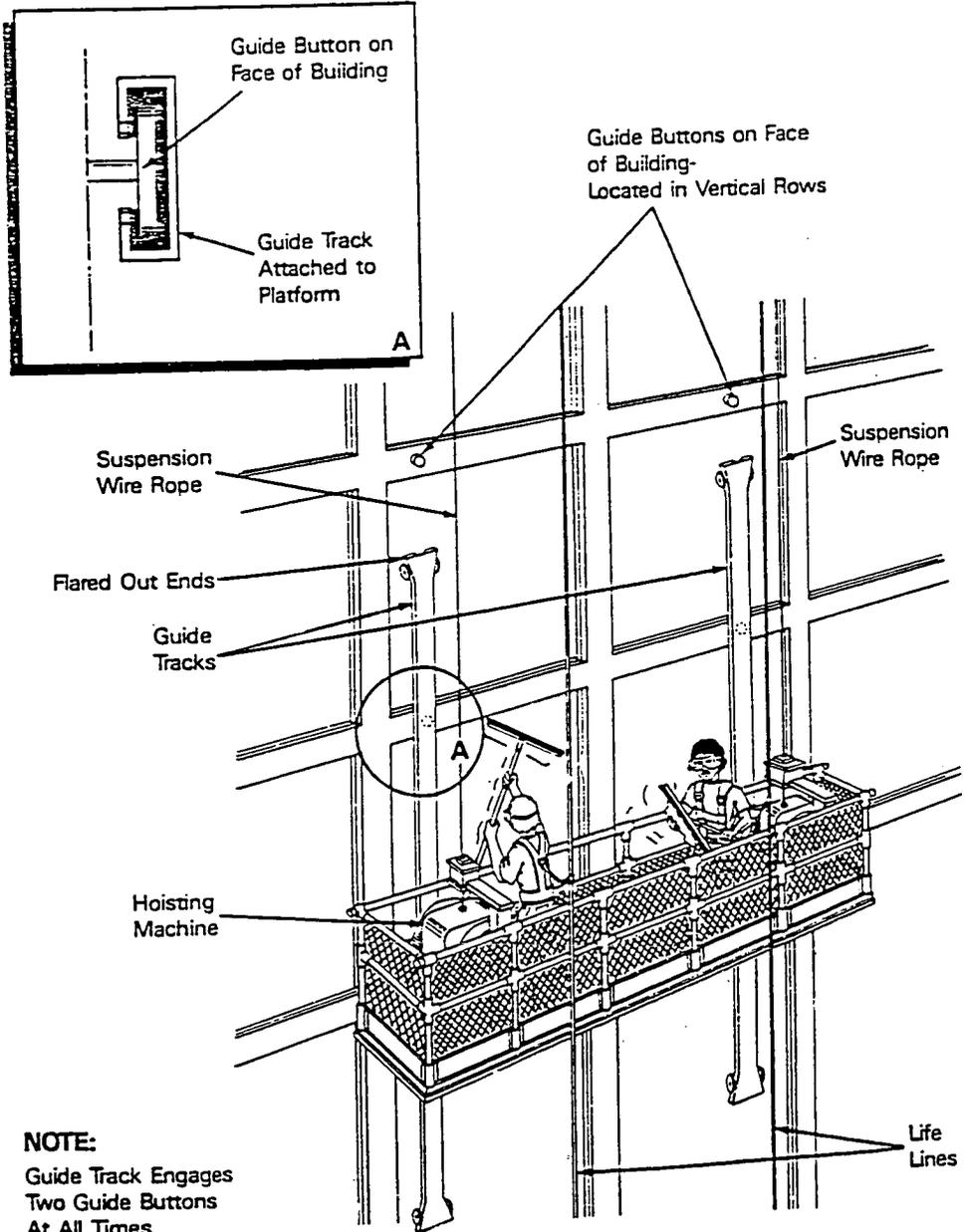


Figure 3. Typical Self-Powered Platform-  
Button Guide System



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**NEW SECTION****WAC 296-24-87035 APPENDIX C—PERSONAL FALL ARREST SYSTEM (PART I—MANDATORY; PARTS II AND III—NONMANDATORY).****(1) Use of the appendix.**

Part I of Appendix C sets out the mandatory criteria for personal fall arrest systems used by all employees using powered platforms. Part II sets out nonmandatory test procedures which may be used to determine compliance with applicable requirements contained in Part I of this appendix. Part III provides nonmandatory guidelines which are intended to assist employers in complying with these provisions.

**Part I**

Personal fall arrest systems (mandatory)—(1) Scope and application. This section establishes the application of and performance criteria for personal fall arrest systems which are required for use by all employees using powered platforms under WAC 296-24-87019.

**(2) Definitions.**

(a) Anchorage. A secure point of attachment for lifelines, lanyards or deceleration devices, and which is independent of the means of supporting or suspending the employee.

(b) Body harness. A design of straps which may be secured about the employee in a manner to distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders with means for attaching it to other components of a personal fall arrest system.

(c) Buckle. Any device for holding the body harness closed around the employee's body.

(d) Competent person. A person who is capable of identifying hazardous or dangerous conditions in the personal fall arrest system or any component thereof, as well as in their application and use with related equipment.

(e) Connector. A device which is used to couple (connect) parts of the system together. It may be an independent component of the system (such as a carabiner), or an integral component of part of the system (such as a buckle or dee-ring sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

(f) Deceleration device. Any mechanism, such as a rope grab, ripstitch lanyard, specially woven lanyard, tearing or deforming lanyard, or automatic self retracting-lifeline/lanyard, which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limits the energy imposed on an employee during fall arrest.

(g) Deceleration distance. The additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

(h) Equivalent. Alternative designs, materials or methods which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

(i) Free fall. The act of falling before the personal fall arrest system begins to apply force to arrest the fall.

(j) Free fall distance. The vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, lifeline and lanyard elongation but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

(k) Lanyard. A flexible line of rope, wire rope, or strap which is used to secure the body harness to a deceleration device, lifeline, or anchorage.

(l) Lifeline. A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

(m) Personal fall arrest system. A system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

(n) Qualified person. A person with a recognized degree or professional certificate and extensive knowledge and experience in the subject field who is capable of design, analysis, evaluation and specifications in the subject work, project, or product.

(o) Rope grab. A deceleration device which travels on a lifeline and automatically frictionally engages the lifeline and locks so as to arrest the fall of an employee. A rope grab usually employs the principle of inertial locking, cam/lever locking, or both.

(p) Self-retracting lifeline/lanyard. A deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which, after onset of a fall, automatically locks the drum and arrests the fall.

(q) Snap-hook. A connector comprised of a hook-shaped member with a normally closed keeper, or similar arrangement, which may be opened to permit the hook to receive an object and, when released, automatically closes to retain the object. Snap-hooks are generally one of two types:

(i) The locking type with a self-closing, self-locking keeper which remains closed and locked until unlocked and pressed open for connection or disconnection, or

(ii) The nonlocking type with a self-closing keeper which remains closed until pressed open for connection or disconnection.

(r) Tie-off. The act of an employee, wearing personal fall protection equipment, connecting directly or indirectly to an anchorage. It also means the condition of an employee being connected to an anchorage.

(3) Design for system components.

(a) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.

(b) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of the system.

(c) Lanyards and vertical lifelines which tie-off one employee shall have a minimum breaking strength of 5,400 pounds (23.9 kN).

(d) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less shall have components capable of sustaining a minimum static tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(e) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards shall be capable of sustaining a minimum tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(f) Dee-rings and snap-hooks shall be capable of sustaining a minimum tensile load of 5000 pounds (22.2 N).

(g) Dee-rings and snap-hooks shall be 100 percent proof-tested to a minimum tensile load of 3600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(h) Snap-hooks shall be sized to be compatible with the member to which they are connected so as to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member.

(i) Horizontal lifelines, where used, shall be designed, and installed as part of a complete personal fall arrest system, which maintains a safety factor of at least 2, under the supervision of a qualified person.

(j) Anchorages to which personal fall arrest equipment is attached shall be capable of supporting at least 5,400 pounds (23.9 kN) per employee attached, or shall be designed, installed, and used as part of a complete personal fall arrest system which maintains a safety factor of at least 2, under the supervision of a qualified person.

(k) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body harnesses, shall be made from synthetic fibers or wire rope.

(4) System performance criteria.

(a) Personal fall arrest systems shall, when stopping a fall:

(i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;

(ii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Shall have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(b) (i) When used by employees having a combined person and tool weight of less than 310 pounds (140 kg), personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) in Part II of this appendix shall be considered as complying with the provisions of (a) of this subsection.

(ii) When used by employees having a combined tool and body weight of 310 pounds (140 kg) or more, personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) of Part II may be considered as complying with the provisions of (a) of this subsection provided that the criteria and protocols are modified appropriately to provide proper protection for such heavier weights.

(5) Care and use.

(a) Snap-hooks, unless of a locking type designed and used to prevent disengagement from the following connections, shall not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that the connected object could depress the snap-hook keeper a sufficient amount to release itself.

(b) Devices used to connect to a horizontal lifeline which may become a vertical lifeline shall be capable of locking in either direction on the lifeline.

(c) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level.

(d) The attachment point of the body harness shall be located in the center of the wearer's back near shoulder level, or above the wearer's head.

(e) When vertical lifelines are used, each employee shall be provided with a separate lifeline.

(f) Personal fall arrest systems or components shall be used only for employee fall protection.

(g) Personal fall arrest systems or components subjected to impact loading shall be immediately removed from service and shall not be used again.

(h) The employer shall provide for prompt rescue of employees in the event of a fall or shall assure the self-rescue capability of employees.

(i) Before using a personal fall arrest system, and after any component or system is changed, employees shall be trained in accordance with the requirements of WAC 296-24-87017(1), in the safe use of the system.

(6) Inspections. Personal fall arrest systems shall be inspected prior to each use for mildew, wear, damage and other deterioration, and defective components shall be removed from service if their strength or function may be adversely affected.

## PART II

### Test methods for personal fall arrest systems (nonmandatory)

(1) General. Subsections (2), (3), (4) and (5) of this Part II set forth test procedures which may be used to

determine compliance with the requirements in subsection (4) of Part I of this appendix.

(2) General conditions for all tests in Part II.

(a) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.

(b) The anchorage should be rigid, and should not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(c) The frequency response of the load measuring instrumentation should be 120 Hz.

(d) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(e) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.

(f) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.

(g) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.

(h) Following the test, the system need not be capable of further operation.

(3) Strength test.

(a) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subsection (2)(d) of this part.)

(b) The test consists of dropping the test weight once. A new unused system should be used for each test.

(c) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body belt or body harness.

(d) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).

(e) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of one foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the body harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (46 cm) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a non-elastic wire lanyard of sufficient length may need to be added to the system (for test purposes) to create the necessary free fall distance.

(f) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).

(g) Any weight which detaches from the harness should constitute failure for the strength test.

(4) Force test.

(a) General. The test consists of dropping the respective test weight specified in (b)(i) or (c)(i) of this subsection once. A new, unused system should be used for each test.

(b) For lanyard systems.

(i) A test weight of 220 pounds plus or minus three pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) Lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.

(iii) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

(c) For all other systems.

(i) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:

(A) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the body harness).

(B) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).

(d) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.

(e) The maximum elongation and deceleration distance should be recorded during the force test.

(5) Deceleration device tests.

(a) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.

(b) Rope-grab-type deceleration devices.

(i) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than one foot (30.5 cm), and the mechanism should lock each time.

(ii) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.

(c) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

### Part III

Additional nonmandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.

(1) Selection and use considerations. The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse affect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.

Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.

(2) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. Part II of this Appendix C contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.

(3) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are interchangeable. For instance, a lanyard should not be connected between a body harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a

competent person to determine that it meets the standard, before the modified system is put in use.

(4) Employee training considerations. Thorough employee training in the selection and use of personal fall arrest systems is imperative. As stated in the standard, before the equipment is used, employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.

(5) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:

- (a) The force measured during the sample force test;
- (b) The maximum elongation measured for lanyards during the force test;
- (c) The deceleration distance measured for deceleration devices during the force test;
- (d) Caution statements on critical use limitations;
- (e) Application limits;
- (f) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the body harness for fall arrest;
- (g) Proper climbing techniques;
- (h) Methods of inspection, use, cleaning, and storage; and

(i) Specific lifelines which may be used. This information should be provided to employees during training.

(6) Inspection considerations. As stated in WAC 296-24-87035(6), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; nonfunctioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

(7) Rescue considerations. As required by WAC 296-24-87035 (5)(h) when personal fall arrest systems are used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which allows employees to rescue

themselves after the fall has been arrested may be desirable, such as devices which have descent capability.

(8) Tie-off considerations.

(a) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these anchorage points may be used during construction, as well as afterwards.

(b) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not significantly reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.

(c) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.

(d) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.

(e) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/dee-ring connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.

(f) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag, and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during

arrest of the fall may cause other employees to also fall. Horizontal lifeline and anchorage strength should be increased for each additional employee to be tied-off. For these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(g) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

(h) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable), may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.

(9) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.

(10) Snap-hook considerations.

(a) Although not required by this standard for all connections, locking snap-hooks designed for connection to suitable objects (of sufficient strength) are highly recommended in lieu of the nonlocking type. Locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.

(b) As required by the standard WAC 296-24-87035 (5)(a) the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:

- Direct connection of a snap-hook to a horizontal lifeline.
- Two (or more) snap-hooks connected to one dee-ring.
- Two snap-hooks connected to each other.
- A snap-hook connected back on its integral lanyard.
- A snap-hook connected to a webbing loop or webbing lanyard.
- Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.

(11) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8 m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment to harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard)). Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6 foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the body harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.

(12) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be allowed below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.

(13) Obstruction considerations. The location of the tie-off should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered.

(14) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight

of the device having to be supported by the employee. Also, if self-retracting equipment is connected to a horizontal lifeline, the sag in the lifeline should be minimized to prevent the device from sliding down the lifeline to a position which creates a swing hazard during fall arrest. In all cases, manufacturer's instructions should be followed.

#### NEW SECTION

WAC 296-24-87037 APPENDIX D—EXISTING INSTALLATIONS (MANDATORY). (1) Use of the appendix.

Appendix D sets out the mandatory building and equipment requirements for applicable permanent installations completed after August 27, 1971, and no later than July 23, 1990 which are exempt from WAC 296-24-870 through 296-24-87013.

Note: All existing installations subject to this Appendix shall also comply with WAC 296-24-87009, 296-24-87015, 296-24-87017, 296-24-87019, and Appendix C.

(2) Definitions applicable to this appendix.

(a) Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

(b) ANSI. American National Standards Institute.

(c) Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

(d) Brake—disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

(e) Brake—self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

(f) Brake—shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

(g) Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

(h) Continuous pressure. Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

(i) Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

(j) Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

(k) Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

(l) Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

(m) Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

(n) Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

(o) Operating device. A pushbutton, lever, or other manual device used to actuate a control.

(p) Powered platform. Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

(q) Rated load. The combined weight of employees, tools, equipment, and other material which the working platform is designed and installed to lift.

(r) Relay, direction. An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

(s) Relay, potential for vertical travel. An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition, "relay, direction."

(t) Roof car. A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

(u) Roof-powered platform. A powered platform having the raising and lowering mechanism located on a roof car.

(v) Self-powered platform. A powered platform having the raising and lowering mechanism located on the working platform.

(w) Traveling cable. A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

(x) Weatherproof. Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

(y) Working platform. The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

(z) Yield point. The stress at which the material exhibits a permanent set of 0.2 percent.

(aa) Zinced fastenings. The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

(3) General requirements.

(a) Design requirements. All powered platform installations for exterior building maintenance completed as of August 27, 1971, but no later than January 25, 1990, shall meet all of the design, construction and installation requirements of Part II and III of the "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance ANSI A120.1-1970" and of this appendix. References shall be made to appropriate parts of ANSI A120.1-1970 for detail specifications for equipment and special installations.

(b) Limitation. The requirements of this appendix apply only to electric-powered platforms. It is not the intent of this appendix to prohibit the use of other types of power. Installation of powered platforms using other types of power is permitted, provided such platforms have adequate protective devices for the type of power used, and otherwise provide for reasonable safety of life and limb to users of equipment and to others who may be exposed.

(c) Types of powered platforms.

(i) For the purpose of applying this appendix, powered platforms are divided into two basic types, Type F and Type T.

(ii) Powered platforms designated as Type F shall meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance. A basic requirement of Type F equipment is that the work platform is suspended by at least 4 wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform. Another basic requirement of Type F equipment is that only one layer of hoisting rope is permitted on winding drums. Type F powered platforms may be either roof-powered or self-powered.

(iii) Powered platforms designated as Type T shall meet all the requirements in Part III of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, except for section 28, Safety Belts and Life Lines. A basic requirement of Type T equipment is that the working platform is suspended by at least 2 wire ropes. Failure of one wire rope would not permit the working platform to fall to the ground, but would upset its normal position. Type T powered platforms may be either roof-powered or self-powered.

(iv) The requirements of this section apply to powered platforms with winding drum type hoisting machines. It is not the intent of this section to prohibit powered platforms using other types of hoisting machines such as, but not limited to, traction drum hoisting machines, air

powered machines, hydraulic powered machines, and internal combustion machines. Installation of powered platforms with other types of hoisting machines is permitted, provided adequate protective devices are used, and provided reasonable safety of life and limb to users of the equipment and to others who may be exposed is assured.

(v) Both Type F and Type T powered platforms shall comply with the requirements of Appendix C of this standard.

(4) Type F powered platforms.

(a) Roof car, general.

(i) A roof car shall be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(ii) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(b) Movement and positioning of roof car.

(i) Provision shall be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(ii) The horizontal motion of the roof cars shall be positively controlled so as to insure proper movement and positioning of the roof car.

(iii) Roof car positioning devices shall be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(iv) Mechanical stops shall be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops shall be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(v) The operating device of a power-operated roof car for traversing shall be located on the roof car, the working platform, or both, and shall be of the continuous pressure weather-proof electric type. If more than one operating device is provided, they shall be so arranged that traversing is possible only from one operating device at a time.

(vi) The operating device shall be so connected that it is not operable until:

(A) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(B) All protective devices and interlocks are in a position for traversing.

(c) Roof car stability. Roof car stability shall be determined by either items (i) or (ii), whichever is greater.

(i) The roof car shall be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(ii) The roof car and its anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value shall include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load shall be included, and the design stresses shall not exceed those referred to in subsection (3)(a) of this Appendix.

(iii) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load the motor shall stall.

(d) Access to the roof car. Safe access to the roof car and from the roof car to the working platform shall be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates shall be provided. Applicable provisions WAC 296-24-735 through 296-24-810 shall apply.

(e) Means for maintenance, repair, and storage. Means shall be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions shall be made to secure the machine in the stored position. For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5.1.1 of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(f) General requirements for working platforms. The working platform shall be of girder or truss construction and shall be adequate to support its rated load under any position of loading, and comply with the provisions set forth in section 10 of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(g) Load rating plate. Each working platform shall bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates shall be made of noncorrosive material and shall have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures shall be one-fourth inch.

(h) Minimum size. The working platform shall have a minimum net width of 24 inches.

(i) Guardrails. Working platforms shall be furnished with permanent guard rails not less than 36 inches high, and not more than 42 inches high at the front (building side). At the rear, and on the sides, the rail shall not be less than 42 inches high. An intermediate guardrail shall be provided around the entire platform between the top guardrail and the toeboard. The top rail shall withstand a minimum of 200 pounds pressure.

(j) Toeboards. A four-inch toeboard shall be provided along all sides of the working platform.

(k) Open spaces between guardrails and toeboards. The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, shall be filled with metallic mesh or similar material that will reject a ball one inch in diameter. The installed mesh shall be capable of withstanding a load of 100 pounds applied horizontally over any area of 144 square inches. If the space between the platform and the building face does not exceed eight inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(l) Flooring. The platform flooring shall be of the nonskid type, and if of open construction, shall reject a

9/16-inch diameter ball, or be provided with a screen below the floor to reject a 9/16-inch diameter ball.

(m) Access gates. Where access gates are provided, they shall be self-closing and self-locking.

(n) Operating device for vertical movement of the working platform.

(i) The normal operating device for the working platform shall be located on the working platform and shall be of the continuous pressure weatherproof electric type.

(ii) The operating device shall be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service and, the roof car, if provided, is at an established operating point.

(o) Emergency electric operative device.

(i) In addition, on roof-powered platforms, an emergency electric operating device shall be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device shall be mounted in a locked compartment and shall have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

(ii) A key for unlocking the compartment housing the emergency operating device shall be mounted in a break-glass receptacle located near the emergency operating device.

(p) Manual cranking for emergency operation. Emergency operation of the main drive machine may be provided to allow manual cranking. This provision for manual operation shall be designed so that not more than two persons will be required to perform this operation. The access to this provision shall include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design shall be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(q) Arrangement and guarding of hoisting equipment.

(i) Hoisting equipment shall consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(ii) The hoisting equipment shall be power-operated in both up and down directions.

(iii) Guard or other protective devices shall be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(iv) Friction devices or clutches shall not be used for connecting the main driving mechanism to the drum or drums. Belt or chain-driven machines are prohibited.

(r) Hoisting motors.

(i) Hoisting motors shall be electric and of weather-proof construction.

(ii) Hoisting motors shall be in conformance with applicable provisions of subdivision (v) of this subsection, Electric Wiring and Equipment.

(iii) Hoisting motors shall be directly connected to the hoisting machinery. Motor couplings, if used, shall be of steel construction.

(s) Brakes. The hoisting machine(s) shall have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(t) Hoisting ropes and rope connections.

(i) Working platforms shall be suspended by wire ropes of either 6 x 19 or 6 x 37 classification, preformed or nonpreformed.

(ii) (Reserved)

(iii) The minimum factor of safety shall be 10, and shall be calculated by the following formula:

$$F = S \times N / W$$

Where

S = Manufacturer's rated breaking strength of one rope.

N = Number of ropes under load.

W = Maximum static load on all ropes with the platform and its rated load at any point of its travel.

(iv) Hoisting ropes shall be sized to conform with the required factor of safety, but in no case shall the size be less than 5/16 inch diameter.

(v) Winding drums shall have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

(vi) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

(vii) The nondrum ends of the hoisting ropes shall be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

(viii) More than two reverse bends in each rope is prohibited.

(u) Rope tag data. A metal data tag shall be securely attached to one of the wire rope fastenings. This data tag shall bear the following wire rope data:

(i) The diameter in inches.

(ii) Construction classification.

(iii) Whether nonpreformed or preformed.

(iv) The grade of material used.

(v) The manufacturer's rated breaking strength.

(vi) Name of the manufacturer of the rope.

(vii) The month and year the ropes were installed.

(v) Electrical wiring and equipment.

(i) All electrical equipment and wiring shall conform to the requirements of the National Electrical Code, NFPA 70-1987; ANSI C1-1987, except as modified by ANSI A120.1-1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1-1970.

(ii) All motors and operation and control equipment shall be supplied from a single power source.

(iii) The power supply for the powered platform shall be an independent circuit supplied through a fused disconnect switch.

(iv) Electrical conductor parts of the power supply system shall be protected against accidental contact.

(v) Electrical grounding shall be provided.

(A) Provisions for electrical grounding shall be included with the power-supply system.

(B) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track

system, and noncurrent carrying parts of electrical equipment, where provided, shall be grounded.

(C) The controller, where used, shall be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(D) Means shall be provided on the roof car and working platform for grounding portable electric tools.

(E) The working platform shall be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform shall be grounded.

(vi) Electrical receptacles located on the roof or other exterior location shall be of a weatherproof type and shall be located so as not to be subject to contact with water or accumulated snow. The receptacles shall be grounded and the electric cable shall include a grounding conductor. The receptacle and plug shall be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision shall be made to prevent application of cable strain directly to the plug and receptacle.

(vii) Electric runway conductor systems shall be of the type designed for use in exterior locations and shall be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting means shall conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987; ANSI C1-1987. A grounded conductor shall parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system shall be designed to avoid hazard to persons in the area.

(viii) Electrical protective devices and interlocks of the weatherproof type shall be provided.

(ix) Where the installation includes a roof car, electric contact(s) shall be provided and so connected that the operating devices for the working platform shall be operative only when the roof car is located and mechanically retained at an established operating point.

(x) Where the powered platform includes a power-operated roof car, the operating device for the roof car shall be inoperative when the roof car is mechanically retained at an established operating point.

(xi) An electric contact shall be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(xii) An automatic overload device shall be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the up direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(xiii) An automatic device shall be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(xiv) Upper and lower directional limit devices shall be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(xv) Operation of a directional limit device shall prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(xvi) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, shall incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(xvii) Final terminal stopping devices of the working platform:

(A) Final terminal stopping devices for the working platform shall be provided as a secondary means of preventing the working platform from over-traveling at the terminals.

(B) The device shall be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(C) Operation of the final terminal stopping device shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(D) The final terminal stopping device for the upper limit of travel shall be mounted so that it is operated directly by the motion of the working platform itself.

(xviii) Emergency stop switches shall be provided in or adjacent to each operating device.

(xix) Emergency stop switches shall:

(A) Have red operating buttons or handles.

(B) Be conspicuously and permanently marked "Stop."

(C) Be the manually opened and manually closed type.

(D) Be positively opened with the opening not solely dependent on springs.

(xx) The manual operation of an emergency stop switch associated with an operating device for the working platform shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(xxi) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car shall cause the electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(w) Requirements for emergency communications.

(i) Communication equipment shall be provided for each powered platform for use in an emergency.

(ii) Two-way communication shall be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(iii) The equipment shall permit two-way voice communication between the working platform; and

(A) Designated personnel continuously available while the powered platform is in use; and

(B) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(iv) The emergency communication equipment shall be one of the following types:

(A) Telephone connected to the central telephone exchange system; or

(B) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

(5) Type T powered platforms.

(a) Roof car. The requirements of subsection (4)(a) through (4)(e) of this Appendix shall apply to Type T powered platforms.

(b) Working platform. The requirements of subsection (4)(f) through (4)(p) of this Appendix apply to Type T powered platforms.

(i) The working platform shall be suspended by at least two wire ropes.

(ii) The maximum rated speed at which the working platform of self-powered platforms may be moved in a vertical direction shall not exceed 35 feet per minute.

(c) Hoisting equipment. The requirements of subsection (4)(q) and (r) of this Appendix shall apply to Type T powered platforms.

(d) Brakes. Brakes requirements of subsection (4)(s) of this Appendix shall apply.

(e) Hoisting ropes and rope connections.

(i) Subsection (4)(t)(i) through (vi) and (viii) of this Appendix shall apply to Type T powered platforms.

(ii) Adjustable shackle rods in subsection (4)(t)(vii) of this Appendix shall apply to Type T powered platforms, if the working platform is suspended by more than two wire ropes.

(f) Electrical wiring and equipment.

(i) The requirements of subsection (4)(v)(i) through (vi) of this Appendix shall apply to Type T powered platforms. "Circuit protection limitation," "powered platform electrical service system," all operating services and control equipment shall comply with the specifications contained in Part 2, section 26, ANSI A120.1-1970.

(ii) For electrical protective devices the requirements of subsection (4)(v)(i) through (viii) of this Appendix shall apply to Type T powered platforms. Requirements for the "circuit potential limitation" shall be in accordance with specifications contained in Part 2, section 26, of ANSI A120.1-1970.

(g) Emergency communications. All the requirements of subsection (4)(w) of this Appendix shall apply to Type T powered platforms.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-87003 GENERAL REQUIREMENTS.

WAC 296-24-87005 TYPE F POWERED PLATFORMS.

## WAC 296-24-87007 TYPE T POWERED PLATFORMS.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

### WAC 296-54-569 MOTOR TRUCK LOG TRANSPORTATION—BRAKE REQUIREMENTS.

(1) Motor logging trucks and trailers shall be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. When unattended trucks are parked on a grade, in addition to setting the brakes, the wheels shall be chocked or blocked.

~~(2) ((Logging truck tractors having more than two axles need not have brakes on the steering axle wheels.~~

~~(3))~~ All trucks equipped with air brakes shall be also equipped with a readily visual or audible low air pressure warning device in good working order.

~~((4))~~ (3) Engine-type brakes shall be considered as auxiliary controls, not a substitute for the requirement for a service brake system.

~~((5))~~ (4) Brake drums shall be maintained free of cracks, breaks or defects. Defective brake drums, cans, shoes or air lines shall be immediately repaired or replaced.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

### WAC 296-62-07517 ~~((ASBESTOS))~~ RE-SERVED.

~~((This standard applies whenever all or part of the revised standards are rendered unenforceable because of a stay or judicial action. In such a case, to preclude a gap in coverage, parallel provisions of this standard will take effect. The department will publish an appropriate notice announcing each such application of this standard. This standard also applies pursuant to the requirements of WAC 296-62-07701.~~

~~(1) Definitions. For the purpose of this section,~~

~~(a) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos and any of these materials that have been chemically treated and/or altered.~~

~~(b) "Asbestos fibers" means asbestos fibers five micrometers or longer.~~

~~(2) Permissible exposure to airborne concentrations of asbestos fibers:~~

~~(a) The eight-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.~~

~~(b) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of ten fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.~~

~~(3) Methods of compliance:~~

~~(a) Engineering methods:~~

~~(i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in subsection (2) of this section.~~

~~(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.~~

~~(iii) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (a)(ii) of this subsection.~~

~~(b) Work practices:~~

~~(i) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in subsection (2) of this section, unless the usefulness of the product would be diminished thereby.~~

~~(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in subsection (2) of this section.~~

~~(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with subsection (4)(b)(iii) of this section and with special clothing in accordance with subsection (4)(c) of this section.~~

~~(4) Personal protective equipment:~~

~~(a) Compliance with the exposure limits prescribed by subsection (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:~~

~~(i) During the time period necessary to install the engineering controls and to institute the work practices required by subsection (3) of this section.~~

~~(ii) In work situations in which the methods prescribed in subsection (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by subsection (2) of this section; or~~

~~(iii) In emergencies:~~

~~(iv) Where both respirators and personnel rotation are allowed by (a)(i), (ii), or (iii) of this subsection, and both are practicable, personnel rotation shall be preferred and used:~~

~~(b) Where a respirator is permitted by (a)(i), (ii), or (iii) of this subsection, it shall comply with the applicable provisions of WAC 296-62-071.~~

~~(i) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in (b)(ii) or (iii) of this subsection shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than ten times those limits:~~

~~(ii) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in (b)(iii) of this subsection, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed ten times, but not one hundred times, those limits:~~

~~(iii) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed one hundred times those limits:~~

~~(iv) Establishment of a respirator program:~~

~~(A) The employer shall establish a respirator program in accordance with the requirements of chapter 296-62 WAC and shall include the respirator protection factors listed in Table 1 of this section.~~

~~(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.~~

~~(c) Special clothing. The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed eight-hour time-weighted average airborne concentrations of asbestos fibers prescribed in subsection (2)(a) of this section:~~

~~(d) Change rooms:~~

~~(i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section, the employer shall provide change rooms for employees working regularly at the place:~~

(ii) Clothes lockers. The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering:

(A) Laundering of asbestos-contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section.

(B) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (d) of this subsection to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section.

(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with subsection (7)(b) of this section.

(5) Method of measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) four millimeter objective) with phase contrast illumination.

(6) Monitoring:

(a) Initial determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in subsection (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with subsection (3) of this section.

(b) Personal monitoring:

(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than six months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by subsection (2) of this section.

(c) Environmental monitoring:

(i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than six months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in subsection (2) of this section.

(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this subsection and shall have access to the records thereof.

(7) Caution signs and labels:

(a) Caution signs:

(i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers are reasonably expected to be released or where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in subsection (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing airborne asbestos fibers.

(ii) Sign specifications. The warning signs required by (a)(i) of this subsection shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Asbestos	1" Sans Serif, Gothic or Block.
Dust hazard	3/4" Sans Serif, Gothic or Block.
Avoid breathing dust	1/4" Gothic.
Wear assigned protective equipment	1/4" Gothic.
Do not remain in area unless your work requires it	1/4" Gothic.
Breathing asbestos dust may be hazardous to your health	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(b) Caution labels:

(i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers will be released.

(ii) Label specifications. The caution labels required by (b)(i) of this subsection shall be printed in letters of

sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION  
 Contains Asbestos Fibers  
 Avoid Creating Dust  
 Breathing Asbestos Dust May Cause  
 Serious Bodily Harm

(8) Housekeeping:

(a) ~~Cleaning.~~ All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers.

(b) ~~Waste disposal.~~ Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(c) ~~Deterioration.~~ Friable asbestos or friable asbestos containing material which has become damaged or deteriorated shall be contained, treated, or replaced.

(9) Recordkeeping:

(a) ~~Exposure records.~~ Every employer shall maintain records of any personal or environmental monitoring required by subsection (6) of this section. Records shall be maintained for a period of at least twenty years and shall be made available upon request to the director of the department of labor and industries.

(b) ~~Access.~~ Employee exposure records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) ~~Employee notification.~~ Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in subsection (2) of this section shall be notified in writing of the exposure as soon as practicable but not later than five days of the finding. The employee shall also be timely notified of the corrective action being taken.

(10) Medical examinations:

(a) ~~General.~~ The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this section.

(b) ~~Preplacement.~~ The employer shall provide or make available to each of his employees, within thirty calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV<sub>1.0</sub>).

(c) ~~Annual examinations.~~ Every employer shall provide or make available on an annual basis, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations

of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV<sub>1.0</sub>).

(d) ~~Termination of employment.~~ The employer shall provide, or make available, within thirty calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV<sub>1.0</sub>).

(e) ~~Recent examinations.~~ No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past one-year period.

(f) ~~Medical records:~~

(i) ~~Maintenance.~~ Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least twenty years.

(ii) ~~Access.~~ Records of the medical examinations required by this subsection shall be provided upon request to employees, designated representative and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and WAC 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director of the department of labor and industries. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection, and any other medical information related to occupational exposure to asbestos fibers.

TABLE 1  
 RESPIRATOR PROTECTION FOR AIRBORNE CONCENTRATIONS OF ASBESTOS

Airborne concentration of asbestos	Required respirator <sup>1</sup>
Not in excess of 20 f/cc	Reusable or single use air purifying respirator.
Not in excess of 100 f/cc	Full facepiece air purifying respirator.
Not in excess of 200 f/cc	Powered air purifying respirator.
Greater than 200 f/cc	A type "C" continuous flow or pressure demand, supplied air respirator.

<sup>1</sup>Respirators specified for high concentrations may be used at lower concentrations of asbestos.)

**AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)**

**WAC 296-62-07531 APPENDIX D SAMPLING AND ANALYTICAL METHODS FOR BENZENE**

**MONITORING AND MEASUREMENT PROCEDURES.** Measurements taken for the purpose of determining employee exposure to benzene are best taken so that the representative average eight-hour exposure may be determined from a single eight-hour sample or two four-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the eight-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis must be performed with procedures meeting the requirements of the standard.

There are a number of methods available for monitoring employee exposures to benzene. The sampling and analysis may be performed by collection of the benzene vapor on charcoal adsorption tubes, with subsequent chemical analysis by gas chromatography. Sampling and analysis may also be performed by portable direct reading instruments, real-time continuous monitoring systems, passive dosimeters or other suitable methods. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring must have an accuracy, to a ninety-five percent confidence level, of not less than plus or minus twenty-five percent for concentrations of benzene greater than or equal to 0.5 ppm.

The WISHA laboratory uses NIOSH Method 1500 for evaluation of benzene air concentrations.

(1) WISHA method HYDCB for air samples.

Analyte: Benzene.

Matrix: Air.

Procedure: Adsorption on charcoal, desorption with carbon disulfide, analysis by GC.

Detection limit: ((0.25)) 0.04 ppm.

Recommended air volume and sampling rate: 10L at 0.05 to 0.2 L/min.

(a) Principle of the method.

(i) A known volume of air is drawn through a charcoal tube to trap the organic vapors present.

(ii) The charcoal in the tube is transferred to a small, stoppered vial, and the analyte is desorbed with carbon disulfide.

(iii) An aliquot of the desorbed sample is injected into a gas chromatograph.

(iv) The area of the resulting peak is determined and compared with areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The sampling device is small, portable, and involves no liquids. Interferences are minimal, and most of those which do occur can be eliminated by altering chromatographic conditions. The samples are analyzed by means of a quick, instrumental method.

(ii) The amount of sample which can be taken is limited by the number of milligrams that the tube will hold before overloading. When the sample value obtained for the backup section of the charcoal tube exceeds twenty-five percent of that found on the front section, the possibility of sample loss exists.

(c) Apparatus.

(i) A calibrated personal sampling pump whose flow can be determined within  $\pm 5$  percent at the recommended flow rate.

(ii) Charcoal tubes: Glass with both ends flame sealed, 7 cm long with a 6-mm O.D. and a 4-mm I.D., containing two sections of 20/40 mesh activated charcoal separated by a 2-mm portion of urethane foam. The activated charcoal is prepared from coconut shells and is obtained commercially. The adsorbing section contains 100 mg of charcoal, the back-up section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the back-up section. A plug of silanized glass wool is placed in front of the adsorbing section. The pressure drop across the tube must be less than one inch of mercury at a flow rate of one liter per minute.

(iii) Gas chromatograph equipped with a flame ionization detector.

(iv) Column (10-ft 1/8-in stainless steel) packed with 80/100 Supelcoport coated with twenty percent SP 2100, 0.1 percent CW 1500.

(v) An electronic integrator or some other suitable method for measuring peak area.

(vi) Two-milliliter sample vials with Teflon-lined caps.

(vii) Microliter syringes: 10-microliter 10-uL syringe, and other convenient sizes for making standards, 1-uL syringe for sample injections.

(viii) Pipets: 1.0 mL delivery pipets.

(ix) Volumetric flasks: Convenient sizes for making standard solutions.

(d) Reagents.

(i) Chromatographic quality carbon disulfide (CS<sub>2</sub>). Most commercially available carbon disulfide contains a trace of benzene which must be removed. It can be removed with the following procedure:

Heat under reflux for two to three hours, 500 mL of carbon disulfide, 10 mL concentrated sulfuric acid, and five drops of concentrated nitric acid. The benzene is converted to nitrobenzene. The carbon disulfide layer is removed, dried with anhydrous sodium sulfate, and distilled. The recovered carbon disulfide should be benzene free. (It has recently been determined that benzene can also be removed by passing the carbon disulfide through 13x molecular sieve.)

(ii) Benzene, reagent grade.

(iii) p-Cymene, reagent grade, (internal standard).

(iv) Desorbing reagent. The desorbing reagent is prepared by adding 0.05 mL of p-Cymene per milliliter of carbon disulfide. (The internal standard offers a convenient means correcting analytical response for slight inconsistencies in the size of sample injections. If the external standard technique is preferred, the internal standard can be eliminated.)

(v) Purified GC grade helium, hydrogen, and air.

(e) Procedure.

(i) Cleaning of equipment. All glassware used for the laboratory analysis should be properly cleaned and free of organics which could interfere in the analysis.

(ii) Calibration of personal pumps. Each pump must be calibrated with a representative charcoal tube in the line.

(iii) Collection and shipping of samples.

(A) Immediately before sampling, break the ends of the tube to provide an opening at least one-half the internal diameter of the tube (2 mm).

(B) The smaller section of the charcoal is used as the backup and should be placed nearest the sampling pump.

(C) The charcoal tube should be placed in a vertical position during sampling to minimize channeling through the charcoal.

(D) Air being sampled should not be passed through any hose or tubing before entering the charcoal tube.

(E) A sample size of ten liters is recommended. Sample at a flow rate of approximately 0.05 to 0.2 liters per minute. The flow rate should be known with an accuracy of at least  $\pm 5$  percent.

(F) The charcoal tubes should be capped with the supplied plastic caps immediately after sampling.

(G) Submit at least one blank tube (a charcoal tube subjected to the same handling procedures, without having any air drawn through it) with each set of samples. Take necessary shipping and packing precautions to minimize breakage of samples.

(iv) Analysis of samples.

(A) Preparation of samples. In preparation for analysis, each charcoal tube is scored with a file in front of the first section of charcoal and broken open. The glass wool is removed and discarded. The charcoal in the first (larger) section is transferred to a 2-ml vial. The separating section of foam is removed and discarded; the second section is transferred to another capped vial. These two sections are analyzed separately.

(B) Desorption of samples. Prior to analysis, 1.0 mL of desorbing solution is pipetted into each sample container. The desorbing solution consists of 0.05 uL internal standard per mL of carbon disulfide. The sample vials are capped as soon as the solvent is added. Desorption should be done for thirty minutes with occasional shaking.

(C) GC conditions. Typical operating conditions for the gas chromatograph are:

(I) 30 mL/min (60 psig) helium carrier gas flow.

(II) 30 mL/min (40 psig) hydrogen gas flow to detector.

(III) 240 mL/min (40 psig) air flow to detector.

(IV) ~~(250°C)~~ 150°C injector temperature.

(V) 250°C detector temperature.

(VI) 100°C column temperature (~~(variable)~~).

(D) Injection size. 1  $\mu$ L.

~~((D))~~ (E) Measurement of area. The peak areas are measured by an electronic integrator or some other suitable form of area measurement.

(F) An internal standard procedure is used. The integrator is calibrated to report results in ppm for a ten liter air sample after correction for desorption efficiency.

(v) Determination of desorption efficiency.

(A) Importance of determination. The desorption efficiency of a particular compound can vary from one laboratory to another and from one lot of chemical to another. Thus, it is necessary to determine, at least once, the percentage of the specific compound that is removed in the desorption process, provided the same batch of charcoal is used.

(B) Procedure for determining desorption efficiency. The reference portion of the charcoal tube is removed. To the remaining portion, amounts representing 0.5X, 1X, and 2X and (X represents target concentration) based on a 10 L air sample are injected into several tubes at each level. Dilutions of benzene with carbon disulfide are made to allow injection of measurable quantities. These tubes are then allowed to equilibrate at least overnight. Following equilibration they are analyzed following the same procedure as the samples. Desorption efficiency is determined by dividing the amount of benzene found by amount spiked on the tube.

(f) Calibration and standards. A series of standards varying in concentration over the range of interest is prepared and analyzed under the same GC conditions that will be used on the samples. A calibration curve is prepared by plotting concentration (mg/mL) versus peak area.

(g) Calculations. Benzene air concentration can be calculated from the following equation:

$$\text{mg/m}^3 = (A)(B)/(C)(D)$$

Where: ~~((A=mg/mL))~~ A =  $\mu$ g/mL benzene, obtained from the calibration curve

B = desorption volume (1 mL)

C = Liters of air sampled

D = desorption efficiency

The concentration in mg/m<sup>3</sup> can be converted to ppm (at 25° C and 760 mm) with the following equation:

$$\text{ppm} = (\text{mg/m}^3)(24.46)/(78.11)$$

Where: 24.46 = molar volume of an ideal gas

25° C and 760 mm

78.11 = molecular weight of benzene

(h) Backup data.

(i) Detection limit—air samples.

The detection limit for the analytical procedure is ~~((2-2))~~ 1.28 mg with a coefficient of variation of 0.023 at this level. This would be equivalent to an air concentration of ~~((0-25))~~ 0.04 ppm for a 10 L air sample. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 1 ~~((uL))~~  $\mu$ L injections of a ~~((2-2 mg/mL))~~ 1.283  $\mu$ g/mL standard.

Injection	Area Count	
1 .....	655.4	T = 640.2 SD = 14.9 CV = 0.023
2 .....	617.5	
3 .....	662.0	
4 .....	641.1	
5 .....	636.4	
6 .....	629.2	

(ii) Pooled coefficient of variation—Air Samples. The pooled coefficient of variation for the analytical procedure was determined by 1 uL replicate injections of analytical standards. The standards were 16.04, 32.08, and

64.16 ug/mL, which are equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample respectively.

Injection	Area Counts		
	0.5 ppm	1.0 ppm	2.0 ppm
1	3996.5	8130.2	16481
2	4059.4	8235.6	16493
3	4052.0	8307.9	16535
4	4027.2	8263.2	16609
5	4046.8	8291.1	16552
6	4137.9	8288.8	16618
7	4053.3	8254.0	16548.3
SDm	47.2	62.5	67.1
CVm	0.0116	0.0076	0.0034
CV = 0.008			

(iii) Storage data—air samples.

Samples were generated at 1.03 ppm benzene at eighty percent relative humidity, 22° C, and 643 mm. All samples were taken for fifty minutes at 0.2 L/min. Six samples were analyzed immediately and the rest of the samples were divided into two groups by fifteen samples each. One group was stored at refrigerated temperature of -25° C, and the other group was stored at ambient temperature (approximately 23° C). These samples were analyzed over a period of fifteen days. The results are tabulated below.

PERCENT RECOVERY

Day Analyzed	Refrigerated			Ambient		
0	97.4	98.7	98.9	97.4	98.7	98.9
0	97.1	100.6	100.9	97.1	100.6	100.9
2	95.8	96.4	95.4	95.4	96.6	96.9
5	93.9	93.7	92.4	92.4	94.3	94.1
9	93.6	95.5	94.6	95.2	95.6	96.6
13	94.3	95.3	93.7	91.0	95.0	94.6
15	96.8	95.8	94.2	92.9	96.3	95.9

(iv) Desorption data.

Samples were prepared by injecting liquid benzene onto the A section of charcoal tubes. Samples were prepared that would be equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample.

Sample	0.5 ppm	1.0 ppm	2.0 ppm
	1	99.4	98.8
2	99.5	98.7	99.7
3	99.2	98.6	99.8
4	99.4	99.1	100.0
5	99.2	99.0	99.7
6	99.8	99.1	99.9
$\bar{X}_m$	99.4	98.9	99.8
SDm	0.22	0.21	0.18
CVm	0.0022	0.0021	0.0018
$\bar{X}_m$ 99.4			

(v) Carbon disulfide.

Carbon disulfide from a number of sources was analyzed for benzene contamination. The results are given in the following table. The benzene contaminant can be removed with the procedures given in (d)(i) of this subsection.

SAMPLE	ug Benzene/mL	ppm equivalent (for 10 L air sample)
Aldrich Lot 83017	4.20	0.13
Baker Lot 720364	1.0†	0.03
Baker Lot 822351	1.0†	0.03
Malinkrodt Lot WEMF	1.74	0.05
Malinkrodt Lot WHGA	5.65	0.18
Treated CS <sub>2</sub>	2.90	0.09

(2) WISHA laboratory method for bulk samples.

Analyte: Benzene.

Matrix: Bulk samples.

Procedure: Bulk samples are analyzed directly by high performance liquid chromatography (HPLC) or by capillary gas chromatography. See laboratory manual for GC procedure.

Detection limits: 0.01% by volume.

(a) Principle of the method.

(i) An aliquot of the bulk sample to be analyzed is injected into a liquid chromatograph or gas chromatograph.

(ii) The peak area for benzene is determined and compared to areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The analytical procedure is quick, sensitive, and reproducible.

(ii) Reanalysis of samples is possible.

(iii) Interferences can be circumvented by proper selection of HPLC parameters or GC parameters.

(iv) Samples must be free of any particulates that may clog the capillary tubing in the liquid chromatograph. This may require distilling the sample or clarifying with a clarification kit.

(c) Apparatus.

(i) Liquid chromatograph equipped with a UV detector or capillary gas chromatograph with FID detector.

(ii) HPLC column that will separate benzene from other components in the bulk sample being analyzed. The column used for validation studies was a Waters uBondapak C18, 30 cm x 3.9 mm.

(iii) A clarification kit to remove any particulates in the bulk if necessary.

(iv) A micro-distillation apparatus to distill any samples if necessary.

(v) An electronic integrator or some other suitable method of measuring peak areas.

(vi) Microliter syringes—10 uL syringe and other convenient sizes for making standards. 10 uL syringe for sample injections.

(vii) Volumetric flasks, 5 mL and other convenient sizes for preparing standards and making dilutions.

(d) Reagents.

(i) Benzene, reagent grade.

(ii) HPLC grade water, methyl alcohol, and isopropyl alcohol.

(e) Collection and shipment of samples.

(i) Samples should be transported in glass containers with Teflon-lined caps.

(ii) Samples should not be put in the same container used for air samples.

(f) Analysis of samples.

(i) Sample preparation.

If necessary, the samples are distilled or clarified. Samples are analyzed undiluted. If the benzene concentration is out of the working range, suitable dilutions are made with isopropyl alcohol.

(ii) HPLC conditions.

The typical operating conditions for the high performance liquid chromatograph are:

(A) Mobile phase—Methyl alcohol/water, 50/50.

(B) Analytical wavelength—254 nm.

(C) Injection size—10 µL.

(iii) Measurement of peak area and calibration.

Peak areas are measured by an integrator or other suitable means. The integrator is calibrated to report results % in benzene by volume.

(g) Calculations.

Since the integrator is programmed to report results in % benzene by volume in an undiluted sample, the following equation is used:

$$\% \text{ Benzene by Volume} = A \times B$$

Where: A=% by volume on report

B=Dilution Factor

(B=1 for undiluted sample)

(h) Backup data.

(i) Detection limit—bulk samples.

The detection limit for the analytical procedure for bulk samples is 0.88 ug, with a coefficient or variation of 0.019 at this level. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 10 uL injections of a 0.10% by volume standard.

1	45386	$\bar{Y} = 44040.1$ $SD = 852.5$ $CV = 0.019$
2	44214	
3	43822	
4	44062	
5	42724	
6	42724	

(ii) Pooled coefficient of variation—bulk samples.

The pooled coefficient of variation for analytical procedure was determined by 50 uL replicate injections of analytical standards. The standards were 0.01, 0.02, 0.04, 0.10, 1.0, and 2.0% benzene by volume.

Injection No.	0.01	0.02	0.04	0.10	1.0	2.0
1	45386	84737	166097	448497	4395180	9329150
2	44214	84100	170832	441239	4592000	9484900
3	43822	83835	184160	443719	4593200	9557580
4	44062	84381	184445	444842	4642350	9677060
5	44006	83012	189398	442564	4646430	9766240
6	42724	81957	171002	443975	4648250	9566986
$\bar{Y}$	44040.1	83703.6	167872	444149	4585767	9564986
$SD$	852.5	1042.2	3589.8	2459.1	96839.3	164232
$CV$	0.0196	0.0125	0.0213	0.0055	0.0211	0.0174
$CV$	0.017					

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07007 LABELING OF CHEMICAL AGENTS.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-07107 PERMISSIBLE PRACTICE.

(1) In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fumes, sprays, mists, fogs, smokes, vapors, gases, or other airborne contaminants, the primary objective shall be to prevent atmospheric contamination. When effective administrative or engineering controls are not feasible, or while they are being instituted or evaluated, appropriate respirators shall be used pursuant to the following requirements.

(2) Employer responsibility.

(a) Respirators shall be provided at no cost to an employee by the employer and the employer shall ensure the use of such equipment when such equipment is necessary to protect the health of the employee.

(b) The employer shall provide respirators which are applicable and suitable for the purpose intended.

(c) The employer shall be responsible for the establishment and maintenance of a respiratory protection program which shall minimally include the general requirements outlined in WAC 296-62-07109.

(3) Employee responsibility. The employee shall use the provided respiratory protection in accordance with instructions and training received. The employee shall notify a responsible person of any defect.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-62-3110 EMERGENCY RESPONSE BY EMPLOYEES AT UNCONTROLLED HAZARDOUS WASTE SITES. (1) Emergency response plan.

(a) An emergency response plan shall be developed and implemented by all employers within the scope of this section to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, WISHA personnel, and other governmental agencies with relevant responsibilities.

(b) Employers who will evacuate their employees from the workplace when an emergency occurs, and who do not permit any of their employees to (~~assist in handling the emergency, respond to~~) assist in handling the emergency are exempt from the requirements of this section if they provide an emergency action plan complying with WAC 296-24-567(1).

(2) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address as a minimum, the following:

(a) Preemergency planning.

(b) Personnel roles, lines of authority, and communication.

(c) Emergency recognition and prevention.

(d) Safe distances and places of refuge.

- (e) Site security and control.
- (f) Evacuation routes and procedures.
- (g) Decontamination procedures which are not covered by the site safety and health plan.
- (h) Emergency medical treatment and first aid.
- (i) Emergency alerting and response procedures.
- (j) Critique of response and follow-up.
- (k) PPE and emergency equipment.

(3) Procedures for handling emergency incidents.

(a) In addition to the elements for the emergency response plan required in subsection (2) of this section, the following elements shall be included for emergency response plans:

(i) Site topography, layout, and prevailing weather conditions.

(ii) Procedures for reporting incidents to local, state, and federal governmental agencies.

(b) The emergency response plan shall be a separate section of the site safety and health plan.

(c) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(d) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(e) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(f) An employee alarm system shall be installed in accordance with WAC 296-24-631 through 296-24-63199 to notify employees of an on-site emergency situation, to stop work activities if necessary, to lower background noise in order to speed communication, and to begin emergency procedures.

(g) Based upon the information available at the time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the on-site emergency response plan.

(4) Training program.

(a) New employees. The employer shall develop and implement a training program, which is part of the employer's safety and health program, for employees involved with hazardous waste operations to enable employees to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for 24 hours and refresher training shall be for eight hours annually. Employees who have received the initial training required by this section shall be given a written certificate attesting that they have successfully completed the necessary training.

(b) Current employees. Employers who can show by an employee's previous work experience and/or training that the employee has had training equivalent to the initial training required by this section, shall be considered as meeting the initial training requirements of this section as to that employee. Equivalent training includes the training that existing employees might have already

received from actual site work experience. Current employees shall receive eight hours of refresher training annually.

(c) Trainers. Trainers who teach initial training shall have satisfactorily completed a training course for teaching the subjects they are expected to teach or they shall have the academic credentials and instruction experience necessary to demonstrate a good command of the subject matter of the courses and competent instructional skills.

(5) Emergency response program.

(a) Emergency response plan. An emergency response plan shall be developed and implemented by all employers. Such plans need not duplicate any of the subjects fully addressed in the employer's contingency planning required by permits, such as those issued by the United States Environmental Protection Agency, provided that the contingency plan is made part of the emergency response plan. The emergency response plan shall be a written portion of the employer's safety and health program required in this section. Employers who will evacuate their employees from the worksite location when an emergency occurs and who do not permit any of their employees to assist in handling the emergency are exempt from the requirements of WAC 296-62-3140(1) if they provide an emergency action plan complying with WAC 296-24-567.

(b) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address, as a minimum, the following areas to the extent that they are not addressed in any specific program required in this section:

(i) Preemergency planning and coordination with outside parties.

(ii) Personnel roles, lines of authority, and communication.

(iii) Emergency recognition and prevention.

(iv) Safe distances and places of refuge.

(v) Site security and control.

(vi) Evacuation routes and procedures.

(vii) Decontamination procedures.

(viii) Emergency medical treatment and first aid.

(ix) Emergency alerting and response procedures.

(x) Critique of response and follow-up.

(xi) PPE and emergency equipment.

(c) Training.

(i) Training for emergency response employees shall be completed before they are called upon to perform in real emergencies. Such training shall include the elements of the emergency response plan, standard operating procedures the employer has established for the job, the personal protective equipment to be worn, and procedures for handling emergency incidents.

Exception #1: An employer need not train all employees to the degree specified if the employer divides the workforce in a manner such that a sufficient number of employees who have responsibility to control emergencies have the training specified, and all other employees, who may first respond to an emergency incident, have sufficient awareness training to recognize that an emergency response situation exists and that they are instructed in that case to summon the fully trained employees and not attempt to control activities for which they are not trained.

Exception #2: An employer need not train all employees to the degree specified if arrangements have been made in advance for an outside fully trained emergency response team to respond in a reasonable period and all employees, who may come to the incident first, have sufficient awareness training to recognize that an emergency response situation exists and they have been instructed to call the designated outside fully trained emergency response team for assistance.

(ii) Employee members of TSD facility emergency response organizations shall be trained to a level of competence in the recognition of health and safety hazards to protect themselves and other employees. This would include training in the methods used to minimize the risk from safety and health hazards; in the safe use of control equipment; in the selection and use of appropriate personal protective equipment; in the safe operating procedures to be used at the incident scene; in the techniques of coordination with other employees to minimize risks; in the appropriate response to over exposure from health hazards or injury to themselves and other employees; and in the recognition of subsequent symptoms which may result from over exposures.

(iii) The employer shall certify that each covered employee has attended and successfully completed the training required in this subsection, or shall certify the employee's competency at least yearly. The method used to demonstrate competency for certification of training shall be recorded and maintained by the employer.

(d) Procedures for handling emergency incidents.

(i) In addition to the elements for the emergency response plan required in (b) of this subsection, the following elements shall be included for emergency response plans to the extent that they do not repeat any information already contained in the emergency response plan:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The emergency response plan shall be compatible and integrated with the disaster, fire, and/or emergency response plans of local, state, and federal agencies.

(iii) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(iv) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(v) An employee alarm system shall be installed in accordance with WAC 296-24-631 to notify employees of an emergency situation; to stop work activities if necessary; to lower background noise in order to speed communication; and to begin emergency procedures.

(vi) Based upon the information available at time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the site emergency response plan.

## AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-480 LADDERS. (1) General requirements.

All rules for design, construction, maintenance, operation, testing, and use of ladders contained in WAC 296-24-780 through 296-24-81013 of the general safety and health standards shall be complied with.

(a) Only Type I stepladders shall be used on construction worksites, except that painters may use Type II stepladders.

(b) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this Part shall be used to give safe access to all elevations.

(c) Ladders shall be maintained in good condition at all times.

(i) The joint between the steps and side rails shall be tight.

(ii) All hardware and fittings securely attached.

(iii) And the moveable parts shall operate freely without binding or undue play.

(iv) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited.

(v) When ladders with such defects are discovered, they shall be immediately withdrawn from service.

(vi) Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(d) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.1-1982, Safety Code for Portable Wood Ladders.

(e) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.2-1982, Safety Code for Portable Metal Ladders.

(f) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A14.3-1984, Safety Code for Fixed Ladders.

(g) The feet of portable ladders shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear. Safety feet shall be maintained to ensure proper working condition.

(h) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(i) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(j) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(k) Portable straight ladders in use shall be tied, blocked, equipped with safety shoes or otherwise secured to prevent their being displaced.

(l) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(m) Unless otherwise stated, all lumber sizes shall be nominal.

(n) When working from a ladder, the ladder shall be secured at both top and bottom.

(o) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(p) Any work that requires wearing eye protection, respirators, or handling of pressure equipment, shall not be performed from a ladder more than twenty-five feet above the surrounding surface.

(q) Stepladders shall not be used as single ladders.

(r) Tops of ordinary types of stepladders shall not be used as steps.

(s) When working from a stepladder over five feet high a workman shall not stand on a step higher than the third step from the top of the stepladder.

(t) On two-section extension ladders the minimum overlap for the two sections shall be as follows:

Size of ladder expanded length (feet):	Overlap (feet)
Up to and including 36 _____	3
Over 36 up to and including 48 _____	4
Over 48 up to and including 60 _____	5

(u) Extension ladders shall always be erected so that the upper section is resting on the bottom section.

(v) When ascending or descending, the user shall face the ladder.

(w) Workmen shall not ascend or descend ladders while carrying tools or materials which might interfere with the free use of both hands.

(2) Job-made ladders.

(a) Job-made ladders shall be constructed for intended use.

(b) If a ladder is to provide the only means of access or exit from a working area for twenty-five or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(c) Double cleat ladders shall not exceed 24 feet in length.

(d) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms.

(e) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(f) It is preferable that side rails be continuous. If splicing is necessary to attain the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(g) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 2-inch by 6-inch lumber, or equivalent, shall be used for single cleat ladders from 16 to 30 feet in length.

(h) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(i) 1-inch by 4-inch lumber shall be used for cleats of single and double cleat ladders, when made of Group 1 woods (see Table J-18).

(j) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

(k) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of ladder.

(l) Wood side rails of ladders having cleats shall be not less than 1-1/2 inches thick and 3-1/2 inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table J-18). Wood side rails of Group 4 wood (see Table J-18) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

**AMENDATORY SECTION** (Amending Order 80-20, filed 11/13/80)

WAC 296-350-030 NOTICE OF APPEAL— FILING AND SERVICE. Any party authorized to appeal from an action of the department as set forth in RCW 49.17.140(3), may do so by filing a notice of appeal in writing in the recommended manner and containing the recommended subject matter as hereinafter set forth with fifteen working days of the communication of the notice, by serving a copy of such notice of appeal either in person or by mail upon the assistant director of the Division of Industrial Safety and Health, (~~814 E. 4th Avenue~~) 805 Plum Street South East, Olympia, Washington 98504.

**WSR 90-09-027**  
**EMERGENCY RULES**  
**STATE BOARD OF EDUCATION**  
[Filed April 10, 1990, 3:58 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To allow for specific ESA roles (school nurse, physical therapist, occupational therapist) to be covered under the provisions of the consultant special limited certificate regulations. Shortages of trained personnel in these roles, coupled with an increasing demand

for these services, cause the need for emergency adoption. This is a refile of emergency rule filed April 4, 1990, WSR 90-08-111 due to typographical error.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79-230.

Statutory Authority for Adoption: RCW 28A.04.120(5) and 28A.70.005.

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

Reasons for this Finding: Under current conditions in school districts where the need for services to children in the school nursing, occupational therapist and physical therapist areas is high and the supply of trained, certificated personnel is low, it has been necessary to hire noncertificated persons to provide the services. This practice violates basic education requirements and the code of professional conduct, but the needs of children must be served. This rule will allow this to happen.

Effective Date of Rule: Immediately.

April 10, 1990

Monica Schmidt, Secretary  
Executive Director

**AMENDATORY SECTION** (Amending Order 12-89, filed 5/31/89)

**WAC 180-79-230 LIMITED CERTIFICATES.** Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited (~~periods of~~) service:

(1) Consultant special teacher or educational staff associate certificate.

(a) The issuance of consultant special certificates is limited to:

(i) Persons highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools;

(ii) Persons who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3);

(iii) Persons who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved program;

(iv) Persons who possess a baccalaureate or higher degree as otherwise required in WAC 180-79-125 and have met the licensing requirement for the state of Washington for a nurse, occupational therapist, or physical therapist.

(b) Such certificates are issued to individuals who are screened by the local school district or educational service district superintendents. The educational service district or local district superintendent will verify that the following criteria have been met when requesting the consultant special teacher or educational staff associate certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional or educational staff associate activities and will not be serving in a paraprofessional role which would not require certification;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field;

(iv) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority, and the duration of the assignment; and

(v) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment and will verify that general requirements for certification as set forth in WAC 180-75-085 (1) and (2) have been met.

(c) The certificate is valid for one year and only for the activity specified, by endorsement, on such certificate. The certificate may be reissued on application and evidence that requirements continue to be met: **PROVIDED**, That the superintendent of public instruction may extend the validity of the certificate for more than one year but no more than four years.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:

(c) **PROVIDED**, That if the district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: **PROVIDED**, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate.

(b) The emergency certificate is valid for one year.

(4) *Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 392-193-055(1) and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.*

(5) *Nonimmigrant alien foreign language teacher. Applicants for certification as a nonimmigrant alien foreign language teacher must qualify pursuant to WAC 392-193-055(2) and possess a baccalaureate degree or establish equivalency to a baccalaureate degree by having his or her college or university transcripts evaluated as equivalent by any accredited college or university within the state of Washington.*

**WSR 90-09-028**  
NOTICE OF PUBLIC MEETINGS  
STATE BOARD OF EDUCATION  
[Memorandum—April 10, 1990]

The State Board of Education schedule of meeting dates and locations for the 1990 calendar year, filed with the State Code Reviser on August 11, 1989, WSR 89-17-043, and amended on March 7, 1990, WSR 90-06-107, is further amended as follows:

The May 17-18, 1990, regular meeting of the board will be held in the Library at Moses Lake High School, 803 East Sharon, Moses Lake, WA 98837.

The July 25-27, 1990, regular meeting of the board will be held in the cafeteria at the Coupeville Junior-Senior High School, 5 S.E. Terry, Coupeville, WA 98239.

The September 27-28, 1990, regular meeting of the board will be held in the Rotunda at the University of Puget Sound, 1500 North Warner, Tacoma, WA 98416.

**WSR 90-09-029**  
PROPOSED RULES  
ENERGY FACILITY  
SITE EVALUATION COUNCIL  
[Filed April 11, 1990, 10:56 a.m.]

Original Notice.

Title of Rule: WAC 463-06-010 Organization of this title; 463-10-010 Definitions; 463-14-030 Public hearings policy; 463-14-080 EFSEC deliberative process; 463-18-020 Governing procedure; 463-26-120 Initial determination subject to review; 463-26-130 Public information meeting; 463-28-060 Request for preemption failure to justify; 463-38-041 Notice, provisions; 463-38-042 Public hearings; 463-38-063 Appeal; 463-39-130 Regulatory actions; 463-39-150 Variance; 463-43-060 Effect of expedited processing; 463-47-060 Additional timing considerations; 463-50-030 Principles governing selection of independent consultants; 463-54-070 Enforcement actions; and 463-58-030 Fees for regular application processing.

Purpose: All rules with exception of WAC 463-54-070 bring Title 463 WAC into conformance with Administrative Procedure Act; WAC 463-54-070 consolidates and clarifies council enforcement actions; and WAC 463-58-030 provides authority to hire application processing staff.

Statutory Authority for Adoption: RCW 80.50.040.

Statute Being Implemented: Chapters 34.05 and 80.50 RCW.

Summary: Many of the council's rules contained language rendered archaic by changes to chapter 34.05 RCW. These changes update the language to be in accordance with chapter 34.05 RCW. Other changes are proposed for the efficiency of operations.

Reasons Supporting Proposal: All state agencies were directed by the legislature to review their rules and bring them into conformance with the changes to the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Rules Review Committee, 4224 6th Avenue, Rowesix, Lacey, 459-6490; Implementation: William L. Fitch, Executive Secretary, 4224 6th Avenue, Rowesix, Lacey, 459-6490; and Enforcement: Curtis Eschels, Chairman, 4224 6th Avenue, Rowesix, Lacey, 459-6490.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed action has no budget impact except for previously budgeted staff time and cost of printing the council's revised rule book.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See previous information.

Proposal Changes the Following Existing Rules: The amendments to all WACs in this notice primarily revise terminology to reflect that user in the new Administrative Procedure Act, chapter 34.05 RCW, and to provide for efficiency of council operations.

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

Hearing Location: Energy Facility Site Evaluation Council, 4224 6th Avenue, Rowesix, Building #1, Lacey, Washington, on June 11, 1990, at 1:30 p.m.

Submit Written Comments to: William L. Fitch, Executive Secretary, Mailstop PY-11, Olympia, Washington 98504, by June 1, 1990.

Date of Intended Adoption: June 11, 1990.

April 10, 1990  
Bill Fitch  
Executive Secretary

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

WAC 463-06-010 ORGANIZATION OF THIS TITLE. This title (Title 463 WAC) contains the regulations by which the energy facility site evaluation council (hereafter, the council) functions under state and federal law.

Chapter 463-06 WAC contains general informational provisions relating to agency operation and public records handling which are required by the state Administrative Procedure Act and state laws relating to public records.

Chapter 463-10 WAC contains definitions of terms used throughout this title.

Chapter 463-14 WAC sets forth a number of significant policy and interpretive provisions relating to the scope and application of chapter 80.50 RCW and these rules.

Chapter 463-18 WAC deals with procedures for the conduct of business at regular and special council meetings.

Chapter 463-22 WAC sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 WAC sets forth procedures governing the public hearings referred to in RCW 80.50.090 (1), (2), and (4).

Chapter 463-30 WAC contains procedural provisions governing (~~contested case hearings~~) adjudicative proceedings held pursuant to RCW 80.50.090(3).

Chapter 463-34 WAC outlines procedures for rule making and for obtaining declaratory (~~rules~~) orders from the council.

Chapter 463-38 WAC contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-42 WAC embodies council procedures and guidelines governing preparation of applications for energy facility site certification.

Chapter 463-46 WAC contains guidelines relating to information which may have to be included in an application for site certification pursuant to the State Environmental Policy Act.

Chapter 463-50 WAC defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and 80.50.175.

Chapter 463-54 WAC sets forth procedures and guidelines for performance of surveillance monitoring by the council pursuant to RCW 80.50.040(11).

#### AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

WAC 463-10-010 DEFINITIONS. Except where otherwise indicated in the following chapters, the following terms have the meaning shown:

(1) "Council" refers to the energy facility site evaluation council created pursuant to chapter 80.50 RCW and, where appropriate, to the staff of the council.

(2) "Applicant" means the person or entity making application for a certification or permit covered by this title.

(3) (~~"Contested case"~~) "Adjudicative proceeding" means a proceeding conducted pursuant to RCW 80.50.090(3) and the state Administrative Procedure Act.

#### AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

WAC 463-14-030 PUBLIC HEARINGS POLICY. RCW 80.50.090 requires a minimum of two public hearings concerning each site for which certification is sought. The first of these is the local public hearing described in RCW 80.50.090 (1) and (2) where the council is obligated to determine whether or not the proposed use of the site is consistent and in compliance with county or regional land use plans or zoning ordinances at the time of application. However, in order to foster general public comment on the proposed site, the council will allow general public comment at such local public hearings, wherever possible. The council must also conduct a second public hearing as (~~a contested case~~) an adjudicative proceeding under chapter (~~(34.04)~~) 34.05 RCW. Although all persons desirous of participating may not be accorded "party" status in this proceeding, upon compliance with reasonable procedures, any person desiring to be heard shall be allowed to speak in favor of or in opposition to the proposed facility after the close of the evidentiary hearing but prior to preparation of any recommendation to the governor. The council views the provisions of RCW 80.50.090(~~4~~) as authorizing it to conduct additional public hearings of either the "local public hearing" or ("~~contested case~~) adjudicative proceeding" variety.

#### AMENDATORY SECTION (Amending Order 81-4, filed 9/30/81)

WAC 463-14-080 EFSEC DELIBERATIVE PROCESS. RCW 80.50.100 requires the council to report to the governor its recommendation as to the approval or rejection of an application for certification. In order for the council to develop such a recommendation it shall utilize a deliberative process for analysis and evaluation of an application to determine compliance with the intent and purpose of chapter 463-42 WAC. The council will contract for an independent consultant study of the application. An environmental impact statement also will be adopted.

The council during the deliberative process will conduct an extensive public hearing as (~~a contested case~~) an adjudicative proceeding for the presentation of evidence on the application. The council will conduct sessions for the taking of public testimony concerning the proposed project. The council will evaluate public comments received as part of the environmental review. The council throughout all of the deliberative process will consider any laws or ordinances, rules or regulations which may be preempted by certification. The council in open session, when fully satisfied that all issues have been adequately discussed will consider and by majority decision will act on the question of approval or rejection of an application.

#### AMENDATORY SECTION (Amending Order 105, filed 11/4/76)

WAC 463-18-020 GOVERNING PROCEDURE. Council business at regular and special meetings is conducted according to Roberts Rules of Order except as suspended by majority vote. To the extent that any (~~contested case~~) adjudicative proceeding is dealt with at regular or special meeting of the council, it is to be governed by the procedures set forth in chapters 463-30 and 463-38 WAC.

#### AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-120 INITIAL DETERMINATION SUBJECT TO REVIEW. At the time that the determination on zoning or land use planning is made, the council shall explain that this determination may be reopened later during the course of (~~a contested case hearing~~) the adjudicative proceeding by the parties to that proceeding when good cause is shown.

#### AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-130 PUBLIC INFORMATION MEETING. The council shall conduct at least one public information meeting concerning each application. At this meeting, the council will present the general procedure to be followed in processing the application including a tentative sequence of council actions, the rights and methods of participation by local government in the process, and the means and opportunities for the general public to participate.

The applicant shall make a presentation of the proposed project utilizing appropriate exhibits. The presentation shall include: A general description of the project and the proposed site; reasons why the proposed site or location was selected; and a summary of anticipated environmental, social, and economic impacts.

The general public will be afforded an opportunity to present written or oral comments relating to the proposed project. The comments will not be part of the (~~contested case~~) adjudicative proceeding record.

The informational meeting will be held in the general proximity of the proposed project. Whenever feasible it will be held in conjunction with the land use or zoning hearing as a separate and independent order of business.

#### AMENDATORY SECTION (Amending Order 83-2, filed 3/31/83)

WAC 463-28-060 REQUEST FOR PREEMPTION—(~~CONTESTED CASE~~) ADJUDICATIVE PROCEEDING. Should an applicant elect to continue processing the application and file a request with the council for state preemption, the council will schedule (~~a contested case~~) an adjudicative proceeding hearing on the application as specified under chapter 463-30 WAC. The council shall determine during the (~~contested case~~) adjudicative proceeding whether to recommend to the governor that the state should preempt the local land use plans or zoning ordinances for a site or portions of a site for the energy facility proposed by the applicant. The factors to be evidenced under this issue are those set forth in WAC 463-28-040. The determination of preemption shall be by council order, and shall be included in its recommendation to the governor pursuant to RCW 80.50.100.

#### AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-28-080 PREEMPTION—FAILURE TO JUSTIFY. During the (~~contested case hearing~~) adjudicative proceeding, if the council determines that the applicant has failed to justify the request for state preemption, the council shall do so by issuance of an order accompanied by findings of fact and conclusions of law. Concurrent with the issuance of its order, the council shall report to the governor its recommendation for rejection of certification of the energy facility proposed by the applicant.

**AMENDATORY SECTION** (Amending Order 114, filed 2/4/77)

WAC 463-38-041 NOTICE, PROVISIONS. (1) Notices shall be circulated within the geographical areas of the proposed discharge, and shall be published in a local or daily newspaper of general circulation; such circulation may include any or all of the following:

(a) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located;

(b) Posting at or near the entrance of the applicant's principal place of business and in nearby places.

(2) Any persons may, within thirty days following the date of the public notice, submit their written views on the tentative determinations with respect to the NPDES application. All written comments submitted during the 30 day comment period shall be retained by the council and considered in their final determination with respect to the NPDES applications. The period for comments may be extended at the discretion of the council.

(3) The contents of public notice of application for NPDES permits shall include at least the following:

(a) Name, address and telephone number of agency issuing the public notice;

(b) Name and address of applicant;

(c) Brief description of applicant's activities or operations which result in the discharge described in the NPDES application (e.g., thermal electric power generating facility stationary or floating);

(d) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway, indicating whether such discharge is new, a modification, or an existing discharge;

(e) A statement of the tentative determination to issue or deny an NPDES permit for the discharge described in the NPDES application;

(f) A brief description of the procedures for the formulation of final determinations, including the 30 day comment period required by paragraph (2) of this section and any other means set forth in WAC 463-38-034 (1)(e).

(g) Address and telephone number of state or interstate agency premises at which interested persons may obtain further information, request a copy of the draft permit prepared pursuant to WAC 463-38-033(2), request a copy of the fact sheet described in WAC 463-38-034 and inspect and copy NPDES forms and related documents at a reasonable charge.

(4) Public and agency notice will be given as set forth below:

(a) Notice shall be mailed to any person or group carried on the mailing list identified in WAC 463-38-034(2). The name of any person or group shall be added upon written request to a mailing list for distributing copies of notices for all NPDES applications within the state or within a certain geographical area.

(b) At the time of issuance of public notice pursuant to WAC 463-38-041 a fact sheet will be sent to:

(i) Any other state whose waters may be affected by the issuance of the NPDES permit and to any interstate agency having water quality control authority over waters which may be affected by the issuance of a permit and, upon request, providing such state and interstate agencies with a copy of the NPDES application and a copy of the proposed permit prepared pursuant to WAC 463-38-033(2). Each affected state and interstate agency shall be afforded an opportunity to submit written recommendations to the council and to the regional administrator, which shall be duly considered by the council in accordance with the policies, provisions and regulations of the act, chapter 80.50 RCW et seq., and chapter ((34-04)) 34.05 RCW et seq.

(ii) The district engineer of the Army Corps of Engineers for NPDES applications for discharges (other than minor discharges) into navigable waters.

(iii) Any other federal, state or local agency or any affected county upon request and shall provide such agencies an opportunity to respond, comment or request a public hearing pursuant to WAC 463-38-042. Such agencies shall include at least the following:

(a) The agency responsible for the preparation of an approved plan pursuant to section 208(b) of the act;

(b) DOE; and

(c) Appropriate public health agencies, including those represented on the council.

**AMENDATORY SECTION** (Amending Order 114, filed 2/4/77)

WAC 463-38-042 PUBLIC HEARINGS. (1) Any applicant affected state, affected interstate agency, affected county, any interested

agency, person or group of persons, or the regional administrator may request of or petition the council for a public hearing to be held with respect to an NPDES application. Any such request or petition for public hearing shall be filed within thirty days after the giving of public notice pursuant to WAC 463-38-041. Said request or petition shall indicate the interest of the party filing such request and the reasons why it is thought that a hearing is warranted.

(2) A public hearing shall be held if there is a significant public interest (including the filing of request(s) or petition(s) for such hearing) in holding such a hearing. Instances of doubt should be resolved by the council in favor of holding the hearing.

(3) Any hearings brought pursuant to this section shall be held in the geographical area of the proposed discharge or other appropriate area, in the discretion of the council, and may, as appropriate, consider related groups of permit applications.

(4) Any public hearings held hereunder will be conducted in accordance with provisions of RCW 80.50.090, chapter ((34-04)) 34.05 RCW et seq., and regulations promulgated thereunder.

(5) Public notice of any hearing held pursuant to WAC 463-38-042 (1) through (4) shall be circulated at least as widely as was the notice of the NPDES application and shall include at least the following:

(a) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies which received a copy of the notice or the fact sheet for the NPDES application;

(c) Notice shall be mailed to any person or group upon request; and

(d) Notice shall be effected pursuant to subparagraphs (a) and (c) of this paragraph at least [thirty] days in advance of the hearing. The council may give notice of a public hearing concurrent with public notice given pursuant to WAC 463-38-041.

(6) The contents of public notice of any hearing held pursuant to WAC 463-38-042 (1) through (4) shall include at least the following notice which meets the requirements of this section:

(a) Name, address and phone number of the council;

(b) Name and address of each applicant whose application will be considered at the hearing;

(c) Name of waterway to which each discharge is made and short description of the location of each discharge on the waterway;

(d) A brief reference to the public notice issued for each NPDES application, including identification number and date of issuance (where applicable);

(e) Information regarding the time and location for the hearing;

(f) The purpose of the hearing;

(g) A short and plain statement of the matters asserted;

(h) Address and phone number of premises at which interested persons may obtain further information, request a copy of each draft NPDES permit prepared pursuant to WAC 463-38-033(2) above, request a copy of each fact sheet prepared pursuant to WAC 463-38-034, and inspect a copy NPDES forms and related documents; and

(i) A brief description of the nature of the hearing, including the rules and procedures to be followed.

**AMENDATORY SECTION** (Amending Order 114, filed 2/4/77)

WAC 463-38-063 APPEAL. (1) The approval, rejection, or modification of an NPDES permit shall be subject to judicial review pursuant to the provisions of chapter ((34-04)) 34.05 RCW.

(2) No appeal shall be taken under paragraph (1) until such time as the council makes its recommendations to the governor pursuant to RCW 80.50.100(2).

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 463-39-130 REGULATORY ACTIONS.

**AMENDATORY SECTION** (Amending Order 79-1, filed 8/6/79)

WAC 463-39-150 VARIANCE. (1) Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the council for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the council may require. The council may grant such variance, but only after public hearing or due notice if it finds that:

(a) The emissions occurring or proposed do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the council has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available to the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the council may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the council is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivisions (a) and (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the council on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the council finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the council shall give public notice of such application in accordance with its rules and regulations.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the council. However, any applicant adversely affected by the denial or terms and conditions of the granting of an application for a variance or renewal of a variance by the council may obtain judicial review thereof under the provisions of chapter ~~(34.04)~~ 34.05 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the council pursuant to this section shall be approved or disapproved by the council within sixty-five days of receipt unless the applicant and the council agree to a continuance.

(8) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency.

#### AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-060 EFFECT OF EXPEDITED PROCESSING. For an application granted expedited processing under WAC 463-43-050 the council shall not:

(1) Conduct any further review of an application by an independent consultant, and

(2) Hold ~~((a-contested case))~~ an adjudicative proceeding hearing under chapter ~~((34.04))~~ 34.05 RCW.

#### AMENDATORY SECTION (Amending Order 84-2, filed 9/14/84)

WAC 463-47-060 ADDITIONAL TIMING CONSIDERATIONS. (1) The council will determine when it receives an application

whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the council will request the applicant to complete an environmental checklist. A checklist is not needed if the council and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application. The applicant should also complete an environmental checklist if the council is unsure whether the proposal is exempt.

(2) The council when it receives an application and environmental checklist will determine whether the council or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If the council is not the lead agency, the council shall send the completed environmental checklist, a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.

(3) The council may initiate ~~((a-contested case))~~ an adjudicative proceeding hearing required by RCW 80.50.100 prior to completion of the draft EIS. The council shall initiate and conclude ~~((a-contested case))~~ an adjudicative proceeding hearing required by RCW 80.50.100 prior to issuance of the final EIS.

#### AMENDATORY SECTION (Amending Order 110, filed 11/16/76)

WAC 463-50-030 PRINCIPLES GOVERNING SELECTION OF INDEPENDENT CONSULTANTS. Each consultant selected to perform independent consulting services shall have demonstrated its qualifications on the basis of experience and competence in specific, or closely associated, areas for which consulting services are desired. A consultant shall not be hired or retained by the council if upon examination by the council, a significant conflict of interest is found with regard to the applicant or other parties involved or potentially involved in the ~~((contested case))~~ adjudicative proceeding((s)).

#### AMENDATORY SECTION (Amending Order 81-3, filed 5/13/81)

WAC 463-54-070 ~~((EMERGENCY ACTION BY CHAIRMAN))~~ ENFORCEMENT ACTIONS. ~~((The chairman of the council or his designee is authorized and shall take action to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the release of pollutants from facilities sited under chapter 80.50 RCW including as appropriate:~~

~~(a) The issuance of an order to immediately terminate an endangerment or an endangering release and the suspension of the NPDES or other permit issued by the council;~~

~~(b) The notification of the departments of emergency services and social and health services and other appropriate agencies, as necessary, that protective measures are required immediately to safeguard the health or welfare of persons so endangered;~~

~~(c) The reference of matters to the attorney general for appropriate enforcement action for violations of site certification agreements and NPDES or other permits issued by the council;~~

~~(2) The chairman's action will be confirmed or modified by the council within seventy-two hours of execution at a special or regular meeting of the council, whichever will occur the earliest.))~~ The council may take any of the following regulatory actions.

(1) Emergency action by chairman. The chairman is authorized to take any action to prevent or avoid any endangerments to the public health and safety resulting from facilities sited under chapter 80.50 RCW including as appropriate:

(a) To enter an order to terminate immediately an endangerment or an endangering release and/or to suspend any certification agreement or permit issued by the council;

(b) To notify appropriate agencies that protective measures are required immediately to safeguard public health and safety;

(c) To refer matters to the attorney general for appropriate enforcement action for violations of certification agreements or permits; and

(d) The chairman's action will be reviewed by the council at a special or regular meeting.

(2) Notice of incident and request for assurance of compliance. Whenever there is reason to believe that any term or condition of a certificate agreement or permit has been violated the council may serve a notice of incident and request for assurance of compliance upon the certificate holder. Within fifteen days of service of the notice the certificate holder shall provide the council with a report of the incident

and assurance of compliance to include appropriate measures to preclude a recurrence of the incident. The council shall review the assurance of compliance. It may close out the matter by resolution or take such further action as is necessary.

(3) Notice of violation. Whenever there is reason to believe that a violation of any term or condition of a certificate agreement or permit has occurred the council may serve upon the certificate holder a notice of violation and may include the assessment of a penalty. The notice shall specify the provisions of the certificate agreement or permit which were violated and shall include a requirement that corrective action be taken.

(4) Review procedure. The certificate holder named in a notice of violation may appeal the notice to the council, or it may seek remission or mitigation of any penalty.

(a) The certificate holder may file an application for remission or mitigation with the council within fifteen days of service of a notice of violation with penalty.

(b) If the certificate holder elects not to file an application for remission or mitigation, the certificate holder may appeal a penalty within thirty days of service of a notice of violation with penalty.

(c) The council upon receipt of an application for remission or mitigation or of an appeal will conduct an adjudicative proceeding and enter a final order.

(d) Any penalty imposed shall become due and payable thirty days after receipt of a notice of violation unless application for remission or mitigation or an appeal is filed and fifteen days after a final decision. If the penalty is not paid after proper notice the council shall request the attorney general to bring an action in the name of the state to recover such penalty.

(5) Air pollution episodes. The council may issue such orders as authorized by chapter 80.50 RCW, whenever an air pollution episode occurs.

(6) Judicial enforcement. The council may enforce its rules, orders, or agreements pursuant to RCW 34.05.578.

#### AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-58-030 FEES FOR REGULAR APPLICATION PROCESSING. Pursuant to RCW 80.50.071 each applicant for energy facility site certification shall at the time of application submission deposit twenty thousand dollars for costs related to processing of the application. Such processing costs shall consist of those determined by the council to be reasonable and necessary including:

(1) A hearing examiner(s) who may be retained by the council for the duration of the application processing period or for such portion of the processing period as the council may consider necessary,

(2) A court reporter(s) for the recording and preparation of transcripts of ~~((the contested case))~~ an adjudicative proceeding hearing, council meetings or public sessions which the council shall consider necessary,

(3) Additional staff salaries ((consisting of at least one application processing officer placed)) for those persons employed on the council staff for the duration of the application processing period((=provided that the council may in the interest of efficiency and effectiveness assign one application processing officer to more than one application)), and

(4) Such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing.

**WSR 90-09-030**  
**PROPOSED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed April 11, 1990, 12:21 p.m.]

Original Notice.

Title of Rule: Physical requirements.

Purpose: To incorporate more definitive physical standards into the regulation.

Statutory Authority for Adoption: RCW 88.16.090(6).

Statute Being Implemented: RCW 88.16.090(6).

Summary: The proposed additions to the regulation provide a more definitive framework for both the board and examining physician in making the determination of one's physical ability to carry out the duties of a state licensed pilot.

Reasons Supporting Proposal: Will help insure that all candidates/pilots are fully capable of carrying out the duties of a pilot.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, 464-7818.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule is intended to provide a more definitive framework to both the board and examining physician when a candidate/pilot undergoes the initial physical exam or the annual physical exam required for relicensure.

Proposal Changes the Following Existing Rules: The process is similar, the proposed changes augment the present physical standards.

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

Hearing Location: Conference Room, Pier 52, Seattle, Washington 98104, on June 14, 1990, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by June 1, 1990.

Date of Intended Adoption: June 14, 1990.

April 5, 1990  
Marjorie Smith  
Assistant Attorney General

#### AMENDATORY SECTION (Amending Order 88-5, Resolution No. 88-5, filed 4/14/88)

WAC 296-116-120 ~~((PHYSICAL REQUIREMENTS))~~ JOB DESCRIPTION—PHYSICAL EXAMINATION—HEALTH REQUIREMENTS. (1) A Washington state licensed marine pilot, under the authority of the master, directs ships into and out of harbors, estuaries, straits, sounds, rivers, lakes, and bays using a specialized knowledge of local conditions including winds, weather, tides, and current; Orders officers and helmsman by giving course and speed changes and navigates ship to avoid conflicting marine traffic, congested fishing fleets, reefs, outlying shoals and other hazards to shipping; utilizes aids to navigation, such as lighthouses and buoys. Utilizes ship's bridge equipment, including radar, fathometer, speed log, gyro, magnetic compass, whistle or horn and other navigational equipment as needed. Required to use ship's radio equipment in contacting U.S. Coast Guard vessel traffic system and other ships while ship is in transit. Directs ship's officers, crewmen, and tug boat captains as necessary, when ships are transiting bridges, narrow waterways, anchoring, docking, and undocking. Must perform duties day or night in all weather conditions, including high winds, fog, mist, rainfall, falling snow and other adverse conditions, as encountered. In order to safely perform the foregoing duties, a Washington state licensed marine pilot shall:

(a) Be physically qualified to possess a U.S. Coast Guard master's license, as required by the state of Washington.

(b) Be capable of boarding a vessel from and leaving a vessel into a pilot boat via a Jacob's ladder and a gangway. A Jacob's ladder involves a vertical climb or descent of up to nine meters and requires both physical energy and mental judgment.

(c) Be capable of moving to a more desirable vantage point in a timely manner, so as to avoid a close quarters situation when the physical characteristics of the ship or cargo obstruct the pilot's field of vision.

(d) Be able to meet the necessary eye-sight and hearing requirements to carry out marine pilotage duties.

(e) Have mental reflexes capable of allowing decisions to be made without delay. This is imperative in all aspects of ship handling.

(f) Be capable of withstanding mental stresses which may occur with a vessel in lowered visibility, in a close quarters situation or when docking or undocking.

(g) Be capable of working efficiently and effectively at any time of the day or night, including irregular and unscheduled hours, after sufficient rest.

(h) Possess mental maturity and show mental responsibility.

(2) In order to determine the physical fitness of persons to serve as licensed pilots under the provisions of the pilotage act, all licensed pilots and applicants shall be required to pass a general physical examination annually within forty-five days prior to the date their annual state pilot license fee is due. The physical examination required of all pilots and initial applicants shall demonstrate that he/she is fully able to carry out the duties of a pilot. The examination shall assure that one's abilities as a pilot will not be impaired by eye-sight, hearing or other bodily function. As part of this examination pilots and applicants shall have completed on a form provided by the board a detailed report of physical examination. This form shall be prepared by the examining physician and shall be submitted to the board along with a letter stating ((whether and under what conditions the pilot or applicant is capable of providing pilotage services. The completion of the form and the letter to the board satisfies the minimum health standards of RCW 88-16.090(6)) his/her findings/recommendations as to the ability of the pilot or applicant to safely perform the pilotage duties based on the job description for a Washington state licensed marine pilot and the standards set forth below. The examining physician should review these standards and review the job description in subsection (1) of this section before making findings/recommendations as to the medical fitness of the applicant. A medical/occupational history form will be completed and signed by the initial applicant for review of the physician prior to the initial examination. The detailed report of physical examination is a confidential record and will not be available for public inspection. Such examination shall be obtained at the expense of the licensed pilot((s)) or applicant((s)) from a physician or physicians designated in advance by the board. The secretary of the board shall give each pilot or applicant reasonable written notice of the date when any such physical examination becomes due and shall specify the name of the physicians then approved by the board to conduct such physical examination.

((2) The physical examination required of all pilots and applicants shall demonstrate that he is in all respects physically fit to perform his duties as a pilot. The examination shall assure that one's abilities as a pilot will not be impaired by eyesight, hearing or other bodily function and shall include examination of the pilot's or applicant's eyes (including tests for color blindness, depth perception, night vision, disease, field of vision and reflexes); ears; heart; blood pressure; blood components; pulse; speech capabilities; history of diseases (including diabetes, cancer, arthritis, arrhythmia, asthma, bronchitis, emphysema, ulcers, alcoholism and other illnesses) and any other type of information which the physician feels is relevant.

(3) In the case of renewal of license as pilot, should the pilot be temporarily physically incapacitated at the time his license is due to be renewed, the commission shall not revoke such license until a further physical examination to be given at the expiration of three months. This procedure shall be carried on until it is evident that the pilot is permanently incapacitated; provided further, that no pilot shall be carried on the inactive list for longer than one year if disabled. Any pilot who is physically incapacitated shall not serve as a pilot during such period of incapacitation.)) (3) Based upon the findings/recommendations of the examining physician and review by the board, the board will make the determination as to the applicant or pilot's fitness to perform the duties of a pilot. This determination will be made within ninety days after each annual physical examination.

(4) The purpose of the history and physical examination is to detect the presence of physical, mental, or organic defects of such character and extent as to affect an individual's ability to pilot a vessel safely. The examination will be made carefully and at least as complete as indicated by the form provided by the board. History of certain defects may be cause for rejection of the initial applicant or indicate the need for making certain laboratory tests or a further and more stringent examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the

applicant or pilot who should be advised to take the necessary steps to ensure correction, particularly of those which, if neglected, might lead to a condition likely to affect the ability to perform the duties of a pilot.

(5) The board has determined which physical conditions may be permanently disqualifying for initial applicants as well as which conditions may be permanently disqualifying for renewal of license. Certain conditions are not necessarily disqualifying, for renewal of licensure only, when, based on the knowledge and experience of the examining physician these conditions can be managed medically and without threat to the pilot's ability to perform the duties of a pilot. An individual may be disqualified when, in the opinion of the examining physician, there is reasonable probability that a condition can occur suddenly and without warning which would render the applicant incapable of promptly responding, both mentally and physically to emergency situations. When certain conditions exist the medical examiner may recommend either:

(a) A permanent disqualification; or

(b) A temporary disqualification until which time the condition is either corrected or medically managed.

(6) Initial applicants will be required to take a test indicating they are free of illegal substance abuse. Testing will be for the presence of Cocaine, Opiates, Marijuana (THC), Amphetamines and PCP (phenylcyclidine). Testing will be in accordance with the Department of Transportation (Coast Guard) guidelines outlined in the Federal Register 46 CFR 4, 5, and 16. Urine specimens are to be analyzed by a laboratory that meets DHHS regulations set forth by the National Institute of Drug Abuse (NIDA).

Chain of custody forms and instructions for collection and transport to a NIDA approved laboratory can be obtained from:

Laboratory of Pathology  
Nordstrom Medical Tower  
P.O. Box 14950  
Seattle, WA 98114-0950  
(206) 386-2872

(7) The conditions in these standards are listed according to the International Classification of Diseases (ICD). Some categories may not apply to the standards set forth and therefore may be absent in some listings. However, all categories should be taken into consideration by the examining physician.

(a) Infectious and parasitic diseases.

(b) Neoplasms.

(c) Endocrine, nutritional, metabolic, and immunity disorders.

(d) Diseases of the blood and blood forming organs.

(e) Mental disorders.

(f) Diseases of the nervous system and sense organs.

(g) Diseases of the respiratory system.

(h) Diseases of the digestive system.

(i) Diseases of the genitourinary system.

(j) Complications of pregnancy, childbirth, and the puerperium.

(k) Diseases of the skin and subcutaneous tissues.

(l) Diseases of the musculoskeletal system and connective tissues.

(m) Congenital anomalies.

(n) Certain conditions originating in the perinatal period.

(o) Symptoms, signs, and other ill defined conditions.

(p) Injury and poisonings.

(8) The guidelines for recommended visual standards are based on the necessity of a pilot to be able to safely perform the duties of a pilot, including functioning under all emergency conditions aboard the vessel. Consideration must be given to the pilot's previously demonstrated ability to perform his or her pilotage duties.

(a) The visual acuity of an applicant shall be at least 20/200 in each eye uncorrected and correctable to at least 20/40 in each eye as determined by Snellen test or its equivalent unless applicant qualifies for a waiver from the Officer in Charge, Marine Inspection, or the Commandant, U.S. Coast Guard.

(b) The initial applicant should have normal color vision per pseudo isochromatic plates, Ishihara or Keystone test. If the initial applicant fails this test, the Farnsworth or Williams Lantern tests or their equivalent may be used to determine the initial applicant's ability to distinguish primary colors.

(c) Loss of vision in one eye may not be disqualifying if one eye passes the test required for the better eye of the applicant with binocular vision and the applicant has had sufficient time to develop and demonstrate adequate judgment of distances.

(d) Applicants who wear corrective lenses and meet the qualifications in (a) of this subsection are medically fit to carry out pilotage duties only while wearing their corrective lenses and if they have with them, while on duty, a spare pair of correcting lenses that provide at least the same visual acuity.

(9) Baseline audiograms shall be performed on all entry level applicants. All licensed pilots will be tested annually, with the first audiogram considered baseline. Each ear will be tested separately using properly calibrated equipment which meets ANSI (American National Standards Institute) standards criteria for background noise in audiometric rooms. Testing should not be performed unless the applicant has been free of work noise or intense noise for a period of at least fourteen hours prior to testing. Should the applicant have a current condition which can cause a temporary hearing loss, such as cold, the applicant should be rescheduled for testing in two weeks, or until such condition is resolved. Testing will be performed by a licensed audiologist, otolaryngologist, physician with sufficient training in conducting and interpreting audiograms, or a technician who is currently certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC).

(a) A baseline audiogram is required on all initial applicants. The first audiogram performed on a currently licensed pilot shall be considered the baseline audiogram.

(b) Applicants having hearing threshold levels that do not exceed 40 dB at frequencies of 500, 1000, 2000, 3000 Hz in either ear are considered to have normal hearing for communication purposes.

(c) Annual audiograms will be performed thereafter for the purposes of comparison to baseline. A significant threshold shift is defined as a change averaging more than 10 dB from baseline in the frequencies of 500, 1000, 2000, and 3000 Hz and requires further evaluation by a physician, otolaryngologist, or audiologist and preventive action taken on the part of the pilot.

(d) Mechanical acoustical devices (hearing aids) are not disqualifying but should not be worn in areas of high background noise levels in order to prevent further deterioration of his/her hearing.

(e) An applicant must minimally be able to hear an average conversational voice in a quiet room while standing with his/her back turned at a distance of eight feet.

(10) Below is a list of conditions which can be absolutely disqualifying for initial licensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represents the types of conditions that would interfere with the safe performance of pilotage duties. This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely examine whether the applicant can safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations. A condition should only be considered disqualifying while such condition persists. Following corrective medical action the applicant should be encouraged to apply for reentry.

#### Conditions Which Can Be Absolutely Disqualifying For Initial Licensure

1. Infectious and Parasitic Diseases – Any communicable disease in its communicable or carrier stage.
2. Neoplasms – Malignant diseases of all kinds in any location.
3. Endocrine, Nutritional, Metabolic, and Immunity Disorders – Diabetes requiring insulin or hypoglycemic drugs; cirrhosis of the liver; alcohol abuse (unless abstinence for two years).
4. Diseases of the Blood and Blood Forming Organs – Hemophilia; acute or chronic significant anemias.
5. Mental Disorders – Severe personality disorders; use of illegal drugs; dementia of Alzheimer's type, senility, psychosis.
6. Diseases of the Nervous System and Sense Organs – Epilepsy or any convulsive disorder resulting in an altered state of consciousness, regardless of control; disturbance of balance; multiple sclerosis; Meniere's syndrome.
7. Diseases of the Circulatory System – Multiple myocardial infarctions or cardiac class II or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.
8. Diseases of the Respiratory System – Active pulmonary tuberculosis Class IV respiratory impairment; permanent tracheostomy.
9. Diseases of the Genitourinary System – Chronic renal failure; permanent ureterostomy.

10. Complications of Pregnancy, Childbirth, and the Puerperium – Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew, and property.

11. Diseases of the Skin and Subcutaneous Tissues – There are no absolute exclusions listed for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.

12. Diseases of the Musculoskeletal System and Connective Tissues – Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp and climb ladder rungs; chronic low back pain that is disabling to the degree of interfering with job requirements.

13. Congenital Anomalies – Any existing condition that, in the opinion of the examining physician, would interfere with the safe performance of pilotage duties.

14. Symptoms, Signs, and Other Ill Defined Conditions – Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine.

15. Injury or Poisonings – May be temporarily disqualifying until condition resolved without disabling sequelae.

(11) Below is a list of conditions which can be absolutely disqualifying for relicensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represent the types of conditions that would interfere with the safe performance of pilotage duties. This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely examine whether the applicant can continue to safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning diagnosis may be sought in cases of unfavorable determinations.

#### Conditions Which Can Be Absolutely Disqualifying For Relicensure

1. Neoplasms – Malignancies with metastases.
2. Endocrine, Nutritional, Metabolic, and Immunity Disorders – Cirrhosis of the liver with hepatic failure.
3. Diseases of the Blood and Blood Forming Organs – Hemophilia; acute leukemia.
4. Mental Disorders – Severe personality disorders; senility; dementia of Alzheimer's type psychosis.
5. Diseases of the Nervous System and Sense Organs – Disturbance of balance, permanent and untreatable Meniere's syndrome.
6. Diseases of the Circulatory System – Multiple myocardial infarctions or cardiac class III or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.
7. Diseases of the Respiratory System – Active pulmonary tuberculosis; Class IV respiratory impairment.
8. Diseases of the Genitourinary System – Chronic renal failure; permanent ureterostomy.
9. Complications of Pregnancy, Childbirth, and Puerperium – Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew and property.
10. Diseases of the Skin and Subcutaneous Tissues – There are no absolute exclusions for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.
11. Diseases of the Musculoskeletal and Connective System – Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp, and climb ladder rungs. Chronic low back pain that is disabling to the degree of interfering with job requirements.
12. Symptoms, Signs, and Other Ill Defined Conditions – Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine. Current need to use methadone, antabuse, antidepressants, anti-anxiety drugs.
13. Injury or Poisonings – May be temporarily disqualifying until condition resolved without disabling sequelae.

(12) Some conditions may develop during the course of employment that would be absolutely disqualifying for initial licensure. In evaluating the impact of such a condition on an existing pilot, the examining physician and the board should take into consideration the pilot's past experience, effectiveness of performance and predictability of his/her performance. The board may waive certain duties of a pilot as outlined in the job description contained in subsection (1) of this section. The list of conditions requiring in-depth evaluation is not all inclusive or intended to be complete, but represent the types of conditions that might interfere with the safe performance of pilotage duties. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations.

Conditions Requiring In-depth Evaluation

- 1. Neoplasms - Malignancies of any kind.
2. Endocrine, Nutritional, Metabolic, and Immunity Disorders - Diabetes requiring hypoglycemic drugs; cirrhosis of the liver.
3. Diseases of the Blood and Blood Forming Organs - Chronic leukemia.
4. Mental Disorders - Anxiety reactions; depression.
5. Diseases of the Nervous System and Sense Organs - Disturbance of balance; multiple sclerosis; epilepsy or any convulsive disorder resulting in an altered state of consciousness.
6. Diseases of the Circulatory System - Uncontrolled hypertension; varicose veins; pacemaker, demand.
7. Diseases of the Respiratory System - Respiratory impairment; permanent tracheostomy.
8. Diseases of the Digestive System - Permanent colostomy; permanent ileostomy.
9. Complications of Pregnancy, Childbirth, and the Puerperium - Pregnancy.
10. Diseases of the Skin and Subcutaneous Tissues - Any skin disorders that, in the opinion of the examining physician, may interfere with the performance of pilotage duties.
11. Diseases of the Musculoskeletal System and Connective Tissues - Lupus erythematosus, disseminated; artificial joints; chronic low back pain.
12. Injury or Poisonings - May be temporarily disqualifying until condition resolved without disabling sequelae.
13. A pilot may be temporarily relieved of pilotage duties until such time as a disqualifying condition is resolved or medically managed and with frequent evaluation by the examining physician or specialist. In this case, the board, after consulting with the physician, will determine the frequency of medical examinations. A condition should only be considered disqualifying while such a condition persists. Following corrective medical action, the individual may be removed from temporary disqualification. Provided that, if a temporary disqualifying condition continues for longer than two years from the time the pilot is initially relieved of pilotage duties, the board, in its discretion and after a full review of all relevant factors, may make a determination that the condition is permanently disqualifying.

WSR 90-09-031
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Order 2031-Filed April 11, 1990, 2:58 p.m.]

Date of Adoption: April 11, 1990.
Purpose: To increase the inspection fees for apples by two and one half cents per hundred weight or one cent per standard carton.
Citation of Existing Rules Affected by this Order: Amending WAC 16-400-010, 16-400-100 and 16-400-210.
Statutory Authority for Adoption: Chapter 15.17 RCW.
Pursuant to notice filed as WSR 90-05-065 on February 21, 1990.

Effective Date of Rule: Thirty-one days after filing.
April 11, 1990
C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-010 GRADE AND CONDITION CERTIFICATES-FRUITS. Charges for grade and condition certificates for all fruits shall be:

(1) The minimum charge for all fruits shall be nine dollars.

(2) For all fresh market fruits of apples, pears, and soft fruit in containers-wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or in bags, per cwt. or fraction thereof:

Table listing certification charges for various fruits: Apples ((+3\$)), Apricots, cherries, nectarines and peaches (21¢), Pears (12¢), Plums, prunes, other soft fruits, grapes, and berries (16¢), Apples ((+2\$)), Pears (11¢).

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality condition and/or size determination, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate but not less than the minimum certificate charge of nine dollars.

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-100 CERTIFICATES. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of twenty dollars.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

#### AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-210 OTHER CHARGES. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty dollars.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty dollars.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges - The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall

be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section.

(4) Seed sampling fees shall be arranged with the chemical and plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-seven dollars.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per

inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide non-profit organizations: PROVIDED, That shipping containers shall be conspicuously labeled or marked as "not for resale."

**WSR 90-09-032**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 2032—Filed April 11, 1990, 2:59 p.m.]

Date of Adoption: April 11, 1990.

Purpose: To increase minimum firmness of Red Delicious and Golden Delicious varieties of apples shipped from Washington state for fresh market. The revised rule will raise the pressure test requirement by approximately one pound.

Citation of Existing Rules Affected by this Order: Amending WAC 16-403-142 and 16-403-190.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Pursuant to notice filed as WSR 90-05-067 on February 21, 1990.

Effective Date of Rule: Thirty-one days after filing.  
 April 11, 1990  
 C. Alan Pettibone  
 Director

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-142 RED DELICIOUS, DELICIOUS, AND GOLDEN DELICIOUS—MINIMUM FIRMNESS. At the time of shipment, Red Delicious, (~~Delicious,~~) and (~~Golden~~) Delicious (~~(apples of all grades shall not be further advanced in maturity than firm-ripe)~~) varieties shall pressure test not less than twelve pounds: PROVIDED, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: PROVIDED, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this

section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-190 TOLERANCES. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ((5)) ten percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall (~~(be further advanced in maturity than firm-ripe)~~) fail to meet the firmness requirements as defined in WAC 16-403-142.

**WSR 90-09-033**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
 [Memorandum—April 11, 1990]

STATE/ENVIRONMENTAL PROTECTION AGENCY  
 AGREEMENT  
 NOTICE OF PUBLIC HEARING  
 April 16, 1990

The Washington State Departments of Ecology, Health, and Agriculture and the United States Environmental Protection Agency (EPA) are requesting public review and comment on proposed environmental programs. This state/environmental protection agency agreement (SEA) is for fiscal year 1991 (July 1, 1990 – June 30, 1991).

The SEA outlines priority environmental problems and state activities responsive to those problems for air programs, water programs, hazardous waste programs and pesticides in groundwater programs. EPA provides funding and technical assistance to the state agencies while the state agencies provide staff time to accomplish a variety of activities in those programs.

The draft SEA document will be available to the public after May 3, 1990, at Ecology Headquarters (Lacey), Ecology Regional Offices (Tumwater, Redmond, Yakima and Spokane), Health Headquarters (Tumwater), Agriculture Headquarters (Olympia) and EPA offices (Seattle and Lacey).

A public hearing will provide opportunity for comment on the draft SEA. Written comments will also be accepted until June 4, 1990.

Public hearing: May 31, 1990, 7:00 p.m., Energy Facility Site Evaluation Council, Hearing Room (EFSEC), 4224 6th Avenue S.E., Building 1, Lacey, WA.

Requests for the draft SEA and written comments should be addressed to Dee Peace Ragsdale, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, phone (206) 459-6280.

**WSR 90-09-034**  
**EMERGENCY RULES**  
**UTILITIES AND**  
**TRANSPORTATION COMMISSION**

[Order R-318, Docket No. TC-900312-R—Filed April 11, 1990,  
3:34 p.m.]

In the matter of amending WAC 480-30-100 relating to auto transportation companies.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. Such an emergency exists because of a recent substantial increase in passengers standing in the aisles of buses while traveling at freeway speeds for up to 100 miles. Commission enforcement staff has verified these increases in standing passengers, including seven and eight-year-old children, and the fact that such passengers have no appropriate hand-holds for safety. The commission finds that these conditions are unsafe for passengers and that unless this emergency rule is placed into effect by April 12, 1990, a substantial number of passengers will be unreasonably subject to such unsafe conditions. This amendment clearly defines when standing is allowed and provides for safer passenger transportation.

This rule-making proceeding is being promulgated pursuant to RCW 80.01.040 and is intended administratively to implement this statute.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05

RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment to WAC 480-30-100 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-30-100 should be amended as indicated and as set forth in Appendix A shown below and made a part hereof by this reference. The amendment of this section will provide for safer passenger transportation.

**ORDER**

WHEREFORE, IT IS ORDERED That the amendment of WAC 480-30-100 as set forth in Appendix A, take effect on April 12, 1990, as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2).

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

DATED at Olympia, Washington, and effective this 11th day of April, 1990.

Washington Utilities and Transportation Commission

Sharon L. Nelson, Chairman

Richard D. Casad, Commissioner

A. J. Pardini, Commissioner

**APPENDIX "A"**

*[AMENDATORY SECTION (Amending Order R-315, Docket No. TV-2285, filed 2/27/90, effective 3/30/90)]*

**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 383, 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 October 1, 1988, 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 October 1, 1988, 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.

(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.

~~(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.))~~  
No motor vehicle used in the transportation of persons shall carry more than one hundred fifty percent of its rated carrying capacity. No passenger shall be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and

safety for standing passengers. Even if the vehicle is so equipped, no passenger shall be permitted to stand for a distance in excess of thirty-five miles.

(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: 1-206-586-1119. 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."

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

**WSR 90-09-035**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2966—Filed April 11, 1990, 4:17 p.m.]

Date of Adoption: April 11, 1990.

Purpose: To amend client notification rules to provide a 30-day advance notice to clients when an adverse action is planned because of information from federal computer matches; and clarifies that assistance to clients must be continued at least through the end of a required advance notice period.

Citation of Existing Rules Affected by this Order: Amending WAC 388-33-376 and 388-33-382.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 90-06-099 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: Several changes were read into WAC 388-33-376 at the hearing which was held on Tuesday, April 10, 1990. The changes in the proposed language are nonsubstantive and are based on comments received from reviewers. The changes are as follows: Introductory paragraph: WAC 388-33-376 Advance and adequate notice—Suspension—Termination—Reduction of benefits. In cases of planned actions to terminate, suspend, or reduce benefits to recipients of AFDC, FIP, GA (medical assistance), or all medical assistance programs, the department shall give advance and adequate notice, except as provided under WAC 388-33-385; subsection (2)(d): Recipient's right to request a fair hearing, including the circumstances under which assistance is continued if a hearing is requested; and subsection (5): When changes in either state or federal law require automatic grant adjustments for classes of recipients, the department shall give the recipient notice (shall be given) including the specific change in law.

Effective Date of Rule: Thirty-one days after filing.

April 11, 1990  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2755, filed 1/13/89)

WAC 388-33-376 ADVANCE AND ADEQUATE NOTICE—SUSPENSION—TERMINATION—REDUCTION OF BENEFITS. In cases of planned actions to terminate, suspend, or reduce benefits to recipients of AFDC, FIP, GA, (medical assistance), or all medical assistance programs, the department shall give advance and adequate notice, except as provided under WAC 388-33-385), as follows:

(1) "Advance notice" means that:

(a) The department mails the notice (is mailed) at least ten days before the date of action~~(-)~~; or

(b) For actions based on information from computer matches the department conducts with federal agencies, the department mails the notice at least thirty days before the date of action.

(2) "Adequate notice" means a written statement of what the:

(a) Action the department intends to take~~(-the)~~;

(b) Facts relating to the decision~~(-the)~~;

(c) Policy supporting the action~~(-the)~~; and

(d) Recipient's right to request a fair hearing, (and) including the circumstances under which assistance is continued if a hearing is requested.

~~(2)~~ (3) The department shall fully translate advance and adequate notice into the primary language of the limited English proficient recipient/enrollee~~(-)~~;

~~(3)~~ (4) When advance notice of planned action is not required as provided (in) under WAC 388-33-385~~(-)~~:

(a) Notification of planned reduction shall be provided by state office;

~~The local office shall notify the recipient of suspension or termination action as described in subsection ~~(1)(b)~~ of this section.~~), the department shall give adequate notice as provided under subsection (2) of this section; and

~~(4)~~ (5) When changes in either state or federal law require automatic grant adjustments for classes of recipients, the department shall give the recipient notice (shall be given) including the specific change in law. (The state office shall determine the method by which notice is given.)

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

**AMENDATORY SECTION** (Amending Order 1784, filed 4/1/82)

WAC 388-33-382 NOTIFICATION OF SUSPENSION OR TERMINATION OR REDUCTION OF GRANT—EFFECT ON ELIGIBILITY AND GRANT. ~~(1)~~ Rules (governing the) for notification, as provided under WAC 388-33-376, do not alter rules for effective dates of eligibility and grant changes resulting from changes in circumstances (are not altered by rules on notification).

~~(2)~~ Compliance with a required advance notice period may in some instances necessitate issuing assistance on a partial month basis:

~~(a) When a proposed action cannot be effected on the date specified by rules on eligibility and grant changes,~~

(1) The department shall continue assistance (shall be continued) unchanged at least until the end of (the) a required advance notice period~~(-Monthly payment shall be prorated for the number of days needed)~~.

~~(b) Assistance granted during a required advance notice period is considered to be an overpayment when the~~

~~client is ineligible for payment or when payment is received because the required advance notice period extends into the following month during which the recipient is not eligible)), regardless of the effective dates specified in rules for eligibility and grant changes.~~

(2) The department shall establish an overpayment for assistance continued beyond the effective dates specified in rules for eligibility and grant changes.

**WSR 90-09-036**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2967—Filed April 11, 1990, 4:18 p.m.]

Date of Adoption: April 11, 1990.

Purpose: Comply with P.L. 100-503, the Computer Matching and Privacy Protection Act of 1988.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-600.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 90-06-098 on March 7, 1990.

Changes Other than Editing from Proposed to Adopted Version: The word "previously" at WAC 388-49-600 (2)(d) is moved within the sentence from, ". . . the household previously in writing . . ." to earlier in the sentence; to read, "The department restored lost benefits and previously notified the household in writing . . ."

Effective Date of Rule: Thirty-one days after filing.

April 11, 1990

Leslie F. James, Director  
Administrative Services

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

WAC 388-49-600 NOTICES TO HOUSEHOLDS. (1) The department shall notify a certified household of any change:

(a) At least ten days (~~prior to~~) before the change(;; or);

(b) At least thirty days before the change if the information causing the change is derived from computer matches the department conducts with federal agencies;  
or

(c) By the date benefits are to be received for a household reporting changes on the monthly report.

(2) The department (~~shall~~) is not (~~be~~) required to provide advance notice when:

(a) The federal or state government makes mass changes(;;);

(b) The department determines all household members have died(;;);

(c) The household moves from the state(;;);

(d) The department restored lost benefits and previously notified the household (~~previously~~) in writing when the increased allotment would terminate(;;);

(e) The department notified the household at the time of certification that allotments would vary from month to month(;;);

(f) The (~~household experiences reduction in~~) household's benefits ((upon approval of)) are reduced because a public assistance grant(;;) is approved; or

(g) A household member is disqualified for intentional program violation or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.

**WSR 90-09-037**  
**NOTICE OF PUBLIC MEETINGS**  
**OLYMPIC COLLEGE**

[Memorandum—April 9, 1990]

Please consider this official notification of a change in the place of the May regular board meeting of Olympic College. The usual meeting place is the Board Room, Olympic College. The meeting in May will be held at the Shelton Extension Center, Shelton, Washington, starting at 7:30 p.m.

**WSR 90-09-038**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Order 90-04—Filed April 12, 1990, 10:46 a.m.]

Date of Adoption: April 11, 1990.

Purpose: To set forth policies and procedures relating to the allocation of state and federal moneys to the University of Washington for eligible highly capable students attending a University of Washington transition school and early entrance program.

Citation of Existing Rules Affected by this Order: Amending chapter 392-120 WAC.

Statutory Authority for Adoption: RCW 28A.58.217.

Pursuant to notice filed as WSR 90-05-035 on February 14, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 11, 1990

Judith A. Billings  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending Order 88-21, filed 9/12/88)

WAC 392-120-005 PURPOSE. The purpose of this chapter is to set forth policies and procedures relating to the allocation of state and federal moneys to the University of Washington for eligible (~~academically~~) highly capable students attending a University of Washington transition school and early entrance program.

AMENDATORY SECTION (Amending Order 88-21, filed 9/12/88)

WAC 392-120-010 DEFINITION—UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM. As used in this chapter, "University of Washington transition school and early entrance program" means a program operated by the University of Washington for the education of ((academically)) highly capable students ((who are performing at least at high school level)).

AMENDATORY SECTION (Amending Order 88-21, filed 9/12/88)

WAC 392-120-015 DEFINITION—((APPROVED UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM AGREEMENT)) ALLOWABLE ACTIVITIES. As used in this chapter, (("approved University of Washington transition school and early entrance program agreement" means an agreement between a school district and the University of Washington for a school year which meets the requirements for joint or cooperative action pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW)) "allowable activities" means:

- (1) Selection of students;
- (2) Precollege activities;
- (3) Special advising; and
- (4) Necessary activities for the support of students.

AMENDATORY SECTION (Amending Order 88-21, filed 9/12/88)

WAC 392-120-020 ((SCHOOL DISTRICT AUTHORIZATION OF REALLOCATION OF MONEYS TO UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM)) DEFINITION—ELIGIBLE STUDENT. ((A school district meeting the following conditions may authorize the superintendent of public instruction to allocate directly to the University of Washington all or a portion of the state basic education, state categorical, and federal moneys generated by each resident student attending the University of Washington transition school and early entrance program:

(1) The school district shall enter into an agreement with the University of Washington pursuant to WAC 392-120-015. The agreement shall contain the following provisions:

(a) Timely enrollment reports to the school district by the University of Washington transition school and early entrance program;

(b) Assurance by the parties of compliance with the provisions of RCW 28A.58.217; and

(c) Any other information the school district and the University of Washington deem appropriate.

(2) The school district shall report any of the district's student(s) enrolled in the University of Washington transition school and early entrance program on the regular monthly enrollment report P-223 to the superintendent of public instruction in the same manner as other enrolled students are reported:

(3) The school district shall submit to the superintendent of public instruction a written authorization for reallocation of moneys which shall:

(a) Indicate the dollar amount(s) and source(s) of the amount(s) to be allocated to the University of Washington by the superintendent of public instruction; and

(b) Include a statement assuring the superintendent of public instruction that the school district has entered into an agreement with the University of Washington transition school and early entrance program pursuant to WAC 392-120-015 and subsection (1) of this section.)) As used in this chapter, "eligible student" means a student:

(1) Enrolled in the University of Washington transition school and early entrance program for not more than three years; and

(2) Eighteen years of age or younger at the beginning of the school year.

AMENDATORY SECTION (Amending Order 88-21, filed 9/12/88)

WAC 392-120-025 ((TRANSMISSION OF MONEYS TO THE UNIVERSITY OF WASHINGTON)) DEFINITION—FULL-TIME EQUIVALENT ELIGIBLE STUDENT. ((When so authorized pursuant to WAC 392-120-020(3) by any school district, the superintendent of public instruction shall transmit moneys on a quarterly basis to the University of Washington.)) As used in this chapter, "full-time equivalent eligible student" means a student enrolled in and attending all courses required for continued enrollment in the transition school, and also means a student who is enrolled in the early entrance program and maintaining 12 college credits or more per quarter.

NEW SECTION

WAC 392-120-030 DEFINITION—SCHOOL YEAR. As used in this chapter, "school year" means the beginning of autumn quarter through the end of spring quarter, as defined in WAC 478-132-030.

NEW SECTION

WAC 392-120-035 DEFINITION—RESIDENT SCHOOL DISTRICT. As used in this chapter, "resident school district" means the same as that term is defined in WAC 392-137-010(4).

NEW SECTION

WAC 392-120-040 DEFINITION—ALLOWABLE REVENUE SOURCES. As used in this chapter, "allowable revenue sources" means those state revenue accounts for which the eligible student would otherwise be reported by the resident school district for allocation purposes.

NEW SECTION

WAC 392-120-045 DEFINITION—REVENUE PER ELIGIBLE STUDENT. As used in this chapter, "revenue per eligible student" means:

(1) Calculate the annual allocation for allowable revenue sources for the resident school district for each eligible student used for the most recent apportionment payment;

(2) Divide the result obtained in subsection (1) of this section by the annual average full-time students for the resident school district used for the most recent apportionment payment.

#### NEW SECTION

**WAC 392-120-050 CONTRACT BETWEEN THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE UNIVERSITY OF WASHINGTON.** The superintendent of public instruction shall contract under the Interlocal Cooperation Act with the University of Washington for the admission and enrollment in the transition school of up to thirty highly capable students in the state of Washington each academic year, and for the continued enrollment and instruction in the early entrance program of such students until they turn eighteen or complete three years at the transition school and/or early entrance program, whichever first occurs.

#### NEW SECTION

**WAC 392-120-055 RESPONSIBILITIES—UNIVERSITY OF WASHINGTON.** The allocation of moneys pursuant to this chapter are conditioned on the University of Washington transition school and early entrance program performing the following:

(1) Reporting each month for each eligible student of their:

- (a) Hours of enrollment; and
- (b) Resident school district.

(2) Expending the moneys allocated pursuant to this chapter on allowable activities.

(3) Providing health screening as agreed to by contract with the superintendent of public instruction; enforcing chapter 180-140 WAC and all applicable federal laws relating to student discipline and rights for students enrolled in the transition school or early entrance program who have not yet registered or enrolled in college level courses; and enforcing Title 478 WAC and all applicable federal laws relating to student conduct, discipline, records and rights, for students who have registered and enrolled in one or more college level courses.

(4) Reporting to the resident school district of the enrollment of each student in the University of Washington transition school and early entrance program.

(5) Reporting annually the actual expenditures on allowable activities.

#### NEW SECTION

**WAC 392-120-060 RESPONSIBILITIES—SUPERINTENDENT OF PUBLIC INSTRUCTION.** In carrying out the responsibilities associated with this chapter, the superintendent of public instruction shall:

(1) Perform such calculations as are necessary to carry out the several provisions of this chapter;

(2) Allocate such moneys as determined to the University of Washington transition school and early entrance program quarterly.

#### NEW SECTION

**WAC 392-120-065 CALCULATION OF QUARTERLY ALLOCATION.** The superintendent of public instruction shall calculate the quarterly allocation of moneys to the University of Washington transition school and early entrance program as follows:

(1) Sum the following for each eligible student:

- (a) Determine the revenue per eligible student; and
- (b) Multiply the result obtained in (a) of this subsection by the full-time equivalent eligible student.

(2) Adjust the result obtained in subsection (1) of this section by any over or under payments resulting from prior quarterly allocations.

#### NEW SECTION

**WAC 392-120-070 RECOVERY OF UNSPENT MONEYS.** The University of Washington transition school and early entrance program shall remit the positive difference determined by subtracting the actual expenditures on allowable activities from the total allocation.

#### **WSR 90-09-039**

#### **PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 90-05—Filed April 12, 1990, 10:47 a.m.]

Date of Adoption: April 11, 1990.

Purpose: To set forth policies and procedures to implement due process procedures and discipline relating to violations of chapter 69.41 RCW.

Statutory Authority for Adoption: RCW 69.41.340.

Other Authority: RCW 69.41.346 [69.41.340].

Pursuant to notice filed as WSR 90-05-036 on February 14, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 11, 1990

Judith A. Billings

Superintendent of

Public Instruction

#### **Chapter 392-183A WAC LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION**

#### NEW SECTION

**WAC 392-183A-005 AUTHORITY.** The authority for this chapter is RCW 69.41.340 which authorizes the superintendent of public instruction, in consultation with the Washington Interscholastic Activity Association to adopt rules and regulations regarding loss of eligibility to participate in school-sponsored athletic events for any student athlete found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs.

NEW SECTION

WAC 392-183A-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures to implement due process procedures and discipline relating to violations of chapter 69.41 RCW.

NEW SECTION

WAC 392-183A-015 GROUNDS FOR INELIGIBILITY. Any student found by the school district to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in WIAA sponsored school sports programs.

NEW SECTION

WAC 392-183A-020 DUE PROCESS. The Washington Interscholastic Activity Association shall adopt, publish, and make available to all students and parents, written rules which state with reasonable clarity the types of misconduct for which loss of eligibility may occur under the provisions of this chapter. In addition, written procedures for imposing loss of eligibility and a method of appeal to assert innocence or present mitigating circumstances shall be developed. Such procedures shall be consistent with rules developed by the WIAA to govern all student eligibility appeals. Such rules shall:

- (1) Specify the reason(s) for their alleged ineligibility, the rule being violated, and provide written notice of applicable procedures and timelines.
- (2) Specify that the student may represent himself/herself or be represented by a person of choice. The student shall also have the opportunity to testify, present, and cross-examine witnesses and introduce relevant evidence.
- (3) Specify that any decision shall be rendered within five calendar days following the date of the hearing.
- (4) Specify that the student is entitled to an appeal and set forth guidelines for a proposed resolution.

NEW SECTION

WAC 392-183A-025 DISCIPLINE. The Washington Interscholastic Authority Association shall adopt, publish, and make available to all students and parents, written rules which state with reasonable clarity the form of discipline imposed for violation of this chapter. Such rules shall include the following:

- (1) The penalty for a first violation of this chapter shall be immediate ineligibility for interscholastic competition in the current interscholastic sports program for the remainder of the season.
- (2) The penalty for a second violation of this chapter shall be ineligibility and prohibition from participating in any WIAA member school sports program for a period of one calendar year from the date of the second violation.
- (3) The penalty for a third violation of this chapter shall be permanent prohibition from participating in any WIAA member school athletic program.

NEW SECTION

WAC 392-183A-030 STATE BOARD OF EDUCATION APPROVAL. The WIAA shall present any policies or procedures developed as a result of this chapter for the approval of the state board of education prior to their adoption and implementation by the WIAA.

**WSR 90-09-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2968—Filed April 12, 1990, 1:39 p.m.]

Date of Adoption: April 12, 1990.

Purpose: To make the definition of institutionalization consistent in the medical WAC; and adds transfer rules for institutionalized persons.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-320 Eligibility determination—Institutional.

Statutory Authority for Adoption: RCW 74.08.090.

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

Reasons for this Finding: This rule amendment is necessary to change the definition of when a person is considered institutionalized; and adds transfer rules for the institutionalized person to be consistent with the institutional rules.

Effective Date of Rule: April 13, 1990, 12:01 a.m.

April 12, 1990

Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 2351, filed 3/20/86)

WAC 388-95-320 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) *Individuals are considered institutionalized if they reside or are expected to reside in a medical facility ((at least a full calendar month)) for thirty consecutive days.*

(a) *Title XVI-related individuals in medical facilities shall have their eligibility determined by comparing their gross income to three hundred percent of the SSI federal benefit amount payable under section 1611 (b)(1) of the Social Security Act to an individual residing in ((his/her)) their own home who has no income or resources (SSI cap).*

(b) *If gross income is greater than three hundred percent of SSI cap, the individual's eligibility ((must)) shall be determined under the limited casualty program—medically needy in chapter 388-99 WAC.*

(c) *Allocation of recipient income is defined in WAC 388-95-360.*

(d) ~~((For))~~ Consideration of resources ((see)) is described under WAC 388-95-380 and 388-95-390. ((The home becomes a resource when it is determined no longer the principal place of residence.))

(e) Transferring of resources is described under WAC 388-95-395.

(2) Individuals ((who)) residing or are expected to reside in a medical facility less than ((a full calendar month)) thirty consecutive days shall have their eligibility determined as for a noninstitutionalized person.

(3) Individuals ((under age eighteen who reside)) seventeen years of age or under residing in an approved inpatient psychiatric facility shall have their eligibility determined as follows:

(a) If the individual's absence from the home is temporary, the income and resources of the parents are considered ((to be)) available whether ((or not)) income and resources are actually contributed. Absence is considered ((to be)) temporary if the individual is placed in an acute care facility and return to the home is expected within ninety days.

(b) If the individual's absence from the home is other than temporary, the income and resources of the parents are not considered available unless income and resources are actually contributed. Absence is considered other than temporary if the individual is:

(i) Placed in an acute care facility and return to the home is not expected within ninety days, i.e., following discharge, placement will be other than in the home; or

(ii) Placed in an approved inpatient psychiatric long-term care facility.

(4) For individuals ((age)) eighteen through ((age)) twenty((, who reside)) years of age residing in an approved inpatient psychiatric facility, the department shall not consider the income and resources of the parents ((are not considered)) available unless the income and resources are actually contributed.

**WSR 90-09-041**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 12, 1990, 1:40 p.m.]

Original Notice.

Title of Rule: WAC 388-95-320 Eligibility determination—Institutional.

Purpose: To make the definition of institutionalization consistent in the medical WAC; and adds transfer rules for institutionalized persons.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Individuals residing or expected to reside in a medical facility for thirty consecutive days are considered institutionalized. For transferring of resources, see WAC 388-95-395(7).

Reasons Supporting Proposal: This rule amendment is necessary to change the definition of when a person is considered institutionalized; and adds transfer rules for

the institutionalized person to be consistent with the institutional rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 12, 1990

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2351, filed 3/20/86)

WAC 388-95-320 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) Individuals are considered institutionalized if they reside or are expected to reside in a medical facility ~~((at least a full calendar month))~~ for thirty consecutive days.

(a) Title XVI-related individuals in medical facilities shall have their eligibility determined by comparing their gross income to three hundred percent of the SSI federal benefit amount payable under section 1611 (b)(1) of the Social Security Act to an individual residing in ((his/her)) their own home who has no income or resources (SSI cap).

(b) If gross income is greater than three hundred percent of SSI cap, the individual's eligibility ~~((must))~~ shall be determined under the limited casualty program—medically needy in chapter 388-99 WAC.

(c) Allocation of recipient income is defined in WAC 388-95-360.

(d) ~~((For))~~ Consideration of resources ((see)) is described under WAC 388-95-380 and 388-95-390. ((The home becomes a resource when it is determined no longer the principal place of residence.))

(e) Transferring of resources is described under WAC 388-95-395.

(2) Individuals ((who)) residing or are expected to reside in a medical facility less than ((a full calendar month)) thirty consecutive days shall have their eligibility determined as for a noninstitutionalized person.

(3) Individuals ((under age eighteen who reside)) seventeen years of age or under residing in an approved inpatient psychiatric facility shall have their eligibility determined as follows:

(a) If the individual's absence from the home is temporary, the income and resources of the parents are considered ((to be)) available whether ((or not)) income and resources are actually contributed. Absence is considered ((to be)) temporary if the individual is placed in an acute care facility and return to the home is expected within ninety days.

(b) If the individual's absence from the home is other than temporary, the income and resources of the parents are not considered available unless income and resources are actually contributed. Absence is considered other than temporary if the individual is:

(i) Placed in an acute care facility and return to the home is not expected within ninety days, i.e., following discharge, placement will be other than in the home; or

(ii) Placed in an approved inpatient psychiatric long-term care facility.

(4) For individuals ((age)) eighteen through ((age)) twenty((, who reside)) years of age residing in an approved inpatient psychiatric facility, the department shall not consider the income and resources of

the parents (~~are not considered~~) available unless the income and resources are actually contributed.

**WSR 90-09-042**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
**(Examining Board of Psychology)**  
 [Memorandum—April 10, 1990]

The Examining Board of Psychology has cancelled their April 20-21, 1990, meeting date. The meeting location was scheduled for the West Coast Hotel, 18220 Pacific Highway South, Cascade Room, Seattle, WA 98188.

**WSR 90-09-043**  
**RULES COORDINATOR**  
**UNIVERSITY OF WASHINGTON**  
 [Filed April 12, 1990, 1:47 p.m.]

The University of Washington, by Executive Order #11, has established the Rules Coordination Office under the direction of the Administrative Procedures Officer. All additions and changes to the Washington Administrative Code will be processed through the Rules Coordination Office. Institutionally initiated rule-making procedures will be published in the June operations manual revisions. Presently, anyone contemplating proposing amendments to the WAC or interested persons wishing more information should contact Melody Tereski, Administrative Procedures Officer, Rules Coordination Office, AF-50, Administration 101, 543-4150.

Norman G. Arkans  
 Assistant Vice-President  
 for University Relations

**WSR 90-09-044**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—April 11, 1990]

Please be advised that the regular commission meeting of the Washington State Human Rights Commission that was scheduled for April 25, 26 and 27, 1990, has been rescheduled. The meeting will be held on April 26, 27 and 28, 1990, in Tacoma. The meeting will be held at the Executive Inn, Chart Room, 5700 Pacific Highway East, Tacoma, beginning at 7:00 p.m. on April 26, 9:30 a.m. on April 27, and 9:00 a.m. on April 28. The April 26, meeting, will be a training, planning and work session; the April 27, meeting, will be the regular business meeting; and, during the April 28, meeting, interviews will be conducted in executive session for the position of executive director.

**WSR 90-09-045**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—April 11, 1990]

This is to advise you that the Washington State Human Rights Commission will hold a special commission meeting, executive session only, to discuss the selection of an executive director on April 17, 1990. The meeting will be held by telephone conference call at 2:00 p.m. The call will originate at the Office of the Human Rights Commission, 402 Evergreen Plaza Building, 711 South Capitol Way, Olympia.

**WSR 90-09-046**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON INSTITUTE**  
**OF APPLIED TECHNOLOGY**  
 [Memorandum—April 12, 1990]

BOARD OF DIRECTORS MEETING  
 Thursday, April 12, 1990  
 7:30 a.m.  
 WIAT Sixth Floor Boardroom

**WSR 90-09-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed April 12, 1990, 3:28 p.m.]

Date of Adoption: April 12, 1990.  
 Purpose: Bring filing fees into conformance with statutory requirements.  
 Citation of Existing Rules Affected by this Order: Amending WAC 296-127-040 and 296-127-045.  
 Statutory Authority for Adoption: RCW 43.22.270 and 39.12.070.

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

Reasons for this Finding: Fees collected are in excess of those authorized by RCW 39.12.070. Legislation authorizing the current fee level was not approved last season [session] and subsequent efforts to amend the fees, along with other rule versions, have been delayed.

Effective Date of Rule: May 1, 1990.

April 12, 1990  
 Joseph A. Dear  
 Director

**READOPTED/AMENDATORY**  
**SECTION** (Readopting and Amending Order 88-22, filed 10/31/88)

WAC 296-127-040 STATEMENT OF INTENT TO PAY PREVAILING WAGES. (1) All statements of intent to pay prevailing wages (~~for contracts in excess of two thousand five hundred dollars~~) submitted to

*the industrial statistician of the department shall be accompanied by a fee of ~~((twenty-five dollars))~~ twelve dollars and fifty cents for each statement. ~~((All statements of intent to pay prevailing wages for contracts of two thousand five hundred dollars or less submitted to the department shall be accompanied by a fee of twelve dollars fifty cents for each statement.))~~ Fees shall be made payable to the department of labor and industries.*

*(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of ~~((10.00))~~ ten dollars for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.*

**READOPTED/AMENDATORY**

**SECTION** (Readopting and Amending Order 88-22, filed 10/31/88)

**WAC 296-127-045 AFFIDAVIT OF WAGES PAID.** *(1) All affidavits of wages paid ~~((for contracts in excess of two thousand five hundred dollars))~~ submitted to the industrial statistician of the department shall be accompanied by a fee of ~~((twenty-five dollars))~~ twelve dollars and fifty cents for each affidavit of wages paid. ~~((All affidavits of wages paid for contracts of two thousand five hundred dollars or less submitted to the industrial statistician of the department shall be accompanied by a fee of twelve dollars fifty cents for each affidavit.))~~ All fees shall be made payable to the department of labor and industries.*

*(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies affidavits of wages paid for its own contracts shall provide to the industrial statistician each month the number of affidavit of wages paid it has certified and quarterly shall send a fee of ~~((10.00))~~ ten dollars for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.*

**WSR 90-09-048**

**NOTICE OF PUBLIC MEETINGS  
FOREST PRACTICES BOARD**

[Memorandum—April 11, 1990]

This notice is given pursuant to provisions of RCW 42-30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meeting on May 9, 1990, at 9:00 a.m. at the SUB Theater, Central Washington University, Ellensburg, Washington.

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

**WSR 90-09-049  
PERMANENT RULES  
EVERETT COMMUNITY COLLEGE**

[Filed April 13, 1990, 9:55 a.m.]

Date of Adoption: March 28, 1990.

Purpose: To be in compliance with chapter 34.05 RCW, Administrative Procedure Act.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 90-03-019 on January 9, 1990.

Changes Other than Editing from Proposed to Adopted Version: WAC 132E-133-020(2), added "Everett Community College" to Applied Technology Training Center.

Effective Date of Rule: Thirty days after filing.

April 12, 1990

Robert J. Drewel  
President

**Chapter 132E-133 WAC  
ORGANIZATION**

WAC

132E-133-020 Organization—Operation—  
Information.

**NEW SECTION**

**WAC 132E-133-020 ORGANIZATION—OPERATION—INFORMATION.** (1) Organization. Everett Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

President's Office  
Everett Community College  
801 Wetmore  
Everett, WA 98201

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Everett Community College  
Aviation Maintenance Technician School  
Building C-80  
Paine Field  
Everett, WA 98204

Everett Community College  
Applied Technology Training Center  
2333 Seaway Blvd.  
Everett, WA 98204

Everett Community College  
Cosmetology Program  
1110 Broadway  
Everett, WA 98201

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Registration Office  
Everett Community College  
801 Wetmore  
Everett, WA 98201

**WSR 90-09-050**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**

[Filed April 13, 1990, 11:30 a.m.]

Original Notice.

Title of Rule: Personal use rules.

Purpose: Amend catch record rules; and establish halibut catch record.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Deletes certain information from salmon and sturgeon catch record cards and establishes a halibut catch record card.

Reasons Supporting Proposal: Eliminate redundancy between personal use license and catch record.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 115 General Administration Building, Olympia, 586-2429; Implementation: Sharon Whitehead, 115 General Administration Building, Olympia, 753-6600; and Enforcement: R. Hachtel, 115 General Administration Building, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The requirements for the angler's signature on the sturgeon and salmon catch record cards, and the angler's birthdate, height and weight on the sturgeon card are eliminated as duplicative of information now captured on the personal use license. The angler's phone number is made a voluntary entry to accommodate privacy interests and persons who do not have a phone. The halibut catch record card is created as it is a necessary tool for management.

Proposal Changes the Following Existing Rules: See above.

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

This proposal will not effect 10% of the businesses in any one three-digit industrial classification nor 20% of all businesses.

Hearing Location: Director's Conference Room, Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, on May 22, 1990, at 9:00 a.m.

Submit Written Comments to: Fisheries Hearings Officer, 115 General Administration Building, Olympia, WA 98504, by May 21, 1990.

Date of Intended Adoption: May 22, 1990.

April 13, 1990  
Joseph R. Blum  
Director

AMENDATORY SECTION (Amending Order 90-05, filed 1/19/90, effective 2/19/90)

WAC 220-69-237 DESCRIPTION OF SPORT SALMON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sport salmon catch record form to be prepared, printed, and distributed on request, by the department of fisheries,

(2) The sport salmon catch record card shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) ~~((Angler's birthdate, height, and weight: (e)))~~ Date of issue.
- ~~((Angler's signature: (f)))~~ (e) Angler's home phone.
- (f) Month of catch.
- ~~((h))~~ (g) Day of catch.
- ~~((f))~~ (h) Marine code or stream: Location of catch.
- ~~((f))~~ (i) Species: Catch type code.

The information in (a) through ~~((e))~~ (d) of this subsection must be completed prior to the catch record card being separated from the underlying copy of the catch record card. ~~((The angler's signature, (f) of this subsection, must be present prior to angling.))~~ The information in ~~((e))~~ (f) through ~~((f))~~ (i) of this subsection must be completed immediately upon catching a salmon to be retained.

AMENDATORY SECTION (Amending Order 90-05, filed 1/19/90, effective 2/19/90)

WAC 220-69-238 DESCRIPTION OF STURGEON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sturgeon catch record form to be prepared, printed, and distributed on request, by the department of fisheries.

(2) The sturgeon catch record card shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) Date of issue.
- (e) Angler's ~~((signature))~~ home phone.
- (f) Month of catch.
- (g) Day of catch.
- (h) Marine code, river code, or stream: Location of catch.
- (i) Species: Catch type code.
- (j) Length of fish.

(3) The information in subsection (2)(a) through (d) of this section must be completed prior to separating the catch record card from the underlying copy of the catch record card. ~~((The angler's signature, (e) of this subsection, must be present prior to angling.))~~ The information in subsection (2)(f) through (j) of this section must be completed immediately upon catching a sturgeon to be retained.

NEW SECTION

WAC 220-69-239 DESCRIPTION OF HALIBUT CATCH RECORD CARD AND REQUIRED INFORMATION. (1) There is hereby created a halibut catch record form to be prepared, printed, and distributed on request by the department of fisheries.

(2) The halibut catch record card shall contain space for the following:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) Date of issue.
- (e) Angler's home phone.
- (f) Month of catch.
- (g) Day of catch.
- (h) Marine code: Location of catch.

(3) The information in subsection (2)(a) through (d) of this section must be completed prior to separating the catch record card from the

underlying copy of the catch record card. The information in subsection (2)(f) through (h) of this section must be completed immediately upon catching a halibut to be retained.

**WSR 90-09-051****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 90-27—Filed April 13, 1990, 11:31 a.m.]

Date of Adoption: April 13, 1990.

Purpose: Personal use rules.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Halibut stocks have decreased to a level that future management requires a much closer tally of the level of fishing effort. A catch record card is a valuable management tool. This emergency rule compliments a permanent rule now being promulgated. The halibut fishery starts this month, and there is inadequate time to have the permanent rule in place prior to the beginning of fishing.

Effective Date of Rule: Immediately.

April 13, 1990  
Joseph R. Blum  
Director

**NEW SECTION**

**WAC 220-69-23900A DESCRIPTION OF HALIBUT CATCH RECORD CARD AND REQUIRED INFORMATION.** (1) *There is hereby created a halibut catch record form to be prepared, printed, and distributed on request by the department of fisheries.*

(2) *The halibut catch record form shall contain space for the following information:*

- (a) *Name of angler.*
- (b) *Home address.*
- (c) *City, state, and zipcode.*
- (d) *Date of issue.*
- (e) *Angler's home phone.*
- (f) *Month of catch.*
- (g) *Day of catch.*
- (h) *Marine code: Location of catch.*

(3) *The information in subsection (2)(a) through (d) of this section must be completed prior to separating the catch record card from the underlying copy of the catch record card. The information in subsection (2)(f) through (h) must be completed immediately upon catching a halibut to be retained.*

**WSR 90-09-052****EMERGENCY RULES****DEPARTMENT OF WILDLIFE  
(Wildlife Commission)**

[Order 432—Filed April 13, 1990, 3:45 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To establish a fishery for anglers who are handicapped, or under 15 or over 70 years old, in the Bogachiel steelhead rearing pond from April 22, 1990, to June 30, 1990. This is for 1990 only as a result of the VHS isolations at Department of Fisheries' Soleduck Hatchery.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: Due to the recent isolation of VHS, the Quillayute system has been placed on quarantine. This rule is necessary to obtain optimum use of the steelhead smolts by providing recreational opportunity for anglers who are handicapped, or under 15 or over 70 years old. This will allow for most of the smolts, excess to the Quillayute system's program needs, to be harvested rather than destroyed and buried.

Effective Date of Rule: Immediately.

April 12, 1990  
John C. McGlenn  
Chairman, Wildlife Commission  
Signed by Curt Smitch, Director  
per permission of John McGlenn

**NEW SECTION**

**WAC 232-28-61806 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - BOGACHIEL REARING POND.** *Notwithstanding the provisions of WAC 232-28-618 for the Bogachiel River, effective April 22, 1990, the following regulations apply to the Bogachiel Rearing Pond:*

**BOGACHIEL REARING POND:** *Apr. 22, 1990-June 30, 1990 season. Juveniles (under 15 years old), elderly, and handicapped only. TROUT - catch limit - 16. It is unlawful to (1) fish from any floating device, and (2) fish during NIGHT CLOSURE, see page 5.*

**WSR 90-09-053****RULES COORDINATOR  
BASIC HEALTH PLAN**

[Filed April 9, 1990, 12:53 p.m.]

We have designated Leslie Thorpe as rules coordinator for the Washington Basic Health Plan. Please direct all correspondence to this address: Washington Basic Health Plan, 1220 Eastside Street S.E., HL-11, Olympia, WA 98504.

**WSR 90-09-054**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 16, 1990, 3:27 p.m.]

**Original Notice.**

Title of Rule: Chapter 388-24 WAC, Aid to families with dependent children—Eligibility.

Purpose: To clarify in accordance with RCW 74.04-.050 the department's policy related to good cause waiver of the requirement to cooperate with the office of support enforcement; department waiver of census temporary employment and its effect on deprivation; and correct operative wording changed in error during the last amendment of WAC 388-24-070.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: WAC 388-24-111 clarifies general good cause policy; adds to allowable evidence, sworn statements by knowledgeable individuals; adds it is the client's burden of proof to establish a claim; adds that before contact with the absent parent, the client could choose to have the good cause claim denied. WAC 388-24-074 disregards hours of temporary census bureau work from calculating deprivation. WAC 388-24-070 corrects inadvertent error made when the section was last amended. This brings the policy back in compliance with federal regulations.

Reasons Supporting Proposal: This rule amendment is necessary to administer the Office of Support Enforcement good cause program. Clarify that there are two good cause levels of protection if a valid claim exists and makes minor corrections to enhance program policy. Allow the disregard of census bureau employment hours in the calculation of deprivation. Clarify department policy regarding establishing absence of a parent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rita Jefferson, Division of Income Assistance, 753-0471.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 16, 1990  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2731, filed 11/30/88)

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN—REGULAR—DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. (1) The department shall determine whether a child is deprived of parental support or care due to the absence of a child's parent.

(2) The department shall determine deprivation due to the continued absence of a parent, regardless of legal marital status, when:

(a) The parent is living out of the home in which the child resides; ~~((or))~~ and

(b) The absence interrupts or terminates the parent's functioning as a provider of:

(i) Maintenance at least equal to the child's prorated share of the monthly need standard for the number of persons in the child's assistance unit as specified in WAC 388-29-100; or

(ii) Physical care; or

(iii) Guidance for the child; and

(c) The absence precludes the parent's involvement in planning for the present support or care of the child.

(3) The department shall disregard the assumption in subsection (2)(a) that parental functioning is interrupted only if the absent parent routinely visits the child, and continuously provides all elements of parental functioning.

(4) The department shall document reduction of one or more of the elements of parental care to establish deprivation. The following definitions shall apply:

(a) "Maintenance" means the financial support and in-kind contributions paid directly to the child's household, including:

(i) Child support,

(ii) Food,

(iii) Clothing, and

(iv) Other necessities.

(b) "Physical care" means continuous care of the child on a day-to-day basis by performing tasks, depending upon the age of the child, required in the child's daily life including, but not limited to:

(i) Providing clean clothing and dressing the child;

(ii) Preparing meals and feeding;

(iii) Supervising bedtime; and

(iv) Assisting with other personal care needs.

(c) "Guidance" means day-to-day parental participation in and responsibility for the child's physical, emotional, and intellectual development including, but not limited to:

(i) Accompanying to doctor visits;

(ii) Attending school conferences;

(iii) Disciplining; and

(iv) Participating in decisions concerning the child's well-being and extracurricular activities.

~~((4))~~ (5) The department shall not establish deprivation due to absence if:

(a) The reason for the parent's absence is due solely to serving on active duty in the uniformed military services of the United States; or

(b) For applicants, the department's best estimate based on available evidence is that an absent parent will return to reside in the home at any time within the month of initial grant authorization. However, if the department's best estimate is that the absent parent will return to the home within the month following the month of initial grant authorization, deprivation may exist for the initial month of grant authorization, but not for the month following.

(c) For recipients, after the first two months of eligibility, the department determines an absent parent will return to the home. Deprivation due to absence ceases the end of the month in which the parent returns to the home.

~~((5))~~ (6) The department shall consider deprivation due to continued absence established when a parent convicted of an offense is permitted to reside in the family home but is required by the court to perform unpaid work or unpaid community service, and:

(a) Shall not include the needs of the convicted parent in the determination of eligibility or the payment of financial assistance; and

(b) Shall treat earned income outside of the hours of sentenced unpaid work or community service in accordance with WAC 388-28-500.

~~((6))~~ (7) The department shall assume, when a nonresponsible relative applies on behalf of a child who was not placed in custody through a court order, and whose parent though able has failed to support the child, that apparent abandonment exists and shall apply policies outlined in WAC 388-24-114.

AMENDATORY SECTION (Amending Order 2737, filed 12/14/88)

WAC 388-24-111 GOOD CAUSE NOT TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) The department shall waive the requirement for client cooperation in WAC 388-24-109 if ~~((it))~~ the client claims and the department determine(s) cooperation would not be in the best interest of the eligible child.

(2) The department shall inform a client of:

(a) How establishing paternity and collecting support may benefit the child; ~~((and))~~

(b) Their right to claim good cause not to cooperate; and

(c) Their burden of proof to establish a valid claim.

(3) The department shall require the client who claims good cause to provide:

(a) ~~((Provide))~~ Evidence supporting the good cause circumstances; or

(b) ~~((Provide))~~ Enough information, such as the absent parent's name and address, to permit the department to investigate the existence of the claimed circumstances specified in subsection (6) of this section.

(4) When a client claims to have good cause, the department IV-A staff will determine if:

(a) The client claim is based on an allowable circumstance under subsection (6) of this section; and

(b) The evidence supplied by the client ~~((establishes))~~ corroborates that cooperation would be against the best interest of the child; or ~~((it))~~ (c) Investigation of the claimed circumstances confirms that cooperation would be against the best interest of the child.

(5) The department shall:

(a) Determine good cause, as quickly as possible, according to time limits in WAC 388-38-110;

(b) Notify the client, in writing, of the department findings and basis for determination; and

(c) Document the determination and basis in the financial and service records.

(6) Department IV-A staff shall only determine ~~((that))~~ cooperation is against the best interest of the child if the claim is based on one of the following:

(a) The client's cooperation can reasonably be anticipated to result in serious physical or emotional harm which ~~((impairs))~~ is detrimental to the ~~((functioning of)):~~

(i) ~~((The))~~ Child; or

(ii) ~~((The))~~ Caretaker relative to the extent the impairment reduces their capacity to care for the child adequately; or

(b) ~~((To establish))~~ Establishing paternity or ~~((secure))~~ securing support ~~((-it))~~ would be detrimental to the child and:

(i) The child was conceived as a result of incest or rape;

(ii) Legal adoption proceedings of the child are pending before a superior court; or

(iii) The parent is working with a public or licensed child-placement agency, for up to three months, to decide whether to keep or relinquish the child for adoption.

(7) The department shall limit evidence used to determine good cause without further investigation to the following:

(a) Birth, medical, or law enforcement records which show the child was conceived as the result of incest or rape;

(b) Court or other records which show proceedings for adoption are pending before a superior court;

(c) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records upon which ~~((show))~~ the department determines the absent parent might harm the child or caretaker relative;

(d) Medical records or written statements from a mental health professional, with a diagnosis or prognosis which shows cooperation by the caretaker relative would not be in the best interest of the child; ~~((or))~~

(e) Child-placement agency verification, including the dates of counseling, regarding the issue of whether to keep or relinquish the child for adoption; or

(f) Sworn statements from knowledgeable persons, other than the client, regarding the circumstances upon which the claim is based.

(8) ~~((Upon))~~ If the client requests, the department shall assist the client in obtaining ~~((the))~~ required evidence.

(9) If the client cannot obtain required evidence yet continues to claim good cause, the client shall provide information to allow the department to investigate the circumstances of the claim. The department may base good cause on any verifying information acceptable to the department; however, during the investigation the department:

(a) Shall not contact the absent parent unless necessary to establish the good cause claim; and

(b) ~~((Prior to))~~ Before such contact, shall notify and allow the client the opportunity to:

(i) Present additional evidence or information that makes contact unnecessary; ~~((or))~~

(ii) Withdraw the application for assistance; ~~((or))~~

(iii) Have the good cause claim denied; or

(iv) Request a fair hearing.

(10) Where the department bases good cause on emotional harm, the department shall consider and document the following factors:

(a) ~~((The))~~ Past and present emotional state of the individual subject to emotional harm;

(b) ~~((The))~~ Degree and probable duration of the emotional upset;

(c) ~~((The))~~ Degree of cooperation ~~((to be))~~ required; and

(d) ~~((The))~~ Child's involvement in the paternity establishment or support enforcement activity.

(11) Department IV-A staff shall also determine if support enforcement could proceed without risk ~~((of harm))~~ detrimental to the child or caretaker relative ~~((and))~~ where the collection activities would not involve their participation. If ~~((there is no risk))~~ support enforcement can proceed where such activity is not reasonably anticipated to cause serious harm, IV-A staff shall:

(a) Document this decision in the case file; and

(b) Notify the client of this decision so ~~((he or she))~~ the client may withdraw the application; and

(c) Provide available information about the absent parent to IV-D staff if the application is not withdrawn.

(12) ~~((Prior to))~~ Before a final determination of good cause, IV-A staff shall:

(a) Give IV-D staff the opportunity to review and comment on the finding and basis for the proposed determination;

(b) Consider IV-D comments or recommendations; and

(c) Provide IV-D staff the opportunity to participate in any fair hearing based on a good cause claim.

(13) The department shall not deny or delay assistance for a pending good cause determination if the client ~~((is cooperating with the requirements to furnish))~~ has a valid claim basis as stated in subsection (6) of this section and has provided corroborative evidence ~~((or))~~ and information.

(14) ~~((If IV-A staff determine any collection activity may place the child or caretaker relative at risk, the department shall not attempt to establish paternity or secure support.~~

~~((+5)))~~ IV-A staff shall review, at least ~~((at each eligibility review))~~ every six months, all active good cause cases. If good cause no longer exists, the department shall require the client to cooperate.

~~((+6)))~~ (15) When good cause does not exist:

(a) The department shall notify the client and afford the opportunity to cooperate, withdraw the application, or request a fair hearing; and

(b) Continued refusal to cooperate shall result in the loss of AFDC eligibility for the caretaker relative as specified in WAC 388-24-108(2).

~~((+7)))~~ (16) The department shall maintain records of good cause claims.

(18) IV-A staff shall promptly report to IV-D staff those cases in which:

(a) Good cause has been claimed and a determination is pending;

(b) A determination of good cause exists;

(c) A determination that good cause does not exist; and

(d) A fair hearing has been requested.

AMENDATORY SECTION (Amending Order 2808, filed 6/7/89)

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE-DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. (1) The department shall consider a child ~~((to be))~~ deprived of parental care and support due to the unemployment of a parent when the child lives with two parents, one of which meets all the requirements in this section.

(2) The department shall designate the qualifying parent as that parent who earned the greater amount of income in the twenty-four-month period immediately preceding the month the application for assistance is filed. The department shall:

(a) Designate the qualifying parent using the best evidence available; ~~((and))~~

(b) Consider the earnings of both parents regardless of when the relationship began;

(c) Continue the designation for each consecutive month the family remains on assistance based on the current application; and

(d) Designate the qualifying parent if both parents earned an identical amount of income.

(3) The department shall consider ~~((a))~~ the qualifying parent ~~((to be))~~ unemployed when the qualifying parent:

(a) Is employed less than one hundred hours a month;

(b) Exceeds this standard for a particular month if the excess is of a temporary nature evidenced by being under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month; ~~((or))~~

(c) Participates in institutional and work experience training or in public service employment under the OPPORTUNITIES program and is not otherwise employed over one hundred hours; or

(d) Works temporarily for the 1990 federal census demonstration project in a position exempted by the project waiver and is not otherwise employed over one hundred hours.

(4) The qualifying parent shall be unemployed as defined in subsection (3) of this section for at least thirty days ~~((prior to))~~ before the date AFDC-E is authorized except when:

(a) AFDC-E is terminated due to employment of the qualifying parent; ~~((and))~~

(b) The full-time employment ends within thirty days of termination; and

(c) The qualifying parent reapplies and is found otherwise eligible for AFDC-E.

(5) During the same thirty-day period, or subsequently, the qualifying parent shall not have:

(a) Refused a bona fide offer of employment; ~~((or))~~

(b) Refused training for employment; ~~((or))~~

(c) Voluntarily left a job without good cause; or

(d) If eligible, refused to apply for or accept unemployment compensation.

(6) The qualifying parent shall:

(a) Register for the WIN program; and

(b) Participate, as required in the OPPORTUNITIES program.

(7) The qualifying parent shall have:

(a) Six or more quarters of work within any thirteen calendar quarter period ending within one year ~~((prior to))~~ before the application for assistance.

(i) A "quarter of work" means a calendar quarter in which the parent earned income of at least fifty dollars, or participated in the OPPORTUNITIES program.

(ii) A "calendar quarter" means three consecutive months ending March 31st, June 30th, September 30th, or December 31st; or

(b) Within one year ~~((prior to))~~ before the application, received, or had such a work history to be eligible to receive, unemployment compensation.

**WSR 90-09-055**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2969—Filed April 16, 1990, 3:28 p.m.]

Date of Adoption: April 16, 1990.

Purpose: To disregard hours of temporary census bureau work from calculating deprivation.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-074.

Statutory Authority for Adoption: RCW 74.04.050.

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

Reasons for this Finding: This rule amendment is necessary to allow the disregard of census bureau employment hours in the calculation of deprivation.

Effective Date of Rule: April 17, 1990, 12:01 a.m.

April 16, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2808, filed 6/7/89)

**WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE-DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT.** (1) *The department shall consider a child ~~((to be))~~ deprived of parental care and support due to the unemployment of a parent when the child lives with two parents, one of which meets all the requirements in this section.*

(2) *The department shall designate the qualifying parent as that parent who earned the greater amount of income in the twenty-four-calendar-month period immediately preceding the month the application for assistance is filed. The department shall:*

(a) *Designate the qualifying parent using the best evidence available; ~~((and))~~*

(b) *Consider the earnings of both parents regardless of when the relationship began;*

(c) *Continue the designation for each consecutive month the family remains on assistance based on the current application; and*

(d) *Designate the qualifying parent if both parents earned an identical amount of income.*

(3) *The department shall consider ~~((a))~~ the qualifying parent ~~((to be))~~ unemployed when the qualifying parent:*

(a) *Is employed less than one hundred hours a month;*

(b) *Exceeds this standard for a particular month if the excess is of a temporary nature evidenced by being under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month; ~~((or))~~*

(c) *Participates in institutional and work experience training or in public service employment under the OPPORTUNITIES program and is not otherwise employed over one hundred hours; or*

(d) Works temporarily for the 1990 federal census demonstration project in a position exempted by the project waiver and is not otherwise employed over one hundred hours.

(4) *The qualifying parent shall be unemployed as defined in subsection (3) of this section for at least thirty days ~~((prior to))~~ before the date AFDC-E is authorized except when:*

(a) *AFDC-E is terminated due to employment of the qualifying parent; ~~((and))~~*

(b) *The full-time employment ends within thirty days of termination; and*

(c) *The qualifying parent reapplies and is found otherwise eligible for AFDC-E.*

(5) *During the same thirty-day period, or subsequently, the qualifying parent shall not have:*

(a) *Refused a bona fide offer of employment; ~~((or))~~*

(b) *Refused training for employment; ~~((or))~~*

- (c) Voluntarily left a job without good cause; or
- (d) If eligible, refused to apply for or accept unemployment compensation.
- (6) The qualifying parent shall:
  - (a) Register for the WIN program; and
  - (b) Participate, as required in the OPPORTUNITIES program.
- (7) The qualifying parent shall have:
  - (a) Six or more quarters of work within any thirteen calendar quarter period ending within one year ((prior to)) before the application for assistance.
  - (i) A "quarter of work" means a calendar quarter in which the parent earned income of at least fifty dollars, or participated in the OPPORTUNITIES program.
  - (ii) A "calendar quarter" means three consecutive months ending March 31st, June 30th, September 30th, or December 31st; or
  - (b) Within one year ((prior to)) before the application, received, or had such a work history to be eligible to receive, unemployment compensation.

**WSR 90-09-056**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed April 16, 1990, 4:05 p.m.]

Original Notice.

Title of Rule: Chapter 16-488 WAC, rules relating to blueberry quarantine.

Purpose: To strengthen provisions of the rules allowing entry of blueberries after fumigation, from areas quarantined because of infestation of the blueberry maggot.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: The proposed changes require notification, by mail or electronically, of prior to shipment blueberries from quarantined areas.

Reasons Supporting Proposal: The change to the rule is to strengthen the ability of the department to monitor shipments of blueberries from quarantined areas for compliance. The exclusion of blueberry maggot is a high priority to protect Washington's industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, WA, 586-5306.

Name of Proponent: Washington State Blueberry Commission, Plant Protection Program, Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will require notification before shipment, by mail or FAX, of phyto-sanitary and treatment information on blueberries shipped from quarantine areas.

Proposal Changes the Following Existing Rules: Adds notice requirement.

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

Hearing Location: Agricultural Statistics Conference Room, 6128 Capitol Boulevard, Tumwater, WA 98504, on May 23, 1990, at 1:30 p.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, Mailstop AX-41, Olympia, WA 98504, by May 23, 1990.

Date of Intended Adoption: June 6, 1990.

April 16, 1990  
 William E. Brookreson  
 Assistant Director

AMENDATORY SECTION (Amending Order 1985, filed 8/9/88)

WAC 16-488-025 BLUEBERRY QUARANTINE EXEMPTIONS. Fresh fruit of blueberry may be moved or shipped from quarantined areas into Washington state under the following conditions:

(1) No restrictions are placed by this section on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(2) Commodities covered which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees fahrenheit or less, may be admitted: PROVIDED, That a lot or shipment is accompanied by a certificate issued by an official governmental agency from the state of origin evidencing compliance with the minimum requirements of this section.

(3) Each shipment of blueberries that have been fumigated with methylbromide at atmospheric pressure by one of the following schedules may be permitted entry into Washington state: PROVIDED, That residues on fresh fruit of blueberries do not exceed the Federal Food and Drug Administration's allowable tolerances.

- 32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 2 hours at 27.7°C (82°F) or above; or
- 32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 2 1/2 hours at 22.2°C - 27.2°C (72°F-81°F); or
- 32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 3 hours at 16.6°C - 21.6°C (62°F-71°F); or
- 32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 3 1/2 hours at 10°C - 16.1°C (50°F-61°F).

(a) The fumigation shall be done by applicators who are registered or certified in fumigation pest control in the state of origin;

(b) Each fumigation shall be monitored and supervised by an authorized representative of the origin state department of agriculture;

(c) Each shipment of blueberries shall be accompanied by a phyto-sanitary certificate issued by an authorized representative of the origin state department of agriculture evidencing compliance with the fumigation requirements. The certificate shall state the number of cartons in the shipment and the name and address of the consignee. In addition, a copy of the phyto-sanitary certificate and the estimated date of arrival shall be sent, by mail or electronically, to the Washington state department of agriculture, plant services division, prior to the shipment of the blueberries; and

(d) All shipping containers (flats) shall be stamped or tagged indicating the fresh fruit of blueberries have undergone fumigation.

**WSR 90-09-057**  
**EMERGENCY RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed April 17, 1990, 10:22 a.m.]

Date of Adoption: April 17, 1990.

Purpose: To clarify the interpretation of the requirements for a requalification for a new benefit year which includes wages earned before the beginning of a previous benefit year.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

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

Reasons for this Finding: Section 1, chapter 245, Laws of 1990, (SHB 2426a), became effective with the governor's signature on March 28, 1990. This interpretive rule is necessary for the uniform interpretation of the act.

Effective Date of Rule: April 23, 1990.

April 17, 1990  
Ernest F. LaPalm  
Deputy Commissioner

### NEW SECTION

**WAC 192-16-004 INTERPRETIVE REGULATION—BENEFIT YEAR—FURTHER DEFINING INITIAL SEPARATION FROM EMPLOYMENT—RCW 50.04.030.** RCW 50.04.030 requires in part, "That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages since the initial separation from employment in the previous benefit year of not less than six times the weekly benefit amount." For the purposes of RCW 50.04.030,

(1) "initial separation from employment in the previous benefit year" means the last separation from employment before the application for initial determination.

(2) "employment" means employment covered by Title 50 RCW.

(3) This section is effective for new claims filed on or after April 1, 1990.

**WSR 90-09-058**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed April 17, 1990, 11:13 a.m.]

Date of Adoption: April 10, 1990.

Purpose: Substitutes specific statement of supervisory responsibility of each employing broker-dealer or investment adviser for former requirement of joint and several liability agreement signed by each employer of dually registered salespersons.

Citation of Existing Rules Affected by this Order: Amending WAC 460-20A-400.

Statutory Authority for Adoption: RCW 21.20.450.

Pursuant to notice filed as WSR 90-05-051 on February 20, 1990.

Changes Other than Editing from Proposed to Adopted Version: Adopted version clarifies supervisory responsibility of each employer. Each employer is responsible for supervising securities related conduct related to employment with that employer.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The director finds these rules are necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

Effective Date of Rule: Thirty-one days after filing.

April 10, 1990

Mary Faulk

Director

### AMENDATORY SECTION (Amending Order SDO-220-85, filed 11/19/85)

**WAC 460-20A-400 DUAL REPRESENTATION AND AFFILIATION.** (1) A person ~~((may be registered simultaneously in Washington as a security salesperson with more than one broker-dealer, issuer, or owner of securities, may be registered simultaneously in Washington as an investment adviser salesperson with more than one investment adviser or may be registered simultaneously in Washington as a securities salesperson and an investment adviser salesperson if an undertaking in a form acceptable to the administrator is entered into in writing between all employers))~~ is dually registered for the purpose of this section if that person is simultaneously registered with the securities division, department of licensing with:

(a) More than one broker-dealer;

(b) More than one issuer;

(c) One or more broker-dealers and one or more issuers;

(d) More than one investment adviser;

(e) One or more broker-dealers and one or more investment advisers; or

(f) One or more issuers and one or more investment advisers;

as a securities salesperson, investment adviser salesperson, broker-dealer, or investment adviser. A person may be dually registered in this state if all broker-dealers, issuers, or investment advisers employing or engaging such person consent to such dual registration in writing in a form acceptable to the administrator.

(2) The ~~((undertaking))~~ consent for subsection (1) of this section shall contain the following provisions:

(a) The effective date of the dual employment or engagement with the respective ((employers)) broker-dealers, issuers, or investment advisers;

(b) Consent by each ((employer)) broker-dealer, issuer, or investment adviser employing or engaging such person to the employment or engagement of the ((salesperson)) person by all other ((employers)) broker-dealers, issuers, or investment advisers; and

(c) ((An agreement by each employer to assume joint and several liability with all other employers for any act or omission of the salesperson in violation of the Washington securities law during his period of employment and continuing until written notice is given to the administrator of the termination of the employment relationship;

(d)) An agreement that each ((employer)) broker-dealer, issuer, or investment adviser employing or engaging such person will register the ((salesperson)) person with the securities division and pay the applicable registration fee.

(3) A separate application for registration or renewal shall be made by each ((employer)) broker-dealer, issuer, or investment adviser desiring to employ or engage the ((salesperson)) person. An executed copy of the ((undertaking)) consent required by subsection (1) of this section shall accompany the application. The application shall be filed with the administrator and shall contain such exhibits and information as may be required by the administrator, together with the fees required by RCW 21.20.340.

(4) A broker-dealer or investment adviser who employs or engages a securities salesperson or investment adviser salesperson and who consents to the dual registration of that securities salesperson or investment adviser salesperson shall supervise all securities activities of that salesperson relating to the broker-dealer or investment adviser.

**WSR 90-09-059**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed April 17, 1990, 11:14 a.m.]

Date of Adoption: April 16, 1990.

Purpose: To amend the small and limited offering exemptions of WAC 460-44A-500 to 460-44A-508 and chapter 460-46A WAC for small business and for better coordination with Securities and Exchange Commission, Regulation D.

Citation of Existing Rules Affected by this Order: Repealing WAC 460-44A-060 to 460-44A-070; and amending WAC 460-44A-500, 460-44A-501, 460-44A-502, 460-44A-503, 460-44A-508, 460-46A-010, 460-46A-020, 460-46A-025, 460-46A-040, 460-46A-090, 460-46A-095, 460-46A-100, 460-46A-105, 460-46A-110, 460-46A-145, 460-46A-150, 460-46A-155, 460-46A-160 and 460-46A-165.

Statutory Authority for Adoption: RCW 21.20.450.

Other Authority: RCW 21.20.320 (1), (9) and (17) and 21.20.340(11).

Pursuant to notice filed as WSR 90-05-061 on February 21, 1990.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The director finds that the adoption of these rules is appropriate in the public interest and for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

Effective Date of Rule: Thirty-one days after filing.

April 16, 1990  
Mary Faulk  
Director

**AMENDATORY SECTION** (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-500 PRELIMINARY NOTES.  
(1) The rules of WAC 460-44A-501 through 460-44A-508 relate to transactions exempted from the registration requirements of the Federal Securities Act of 1933 and RCW 21.20.140. WAC 460-44A-504 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 504 or Rule 147. WAC 460-44A-505 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 505. WAC 460-44A-506 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 506. Such transactions are not exempt from the anti-fraud, civil liability, or other provisions of the federal and state securities laws. Issuers are reminded of their obligation to provide such further material information, if any, as may be necessary to make the information required under these rules, in light of the circumstances under which it is furnished, not misleading.

(2) Attempted compliance with the exemption of WAC 460-44A-504, 460-44A-505, or 460-44A-506 does not act as an exclusive election; the issuer can also claim the availability of any other applicable exemption.

(3) These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. The rules provide an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

(4) In any proceeding involving the rules in WAC 460-44A-501 through 460-44A-508, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

(5) The effective date of the adoption of rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506 is May 25, 1982. Existing rules WAC 460-44A-010 through 460-44A-045 will be repealed on the adoption and effectiveness of the permanent rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506; no filings for exemption under rules WAC 460-44A-010 through 460-44A-045 will be accepted after repeal. For those offerings made in compliance with WAC 460-44A-010 through 460-44A-045 which commence or commenced prior to the date of repeal and which continue past the date of repeal, no registration is required if the offering terminates before June 30, 1983.

(6) For offerings commenced but not completed prior to the amendment of WAC 460-44A-501 through 460-44A-508, issuers may opt to follow the rules in effect at the date of filing notice of the offering.

**AMENDATORY SECTION** (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-501 DEFINITIONS AND TERMS. As used in rules WAC 460-44A-501 through 460-44A-508, the following terms shall have the meaning indicated:

(1) "Accredited investor" shall mean any person who comes within any of the following categories, or who the

issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3 (a)(2) of the Securities Act of 1933, or any savings and loan association or other institution as defined in section 3 (a)(5)(A) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934; any insurance company as defined in section 2(13) of the Securities Act of 1933; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2 (a)(48) of that act; any small business investment company licensed by the U.S. Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such act, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202 (a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in section 501 (c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(e) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000;

(f) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year;

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in 17 CFR Sec. 230.506 (b)(2)(ii); and

(h) Any entity in which all of the equity owners are accredited investors.

(2) "Affiliate" an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries,

controls or is controlled by, or is under common control with, the person specified;

(3) "Aggregate offering price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration to be received by an issuer for issuance of its securities. Where securities are being offered for both cash and noncash consideration, the aggregate offering price shall be based on the price at which the securities are offered for cash. Any portion of the aggregate offering price attributable to cash received in a foreign currency shall be translated into United States currency at the currency exchange rate in effect at a reasonable time prior to or on the date of the sale of the securities. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard. Such valuations of noncash consideration must be reasonable at the time made;

(4) "Business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange for all or a part of its own or its parent's stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition);

(5) "Calculation of number of purchasers." For purposes of calculating the number of purchasers under WAC 460-44A-504, 460-44A-505, and 460-44A-506 the following shall apply:

(a) The following purchasers shall be excluded:

(i) Any relative, spouse or relative of the spouse of a purchaser who has the same principal residence as the purchaser;

(ii) Any trust or estate in which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interests);

(iii) Any corporation or other organization of which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (ii) collectively are beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests; and

(iv) Any accredited investor.

(b) A corporation, partnership or other entity shall be counted as one purchaser. If, however, that entity is organized for the specific purpose of acquiring the securities offered and is not an accredited investor under WAC 460-44A-501 (1)(h), then each beneficial owner of equity securities or equity interests in the entity shall count as a separate purchaser for all provisions of WAC 460-44A-501 through 460-44A-508, except to the extent provided in (a) of this subsection.

(c) A noncontributory employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974 shall be counted as one purchaser where the trustee makes all investment decisions for the plan.

Note: The issuer must satisfy all the other provisions of WAC 460-44A-501 through 460-44A-506 for all purchasers whether or not they are included in calculating the number of purchasers. Clients of an investment adviser or customers of a broker-dealer shall be considered the "purchasers" under WAC 460-44A-501 through 460-44A-506 regardless of the amount of discretion given to the investment adviser or broker-dealer to act on behalf of the client or customer.

(6) "Executive officer" shall mean the president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy making function, or any other person who performs similar policy making functions for the issuer. Executive officers of subsidiaries may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

(7) "Issuer" as defined in Section 2(4) of the Securities Act of 1933 or RCW 21.20.005(7) shall apply, except that in the case of a proceeding under the Federal Bankruptcy Code (11 U.S.C. 101 et seq.), the trustee or debtor in possession shall be considered the issuer in an offering under a plan or reorganization, if the securities are to be issued under the plan.

(8) "Purchaser representative" shall mean any person who satisfies all of the following conditions or who the issuer reasonably believes satisfies all of the following conditions:

(a) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of 10 percent or more of any class of the equity securities or 10 percent or more of the equity interest in the issuer, except where the purchaser is:

(i) A relative of the purchaser representative by blood, marriage or adoption and not more remote than a first cousin;

(ii) A trust or estate in which the purchaser representative and any person related to him as specified in WAC 460-44A-501 (8)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interest) or of which the purchaser representative serves as trustee, executor, or in any similar capacity; or

(iii) A corporation or other organization of which the purchaser representative and any persons related to him as specified in WAC 460-44A-501 (8)(a)(i) or (ii) collectively are the beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests;

(b) Has such knowledge and experience in financial and business matters that he is capable of evaluating, alone, or together with other purchaser representatives of the purchaser, or together with the purchaser, the merits and risks of the prospective investment;

(c) Is acknowledged by the purchaser in writing, during the course of the transaction, to be his purchaser representative in connection with evaluating the merits and risks of the prospective investment; and

(d) Discloses to the purchaser in writing a reasonable time prior to the sale of securities to that purchaser any material relationship between himself or his affiliates and the issuer or its affiliates that then exists, that is

mutually understood to be contemplated, or that has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship.

Note 1: A person acting as a purchaser representative should consider the applicability of the registration and antifraud provisions relating to broker-dealers under chapter 21.20 RCW and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended) and relating to investment advisers under chapter 21.20 RCW and the Investment Advisers Act of 1940.

Note 2: The acknowledgment required by paragraph (8)(c) and the disclosure required by paragraph (8)(d) of this WAC 460-44A-501 must be made with specific reference to each prospective investment. Advance blanket acknowledgment, such as for "all securities transactions" or "all private placements," is not sufficient.

Note 3: Disclosure of any material relationships between the purchaser representative or his affiliates and the issuer or its affiliates does not relieve the purchaser representative of his obligation to act in the best interest of the purchaser.

#### AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-502 GENERAL CONDITIONS TO BE MET. The following conditions shall be applicable to offers and sales made under WAC 460-44A-504, 460-44A-505,<sub>2</sub> or 460-44A-506:

(1) "Integration." All sales that are part of the same offering under these rules must meet all of the terms and conditions of these rules. Offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering, will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under these rules, other than those offers or sales of securities under an employee benefit plan.

Note: The term "offering" is not defined in the securities acts. If the issuer offers or sells securities for which the safe harbor rule in WAC 460-44A-502(1) is unavailable, the determination as to whether separate sales of securities are part of the same offering (i.e. are considered "integrated") depends on the particular facts and circumstances.

The following factors should be considered in determining whether offers and sales should be integrated for purposes of the exemptions under these rules:

(a) Whether the sales are part of a single plan of financing;

(b) Whether the sales involve issuance of the same class of securities;

(c) Whether the sales have been made at or about the same time;

(d) Whether the same type of consideration is received; and

(e) Whether the sales are made for the same general purpose.

See Securities and Exchange Commission Release No. 33-4552 (November 6, 1962).

(2) Information requirements.

(a) When information must be furnished.

If the issuer sells securities under WAC 460-44A-505 or 460-44A-506 to any purchaser that is not an accredited investor, the issuer shall furnish the information

specified in WAC 460-44A-502 (2)(b) to such purchaser a reasonable time prior to sale. The issuer is not required to furnish the specified information when it sells securities under WAC 460-44A-504, or to any accredited investor.

Note: When an issuer provides information to investors pursuant to WAC 460-44A-502 (2)(a), it should consider providing such information to accredited investors as well, in view of the anti-fraud provisions of the federal and state securities laws.

(b) Type of information to be furnished.

(i) If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the following information, to the extent material to an understanding of the issuer, its business, and the securities being offered:

(A) Offerings up to \$2,000,000. The same kind of information as would be required in Part II of Form 1-A, 17 CFR Sec. 239.90, except that the issuer's balance sheet, which shall be dated within one hundred twenty days of the start of the offering, must be audited.

(B) Offerings up to \$7,500,000. The same kind of information as would be required in Part I of Form S-18 under the Securities Act of 1933, except that only the financial statements for the issuer's most recent fiscal year must be certified by an independent public or certified accountant. If Form S-18 is not available to an issuer, then the issuer shall furnish the same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use, except that only the financial statements for the most recent two fiscal years prepared in accordance with generally accepted accounting principles shall be furnished and only the financial statements for the issuer's most recent fiscal year shall be certified by an independent public or certified accountant. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(C) Offerings over \$7,500,000. The same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and

reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(D) If the issuer is a foreign private issuer eligible to use Form 20-F, the issuer shall disclose the same kind of information required to be included in a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. The financial statements need be certified only to the extent required by (2)(b)(i)(B) or (C) of this subsection, as appropriate.

(ii) If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the information required by Securities and Exchange Commission Regulation D, Rule 502 (b)(2)(ii) as appropriate.

(iii) Exhibits required to be filed with the administrator of securities or the securities and exchange commission as part of a registration statement or report, other than an annual report to shareholders or parts of that report incorporated by reference in a Form 10-K report, need not be furnished to each purchaser that is not an accredited investor if the contents of material exhibits are identified and such exhibits are made available to a purchaser, upon his written request, a reasonable time prior to his purchase.

(iv) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall furnish to the purchaser a brief description in writing of any material written information concerning the offering that has been provided by the issuer to any accredited investor but not previously delivered to such unaccredited purchaser. The issuer shall furnish any portion or all of this information to the purchaser, upon his written request a reasonable time prior to his purchase.

(v) The issuer shall also make available to each purchaser at a reasonable time prior to his purchase of securities in a transaction under WAC 460-44A-505 or 460-44A-506 the opportunity to ask questions and receive answers concerning the terms and conditions of the offering and to obtain any additional information which the issuer possesses or can acquire without unreasonable effort or expense that is necessary to verify the accuracy of information furnished under WAC 460-44A-502 (2)(b)(i) or (ii).

(vi) For business combinations or exchange offers, in addition to information required by Form S-4, 17 CFR Sec. 239.25, the issuer shall provide to each purchaser at the time the plan is submitted to security holders, or, with an exchange, during the course of the transaction and prior to sale, written information about any terms or arrangements of the proposed transactions that are materially different from those for all other security holders. For purposes of this subsection, an issuer which is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 may satisfy the requirements of Part I.B. or C. of Form S-4 by compliance with (b)(i) of this subsection.

(vii) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall advise the purchaser of the limitations on resale in the manner contained in subsection (4)(b) of this section. Such disclosure may be contained in other materials required to be provided by this paragraph.

(3) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio; and

(b) Any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

(4) Limitations on resale. Securities acquired in a transaction under WAC 460-44A-501 through 460-44A-508 shall have the status of restricted securities acquired in a nonpublic offering transaction under section 4(2) of the Securities Act of 1933 and RCW 21.20.320(1) and cannot be resold without registration under the Securities Act of Washington or an exemption therefrom. The issuer shall exercise reasonable care to assure that the securities are restricted and that the purchasers of the securities are not underwriters within the meaning of Section 2(11) of the Securities Act of 1933, which reasonable care may be demonstrated by the following:

(a) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(b) Written disclosure to each purchaser prior to sale that the securities have not been registered under the Securities Act of 1933, and the Washington administrator of securities has not reviewed or recommended the offering or offering circular and the securities have not been registered under the Securities Act of Washington, chapter 21.20 RCW, and, therefore, cannot be resold unless they are registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW or unless an exemption from registration is available; and

(c) Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW and setting forth or referring to the restrictions on transferability and sale of the securities.

(d) A written disclosure or legend will be deemed to comply with the provisions of WAC 460-44A-502 (4)(b) or (c) if it complies with the North American Securities Administrators Association Uniform Disclosure Guidelines on Legends, NASAA Reports CCH Para. 1352 (1989).

While taking these actions will establish the requisite reasonable care, it is not the exclusive method to demonstrate such care. Other actions by the issuer may satisfy this provision. In addition, WAC 460-44A-502

(2)(b)(vii) requires the delivery of written disclosure of the limitations on resale to investors in certain instances.

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-503 FILING OF NOTICE AND PAYMENT OF FEE PRIOR TO SALE. (1) An issuer offering or selling securities in reliance on WAC 460-44A-504, 460-44A-505, or 460-44A-506 shall file with the administrator of securities of the department of licensing a notice and pay a filing fee as follows:

(a)(i) ((The issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 505 (and box ULOE) or 506, as applicable, and pay a filing fee of three hundred dollars no later than ten business days (or such lesser period as the administrator may allow) prior to the receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-505 or 460-44A-506)) (A) For an offering in reliance on Securities and Exchange Commission Rule 505 or Rule 506, under WAC 460-44A-505 or 460-44A-506, respectively, the issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 505 (and box ULOE) or box 506, as applicable, and pay a filing fee of three hundred dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-505 or 460-44A-506;

(B) For an offering in reliance on Securities and Exchange Commission Rule 504, under WAC 460-44A-504, the issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 504 and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-504;

(C) For an offering in reliance on Securities and Exchange Commission Rule 147, under WAC 460-44A-504, the issuer shall file the initial notice on Washington Securities Division Form WAC 460-44A-504/Rule 147 and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-504;

(ii) The issuer shall also file with or on the initial notice a representation that the issuer has reviewed all the conditions of WAC 460-44A-504, 460-44A-505, or 460-44A-506 and such conditions shall be met; and

(iii) Unless previously filed, the issuer shall include with the initial notice an executed uniform consent to service of process on Form U-2.

(b) The issuer shall file with the administrator such other notices on Form D as are required to be filed with the Securities and Exchange Commission.

(c) The issuer shall file a report of sales in the state of Washington on a form prescribed by the administrator no later than thirty days after the last sale of securities in the offering.

(d) The initial notice or report of sales shall be manually signed by a person duly authorized by the issuer.

(2) By filing for the exemption of WAC 460-44A-505 or 460-44A-506, the issuer undertakes to furnish to the administrator, upon request, the information to be furnished or furnished by the issuer under WAC 460-44A-502 (2)(b) to any purchaser that is not an accredited investor. Failure to submit the information in a timely manner will be a ground for denial or revocation of the exemption of WAC 460-44A-505 or 460-44A-506.

### NEW SECTION

**WAC 460-44A-504 EXEMPTION FOR LIMITED OFFERS AND SALES OF SECURITIES NOT EXCEEDING \$250,000 TO NOT MORE THAN TWENTY PURCHASERS.** (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.504 and 230.508 as made effective in Release No. 33-6389, and as amended in Release Nos. 33-6437, 33-6663, 33-6758, and 33-6825 or in compliance with the Securities Act of 1933, Rule 230.147 as made effective in Release No. 33-5450 that satisfy the conditions in subsections (2) and (3) of this section shall be exempt under RCW 21.20.320(9).

(2) General conditions to be met. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503 and 460-44A-508.

(3) Specific conditions to be met.

(a) Limitation on aggregate offering price. The aggregate offering price for an offering of securities under this section, as defined in WAC 460-44A-501(3), shall not exceed \$250,000, within or without this state, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this section in reliance on any exemption under RCW 21.20.320(9) or sections 3(a) (11) or 3(b) of the Securities Act of 1933 or in violation of RCW 21.20.140 or section 5(a) of the Securities Act of 1933.

(b) No commissions. No commission, fee, or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in the state of Washington.

(c) Limitation on number of purchasers. There are no more than or the issuer reasonably believes that there are no more than twenty purchasers of securities in this state from the issuer in any offering in reliance on this section.

(d) In all sales to nonaccredited investors in this state under this section the issuer and any person acting on its behalf shall have reasonable grounds to believe and after

making reasonable inquiry shall believe that, as to each purchaser, one of the following conditions, (i) or (ii) of this subsection, is satisfied:

(i) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable. This presumption is rebuttable; or

(ii) The purchaser either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment.

(e) Disqualifications. No exemption under this section shall be available for the securities of any issuer if any of the parties described in the Securities Act of 1933, Regulation A, Rule 230.252, sections (c), (d), (e), or (f) is disqualified for any of the reasons listed in WAC 460-44A-505 (2)(d) unless inapplicable or waived as set forth in WAC 460-44A-505 (2)(d)(vi) and (vii).

(f) Notice filing. The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

(g) Advice about the limitations on resale.

The issuer, at a reasonable time prior to the sale of securities, shall advise each purchaser of the limitations on resale in the manner contained in WAC 460-44A-502 (4)(b).

(4) Transactions which are exempt under this section may not be combined with offers and sales exempt under any other rule or section of the Securities Act of Washington, however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for the exemption of this section, the issuer may claim the availability of any other applicable exemption.

Note 1: WAC 460-44A-504 is not the exclusive method by which issuers may make offerings under Securities and Exchange Commission Rules 504 and 147. For example, offers and sales of an issuer in compliance with Securities and Exchange Commission Rule 504 or Rule 147 may also be registered by qualification under chapter 21.20 RCW. An issuer that qualifies may elect to register an offering pursuant to the Uniform Limited Offering Registration as set out in chapter 460-17A WAC. An issuer may also elect to claim the corporate limited offering exemption as set out in chapter 460-46A WAC.

Note 2: Issuers are reminded that nothing in these rules alters their obligation under RCW 21.20.010. RCW 21.20.010(2) renders it unlawful "to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading . . ." In addition, issuers must otherwise comply with the antifraud provisions of the federal and state securities laws. No format for disclosure is prescribed. However, issuers may wish to consider the question and answer disclosure format of Form ULOR-C of chapter 460-17A WAC, or the corporate limited offering exemption of chapter 460-46A WAC, in determining the disclosure they make. If either form is used, the issuer should indicate that the disclosure form is being used for an exempt offering under this section rather than in an offering under the chapters under which the form was adopted.

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-508 INSIGNIFICANT DEVIATIONS FROM A TERM, CONDITION, OR REQUIREMENT OF WAC 460-44A-501 THROUGH 460-44A-506. (1) A failure to comply with a term, condition, or requirement of WAC (~~460-44A-501 through~~) 460-44A-504, 460-44A-505, or 460-44A-506 will not result in the loss of the exemption (~~of WAC 460-44A-505 or 460-44A-506~~) from the registration requirements of RCW 21.20.140 for any offer or sale to a particular individual or entity, if the person relying on the exemption shows:

(a) The failure to comply did not pertain to a term, condition, or requirement directly intended to protect that particular individual or entity; and

(b) The failure to comply was insignificant with respect to the offering as a whole: PROVIDED, That any failure to comply with WAC 460-44A-502(3), 460-44A-503, 460-44A-504 (3)(a), (c), and (e), 460-44A-505 (2)(d) and (e) and (3), 460-44A-506 (3) and (4), paragraph (c) of Securities and Exchange Commission Rule 502, paragraphs (b)(2)(i) and (ii) of Securities and Exchange Commission Rule 505 and paragraph (b)(2)(i) of Securities and Exchange Commission Rule 506 shall be deemed to be significant to the offering as a whole; and

(c) A good faith and reasonable attempt was made to comply with all applicable terms, conditions, and requirements of WAC 460-44A-504, 460-44A-505, or 460-44A-506.

(2) A transaction made in reliance on WAC 460-44A-504, 460-44A-505, or 460-44A-506 shall comply with all applicable terms, conditions, and requirements of WAC 460-44A-501 through 460-44A-506. Where an exemption is established only through reliance upon subsection (1) of this section, the failure to comply shall nonetheless be actionable by the securities administrator under chapter 21.20 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 460-44A-060 LIMITED OFFERING EXEMPTION PURSUANT TO RCW 21.20.320(9).

WAC 460-44A-065 NOTIFICATION OF CLAIM OF EXEMPTION PURSUANT TO WAC 460-44A-060.

WAC 460-44A-070 REPORT OF SALES FOR OFFERING UNDER WAC 460-44A-060.

Chapter 460-46A WAC  
(~~(WASHINGTON STATE))~~ CORPORATE LIMITED OFFERING EXEMPTION

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-010 CORPORATE LIMITED OFFERING EXEMPTION—CONDITIONS TO BE

MET. Transactions involving the offer and sale of securities made in accordance with all the conditions set forth in this chapter shall be exempted from registration under RCW 21.20.320(9). For offerings commenced but not completed prior to the amendment of this chapter, issuers may opt to follow the rules in effect at the date of commencement of the offering.

AMENDATORY SECTION (Amending Order SDO-114-86, filed 8/22/86)

WAC 460-46A-020 AVAILABILITY OF EXEMPTION. Only corporations may use the corporate limited offering exemption. The corporate limited offering exemption may be used by an issuer more than once provided that the aggregate amount raised by all offerings by the issuer and its affiliates under the corporate limited offering exemption shall not exceed \$500,000. (The foregoing notwithstanding, offerings by affiliates of the issuer under the corporate limited offering exemption with respect to business ventures unrelated to that of the issuer occurring twenty-four months prior to or twenty-four months after the offering of the issuer under consideration shall not be included in calculating the \$500,000 limitation as to the issuer.) The corporate limited offering exemption is available only if one class of stock is outstanding after the offering provided however, that upon written request, this requirement may be waived by the administrator as not being necessary under the circumstances for the protection of investors. The corporate limited offering exemption may not be used for the offer and sale of debt securities. The corporate limited offering exemption is not available if the issuer or its affiliates have previously sold securities of such issuer or affiliate under the provisions of RCW 21.20.210 (registration by qualification) or RCW 21.20.180 (registration by coordination) or of similar provisions of the securities or blue sky laws of any other state. If an issuer has previously filed an application for registration of its securities in this or any state but no sales were made pursuant to that registration, the corporate limited offering exemption remains available, but the issuer must advise the securities division of its prior applications for registration. The securities division may require disclosure of the reasons why no sales were made pursuant to the prior registration applications. The total amount of funds raised by the issuer and its affiliates under all exemptions, including the corporate limited offering exemption, but excepting the statutory nonpublic offering exemption of RCW 21.20.320(1), may not exceed \$500,000 in any 12-month period during which the corporate limited offering exemption is used.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-025 NO SALES COMMISSION. No commission or other remuneration may be paid directly or indirectly for offering or making sales of shares under the corporate limited offering exemption.

AMENDATORY SECTION (Amending Order SDO-80-87, filed 7/20/87)

WAC 460-46A-040 MAXIMUM NUMBER OF PURCHASERS UNDER EXEMPTION. The maximum number of purchasers under the corporate limited offering exemption in any consecutive twelve months shall be forty. Husband and wife shall be counted as one purchaser, as shall an estate. Each shareholder of a corporation and each beneficiary of a trust shall be counted separately as a purchaser in addition to the corporation or trust unless the shareholder or beneficiary has been such for at least six months prior to the purchase. This section shall be given retroactive effect to August 15, 1983.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-090 DISCLOSURE DOCUMENT. Each offeree under the corporate limited offering exemption must be furnished a disclosure document on a form provided by the securities administrator ((called "Form LOE-82")). A copy of such disclosure document with all attachments must be furnished to prospective purchasers twenty-four hours before either agreeing to purchase the shares or making any payment of consideration, whichever is earlier. A manually signed copy of the disclosure document and an additional copy must be filed with the securities administrator at least fifteen business days prior to commencement of the offering. If the financial statements attached to the disclosure document are audited, reviewed or compiled by an accountant, the written consent of the accountant to inclusion in the disclosure document of the accountant's report shall be filed with the securities administrator. If during the course of an offering made under the corporate limited offering exemption there shall occur an event which would materially affect the issuer, its prospects or properties, or otherwise materially affect the accuracy or completeness of the information contained in the disclosure document, the disclosure document shall be promptly revised to reflect such event, filed with the securities administrator as so revised, and used for all sales of shares in the offering thereafter.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-095 PRICE OF SHARES. All shares sold pursuant to the corporate limited offering exemption must be sold for cash, must be of the same class, and must be offered and sold at the same price. Where good cause is shown the administrator may, in writing, waive the provisions of this section.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-100 TIME PURCHASE OF SHARES UNDER CORPORATE LIMITED OFFERING EXEMPTION. The terms of the subscription of purchase for all shares sold under the corporate limited offering exemption must provide that such shares shall

be fully paid for within ninety days of the date of subscription.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-105 MAXIMUM AND MINIMUM OFFERING AMOUNTS. The issuer must specify the minimum amount of funds necessary to achieve the results anticipated in the disclosure document required under WAC 460-46A-090, and, unless the administrator finds a higher minimum amount is necessary, this shall be the minimum amount of funds to be raised under an offering under the corporate limited offering exemption. The issuer must also establish a maximum amount of funds to be so raised.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-110 MONIES TO BE DEPOSITED IN ESCROW ACCOUNT—PERIOD OF ESCROW AND OF OFFERING. The issuer must establish a separate escrow account with a bank acting as escrow agent for all funds received for sales of securities under the corporate limited offering exemption until at least the minimum amount has been raised. If the minimum amount is not raised within twelve months of the date of effectiveness of the offering, then all funds, including any interest thereon, shall be promptly returned to the investors. In any event, the offering period may not exceed twelve months from the date of effectiveness of the offering.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-145 RESTRICTIONS ON TRANSFERABILITY. The issuer must place a legend on the stock certificate evidencing the shares sold under the corporate limited offering exemption in substantially the following form:

"These shares are not registered under the Securities Act of Washington and may not be offered, or sold, pledged (except a pledge pursuant to the terms of which any offer or sale upon foreclosure would be made in a manner that would not violate the registration provisions of the Securities Act of Washington) or otherwise distributed for value, unless registered under the act or unless an exemption from registration is available."

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-150 SUITABILITY OF INVESTORS. In all sales to investors in this state under the corporate limited offering exemption the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, the investment is suitable for the purchaser upon the basis of the facts, if any,

disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable.

**AMENDATORY SECTION** (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-155 ATTORNEY'S OPINION. In order for the corporate limited offering exemption to be available, an attorney, who is a member in good standing of a state bar association, must submit an opinion to the administrator that the shares to be sold in the offering have been duly authorized and when issued upon payment of the offering price will be legally and validly issued, fully paid and nonassessable.

**AMENDATORY SECTION** (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-160 SIGNING AND VERIFICATION OF INFORMATION IN DISCLOSURE DOCUMENT. All directors and the chief executive and accounting officers of the issuer shall sign the disclosure form under WAC 460-46A-090 and by such action shall certify that they each have made reasonable efforts to verify the material accuracy and completeness of the information therein contained. In order for this corporate limited offering exemption to be available, the chief executive and accounting officers of the issuer shall make themselves and the issuer's books and records available to each investor to respond to questions and otherwise verify the information contained in the disclosure document prior to the investment by such investor.

**AMENDATORY SECTION** (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-165 ANNUAL REPORTS TO STOCKHOLDERS. Issuers using the corporate limited offering exemption shall thereby undertake to investors in the corporate limited offering to annually provide for 5 years thereafter written financial reports containing a balance sheet as of the end of the issuer's fiscal year and a statement of profits and losses for said fiscal year, all prepared in accordance with generally accepted accounting principles.

**WSR 90-09-060**

**NOTICE OF PUBLIC MEETINGS  
CENTRALIA COLLEGE**

[Memorandum—April 13, 1990]

The Community College District Twelve board of trustees will hold a special meeting/study session on May 24, 1990, at 4:30 p.m., Centralia College Boardroom. This is in addition to their regular meeting scheduled for May 17, 1990.

**WSR 90-09-061  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 2970—Filed April 17, 1990, 2:24 p.m.]

Date of Adoption: April 17, 1990.

Purpose: WAC 388-96-010 Terms, the only substantive change is to subsection (45) and clarifies that a Medicaid contractor's "net invested funds," which is the starting point for calculating the contractor's financing allowance subcomponent of the contractor's return on investment (ROI) Medicaid reimbursement rate component, shall not include assets or asset values in excess of the various reimbursement lids and limits set forth in chapter 74.46 RCW. The department has never included such allowable assets in a contractor's net invested funds and the change is made for the purposes of clarity and consistency with other provisions of chapters 74.46 RCW and 388-96 WAC. The purpose of the numerous other proposed changes is to help conform the regulation to the department's drafting guidelines and they are not intended to be substantive; WAC 388-96-204 Field audits, the purpose is to clarify when audits of other years for the same nursing home Medicaid provider are required, when material discrepancies, undocumented costs, trust fund irregularities or other problems are surfaced by departmental audit; WAC 388-96-559 Depreciation base, the primary purpose is to amend and clarify retroactively that the cost basis of land as well as that of depreciable assets is subject to the Department of General Administration appraisal limitation and the Deficit Reduction Act of 1984 (DEFRA) restriction on increased reimbursement resulting solely from a change of ownership. Recent administrative decisions have held DEFRA does not apply to land; however, the department believes this would result in the loss of substantial federal matching funds in violation of state law. (RCW 74.09.500 and 74.46.840) Pursuant to RCW 34.05.350(1) the department finds that immediate retroactive amendment of this rule to provide that land is subject to DEFRA is necessary for the preservation of the general welfare. Observing requirements of public notice and opportunity to comment prior to adoption would be contrary to the public interest. The department estimates that matching federal Medicaid funds of \$2.3 million may be lost in the absence of immediate adoption. Therefore, the amendment to WAC 388-96-559 is sought on an emergency basis. Another purpose is to track the 1989 legislative amendment (SHB 1864, section 14, chapter 372, Laws of 1989) which conforms the statute to DEFRA and further specifies that absence of a legal description shall not render a contract to purchase a nursing home unenforceable. Another purpose is to clarify, retroactively to January 1, 1985, that land is subject to appraisal and related party limitations. No change in policy or practice; WAC 388-96-561 Depreciation base—Donated or inherited assets, the purpose is to amend and clarify retroactively that donated or inherited land will, for reimbursement purposes, be subject to DEFRA and appraisal procedures and otherwise be

given the same treatment as depreciable assets. No change in policy or practice; WAC 388-96-585 Unallowable costs, there are two amendatory purposes. One is to clarify that lids on costs of legal and accounting services will apply only if they are exceeded in all three preceding cost report years as well. The second purpose is to amend and clarify, retroactive for all periods beginning on or after July 18, 1984, (the enactment date of the Deficit Reduction Act of 1984—DEFRA), that costs of land and depreciable assets are unallowable to the extent they cannot be reimbursed under DEFRA. Pursuant to RCW 34.05.350(1) the department finds that immediate retroactive amendment of this rule to provide that land is subject to DEFRA is necessary for the preservation of the general welfare. Observing requirements of public notice and opportunity to comment prior to adoption would be contrary to the public interest. The department estimates that matching federal Medicaid funds of \$2.3 million may be lost in the absence of immediate adoption. Therefore, the amendment to WAC 388-96-585 is sought on an emergency basis; WAC 388-96-713 Rate determination, the purpose is to update an obsolete reference to return on equity (ROE) rates. They were replaced by return on investment (ROI) rates as of January 1, 1985; WAC 388-96-719 Method of rate determination, in subsection (3)(c) the purpose is to clarify that property, return on investment and enhancement cost center Medicaid rate components will not be increased by legislatively appropriated inflation adjustments. In subsection (4) the purpose is to clarify that computation of the return on investment rate component shall be subject to the eighty-five percent minimum bed occupancy requirement, in accordance with RCW 74.46.430(4). Neither change represents a substantive change in department practice or policy; WAC 388-96-745 Property cost area reimbursement rate, the change is proposed in subsection (5) to provide a uniform starting date for adjustment of per bed cost limits in limiting per bed construction costs to a reasonable level for Medicaid allowability and reimbursement purposes. Some subsections are renumbered for clarity; WAC 388-96-754 A contractor's return on investment, the purpose of the change in subsection (2) is to amend and clarify retroactively that land is subject to DEFRA for the purpose of calculating net invested funds. Recent administrative decisions have held DEFRA does not apply to land, however, the department believes this will result in loss of federal matching funds in violation of state law. (RCW 74.09.500 and 74.46.840) Pursuant to RCW 34.05.350(1) the department finds that immediate retroactive amendment of this rule to provide that land is subject to DEFRA is necessary for the preservation of the general welfare. Observing requirements of public notice and opportunity to comment prior to adoption would be contrary to the public interest. The department estimates that matching federal Medicaid funds of \$2.3 million may be lost in the absence of immediate adoption. Therefore, the amendment to WAC 388-96-754 is sought on an emergency basis. The purpose of the change in subsection (6) is to clarify that when net invested funds and resulting financing allowance are adjusted for a Medicaid contractor at settlement to reflect

audit findings, if needed, such adjustments shall be based on a minimum occupancy level of eighty-five percent. This is consistent with other provisions regarding calculations of net invested funds. No change in policy or practice; WAC 388-96-763 Rates for recipients requiring exceptionally heavy care, the purpose is to establish specific procedures for obtaining, monitoring and calculating exceptional care patient rates; WAC 388-96-768 Minimum wage, this change is proposed at the request of the state of Washington Department of Labor and Industries. Its purpose is to allow employees of nursing homes receiving payments for temporary and total disability from labor and industries to return to work, if approved by a physician, in a reduced capacity while recovering from the disability. The rule change allows such employees to receive less than the minimum wage levels established by the legislature in the Biennial Appropriation Act. The minimum wage, as set forth in this section, or more, must be paid to the employee when he or she returns to usual work; WAC 388-96-771 Receivership, the purpose is to implement new legislative provisions designed to facilitate recovery of emergency or transitional funds granted to receivers of nursing homes facing possible closure. (SHB 1864, section 4, chapter 372, Laws of 1989); WAC 388-96-773 Adjustments to prospective rates, this section is being repealed because it is obsolete and confuses Medicaid contractors. By its terms it controls rate revisions only for periods prior to May 20, 1985, and no current rate revision requests relate to these early periods; and WAC 388-96-774 Prospective rate revisions, one change in subsection (7) requires a Medicaid contractor's total Medicaid reimbursement rate (all components) to be considered as a resource available to the contractor rather than just the nursing services component rate, in determining whether a prospective rate revision should be granted as authorized by subsection (3). Another change, also in subsection (7), allows the department to look at a nursing facility's staff pattern in evaluating requests for increased staff funding. These changes represent changes in department policy and practices but the impact is expected to be minimal.

Citation of Existing Rules Affected by this Order: Amending chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Statutory Authority for Adoption: RCW 79.09.120 [74.09.120] and 74.46.800.

Pursuant to notice filed as WSR 90-05-014 on February 12, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 17, 1990

Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

**AMENDATORY SECTION** (Amending Order 2573, filed 12/23/87)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accounting" means activities providing information, usually quantitative and often expressed in monetary units, for:

- (a) Decision-making(;-);
- (b) Planning(;-);
- (c) Evaluating performance(;-);
- (d) Controlling resources and operations(;-); and
- (e) External financial reporting to investors, creditors, regulatory authorities, and the public.

(2) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(3) "Administration and management" means activities employed to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

(4) "Allowable costs" – See WAC 388-96-501.

(5) "Ancillary care" means services required by the individual, comprehensive plan of care provided by qualified therapists or by support personnel under their supervision.

(6) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who have adverse bargaining positions in the marketplace.

(a) Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter.

(b) Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(7) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. "Assets" also include certain deferred charges that are not resources but are recognized and measured in accordance with generally accepted accounting principles.

(8) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(9) "Beds" means, unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

(10) "Beneficial owner" means any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

- (i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or
- (ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the

vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection (10)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(d) ~~((Any person who))~~ In the ordinary course of business, is a pledgee of ownership interest under a written pledge agreement and shall not be deemed ~~((to be))~~ the beneficial owner of such pledged ownership interest until the pledgee ~~((has taken all))~~ takes:

(i) Formal steps necessary ~~((which are))~~ required to declare a default; and

(ii) Determines ~~((that))~~ the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised(;-) ~~provided(;- That))~~ the pledge agreement:

~~((i))~~ (A) ~~((The pledge agreement))~~ Is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (10)(b) of this section; and

~~((ii))~~ (B) ~~((The pledge agreement;))~~ Prior to default, does not grant ~~((to))~~ the pledgee the power to:

~~((A))~~ (I) ~~((The power to))~~ Vote or direct the vote of the pledged ownership interest; or

~~((B))~~ (II) ~~((The power to))~~ Dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(11) "Capitalization" means the recording of an expenditure as an asset.

(12) "Capitalized lease" means a lease ~~((which is))~~ required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" means a method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

(14) "Change of ownership" means a change in the individual or legal organization (~~(which is)~~) responsible for the daily operation of a nursing home.

(a) Events which change ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the contractor to another party;

(iii) Where the contractor is a partnership, any event occurs which dissolves the partnership;

(iv) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating decisions;

(ii) If the contractor is a corporation, some or all of its stock is transferred; or

(iii) The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

(15) "Charity allowances" means reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

(16) "Contract" means a contract between the department and a contractor for the delivery of SNF or ICF services to medical care recipients.

(17) "Contractor" means an entity which contracts with the department to deliver care services to medical care recipients in a facility (~~(and which)~~). The entity is responsible for operational decisions.

(18) "Courtesy allowances" means reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" means the local community services office of the department.

(20) "Department" means the department of social and health services (DSHS) and employees.

(21) "Depreciation" means the systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

(22) "Donated asset" means an asset (~~(which)~~) the contractor acquired without making any payment for the asset in the form of cash, property, or services.

(a) An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset.

(b) An asset purchased using donated funds is not a donated asset.

(23) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(24) "Equity capital" means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(25) "Exceptional care recipient" means a medical care recipient determined by the department to require exceptionally heavy care.

(26) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(27) "Fair market value" means:

(a) Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell(~~(:)~~); or

(b) Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is (~~(being)~~) determined.

(28) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to(~~(:)~~):

(a) Balance sheet(~~(:)~~);

(b) Statement of operations(~~(:)~~);

(c) Statement of changes in financial position(~~(:)~~); and

(d) Related notes.

(29) "Fiscal year" means the operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

(30) "Generally accepted accounting principles (GAAP)" means accounting principles approved by the Financial Accounting Standards Board (FASB).

(31) "Generally accepted auditing standards (GAAS)" means auditing standards approved by the American Institute of Certified Public Accountants (AICPA).

(32) "Goodwill" means the excess of the price paid for:

(a) A business over the fair market value of all other identifiable, tangible, and intangible assets acquired(~~(: Also, the excess of the price paid for)~~); and

(b) An asset over the fair market value of the asset.

(33) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(34) "ICF" means(~~(, when referring to a nursing home)~~):

(a) An intermediate care facility(~~(:)~~) when referring to a nursing home;

(b) When referring to a level of care, intermediate care(~~(:)~~); and

(c) When referring to a patient, a patient requiring intermediate care.

(35) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(36) "Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(37) "Intermediate care facility" means a licensed facility certified to deliver intermediate care services to medical care recipients.

(38) "Joint facility costs" means any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

(39) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee shall not be considered modification of a lease term.

(40) "Levels of care" means the classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

(41) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(42) "Medical care recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(43) "Multiservice facility" means a facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

(44) "Net book value" means the historical cost of an asset less accumulated depreciation.

(45) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles and not in excess of any lids or reimbursement limits set forth in this chapter, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year. Assets associated with central or home offices or otherwise not on the nursing home premises are not included in net invested funds.

(46) "Nonadministrative wages and benefits" means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

(47) "Nonallowable costs" means same as "unallowable costs."

(48) "Nonrestricted funds" means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

(49) "Nursing home" means a home, place, or institution, licensed ~~((in accordance with))~~ under chapter 18.51 RCW, ~~((in which))~~ where skilled nursing and/or intermediate care services are delivered.

(50) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(51) "Owner" means a sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(52) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form ~~((which such))~~ the beneficial ownership takes.

(53) "Patient day" means a calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when ~~((he or she))~~ the patient is assigned a bed and a patient medical record is opened.

(54) "Per diem (per patient day) costs" means total allowable costs for a fiscal period divided by total patient days for the same period.

(55) "Professionally designated real estate appraiser" means an individual:

(a) Regularly engaged in the business of providing real estate valuation services for a fee ~~((, and deemed))~~;

(b) Qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the:

(i) Writing of real estate valuation reports ~~((as well as the))~~; (ii) Passing of written examination on valuation practice and theory ~~((;))~~; and ~~((, by virtue of membership in such organization, required))~~

(iii) Requirement to subscribe and adhere to certain standards of professional practice as ~~((such))~~ the organization prescribes.

(56) "Prospective daily payment rate" means the rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

(57) "Qualified therapist":

(a) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional, either a qualified therapist or a therapist, approved by the department having specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker graduated from a school of social work;

(f) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; or

(h) An occupational therapist graduated from a program in occupational therapy, or having the equivalent of ~~((such))~~ education or training, and meeting all requirements of state law.

(58) "Recipient" means a medical care recipient.

(59) "Records" means ~~((those))~~ data supporting all financial statements and cost reports including, but not limited to ~~((:))~~:

(a) All general and subsidiary ledgers~~((:))~~;

(b) Books of original entry~~((:))~~;

(c) Invoices~~((:))~~;

(d) Schedules~~((:))~~;

(e) Summaries~~((:))~~; and

(f) Transaction documentation, however ~~((such data are))~~ maintained.

(60) "Regression analysis" means a statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(61) "Related care" ~~((means))~~ includes:

(a) The director of nursing services~~((:))~~;

(b) Activities and social services programs~~((:))~~;

(c) Medical and medical records specialists~~((:))~~; and

(d) Consultation provided by:

(i) Medical directors~~((:))~~;

(ii) Pharmacists~~((:))~~;

(iii) Occupational~~((:))~~ therapists;

(iv) Physical~~((:))~~ therapists;

(v) Speech~~((:))~~ therapists; and

(vi) Other therapists~~((:))~~; and

(vii) Mental health professionals as defined in law and regulation.

(62) "Related organization" means an entity under common ownership and/or control ~~((with))~~, or which has control of or is controlled by, the contractor. Common ownership exists if an entity has a five percent or greater beneficial ownership interest in the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

(63) "Relative" ~~((means))~~ includes:

(a) Spouse;

(b) Natural parent, child, or sibling;

(c) Adopted child or adoptive parent;

(d) Stepparent, stepchild, stepbrother, stepsister;

(e) Father-in-law, mother-in-law, son-in-law,

daughter-in-law, brother-in-law, sister-in-law;

(f) Grandparent or grandchild; and

(g) Uncle, aunt, nephew, niece, or cousin.

(64) "Restricted fund" means a fund for which the use of the principal and/or income is restricted by agreement with or direction ~~((by))~~ of the donor to a specific purpose, in contrast to a fund over which the

contractor has complete control. ~~((These))~~ Restricted funds generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

(65) "Secretary" means the secretary of the department of social and health services (DSHS).

(66) "Skilled nursing facility" means a licensed facility certified to deliver skilled nursing care services to medical care recipients.

(67) "SNF" means:

(a) When referring to a facility, a skilled nursing facility~~((:))~~;

(b) When referring to a level of care, skilled nursing care~~((:))~~; and

(c) When referring to a patient, a patient requiring skilled nursing care.

(68) "Start-up costs" means the one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include:

(a) Administrative and nursing salaries~~((:))~~;

(b) Utility costs~~((:))~~;

(c) Taxes~~((:))~~;

(d) Insurance~~((:))~~;

(e) Repairs and maintenance~~((:))~~; and

(f) Training costs~~((, etc))~~.

Start-up costs do not include expenditures for capital assets.

(69) "Title XIX" means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(70) "Unallowable costs" means costs which do not meet every test of an allowable cost.

(71) "Uniform chart of accounts" means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(72) "Vendor number" means a number assigned to each contractor delivering care services to medical care recipients.

(73) "Working capital" means total current assets necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities necessary, ordinary, and related to patient care from the most recent cost report.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-204 FIELD AUDITS. (1) The department shall conduct a field audit of all cost reports for calendar year 1982.

(2) The department may have auditors employed by the department or under contract field audit cost reports for years subsequent to 1982.

(3) Beginning with field audits for calendar year 1983, the department shall audit up to one hundred percent of

submitted contractor cost reports and patient care trust fund accounts.

(4) The department may audit any or all schedules of a facility's cost report. The department shall audit the cost report 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) To assure the accuracy of cost reports, the department or an auditor under contract with the department may require a contractor to submit for departmental review any underlying financial statements or other records including income tax returns relating to the cost report directly or indirectly.

(7) The department shall audit all submitted contractor cost reports of such facilities as follows:

(a) The department shall audit facilities terminating their Medicaid service contracts with the department 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) The department shall audit facilities contracting in any given calendar year for that partial or full year, and facilities contracting for the first time for the first full calendar year;

(c) The department shall audit 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 for:

- (i) The year such investigation is commenced;
- (ii) Each year the investigation is continued;
- (iii) The year the investigation is concluded; and
- (iv) Two full calendar years following the year the investigation is terminated.

(d) The department shall audit facilities that the manager, residential rate program, aging and adult services, requests be audited.

(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 (7) of this section, the department shall audit such facility as provided in subsection (7) of this section.

~~(9) ((The department shall audit patient care trust fund accounts annually if:~~

~~(a) Two or more findings were reported in the previous trust fund audit of a facility; or~~

~~(b) 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))~~ When an audit discloses material discrepancies, undocumented costs, or mishandling of patient trust funds, the department auditors may re-open a maximum

of two prior unaudited cost reporting or trust fund periods and/or select future periods for audit in order to discover similar problems, if any, and take appropriate action.

(10) The department may select for audit on a random or other basis reported costs and trust fund accounts of facilities.

AMENDATORY SECTION (Amending Order 2660, filed 8/2/88)

WAC 388-96-559 COST BASIS OF LAND AND DEPRECIATION BASE. (1) For all rates effective on or after January 1, 1985, the total depreciation base of depreciable assets and the cost basis of land shall be the lowest of:

- (a) The contractor's appraisal, if any;
- (b) The department's appraisal obtained through the department of general administration of the state of Washington, if any; or
- (c) The historical purchase cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring ownership of the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation incurred during periods the assets have been used in or as a facility by any and all contractors. Such accumulated depreciation is to be measured in accordance with subsection (5) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. 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) Unless otherwise provided or limited by this chapter or by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

- (a) The date such asset was first used in the medical care program; or
- (b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is required to recognize for Medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

- (a) The department challenges the historical cost of an asset; or
- (b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset and cost basis of land will not exceed the fair market value of the asset. An appraisal conducted by or

through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

- (a) The lessor's purchase acquisition date; or
- (b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

(5) For all rates effective on or after January 1, 1985, where depreciable assets or land are acquired from a related organization, the contractor's depreciation base and land cost basis shall not exceed the base and basis the related organization had or would have had under a contract with the department.

(6) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, 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))~~ under subsection (8) of this section, the Marshall and Swift Valuation Guide will be used to adjust, if necessary, 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.

(7) For all rates effective on or after January 1, 1985, if depreciable assets or land are acquired by purchase which were used in the medical care program on or after January 1, 1980, the depreciation base or cost basis of such assets shall not exceed the net book value existing at the time of such 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 used in the medical care program or were not in use in or as a nursing care facility.

(8)(a) Subsection (7) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs ~~((at least))~~ ten years or more after the previous arm's-length transfer of ownership nor shall subsection

(7) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program ~~((prior to))~~ before January 1, 1980. The depreciation base or cost basis for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration or the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through 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))~~ under RCW 74.46.840 for all rates after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, including land and all depreciable assets, occurring on or after July 18, 1984, leaving subsection (7) of this section to apply without exception to acquisitions occurring on or after July 18, 1984, except as provided in subsections (8)(b) and (9) of this section.

(b) For all rates after July 17, 1984, subsection (8)(a) shall apply, however, to transfers of ownership of assets:

(i) Occurring ~~((prior to))~~ before January 1, 1985, if the costs of such assets have never been reimbursed under Medicaid cost reimbursement on an owner-operated basis or as a related party lease; or

(ii) ~~((Pursuant to))~~ Under written and enforceable purchase and sale agreements dated ~~((prior to August 1))~~ before July 18, 1984, which are documented and submitted to the department ~~((prior to))~~ before January 1, 1988.

(c) For purposes of Medicaid cost reimbursement under this chapter, an otherwise enforceable agreement to purchase a nursing home dated before July 18, 1984, shall be considered enforceable even though the agreement contains:

(i) No legal description of the real property involved; or

(ii) An inaccurate legal description, notwithstanding the statute of frauds or any other provision of law.

(9)(a) In the case of assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option to have the:

(i) Provisions of subsection (8) of this section apply to the purchase; or

(ii) Reimbursement for property and return on investment continue to be calculated ~~((pursuant to))~~ under the provisions contained in RCW 74.46.530 (1)(e) and (f) and WAC 388-96-754(5). Reimbursement shall be based upon provisions of the lease in existence on the date of the purchase.

(b) The lessee/contractor may select the option in subsection (9)(a)(ii) of this section only ~~((if))~~ when the purchase date meets one of the following criteria. The purchase date is:

(i) ~~((The purchase date is))~~ After the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(ii) ~~((The purchase date is))~~ Within one year of the lease expiration or renewal date contained in the lease;

(iii) ~~((The purchase date is))~~ After a rate setting for the facility in which the reimbursement rate set, ~~((pursuant to))~~ under this chapter and ~~((pursuant to))~~ under chapter 74.46 RCW, no longer is equal to or greater than the actual cost of the lease; or

(iv) ~~((The purchase date is))~~ Within one year of any purchase option in existence on January 1, 1988.

(10) 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 purchase acquisition date.

AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

WAC 388-96-561 COST BASIS OF LAND AND DEPRECIATION BASE—DONATED OR INHERITED ASSETS. (1) The cost basis or depreciation base of land or depreciable assets, either donated ((assets, as defined in WAC 388-96-010)) or ((of assets)) received through testate or intestate distribution, ~~((staff))~~ will be the lesser of:

(a) Fair market value at the date of donation or death, less goodwill, provided ~~((that,))~~ the estimated salvage value shall be deducted from fair market value where the straight-line or sum-of-the-years digits method of depreciation is used; or

(b) The historical cost of the owner last contracting with the department, if any.

(2) ~~((If))~~ When the donation or distribution is between related organizations, the base shall be the lesser of:

(a) Fair market value, less goodwill and, where appropriate, salvage value; or

(b) The depreciation base or cost basis the related organization had or would have had for the asset under a contract with the department.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, for all rates after July 17, 1984, neither the depreciation base of depreciable assets nor the cost basis of land shall increase for reimbursement purposes if the asset is donated or acquired through testate or intestate distribution on or after July 18, 1984, the enactment date of the Deficit Reduction Act of 1984.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2847, filed 8/8/89, effective 9/8/89)

WAC 388-96-585 UNALLOWABLE COSTS. (1) The department shall not allow costs if not documented,

necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution((-));

(b) Costs of services and items provided to SNF or ICF recipients covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC((-);

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations((-);

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained((-);

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space)((-);

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care((-);

(g) Costs in excess of limits or violating principles set forth in this chapter((-);

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system((-);

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere((-);

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the

contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances((-));

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable((-));

(m) Vending machine expenses((-));

(n) Expenses for barber or beautician services not included in routine care((-);

(o) Funeral and burial expenses((-);

(p) Costs of gift shop operations and inventory((-);

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care((-);

(r) Fund-raising expenses, except expenses directly related to the patient activity program((-);

(s) Penalties and fines((-);

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations((-);

(u) Federal, state, and other income taxes((-);

(v) Costs of special care services except where authorized by the department((-);

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees on an equal or fair basis in terms of costs to employees and benefits commensurate to such costs((-);

(x) Expenses of profit-sharing plans((-);

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care((-);

(z) Personal expenses and allowances of owners or relatives((-);

(aa) All expenses of maintaining professional licenses or membership in professional organizations((-);

(bb) Costs related to agreements not to compete((-);

(cc) Goodwill and amortization of goodwill((-);

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care((-);

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:

(i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or

(ii) In connection with a fair hearing, a final administrative decision has not been rendered; or

(iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or

(iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions((-);

(gg) Lease acquisition costs and other intangibles not related to patient care((-);

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds((-);

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs((-);

(jj) Beginning January 1, 1985, interest costs((-);

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care((-);

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year((-);

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia((-);

(nn) Depreciation expense in excess of twenty-five hundred dollars per year for passenger cars or other vehicles primarily used for the administrator, facility staff, or central office staff((-);

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of licensing at the time of such pool personnel use((-);

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel((-);

(qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year((-);

(rr) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs, measured on a total cost basis, reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply to a contractor ((if)) unless the

contractor has ~~((not))~~ exceeded this percentile ~~((at any time during))~~ for each of the three years preceding the most recent cost report year~~((:))~~;

(ss) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs, measured on a per patient-day cost basis, reported by all contractors for the most recent cost report period~~((: PROVIDED, That))~~, provided this limit shall not apply to a contractor ~~((if))~~ unless the contractor has ~~((not))~~ exceeded this percentile ~~((at any time during))~~ for each of the three years preceding the most recent cost report year; and

(tt) After July 17, 1984, costs of assets, including all depreciable assets and land, which cannot be reimbursed under the provisions of the Deficit Reduction Act of 1984 (DEFRA) and state statutes and regulations implementing DEFRA.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-713 RATE DETERMINATION.

(1) Each contractor's reimbursement rate will be determined prospectively once each calendar year to be effective July 1. Rates may be adjusted more frequently to take into account program changes.

(2) If the contractor participated in the program for at least six months of the prior calendar year, its nursing services, administration and operations, property and return on ~~((equity))~~ investment rates will be determined based on the contractor's allowable costs in the prior period. If the contractor participated in the program for less than six months of the prior calendar year, its rates will be determined by procedures set forth in WAC 388-96-710.

(3) Beginning with rates effective July 1, 1984, contractors submitting correct and complete cost reports by March 31st, shall be notified of their rates by July 1st, unless circumstances beyond the control of the department interfere.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) The department shall take data used in determining rates from the most recent complete, desk-reviewed annual cost report submitted by contractors.

(2) The department shall exclude data containing obvious errors from the determination of predicted costs and rate upper limits for WAC 388-96-735.

(3) The department shall apply inflation adjustments as follows:

(a) For July rate setting, a percentage adjustment determined by the legislature shall be applied to allowable costs in the nursing services and administration and operations cost areas if the cost report for a contractor covers all twelve months of the cost report period. If the

cost report covers less than twelve months, the department shall reduce the inflation factor to reflect the shorter period.

(b) The department shall apply an inflation factor of 2.5 percent to the January 1, 1983, food cost area rate for all contractors to determine the July 1, 1983, food cost center rate. For July rate setting in subsequent years, the department shall apply the adjustment factor determined annually by the legislature to the January 1, 1983, rate.

(c) The department shall not ~~((adjust))~~ increase property, return on investment, ~~((and))~~ or enhancement rates for inflation adjustments determined by the legislature in biennial budget acts.

(4) The department shall compute the occupancy level for each facility by dividing the actual number of patient days by the product of the numbers of licensed beds and calendar days in the report period. If a facility's occupancy is below eighty-five percent, the department shall compute, per patient day, return on investment, property and administration and operations prospective rates and lids utilizing patient days at the eighty-five percent occupancy level. The department shall use actual occupancy level 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:

(a) The facility may request in writing, and

(b) 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 shall be revocable effective ninety days after written notice of revocation is received from the department. No exception shall 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 2573, filed 12/23/87)

WAC 388-96-745 PROPERTY COST AREA REIMBURSEMENT RATE. (1) The department shall determine the property cost area rate for each facility by dividing:

(a) The prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department, plus

(b) The retained savings from the property cost center as provided in WAC 388-96-228, by

(c) Total patient days for the facility in the prior period. Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned or leased by the contractor. The department shall not reimburse depreciation of leased office equipment.

(2) If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the

ensuing period, the department shall adjust the prior period total patient days used in computing the property cost center rate to anticipated patient day level.

(3) When a new facility is constructed after obtaining a certificate of need, the department shall determine allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (4) ~~((and))~~, (5), and (6) of this section. The department shall determine construction types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the Marshall and Swift Valuation Service published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(4) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.); and
- (h) Other items included by the Marshall and Swift Valuation Service when deriving the calculator method costs.

(5) The department shall allow such construction costs, at the lower of actual costs or the maximums shown in the following tables, adjusted forward from May 1, 1987, to the average date of construction for any changes in construction costs shown by relevant cost indexes published by Marshall and Swift Publication Company. The average date of construction shall be the midpoint date between award of the construction contract and completion of construction.

**BASE COSTS PER BED FOR ALL BEDS IN THE FACILITY BY FACILITY CLASS, QUALITY, AND SIZE:**

Class and Quality	0 to 60 Beds	61 to 120 Beds	Over 120 Beds
A-good	\$50,139	42,079	39,006
A-average	40,967	34,381	31,870
B-good	48,104	40,371	37,422
B-average	39,786	33,389	30,951
C-good	35,939	30,161	27,959
C-average	27,924	23,435	21,723
C-low	22,019	18,479	17,130
D-good	32,622	27,377	25,378
D-average	25,221	21,167	19,621
D-low	19,796	16,613	15,400

**ADDITIONS TO BASE COSTS BY FACILITY CLASS, QUALITY, AND SIZE:**

Class and Quality	Add to Base Cost for All Facilities	Add for Each Bed from 61 to 120 Beds	Add for Each Bed Over 120 Beds
A-good	\$239,773	2,810	1,990
A-average	195,908	2,296	1,626
B-good	230,041	2,696	1,910
B-average	190,261	2,230	1,579
C-good	171,866	2,014	1,427
C-average	133,537	1,565	1,108
C-low	105,299	1,234	874
D-good	156,003	1,828	1,295
D-average	120,612	1,413	1,001
D-low	94,667	1,109	786

~~((5))~~ (6) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

- (a) Actual cost per square foot, or
- (b) The average per square foot land value of the ten nearest urban or rural nursing homes at the time of purchase of the land in question. The average land value shall depend on classification of the home in question, assessed for purposes of taxation.

~~((6))~~ (7) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3) ~~((and))~~, (4), and (5) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3) ~~((and))~~, (4), and (5) for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact with the request.

**AMENDATORY SECTION (Amending Order 2742, filed 12/31/88 [12/21/88])**

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) The department shall determine the financing allowance by:

- (a) 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, the department will estimate annual patient days and working capital costs for a full year based upon data in the cost report. If a capitalized addition or retirement of an asset results in a different licensed bed capacity during the ensuing period, the department shall adjust the prior period total patient days used in computing the financing and variable return allowances to anticipated patient day level; and

(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. Subject to provisions contained in this chapter, for land purchases before July 18, 1984 (the enactment date of the Deficit Reduction Act of 1984 (DEFRA)), capitalized cost of land shall be the buyer's capitalized cost. For land purchases on or after July 18, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. 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 per this chapter.

(3) The department shall determine the variable return allowance 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. In the case of a new contractor, property and administration and operations cost levels actually used to set the initial rate shall be used for the purpose of ranking the new contractor. The department shall adjust the new contractor's costs to the cost year used to establish the most recent variable return ranking for all providers using inflation factors authorized by provisions of this chapter.

(b) The department shall compute the variable return allowance 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. The department shall assign facilities in the highest quarter 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. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(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 agreement existing on January 1, 1980, 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, per a provision of the lease agreement existing on January 1, 1980, 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) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect, except the adjustments shall reflect a minimum bed occupancy level of eighty-five percent. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

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

AMENDATORY SECTION (Amending Order 2742, filed 12/21/88)WAC 388-96-763 RATES FOR RECIPIENTS REQUIRING EXCEPTIONALLY HEAVY CARE.

(1) A contractor certified to ((care for SNF patients)) provide skilled nursing services may apply for an individual prospective reimbursement rate for a Medicaid recipient whose special nursing and direct care-related service needs are such that the hours of nursing services ((care)) needed are ((at least)) twice or more the contractor's current reimbursed per patient day average of ((hours of)) nursing services hours.

(2) When application for an exceptional care rate is made before determining where the recipient will be placed, pre-admission qualification may be granted when the recipient's special nursing and direct care needs require hours of nursing services twice or more the current statewide per patient day average. For reviews, to determine continued qualification only for such recipients, conducted during the first year after placement, the department will continue to utilize the most current statewide average available to the department. For subsequent reviews to determine continued qualification, the contractor's average, set forth under subsection (1) of this section, shall be substituted for the statewide average.

(3) The contractor or other applicant shall apply for ((an individual)) exceptional care rate qualification for an exceptionally heavy care recipient in accordance with instructions furnished by the department. The facility shall bill the department at the authorized exceptional care rate within one hundred twenty days from the exceptional care rate's effective date. Bills for services submitted after one hundred twenty days shall be denied as untimely.

((3)) (4) When the department grants an individual rate for an exceptionally heavy care recipient, it shall be for a specified period of time the department determines, subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. ((The department shall compute the rate to cover the projected costs of providing necessary nursing care for the recipient in excess of the contractor's regular per patient day nursing services rate.)) Discharge or transfer of the recipient, permanently or temporarily, shall terminate an exceptional care rate which shall be non-transferable to a different facility. Qualification upon re-admission shall require re-application. Regardless of whether statewide average nursing hours or facility average nursing hours are used for qualification, the exceptional care rate for a recipient shall be calculated by:

(a) Deriving a ratio equivalent to actual or projected nursing hours per patient day needed by the recipient in excess of the facility-specific reimbursed average nursing hours per patient day divided by the facility-specific reimbursed average nursing hours per patient day;

(b) Multiplying the ratio by the facility-specific nursing services rate; and

(c) Adding the result of subsection (4)(b) of this section to the total facility-specific reimbursement rate.

((4)) (5) Factors used in the calculation process set forth under subsection (4) of this section shall be the most current and available factors from department records at the time the calculation is performed.

(6) A pre-admission exceptional care qualification shall be effective for only thirty days. The contractor shall notify the department, in writing, as soon as the recipient is admitted to the contractor's facility. When placement with a long-term care contractor has not occurred within thirty days after the qualification effective date, an updated plan of care shall be submitted.

(7) Unless the department establishes a different time table for review, an updated plan of care shall be completed and submitted every ninety days for each exceptional care recipient, including documentation supporting the need for services identified in the plan of care. A decision to continue, revise, or terminate an exceptional care rate shall be based on review of the updated plan of care and supporting documentation, a current care need assessment and other information available to the department.

(8) An exceptional care rate shall not be revised during the period the exceptional care rate is in effect because the facility-specific nursing services or total rate is revised or re-set; however, when an exceptional care rate is continued or revised as authorized in this section, the facility rate in place at the time of continuation or revision shall be used in the calculation process. An exceptional care rate shall be revised during the period the rate is in effect only when:

(a) An updated plan of care indicates a significant change in care needs; or

(b) Funded services are not fully delivered.

(9) No retroactive revision shall be made to an exceptional care rate, provided that:

(a) When application is made within thirty days after the recipient is admitted to the contractor's facility, an approved rate shall be effective the date of admission; and

(b) When an exceptional care rate is revised due to a significant change, the revised rate will be effective on the date the department receives the updated plan of care and supporting documentation.

(10) The department shall notify the contractor, in writing, of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-768 MINIMUM WAGE. (1) Effective January 1, 1988, contractors shall adjust and maintain wages for all employees to conform to no less than the minimum hourly wage established by the legislature. This wage is four dollars and seventy-six cents an hour beginning January 1, 1988, and five dollars and fifteen cents an hour beginning January 1, 1989. If moneys are appropriated by the legislature, costs to prospectively fund these minimum wage requirements shall be reimbursed in the enhancement cost center.

(2) Minimum wage requirements set forth in this section shall not apply to an employee who:

(a) The department of labor and industries determines is entitled to payments for temporary and total disability; and

(b) A physician authorizes to return to available work other than the employee's usual work.

(3) The employee shall be paid the minimum wage or more when resuming usual work.

AMENDATORY SECTION (Amending Order 2602, filed 3/2/88)

WAC 388-96-771 RECEIVERSHIP. (1) If the nursing home is providing care to recipients of state medical assistance, the receiver shall:

(a) Become the Medicaid contractor for the duration of the receivership period;

(b) Assume all reporting responsibilities for new contractors;

(c) Assume all other responsibilities for new contractors set forth in this chapter; and

(d) Be responsible for the refund of Medicaid rate payments in excess of costs during the period of receivership.

(2) In establishing the prospective rate during receivership the department shall consider:

(a) Compensation, if any, ordered by the court for the receiver. Such compensation may already be available to the receiver through the rate as follows:

(i) The return on investment, or

(ii) The administrator's salary in the case of facilities where the receiver is also the administrator.

If these existing sources of compensation are less than what was ordered by the court, additional costs may be allowed in the rate up to the compensation amount ordered by the court.

(b) Start-up costs and costs of repairs, replacements, and additional staff needed for patient health, security, and welfare. To the extent such costs can be covered through return on investment, no additional monies will be added to the rate;

(c) Any other allowable costs as set forth in this chapter.

(3)(a) Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars.

(b) The department shall recover any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program from revenue generated by the facility which is not obligated to the operation of the facility.

(c) ~~((If the department has not fully recovered any emergency or transitional expenditure at the termination of receivership))~~ In order to help recover an emergency or transitional expenditure, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not, the department may:

(i) File an action against the former licensee or owner at the time the expenditure is made to recover such expenditure; or

(ii) File a lien on the facility or on the proceeds of the sale of the facility.

(4) If recommendations on receiver's compensation are solicited from the department by the court, the department shall consider the following:

(a) The range of compensation for nursing home managers;

(b) Experience and training of the receiver;

(c) The size, location, and current condition of the facility;

(d) Any additional factors deemed appropriate by the department.

(5) When the receivership terminates, the department may revise the nursing home's Medicaid reimbursement ~~((as follows))~~. The Medicaid reimbursement rate for:

(a) ~~((The Medicaid reimbursement rate for))~~ The former owner or licensee shall be what it was ((prior to)) before receivership, unless the former owner or licensee requests prospective rate revisions from the department as set forth in this chapter((:)); and

(b) ~~((The Medicaid reimbursement rate for))~~ Licensed replacement operators shall be determined consistent with rules governing prospective reimbursement rates for new contractors as set forth in this chapter.

AMENDATORY SECTION (Amending Order 2742, filed 12/21/88)

WAC 388-96-774 PROSPECTIVE RATE REVISIONS. (1) The department shall determine each contractor's reimbursement rates prospectively at least once each calendar year, to be effective July 1st. The department shall determine all prospective reimbursement rates for 1984 and thereafter using the prior year's desk-reviewed cost reports. Prospective rates shall be maximum payment rates for contractors for the periods to which they apply. The department may grant revisions for inflation only as authorized in WAC 388-96-719(3) and may grant other revisions for cost increases only as authorized in this section. The department shall not grant rate adjustments for wage increases except as authorized in WAC 388-96-756 and not for increases in use of temporary employment services providing direct patient care. This section shall apply to rate revision requests and periods subsequent to May 20, 1985.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department may adjust rates for any of the following:

(a) Variations in the distribution of patient classifications or changes in patient characteristics from:

(i) The prior reporting year((:)); or

(ii) Those used to set the rate for a new contractor((:)); or

(iii) Corresponding to the nursing staff funded for a new contractor.

(b) Program changes required by the department((:)); and

(c) Changes in staffing levels at a facility required by the department.

(4) Contractors requesting an adjustment shall submit:

(a) A financial analysis showing:

(i) The increased cost((:)); and

(ii) 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 showing the changes in staffing have commenced, or other commenced or completed improvements.

(5) Contractors receiving prospective rate increases per this section shall 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:

(a) Additional staff to be added((:));

(b) Changes in Medicaid patient characteristics requiring the additional staff((:)); and

(c) The predicted improvements in patient care services which will result. The department shall respond to such requests within sixty days following the receipt of a properly completed request.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider one or more of the following:

(a) Whether additional staff requested by a contractor is necessary to meet patient care needs;

(b) Comparisons of staffing patterns of facilities having similar size and patient characteristics;

(c) The physical layout of the facility;

(d) Nursing service planning and management for maximum efficiency;

(e) Historic trends in underspending of a facility's nursing services component rate((:));

(f) Numbers (~~and~~), positions, and scheduling of existing staff;

(g) Increases in acuity (debility) levels of contractors' residents;

(h) Survey, inspection of care, and department consultation results; and

(i) The facility's ability to fund its staffing request through the facility's existing (~~nursing services and food~~) total Medicaid reimbursement rate((s)).

(8) If a request made under subsection (3) of this section is approved by the department, the cost of funding the additional staff may be reduced for rate revision purposes by amounts shifted out of nursing services in 1986 or 1987, as reflected in the preliminary or final settlement reports for 1986 and 1987.

(9) The department may also adjust rates to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:

(a) Compensation of the receiver((:));

(b) Reasonable expenses of receivership and transition of control((:)); and

(c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

(10) The department shall not grant a rate adjustment effective earlier than sixty days prior to receipt of the written request for such adjustment accompanied by all related documentation and information required by this section.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

388-96-773 ADJUSTMENTS TO PROSPECTIVE RATES.

#### **WSR 90-09-062**

#### **PROPOSED RULES**

#### **DEPARTMENT OF HEALTH**

[Filed April 17, 1990, 2:34 p.m.]

#### Original Notice.

Title of Rule: WAC 308-25-037 Written exam review procedures; and 308-25-038 Practical exam review procedures.

Purpose: To implement RCW 18.29.120(5).

Statutory Authority for Adoption: RCW 18.29.120(5).

Statute Being Implemented: RCW 18.29.120(5).

Summary: To establish the requirements for appealing a failure of the dental hygiene examination.

Reasons Supporting Proposal: To implement RCW 18.29.120(5).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Lewis, Program Manager, Olympia, Washington, (206) 586-1867.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes the requirements for appealing a failure of the dental hygiene examination. The requirements will establish an appropriate and detailed step by step process for due process by law relative to the failure of the dental hygiene examination.

Proposal does not change existing rules.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 24, 1990, at 10:00 a.m.

Submit Written Comments to: Carol Lewis, Program Manager, Dental Hygiene Program, P.O. Box 1099, Olympia, WA 98507-1099, by May 21, 1990.

Date of Intended Adoption: May 29, 1990.

April 16, 1990  
Pam Campbell Mead  
for Kristine Gebbie  
Secretary

NEW SECTION

WAC 308-25-037 WRITTEN EXAMINATION REVIEW PROCEDURES. (1) Any candidate who takes the written examination phase of the dental hygiene examination and does not pass may request informal review by the examining committee of his or her examination results. The request for an informal review must be in writing, a form will be provided with the examination results, and must be received by the department within twenty days of the postmark date of notification of the examination results. The examining committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, bias, fraud or discrimination in the examination process.

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

(a) The request for an informal review must be in writing, a form will be provided with the examination results, and must be received by the department within twenty days of the postmark date of notification of the examination results. The department of health office will schedule in Olympia an appointment for the candidate to appear personally to review the questions missed and the answers selected by the candidate on the failed written portion of the examination.

(b) The candidate will be provided a form at the scheduled personal review in Olympia to request an informal review by the Committee. On that form, the candidate must specifically identify the challenged portions(s) of the examination and must state the specific reason or reasons why the candidate believes the results of the examination should be changed.

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

(d) The candidate may not bring in notes, texts, or other individuals except for an attorney, while completing the informal review form.

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

(f) The examining committee will schedule a closed session meeting to review the examination, score sheets and the form completed by the candidate. Candidates are not permitted to attend.

(g) The candidate will be notified in writing of the results of the informal review.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before an administrative law judge. The hearing will be conducted under the Administrative Procedure Act, Chapter 34.05 RCW and the rules adopted thereunder. The written request for a formal hearing must be received by the Department of health within twenty days of the postmark date of the notification of the results of the informal review. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results of the examination should be changed. The final decision shall be made by the secretary of the department of health. The secretary will not modify the examination results unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, bias, fraud or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

(a) The simplification of issues;

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

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

(d) The limitation of the number of witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before the administrative law judge.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments to the candidate's notice and the agreements reached by the parties as to any of the matters considered, including but not limited to the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed

of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

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

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

NEW SECTION

WAC 308-25-038 PRACTICAL EXAMINATION REVIEW PROCEDURES. (1) Any candidate who takes the practical examination for licensure as a dental hygienist and does not pass may request informal review by the examining committee of his or her examination results. This request must be in writing and must be received by the department within twenty days of the postmark date of the mailing of the practical examination score sheets. The examining committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination procedure, bias, fraud or discrimination in the examination process.

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

(a) Request, on the form provided with the examination results, a copy of the score sheets on the failed practical portion of the examination. This request must be in writing and must be received by the department within fifteen days of the postmark date of notification of the examination results.

(b) The candidate will be provided along with the copies of the failed grade sheets a form to complete on which the candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results of the examination should be changed. Such form must be returned to the department within twenty days of the postmark date of the mailing of the practical examination score sheets.

(c) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference, requests for special consideration, or any reexamination of the patient will not be considered by the examining committee. Patient difficulty will not be considered by the examining committee if the patient category selected by the candidate was accepted for the examination.

(d) The examining committee will schedule a closed session meeting to review the examination, score sheets, and form completed by the candidate for the purpose of informal review. Candidates are not permitted to attend.

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

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before an administrative law judge. The hearing will be conducted under the Administrative Procedure Act, Chapter 34.05 RCW and the rules adopted thereunder. The written request for a formal hearing must be received by the department of health within twenty days of the postmark date of the notification of the results of the informal review. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results of the examination should be changed. The final decision shall be made by the secretary of the department of health. The secretary will not modify the examination results unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, bias, fraud or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

(a) The simplification of issues;

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

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

(d) The limitation of the number of witnesses;

(e) A schedule for completion of all discovery; and

(f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before the administrative law judge.

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

(6) Candidates will receive at least seven days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the basis for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate of consideration at the informal review unless amended by a prehearing order. Letters of reference, requests for special consideration or any reexamination of the patient will not be considered.

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

#### WSR 90-09-063

##### RULES COORDINATOR

#### CENTRAL WASHINGTON UNIVERSITY

[Filed April 17, 1990, 3:12 p.m.]

The rules coordinator for Central Washington University is Judy B. Miller, Assistant Attorney General's Office, Central Washington University, Ellensburg, Washington 98926, phone (509) 963-2111, 453-2111 scan.

Teresa C. Kulik  
Assistant Attorney General

#### WSR 90-09-064

##### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed April 17, 1990, 3:44 p.m.]

#### Original Notice.

Title of Rule: Chapter 16-300 WAC rules relating to noxious weed seeds; chapter 16-304 WAC, rules relating to standards for vegetable seeds, schedule of charges and seed assessment fees; and chapter 16-316 WAC rules relating to seed certification standards and fees.

Purpose: To make changes in response to seed industry requests.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Statute Being Implemented: Chapter 15.49 RCW.

Summary: Proposed changes: Delete Bermudagrass (*Cynodon dactylon*) from restricted noxious weed seed list and objectionable weed seed list. Jacklin Seed Company is going to release an improved cold-tolerant variety for seed production in Washington; establish sod quality seed standards for tall fescue. Increasing acreage in Washington has prompted a request by grass seed companies to add sod quality standards; renewal of seed assessment rules for the next two year period beginning

July 1, 1990, through June 30, 1992. The seed assessment rules call for ten cents per one hundred dollars of gross annual dollar sales of agricultural and/or vegetable seeds distributed in Washington to be collected to provide funds for regulatory or quality control inspections of seed dealer outlets in Washington; revision of grass seed standards, a requirement to conduct a crop seed examination for registered and foundation grass seed lots; fee increase for all states noxious weed seed examination from \$7.00 to \$10.00; rush fee increase from \$10.00 to \$12.00; addition of an undesirable grass species test to the schedule of fees - \$12.00; additions and deletions to the approved list of crop varieties eligible for certification; changes proposed by Washington State Crop Improvement Association: Reduction in the production fee from \$.17 per cwt. to \$.10 per cwt.; fields rejected for jointed goatgrass (*Aegilops cylindrica*) shall remain ineligible for any future production of certified classes of small grain seed until such a reclamation program is developed. Jointed goatgrass is a serious problem in small grains because the similar seed size and weight makes for a very difficult job in separating goatgrass from small grain seed (especially wheat seed). This means clean fields may be easily contaminated with wheat seed containing goatgrass; and a proposed change in small grain field standards from a plants per acre count to a head ratio count for registered and certified class fields. A change in the minimum isolation distance for foundation fields from other small grain fields.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max G. Long, 2015 South First Street, Yakima, Washington, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

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

Hearing Location: Agricultural Service Center Conference Room, 2015 South First Street, Yakima, Washington 98903, on May 22, 1990, at 1:15 p.m.

Submit Written Comments to: Max G. Long, 2015 South First Street, Yakima, Washington 98903, by May 22, 1990.

Date of Intended Adoption: June 5, 1990.

April 16, 1990  
William E. Brookreson  
Assistant Director

#### AMENDATORY SECTION (Amending Order 1796, filed 5/16/83)

##### WAC 16-300-020 RESTRICTED NOXIOUS WEED SEEDS.

(1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any

of the restricted noxious weed seeds listed below in excess of the number declared on the label.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME	ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
((Bermudagrass	<i>Cynodon dactylon</i> (L.) Pers.)	Puncturevine	<i>Tribulus terrestris</i> L.
Blue lettuce	<i>Lactuca pulchella</i> (Pursh.) DC.	St. Johnswort	<i>Hypericum perforatum</i> L.
Docks and Sorrel	<i>Rumex</i> spp.	Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Dodder	<i>Cuscuta</i> spp.	Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Field pennycress (fanweed)	<i>Thlaspi arvense</i>	Western ragweed	<i>Ambrosia psilostachya</i> DC.
Field sandbur	<i>Cenchrus pauciflorus</i> Benth.	Wild mustard	<i>Brassica kaber</i> (DC.) L.C. Wheeler Var.
Gromwell (only in small grain)	<i>Lithospermum arvense</i>	Wild oat	<i>Avena fatua</i> L.
Halogeton	<i>Halogeton glomeratus</i> C.A. Mey.	Yellow starthistle	<i>Centaurea solstitialis</i> L.
Medusahead	<i>Elymus caput-medusae</i> L. or <i>Taeniatherum asperum</i> (Sim.) Nevski	For the purpose of seed certification, see WAC 16-316-165 for the list of objectionable weeds.	
Plantains	<i>Plantago</i> spp.		
Poverty weed	<i>Iva axillaris</i> Pursh.		

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA-ZOLIUM 200 Seeds (d)
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00
Crested Wheatgrass	4 oz.	25.00	15.00	14.00	39.00	21.00
Other Wheatgrasses	6 oz.	36.00	22.00	14.00	50.00	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each additional kind)		10.50		13.00		21.00
Beets		18.00	8.50	17.00	35.00	
Rapeseed		32.00	9.00	16.00	48.00	21.00
Carrot		13.50	9.00	11.50	25.00	36.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam ..... Noxious only fee plus \$ 3.50 (or hourly rate when applicable)

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams ..... \$16.00  
 Poa annua check for other grasses - each 10 grams ..... \$16.00

(c) Sod seed analysis -  
 Bluegrass ..... \$56.00  
 Fescue ..... \$40.00  
 Ryegrass ..... \$32.00  
 (A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)  
 Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)  
 (d) Fluorescent test - (four hundred seed test) ..... \$13.00  
 (e) Pest and disease, soil exam or similar ..... \$16.00  
 (Reported on seed analysis certificate.) A visual examination of a representative sample.  
 (f) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only) ..... \$18.00  
 (g) Variety separation of Kentucky bluegrass ..... \$18.00  
 If separated at time of purity analysis ..... \$ 9.00  
 (h) Sodium hydroxide test for presence of red and/or white wheat ..... \$10.00  
 (i) Brassica seed chemical identification test ..... \$10.00  
 (j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour) ..... \$16.00

(k) Fescue seed fluorescence test - a test required to determine presence of other fine fescue species in hard fescue and sheep fescue which is required on certified samples ..... \$14.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

- (a) Reports may not be mailed until all tests are completed.
- (b) Samples shall be plainly labeled "inventory samples."

(c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.

(d) The fee for this service shall be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:

(a) Rush samples (including phone report if requested at time sample is submitted) ..... \$((+10.00))  
12.00

(b) Phone reports on test result, per call ..... \$ 3.50

(c) Preliminary report on germination (phone report only) ..... \$ 8.00

(d) Morphological test ..... \$ 8.00

(alfalfa or clover examined under magnification for combine damage.)

(e) Additional mailing of report (each destination) ..... \$ 1.50

(f) Recopies of reports (minimum fee) ..... \$ 2.50

Revised reports (minimum fee) ..... \$ 5.00

(or hourly fee when applicable)

(g) I.S.T.A. rules test PURITY GERMINATION

Alfalfa, clover \$20.00 \$14.00

Kentucky bluegrass \$30.00 \$14.00

Peas, lentils \$20.00 \$14.00

(h) Canadian rules test PURITY GERMINATION

Alfalfa, clover \$20.00 \$11.50

Kentucky bluegrass \$30.00 \$14.00

Peas, lentils \$20.00 \$11.50

(i) Seed count ..... \$16.00

(j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. .... \$16.00

(k) Hourly fee for miscellaneous services ..... \$16.00

(l) Service charge for submitted federal phytosanitary certificates, per certificate ..... \$ 5.00

(m) All states noxious weed examination ..... \$ ((7.00))  
10.00

(n) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples . \$ 3.50

(o) Fee for facsimile transmission of documents, per document ..... \$ 3.50

(p) Undesirable grass species examination (UGS test) ..... \$12.00

**AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)**

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund shall be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ((1987)) 1989 through June 30, ((1988)) 1990 shall be payable by February 1, ((1989)) 1991. The assessment fees for the period beginning July 1, ((1988)) 1990 through June 30, ((1989)) 1991 shall be payable by February 1, ((1990)) 1992.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ten dollars, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

**AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)**

WAC 16-304-130 SEED INSPECTION ASSESSMENT—EFFECTIVE DATES. This rule is effective through June 30, ((1990)) 1992. Between January 1, ((1990)) 1992 and March 1, ((1990)) 1992, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter ((34.04)) 34.05 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.

**AMENDATORY SECTION (Amending Order 1948, filed 8/13/87)**

WAC 16-316-165 SEED CERTIFICATION—OBJECTIONABLE WEEDS. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
((Bermudagrass))	<i>Cynodon dactylon</i> (L.) Pers.:
Blue lettuce	<i>Lactuca pulchella</i> (Pursh.) DC.
Docks and Sorrel	<i>Rumex</i> spp.
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus pauciflorus</i> Benth.
Halogeton	<i>Halogeton glomeratus</i> C.A. Mey.
Medusahead	<i>Elymus caput-medusae</i> L. or <i>Taeniatherum asperum</i> (Sim) Nevski
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Brassica kaber</i> (DC.) L.C. Wheeler Var.
Wild oat	<i>Avena fatua</i> L.
Yellow starthistle	<i>Centauria solstitialis</i> L.
Gromwell (in small grain)	<i>Lithospermum arvense</i>
Bedstraw	<i>Galium aparine</i> (in alfalfa only - inclusion of this species on weed list means certified class is limited to a maximum 18 per pound with no tolerance for foundation or registered seed)

**AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)**

WAC 16-316-370 GRASS SEED STANDARDS. Seed standards for grass shall be as follows:

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ Fndt. Reg. Cert.		Min. % Pure Fndt. Reg. Cert.		Max. % Inert Fndt. Reg. Cert.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
Bluegrass Sherman	(A)	70	70	90	90	10	10
Canby	(A)	70	70	90	90	10	10
Kentucky	(A)	80(e)	80(e)	97	97(d)	3	3
Merion Kentucky	(A)	80(e)	80(e)	92	92(d)	8	8
Canada and Upland	(A)	80	80	96	92(d)	4	8

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ Fndt.		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
<b>Bromegrass</b>							
Smooth Brome	(C)	80	85	95	95	5	5
Meadow Brome	(C)	80	85	95	95	5	5
Mountain Brome	(S)	85	85	95	95	5	5
Deertongue	(C)	50	50	97	95	3	5
<b>Fescue</b>							
Tall and meadow	(C)	80	85	95	97	5	3
Hard and sheep, Idaho, Red Fescue	(C)	80	85	95	95	5	5
Other Fescue (Chewings)	(C)	80	90	95	95	5	5
Orchardgrass	(C)	80	85	85	90	15	10
			80 for	Pennlate	& Latar		
Ryegrass	(C)	85	90	96	97	4	3
Pennfine	(C)	85	85	96	97	4	3
Timothy	(C)	80	85	97	97	3	3
<b>Wheatgrass</b>							
Beardless	(C)	80	85	90	90	10	10
Bluebunch	(C)	80	85	90	90	10	10
Intermediate	(C)	80	85	95	95	5	5
Pubescent	(C)	80	85	95	95	5	5
Western, Streambank, Thickspike	(C)	80	85	90	90	10	10
Crested, and Siberian	(C)	80	85	90	95	10	5
Slender	(S)	80	85	90	95	10	5
Tall	(C)	80	85	95	95	5	5
Indian Ricegrass	(C)	80*	80*	95	90	5	10
Puccinellia distans	(C)	80	80	95	95	5	5
Basin Wildrye and Russian Wildrye	(C)	80	80	90	90	10	10
Bentgrass	(C)	85	85	98	98	2	2
Redtop	(C)	80	80	92	92	8	8
Ann. Canarygrass	(C)	85	85	99	99	1	1

PART TWO OF TABLE

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp. (h)	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
<b>Bluegrass</b>						
Sherman	.05	.3	.1	.5	1/10 grams	1/1 gram
Canby	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 gram
Canada, Upland	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
<b>Bromegrass</b>						
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Meadow Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	1/50 grams	10/50 grams
Deertongue	.50	.5(c)	1.0	1.0	1%	—

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp. (h)	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
<b>Fescue</b>						
Tall and Meadow	.03	.3(c)	.1	.5	2/50 grams	10/50 grams
Hard and sheep, Idaho, Red, Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Other Fescue (Chewings)	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Orchardgrass	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
Ryegrass	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams
<b>Wheatgrass</b>						
Beardless	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Blue Bunch	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Intermediate	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Pubescent	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Western, Streambank	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Crested, and Siberian	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Slender	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Tall	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Indian Ricegrass	.3	.5	.5	1.0	1/50 grams	5/50 grams
Puccinellia distans	.3	.5	.5	1.0	1/10 grams	1/1 grams
Basin Wildrye and Russian Wildrye	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Bentgrass	.3(g)	.4(g)	.2	.6		
Redtop	.3(g)	.5(g)	.5	2		
Ann. Canarygrass	.1	.3	1/lb.	3/lb.		

The following (a)-(f) are notes to the above table.

(a) Not to exceed twenty-five hundredths of one percent other grass species for certified seed.

(b) Grass seed shall not contain more than forty-five per pound for registered seed, ninety per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) Grass seed shall be free of the seed of prohibited noxious weeds.

(c) A tolerance of five-tenths of one percent may be allowed for samples containing weedy bromus spp.: PROVIDED, That the total of all other weed seeds does not exceed three-tenths of one percent.

(d) A three percent tolerance of other Kentucky Bluegrass varieties may be allowed in Merion. (Note: Containing minimum ninety-two percent Merion.) In Canada Bluegrass, three percent Kentucky Bluegrass may be permitted.

(e) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test.

(f) A tolerance of eight-tenths of one percent may be allowed in registered and certified wheatgrass containing small grain seed: PROVIDED, That the total of all other crop seed does not exceed one-

tenth of one percent for registered class and five-tenths of one percent for certified class.

(g) Blue tag seed shall not contain over nine hundred seeds per pound, singly or collectively, of the following weeds: Plaintain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(i) A maximum of .50 percent weed seed may be allowed in bentgrass containing silver hairgrass: PROVIDED, That the total of all other weed seed does not exceed .40 percent.

(ii) 1.50 percent other fine bentgrasses and .50 percent redtop may be allowed in certified bentgrass containing a minimum of 98.00 percent total bentgrass.

(h) A crop exam is required for all registered and foundation class grass seeds.

\* or seventy percent by Tz test

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-474 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

(2) Due dates:

(a) Field pea - June 1

(b) Lentil - June 1

(c) Soybean - July 1

(d) Sorghum - July 15

(e) Small grains - June 1 for both winter varieties and spring varieties.

(f) After due date, an application with late application fee may be accepted for service.

(3) Fees:

(a) Application fee per variety per grower ..... \$15.00

(b) Field inspection fee per acre ..... \$ 2.10

(c) Late application fee ..... \$15.00

(d) Reinspection fee ..... \$30.00

minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$30.00.

(e) Final certification fee ..... \$ 0.17 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee ..... \$ ~~(0.17)~~ 0.10 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to ~~((conditioning plant or, if none, to applicant))~~ the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(f) Sampling fee ..... \$ 0.10 per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-525 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—ELIGIBLE VARIETY AND STOCK SEED.

Kind	Variety
Barley, spring	Advance, Belford, Andre, Camelot (P), <del>((Clark))</del> Columbia (P), Coughbar, Crystal, Flynn, Gus (P), Harrington, Klages, Kombar (P), Lindy (P), Menuet (P), Morex, Nomad (P), Nova (P), Odyssey (P), Onda (P), <del>((Piston))</del> Poco (P), Russell, Seven (P), Step-toe, WestBred Gustoe (P), WestBred <del>((50+))</del> Medallion (P), WestBred Sprinter (P), Whitford (P)

Kind	Variety
Barley, winter	Boyer, Hesk, Kamiak, <del>((Luther))</del> Mal, Scio, Showin
Oat, spring	Appaloosa, Border, Cayuse, Monida, <del>((Ogle))</del> Otana, Park,
Rye, winter	Puma, Rymin
Wheat, spring	Bliss, Bronze Chief (P), Copper, Czar (P), Dirkwin, Edwall, Fielder, <del>((Kodiak))</del> Landmark (P), McKay, Owens, Penawawa, Spillman, Tammy (P), Treasure, <del>((Truitt))</del> Wadual, Wakanz, Wampum, Wared, Waverly, WestBred 881 (P), WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), WestBred Sprite, WS-1 (P), <del>((W-444))</del> Yecora Rojo
Wheat, winter	Andrews, Basin (P), Batum, Cashup (P), Crew Daws, Dusty, Hatton, Hill-81, Hyak, John, Lewjain, Madsen, Malcolm, McCall, Moro, Nugaines, <del>((Pata))</del> Sprague, Stephens, Syringa, Tres, Tyce, Wanser
Triticale, spring	Juan, Whitman
Triticale, winter	Flora

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-715 MISCELLANEOUS FIELD AND SEED INSPECTION STANDARDS. (1) The field inspection will be made:

(a) For field pea - when seedcrop is in full bloom;

(b) For lentil - when seedcrop is in full bloom;

(c) For soybean - when seedcrop is in full bloom and/or of mature color;

(d) For sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;

(e) For small grains - when seedcrop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection and shall remain ineligible for any future production of certified classes of small grain seed until such time a reclamation program is developed. Fields rejected for other causes will remain eligible for reinspection.

(3) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(4) Germination minimum refers to germination when sampled.

(5) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

**AMENDATORY SECTION** (Amending Order 1976, filed 5/13/88)

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS	
			OFF-TYPE MAXIMUM ((PLANTS/ACRE)) HEAD RATIO	OTHER CROP MAXIMUM ((PLANTS/ACRE)) HEAD RATIO
			Foundation	1*
Registered	1*	3**	((5)) 1/148,000	((5)) 1/148,000***
Certified	1*	3**	((+5)) 1/49,000	((+5)) 1/49,000***

- \* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- \*\* Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless stated by plant breeder.
- \*\*\* Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OTHER SMALL GRAINS AND/OR OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	98.00	2.00	None	0.01**	85.00
Registered	2	98.00	2.00	0.03*	0.01**	85.00
Certified	4	98.00	2.00	0.05*	0.03**	85.00

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

\*\* Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in oat

**AMENDATORY SECTION** (Amending Order 1757, filed 3/31/82, effective 5/1/82)

WAC 16-316-620 STANDARDS. Seed standards for sod quality grass seed are as follows:

Variety	Mini- mum Purity	Mini- mum Germin- ation	Maxi- mum* Other Crop	Maxi- mum- ** Weed
Merion Kentucky Bluegrass	95%	80%	0.1%	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%
Tall Fescue	98.5%	85%	0.1%	.02%

\*Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, ((smooth)) brome, reed canarygrass, tall fescue, clover, meadow foxtail and Canby bluegrass. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).

\*\*Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, Rattail fescue and prohibited noxious weed seeds.

**AMENDATORY SECTION** (Amending Order 1695, filed 5/30/80)

WAC 16-316-622 RYEGRASS STANDARDS. Seed standards for sod quality ryegrass seed are as follows:

Variety	Min- imum Purity	Min- imum Germin- ation	Maxi- mum Other Crop*	Maxi- mum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

\*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, ((smooth)) brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

\*\*Maximum fluorescence levels as determined by breeder or variety owner.  
\*\*\*Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of bromus spp. will be allowed.

**AMENDATORY SECTION** (Amending Order 2005, filed 5/22/89)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass: (subject to poa annua quarantine)	Seaside Creeping*** Putter Creeping* Emerald Creeping**
Big Bluegrass:	Sherman**
Canada Bluegrass: (subject to poa annua quarantine)	Reubens**
Canby Bluegrass:	Canbar**

Kentucky Bluegrass:  
(subject to poa annua  
quarantine)

A-34 (Bensun)\*\*  
Abbey\*\*  
Adelphi\*\*  
Alene\*  
Alpine\*  
Amason\* (Amazon\*)  
America\*  
Ampellia\*  
Argyle\*\*  
Aspen\*  
Banff\*\*  
Barblue\*pvvV  
Baron\*\*  
Birka\*  
Bono (Birdie)\*  
Bronco\*  
Chateau\*\*  
Cheri (Golf)\*  
Classic\*\*  
Coventry\*\*  
Destiny\*  
Dawn\*  
Eclipse\*  
Enmundi\*pvvV  
Estate\*  
Freedom\*  
Fylking\*\*  
Georgetown\*\*  
Geronimo\*  
Glade\*\*  
Haga\*  
Harmony\*  
Holiday\*  
Huntsville\*  
Ikone\*\*  
Julia\*  
Kelly\*  
Kenblue\*  
Kyosti\*  
Leikra\*  
Liberty\*\*  
Limosine\*  
Majestic\*\*  
Merion\*\*  
Monopoly\*  
Mystic\*  
Nassau\*\*  
Newport\*\*  
Nugget\*  
Nutop\*  
Parade\*  
Park\*\*  
Paso\*  
Pennstar\*  
Plush\*  
Princeton 104\*  
Ram 1\*pvvV  
Rugby\*  
Scenic\*  
Suffolk\*  
Swing\*  
Sydsport\*  
S-21\*\*  
Tendos\*  
Touchdown\*\*  
Trenton\*  
Troy\*\*  
Wabash\*  
Welcome\*  
1757\*

Rough Bluegrass:

Colt\*

Meadow Brome:

Regar\*\*

Mountain Brome:

Bromar\*\*

Smooth Brome:

Baylor\*  
Beacon\*  
Bravo\*  
Cottonwood\*  
Jubilee\*  
Manchar\*\*  
Rebound\*  
Saratoga\*

Fescue:  
(subject to poa annua  
quarantine - except tall  
fescue)

Orchardgrass:

Redtop:

Indian Ricegrass:

Perennial Ryegrass:  
(subject to poa annual  
quarantine)

Puccinellia distans:

Timothy:

Wheatgrass:

Basin Wild Rye:

Russian Wild Rye:

Countess Chewings\*\*pvvV  
Amigo Tall\*  
Arid Tall\*  
Atlanta Chewings\*  
Barcel Tall\*\*pvvV  
Barfalla Chewings\*\*  
Barfalla Chewings\*\*  
Baruba Chewings  
Dover Chewings\*  
Durar Hard\*\*  
Finelawn 1-Tall\*\*  
Joseph Idaho\*\*  
Mary Chewings\*  
Nezpurs Idaho\*pvvV  
Logro ((Slender-Creeping))  
Red\*\*pvvV  
Chesapeake Tall\*  
Manade Tall\*  
Mesa-Tall ((Furf-Type))  
Rebel Tall\*  
5 DM Tall\*  
88001 Red\*\*  
Safe Tall\*  
Southern Cross Tall\*  
Covar Sheep\*\*  
Fawn Tall\*  
Beaumont Meadow\*  
First Meadow\*\*  
Forager Tall\*  
Wrangler-Tall\* ((Furf-Type))

Hay King\*  
Hay King II\*  
Latar\*\*  
Natsumidori (summer green)\*  
Paiute\*\*  
Pennlate\*  
Potomac\*

Streaker\*

Nezpar\*\*

All\*Star\*\*  
Dandy\*  
Delray\*  
Friend\*\*pvvV  
Goalie\*  
NK 200\*\*  
Pennfine\*  
Ranger\*\*  
Target\*  
89001\*

Fults\*

Clair\*  
Climax\*  
Hokuo\*  
Hokusen\*  
Kempus\*  
Kunpu\*  
Nosappu\*  
Promesse\*  
Senpoku\*

Whitmar Beardless\*\*  
Secar Bluebunch\*\*  
Fairway Crested\*  
Ruff Crested\*  
Nordan Crested\*\*  
Ephraim ((Rhizomatous)) Crested\*\*  
Greenar

Intermediate\*\*  
Oahe Intermediate\*  
Tegmar Intermediate\*  
((Siberian\*\*))  
Greenleaf Pubescent\*  
Luna Pubescent\*\*  
Topar Pubescent\*\*  
P-27 Siberian\*\*  
Sodar Streambank\*\*  
Critana Thickspike\*\*  
Alkar Tall\*\*

Magnar\*\*

Bozoisky Select\*\*

(2) Variety restrictions.

NO. OF SEED HARVESTS  
FOUNDATION REGISTERED CERTIFIED

(a) Kentucky Bluegrass:

Baron	5	5
Birka	2 + 3 Cert.	5
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5

(b) Orchardgrass:

Pennlate	3	6
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- Oneida VR\*
- Peak\*
- Perry\*
- Phytor\*
- Polar II\*
- Preserve\*
- Primal\*
- Ranger\*\*
- Riley\*
- Saranac\*
- Saranac AR\*pvpV
- Shenandoah\*
- Shield\*
- Sparta\*
- Spredor 2\*
- Summit\*
- Sure\*
- Sverre\*
- SX-217\*
- SX-418\*
- Trumpetor\*
- Turbo\*
- Ultra\*
- Vernal\*
- Vancor\*
- Vernema\*
- Vista\*
- WL-220\*
- Weevlchek\*
- WL-221\*
- WL-225\*pvpV
- WL-312\*
- WL-313\*
- WL-315\*pvpV
- WL-316\*pvpV
- WL-318\*
- WL-320\*\*pvpV
- Wrangler\*
- 88\*
- 120\*
- 123\*
- 130\*
- 521\*
- 520\*
- 526\*
- 530\*
- 531\*
- 532\*
- 581\*
- 5262\*
- 5432\*
- 5373\*
- 5444\*
- 624\*
- 629\*

AMENDATORY SECTION (Amending Order 1930, filed 5/22/87)

WAC 16-316-815 OTHER CLOVER VARIETIES. Following are the other clover varieties eligible and the certification scheme for each:

White Clover:

- Star\*
- Aran\*\*pvpV
- Barbian\_

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

- Agate\*
- Anchor\*
- Anstar\*
- Answer\*
- Aquarius\*
- Apollo II\*
- Armor\*
- Arrow\*
- Atlas\*
- Atra-55\*
- Baker\*pvpV
- Big Ten\*
- Blazer\*
- Centurion\*
- Challenger\*
- Chief\*\*
- Cimarron\*
- Cimarron VR\*
- Classic\*
- Comondor\*
- Crown\*
- Crown II\*
- Crusader\*\*
- DK-125\*
- DK-135\*
- Drummor\*
- Eagle\*
- Elevation\*
- Endure\*
- ((Excaliber\*))
- Excalibur\*
- Gladiator\*
- G-2815\*
- G-7730\*
- GH-737\*\*
- Hi-Phy\*
- Honeoye\*pvpV
- Iroquois\*
- Julus\*
- Legend\*
- Magnum III\*
- Maxim\*
- Mesilla\*\*
- Mohawk\*
- Oneida\*pvpV

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
Chief		3	3	5
Crusader		3		5
Drummor	2	3		5
G-7730		3		5
GH 737		3	3	5
Honeoye		3		6
Iroquois		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5

	Breeder	NO. OF SEED HARVESTS	
		Foundation	Registered Certified
Trumpetor	2	3	5
Vancor	2	3	5
Vernema		4	6
WL-221		3	
WL-225		3	3
WL-313		3	
WL-315		3	5
WL-320		3	3
WL-316		3	5
Wrangler			6
120		3	
123		2	4
130		3	5
526		3	5

**WSR 90-09-065**

**PERMANENT RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Order 101, Resolution No. 188—Filed April 18, 1990, 9:12 a.m.]

Date of Adoption: March 13, 1990.

Purpose: The adoption of WAC 132H-200-040 insures compliance with chapter 34.05 RCW, the new Administrative Procedure Act, regarding organization/operation information of Community College District VIII.

Citation of Existing Rules Affected by this Order: WAC 132H-200-040 states the general course and method of operation of Community College District VIII and the means whereby the public may obtain information and make submission or request.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 90-03-076 on January 22, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 13, 1990

Phyllis C. Hudson  
Secretary

**NEW SECTION**

WAC 132H-200-040 ORGANIZATION/OPERATION INFORMATION. (1) Organization: Bellevue Community College, Community College District VIII is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member Board of Trustees, appointed by the Governor. The Board employs a President, who acts as the Chief Executive Officer of the institution. The President establishes the structure of the administration.

(2) Operation: The administrative office is located at the following address: 3000 Landerholm Circle, S.E., Bellevue, Washington 98007. Educational operations are also located at the following address: 14844 S.E. 22nd Street, Bellevue, Washington 98007. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. During the summer months the College operates on an alternate schedule and throughout the year, some evening services are provided. Specific information is available through the College Public Information Office.

(3) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Bookstore, D103, 3000 Landerholm Circle, S.E., Bellevue, Washington 98007.

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

**WSR 90-09-066**

**PERMANENT RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Order 102, Resolution No. 189—Filed April 18, 1990, 9:13 a.m.]

Date of Adoption: March 13, 1990.

Purpose: The repealing of WAC 132H-108-105 [132H-108-005] through 132H-108-330 and adding new sections WAC 132H-108-400 through 132H-108-440 insures compliance with chapter 34.05 RCW, the new Administrative Procedure Act, regarding practice and procedure and formal hearing rules for contested case hearings.

Citation of Existing Rules Affected by this Order: Repealing WAC 132H-108-105 [132H-108-005] through 132H-108-330 Practice and procedure and formal hearing rules for contested case hearings; new WAC 132H-108-400 through 132H-108-440 states the process and procedures to be used by Community College District VIII for adjudicative proceedings.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 90-03-077 on January 22, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 13, 1990

Phyllis C. Hudson  
Secretary

**REPEALER**

The following sections of the Chapter WAC 132H-108 are repealed:

- WAC 132H-108-105 FORMAL HEARING POLICY.
- WAC 132H-108-010 GRAMMATICAL DEFINITION.
- WAC 132H-108-020 DEFINITIONS.
- WAC 132H-108-030 APPEARANCE AND PRACTICE BEFORE AGENCY.
- WAC 132H-108-040 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.
- WAC 132H-108-050 SERVICE OF PROCESS—BY WHOM SERVED.
- WAC 132H-108-060 UPON WHOM SERVED.
- WAC 132H-108-070 SERVICE UPON PARTIES.
- WAC 132H-108-080 METHOD OF SERVICE.
- WAC 132H-108-090 WHEN SERVICE COMPLETE.
- WAC 132H-108-100 FILING WITH AGENCY.

- WAC 132H-108-110 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.
- WAC 132H-108-120 SCOPE.
- WAC 132H-108-130 OFFICER BEFORE WHOM TAKEN.
- WAC 132H-108-140 AUTHORIZATION.
- WAC 132H-108-150 PROTECTION OF PARTIES AND DEONENTS.
- WAC 132H-108-160 ORAL EXAMINATION AND CROSS-EXAMINATION.
- WAC 132H-108-170 RECORDATION.
- WAC 132H-108-180 SIGNING ATTESTATION AND RETURN.
- WAC 132H-108-190 USE AND EFFECT.
- WAC 132H-108-200 FEES OF OFFICERS AND DEONENTS.
- WAC 132H-108-210 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.
- WAC 132H-108-220 INTERROGAATION.
- WAC 132H-108-230 ATTESTATION AND RETURN.
- WAC 132H-108-240 PROVISIONS OF DEPOSITION RULE.
- WAC 132H-108-250 HEARING OFFICERS.
- WAC 132H-108-260 HEARING PROCEDURES.
- WAC 132H-108-270 DUTIES OF HEARING OFFICERS.
- WAC 132H-108-280 STIPULATIONS AND ADMISSIONS OF RECORD.
- WAC 132H-108-290 DEFINITION OF ISSUES BEFORE HEARING.
- WAC 132H-108-300 CONTINUANCES.
- WAC 132H-108-310 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.
- WAC 132H-108-320 TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.
- WAC 132H-108-330 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

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

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

#### NEW SECTION

WAC 132H-108-410 MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05-.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at Chapter 10-08 Washington Administrative Code. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

#### NEW SECTION

WAC 132H-108-420 APPOINTMENT OF PRESIDING OFFICERS. The President or President's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the President or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the President or President's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

#### NEW SECTION

WAC 132H-108-430 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available, pursuant to the model rules of procedure in WAC 10-08-170.

#### NEW SECTION

WAC 132H-108-440 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3000 Landerholm Circle, S.E., Room B202, Bellevue, Washington. (1) Written application for an adjudicative proceeding should be submitted to the above address within 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

#### NEW SECTION

WAC 132H-108-450 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.95.482-494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to: (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;

(2) Disputes concerning educational records;

(3) Student conduct proceedings. The procedural rules in Chapter WAC 132H-206 apply to these procedures.

(4) Parking violations. The procedural rules in Chapter WAC 132H-116 apply to these proceedings;

(5) Outstanding debts owed by students or employees;

(6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to WAC 132H-400.

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

#### NEW SECTION

WAC 132H-108-460 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery

permitted, and to order discovery conferences to discuss discovery issues.

#### NEW SECTION

**WAC 132H-108-470 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS.** A Party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request.

#### NEW SECTION

**WAC 132H-108-480 RECORDING DEVICES.** No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132H-108-410, except for the method of official recording selected by the institution.

### **WSR 90-09-067**

#### **PERMANENT RULES**

#### **BELLEVUE COMMUNITY COLLEGE**

[Order 103, Resolution 190—Filed April 18, 1990, 9:14 a.m.]

Date of Adoption: March 13, 1990.

Purpose: The adoption of WAC 132H-400-040 insures compliance with chapter 34.05 RCW, the new Administrative Procedure Act, regarding student athletic participation at Community College District VIII.

Citation of Existing Rules Affected by this Order: WAC 132H-400-005 through 132H-400-040 states the grounds for ineligibility for any student in violation of chapter 69.41 RCW and the procedures for suspension, hearing and decision should there be a violation.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 90-03-078 on January 22, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 13, 1990

Phyllis C. Hudson  
Secretary

#### NEW SECTION

**WAC 132H-400-005 TITLE.** WAC Chapter 132H-400 will be known as Student Athletic Participation.

#### NEW SECTION

**WAC 132H-400-010 GROUNDS FOR INELIGIBILITY.** Any student found by Bellevue Community College to have violated chapter 69.41 RCW by virtue

of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

#### NEW SECTION

**WAC 132H-400-020 SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING.** Any student notified of a claimed violation of WAC 132H-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the Dean of Students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

#### NEW SECTION

**WAC 132H-400-030 HEARING.** If a timely written request for a hearing is made, the Dean of Students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-494.

#### NEW SECTION

**WAC 132H-400-040 DECISION.** The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the Dean of Students.

### **WSR 90-09-068**

#### **PERMANENT RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed April 18, 1990, 9:25 a.m., effective July 1, 1990]

Date of Adoption: April 5, 1990.

Purpose: To increase the assessment rate on potatoes grown in the state from three cents per hundredweight to four cents per hundredweight.

Citation of Existing Rules Affected by this Order: Amending WAC 16-516-040.

Statutory Authority for Adoption: RCW 15.66.040.

Pursuant to notice filed as WSR 90-01-074 on December 19, 1989.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Producers approved in a referendum in compliance with RCW 15.66.090.

Effective Date of Rule: July 1, 1990.

April 12, 1990  
C. Alan Pettibone  
Director

**AMENDATORY SECTION** (Amending Order 1684, filed 4/28/80, effective 6/1/80)

WAC 16-516-040 ASSESSMENTS AND ASSESSMENT FUNDS. (1) Assessments levied.

(a) On and after the effective date of this order, there is hereby levied and there shall be collected by the commission, as provided in the act, upon all potatoes grown in the state an annual assessment of ~~((three))~~ four cents per hundredweight which shall be paid by the producer thereof upon each and every hundredweight of potatoes sold, processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage shall be outside the boundaries of this state: PROVIDED, That no assessment shall be collected on the following:

- (i) Potatoes grown and sold for seed under an established seed certification program;
- (ii) Potatoes sold for livestock feed, regardless of grade;
- (iii) Potatoes sold for nonfood products, such as industrial starch;
- (iv) Potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;
- (v) Potatoes donated or shipped for relief or charitable purposes; or
- (vi) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of potatoes from a producer's own production.

(b) The commission is authorized to provide by rule and regulation for an assessment discount not to exceed twenty-five percent of the total hundredweight on field run or ungraded potatoes to allow for cull potatoes not used or intended for use for human consumption.

(c) No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such potatoes sold, processed or delivered for sale or processing by all producers of potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be

canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Handlers receiving potatoes from the producer, including warehousemen and processors to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission;

(iii) Payment of producer assessments before the potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person subject to the assessment shall give such adequate assurance or security for its payments as the commission shall require.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season and of the assessment discount, if any, allowable on field run or ungraded potatoes.

(c) No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this subsection as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all potatoes sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

**WSR 90-09-069**  
**EMERGENCY RULES**  
**BOARD FOR**

**COMMUNITY COLLEGE EDUCATION**

[Resolution No. 90-12—Filed April 18, 1990, 9:27 a.m.]

Date of Adoption: March 22, 1990.

Purpose: To implement the provisions of SHB 2999 and the amended version of RCW 28B.50.140(3) requiring ruled [rules] defining permissible compensation for community college presidents.

Statutory Authority for Adoption: RCW 28B.50.140(3) as amended by SHB 2999.

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

Reasons for this Finding: Pending employment of presidents for four community college districts for which these rules might apply did not allow time to meet Administrative Procedure Act requirements for public notice of proposed rule adoption.

Effective Date of Rule: Immediately.

April 17, 1990  
 Gilbert J. Carbone  
 Assistant Director

**NEW SECTION**

**WAC 131-16-500 PERMISSIBLE COMPENSATION ELEMENTS FOR COMMUNITY COLLEGE PRESIDENTS.** (1) RCW 28B.50.140(3) requires the state board for community college education to adopt rules defining the permissible elements of compensation which college boards may approve for community college presidents.

(2) Compensation (including salary) increases granted in accordance with this section shall not exceed the amount or percentage established for that purpose in the state appropriations act as allocated to the college boards by the state board for community college education.

(3) For purposes of implementation of RCW 28B.50.140(3), the permissible elements of compensation for community college presidents are defined as: (a) salary, (b) a stipend to compensate the president for providing and maintaining a private automobile for the president's use on college business, (c) medical, life, accidental death and dismemberment, long-term disability and liability insurance, (d) deferred compensation, (e) tax-deferred annuities, (f) relocation assistance, (g) deferred payment for accrued annual leave upon termination of employment in accordance with RCW 43.01.041, and (h) deferred payment for accrued sick leave upon retirement in accordance with RCW 41.04.340; provided that benefits listed in (b) through (h) shall not affect but may supplement such benefits otherwise applicable to presidents as state employees.

**WSR 90-09-070**  
**PROPOSED RULES**

**PARKS AND RECREATION COMMISSION**

[Filed April 18, 1990, 9:58 a.m.]

Original Notice.

Title of Rule: Boating safety program approval.

Purpose: Establishes a process to review and approve local boating safety programs and to make funds available to local jurisdictions to increase boating safety and to offset out-of-county boater impacts.

Statutory Authority for Adoption: RCW 43.52.050 [43.51.050].

Statute Being Implemented: RCW 88.02.040.

Summary: This rule establishes a mechanism by which state parks approves a local jurisdiction's boating safety program in that jurisdiction eligible for funds to increase their boating safety programs and to offset out-of-county boater impacts.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim French, 7150 Cleanwater Lane, Olympia, 98504, 586-2166.

Name of Proponent: Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are promulgated to pursue the legislature's intention to provide for boater education about safe and reasonable boating, to increase the level and visibility of the enforcement of boating laws, and to stimulate local efforts toward safe boating.

Proposal does not change existing rules.

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

Hearing Location: Walla Walla Community College, Lecture Room, Bridge and 15th Street, Clarkston, Washington, on June 1, 1990, at 9:00 a.m.

Submit Written Comments to: Jim French, by May 25, 1990.

Date of Intended Adoption: June 1, 1990.

April 18, 1990  
 Nina Carter  
 Executive Assistant

Chapter 352-65 WAC  
**BOATING SAFETY PROGRAM APPROVAL**

**NEW SECTION**

**WAC 352-65-010 DECLARATION OF PURPOSE AND AUTHORITY.** This chapter is adopted to implement RCW 88.02.040 wherein the Washington state parks and recreation commission has been directed to establish a process to review and approve local boating safety programs and to make funds available to local jurisdictions to offset out-of-county boater impacts. These rules are designed to pursue the legislature's intention to provide for boater education about safe and responsible boating, to increase the level and visibility of the enforcement of boating laws, and to stimulate local efforts toward safe boating.

The chapter is promulgated and published pursuant to the authority granted to the parks and recreation commission in RCW 88.36.110. These rules identify the necessary elements of a county boating safety program, specify the approval process, and establish a time frame for approval and distribution of available funds.

NEW SECTION

WAC 352-65-020 PROGRAM DESCRIPTION AND ASSURANCES. Each county requesting approval of its boating safety program must:

(1) Complete a description of its program on the forms provided by state parks identifying each required program element as specified in WAC 352-65-040;

(2) Provide assurance that the county boating safety program will be operated throughout its scheduled season in compliance with program requirements and that the funds allocated will be expended as specified in WAC 352-65-040.

NEW SECTION

WAC 352-65-030 EQUITABLE LOCAL DISTRIBUTION. The legislative authority of each county with an approved boating safety program will be responsible for equitably distributing the funds allocated by the state treasurer to local jurisdictions within the county which comply with the requirements of this chapter. Local jurisdictions offering boating safety services and desiring to receive a distribution of funds must enter into a cooperative agreement with the county and receive and maintain state parks' approval for their boating safety program.

NEW SECTION

WAC 352-65-040 MINIMUM PROGRAM REQUIREMENTS. A boating safety program must provide the necessary services and support to allow the recreational boater the opportunity to enjoy safe and clean waters. State parks, as the state's boating safety program coordinator, has established the following minimum requirements for approval of boating safety programs:

(1) Boating accident reporting and investigation.

(a) Each county or local jurisdiction must provide an assurance that all serious or fatal accidents will be thoroughly investigated to the maximum extent possible, and that copies of the investigative reports will be submitted to state parks in a timely manner as specified in RCW 43.51.404.

(b) The approved county or local jurisdiction must support the state-wide boating accident reporting system by:

(i) Providing recreational boaters with copies of the state required boating accident report (BAR) form and informing recreational boaters of their responsibility to submit the completed BAR in a timely fashion; and

(ii) Submitting to state parks a "notice of boating accident" form which includes basic information as available regarding the time, location, severity, and operator(s) involved in a nonfatal, noninjurious boating accident.

(2) Boater assistance. The county or local jurisdiction will have the ability to respond or coordinate response to boating emergencies which occur within its jurisdiction. Such emergencies may include swift water response, open water rescue, ice rescue, vessel fire, overdue boater search, or other boating related emergencies or distress calls.

(3) Training. The county or local jurisdiction will be responsible for acquiring the training for its assigned boating safety program personnel. The training will include basic boating safety officer training as provided by the United States Coast Guard, Washington state parks, or any county or local jurisdiction whose training program is approved by Washington state parks.

Such training must be acquired by January 1, 1992, or within one year of initiating a new boating safety program, whichever occurs later.

(4) Rules and regulations. The county or local jurisdiction must adopt ordinances consistent with Washington state boating laws and regulations.

(5) Enforcement. The county or local jurisdiction must provide:

(a) Boating safety officers with law enforcement commissions which empower such officers to enforce all boating laws and regulations;

(b) A patrol schedule which insures the waterways are patrolled during peak recreational periods;

(c) Response to on-water complaints, accidents, or emergencies;

(d) The necessary boating safety patrol equipment, including vessel(s) capable of serving the minimum requirements of this section. The patrol vessel must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC.

(6) Boating education. The county or local jurisdiction must have a boating education and information program satisfactory to state parks.

(7) Waterway marking. The county or local jurisdiction will use only those waterway markers which conform to the Uniform State Waterway Marking System found in chapter 352-66 WAC.

(8) Vessel inspections.

(a) The county or local jurisdiction will conduct, during on-the-water enforcement contacts, boating safety inspections for safety equipment as required by state and local laws and regulations. State parks will provide an inspection form for use by the county or local jurisdiction.

(b) The county or local jurisdiction will conduct or coordinate courtesy inspections to monitor recreational boater compliance with watercraft registration requirements as prescribed in chapter 88.02 RCW and carriage requirements for safety equipment as required by state and local laws and regulations.

(9) Reports. The county or local jurisdiction agrees to submit an annual report of activities performed through the boating safety program. The county or local jurisdiction agrees to participate in state-wide boating surveys coordinated by state parks. Forms will be provided by state parks.

(10) Limitations on use of funds. These funds are intended to increase education and enforcement efforts and to stimulate greater local participation in boating safety and are not to supplant existing boating safety funding. The county or local jurisdiction agrees to spend boat registration fees allocated by the state treasurer only for boating safety purposes which include all activities or expenditures identified in this section.

NEW SECTION

WAC 352-65-050 DISTRIBUTION OF FUNDS. (1) Funds available under RCW 88.02.040, which are to be distributed by the state treasurer based on the number of registered vessels by county of moorage, shall be released upon notification to the state treasurer:

(a) By state parks that the county has an approved program; and

(b) By the department of licensing of:

(i) The amount of registration fees collected by each county through June 30 of that calendar year; and

(ii) The total vessels registered by each county through June 30 of that calendar year.

(2) State parks will award those remaining funds not distributed in subsection (1) of this section to help offset out-of-county boater law enforcement and boating safety impacts. The following information will be considered when awarding unallocated funds:

(a) State-wide surveys of vessel use;

(b) Estimates of out-of-county use made by county or local officials supported by locally conducted surveys; and

(c) Other available professionally conducted surveys, studies, or research.

NEW SECTION

WAC 352-65-060 ANNUAL PROGRAM APPROVAL AND REVOCATION. An annual assessment of each approved county or local jurisdiction boating safety program will be made by state parks in order to insure the integrity of the program approval. The assessment will be based on minimum program requirements as listed in WAC 352-65-040. Counties and local jurisdictions meeting the requirements will maintain approval; those counties or local jurisdictions unable to demonstrate compliance with minimum approval requirements will have forty-five days to submit a plan satisfactory to state parks to remedy the deficiencies. If, after forty-five days, a county or local jurisdiction is unable to demonstrate its ability to meet minimum requirements, state parks may revoke the program approval after the county or local jurisdiction has had an opportunity for a hearing under chapter 34.05 RCW, Administrative Procedure Act.

**WSR 90-09-071**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 18, 1990, 10:27 a.m.]

Original Notice.

Title of Rule: WAC 296-15-020 Application to become certified as a self insured employer.

Purpose: To define qualifications and procedures to become an employer certified to self insure workers' compensation benefits in Washington.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: RCW 51.04.020.

Summary: This codifies our requirement that a firm's application must be accompanied by an independently audited financial statement for the most recent three years of operation. It also waives two of the three years operating requirement for an employees' stock ownership plan (ESOP) providing a majority of the employees participate in the ESOP, and the firm is currently certified as a self insurer; the certification application is accompanied by an independently audited financial statement covering at least one year of the new firm's operation; the firm meets all other self insurance certification qualifications; and the department sets the surety required, which, for the initial three years of certification for an ESOP under these conditions, will equal 125 percent of the surety otherwise required by the department.

Reasons Supporting Proposal: This amendment is in response to a demonstrated public need.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Georgia C. Moran, Olympia, 753-3677.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment will waive two of the three years in business requirement for ESOPs which fulfill all other self insurance certification requirements and should allow recent ESOPs (formed from previously self insured firms) to become certified as self insurers more quickly.

Proposal Changes the Following Existing Rules: See above.

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

The department has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not because the rule does not impact any small businesses. In order to qualify to self insure, a firm must demonstrate the financial ability to make certain the prompt payment of all foreseeable compensation and assessments required under the law. As such, only large firms are certified. Typically, these firms are paying premiums in excess of \$100,000 annually for coverage. The proposed change affects one criteria for considering self insurance, i.e., length of time in business; it does not change the financial requirements.

Hearing Location: General Administration Building Auditorium, on June 1, 1990, at 10:00 a.m.

Submit Written Comments to: Georgia C. Moran, Self Insurance Administrator, Department of Labor and Industries, HC-221, Olympia, Washington 98504, by June 1, 1990.

Date of Intended Adoption: June 29, 1990.

April 18, 1990

Joseph A. Dear

Director

AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

WAC 296-15-020 APPLICATION. (1) The application for certification to self-insure will be made only by those firms who have been in business for a minimum of three years, on a form prescribed by the department which will elicit necessary information as to an employer's qualifications for self-insurance. The application form must be accompanied by independently audited financial statements for the most recent three years of the applicant firm's operation. Provided that, in cases where the majority of employees of a currently certified self-insurer purchase the controlling interest in that business or a portion of that business pursuant to an employees' stock ownership plan (ESOP), the three-year requirement of this subsection shall not apply. In these instances, an ESOP may apply for certification to self-insure on a form prescribed by the department, which must be accompanied by an independently audited financial statement covering a minimum of one year of the new entity's operation. Any such new entity must meet all other qualifications and requirements to obtain and maintain certification, provided that, until such time that independently audited financial statements covering three years of the applicant firm's operation are provided, such entities shall provide surety at a level equal to one hundred twenty-five percent of the amount which would otherwise be required by the department as specified in WAC 296-15-030.

(2) The application shall be supplied by the department to an employer upon the employer's request. It shall be completely and accurately filled out by the employer, and forwarded, with all necessary supporting documents, to the director.

(3) The director shall consider all matters relating to the applicant's qualifications to perform as a self-insurer, and shall advise the employer of the action taken on the application thirty days before the requested certification date. If deemed necessary for obtaining further information, the director may extend the time for acting on the application. Employers who are denied certification due to deficient accident prevention programs may be required to wait six months before being considered for certification again.

**WSR 90-09-072**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed April 18, 1990, 10:28 a.m.]

Original Notice.

Title of Rule: Chapters 296-15, 296-18A and 296-20 WAC.

Purpose: Chapter 296-15 WAC, to clarify when a supplemental SIF-5 is required; chapter 296-18A WAC, to clarify procedures for providing vocational rehabilitation services; and chapter 296-20 WAC, to clarify when payments can be made.

Statutory Authority for Adoption: RCW 51.04.020.

Summary: WAC 296-15-070 Accident reports and claims procedures, this change to the WAC is intended to require the self-insurer to submit a supplemental SIF-5 within five working days following the date the time loss compensation was terminated due to the finding that the injured worker is not eligible for vocational rehabilitation services. Further, this WAC is changed to require that a copy of the eligibility notification be attached to the above required supplemental SIF-5; WAC 296-18A-440 Reports, the change to this WAC is intended to delete the requirement for contact reports, require a closing report to be submitted at the end of all

vocational services, allow the substitution of an ability to work summary (AWS) for a closing report if appropriate and require that progress reports be submitted every 30 days; WAC 296-18A-450 Vocational rehabilitation plans, the change to this WAC is intended to identify when a copy of a plan is to be sent to all parties with responsibilities under it and align the return to work priorities with RCW 51.32.095; WAC 296-18A-480 Responsibilities, the change to this WAC is intended to identify that it is the responsibility of the vocational rehabilitation counselor (VRC) to assist the provider of the requested services in the completion of the application for a provider number (if needed) and the proper method of completing and mailing to the Department of Labor and Industries the bill(s) for the services provided; WAC 296-18A-500 Self-insurers, the change to this WAC is intended to clarify what criteria the self-insurer will use to determine employability; WAC 296-18A-510 Vocational rehabilitation counselor qualifications, the change to this WAC is intended to "tidy up" the current list of vocational rehabilitation counselors (VRC's) maintained by the Department of Labor and Industries, establish that the referral source may only refer to those VRC's who are on the list, delete the "grandfather" clause, establish the minimum length of time for an internship, establish that all interns will be expected to complete an approved training curriculum, require the intern's supervisor to conduct a performance evaluation on the intern at the completion of the internship and require the intern to petition to the Department of Labor and Industries for full VRC status at the completion of the internship; WAC 296-18A-515 Period of registration, this new WAC establishes a registration period for VRC's and establishes the process for maintaining their registration as a VRC with the Department of Labor and Industries; WAC 296-18A-520 Job modification, the change to this WAC is intended to eliminate the need for an employer/employee relationship, the funds are used to assist in the successful completion of a vocational rehabilitation plan and the plan is approved by the supervisor or supervisor's designee; WAC 296-20-01002 Definitions, the change to this WAC is intended to make the rule compliant with RCW 51.32.090(3); and WAC 296-20-1103 Travel expenses, the change to this WAC is intended to clarify that travel expenses for treatment of injured workers residing outside of the state of Washington may be reimbursed if the travel is at the request of the department, or the travel is approved in advance for access to specific services.

Name of Agency Personnel Responsible for Drafting: Chuck Holmquist, Olympia, 586-2187; Implementation and Enforcement: Joseph A. Dear, Olympia, 753-6307.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Please refer to Summary.

Proposal Changes the Following Existing Rules: Please refer to Summary.

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

The department has considered whether this rule is subject to the Regulatory Fairness Act, and has determined it does not because the rule does not adversely affect any small business. WAC 296-15-070, this rule does not adversely affect any small business because both forms are currently required to be submitted; WAC 296-18A-440, this rule does not adversely affect any small business because it reflects current, established procedures; WAC 296-18A-450, this rule does not adversely affect any small business because it only clarifies when a copy of a plan is sent, and aligns the rule with the existing statute; WAC 296-18A-480, this rule does not adversely affect any small business because it will be providing a service to businesses (to assure that the charges to the department will be paid in a timely manner); WAC 296-18A-500, this rule does not adversely affect any small business because it only clarifies what criteria is used to determine employability for self-insured employees. Current statute requires that self-insured employees receive the same benefits as state fund insured employees; WAC 296-18A-510, this rule does not adversely affect any small business because it will decrease administrative costs to the department, increase the quality of service providers and formalize an existing policy; WAC 296-18A-515, this rule does not adversely affect any small business because it will increase the quality of service providers, provide a mechanism for the continued growth and development of interns and establish a formal method of encouraging professional development of existing counselors; WAC 296-18A-520, this rule does not adversely affect any small business because it does not require any action by any business; WAC 296-20-01002, this rule does not adversely affect any small business because it does not require any action by any business; and WAC 296-20-1103, this rule does not adversely affect any small business because it does not require any action by any business.

Hearing Location: Auditorium, General Administration Building, Olympia, Washington, on, May 23, 1990, at 10:00 a.m.

Submit Written Comments to: Department of Labor and Industries, VRAS, HC-311, Olympia, Washington 98504, by May 23, 1990.

Date of Intended Adoption: June 25, 1990.

April 18, 1990  
Joseph A. Dear  
Director

#### AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

WAC 296-15-070 ACCIDENT REPORTS AND CLAIMS PROCEDURES. (1) Reporting of accidents shall be on a form prescribed by the department, entitled the self-insurer's accident report (SIF #2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department for compensable claims immediately and medical only claims monthly after closing by the self-insured employer shall satisfy the initial accident reporting responsibility and statistical reporting responsibility under the law.

(2) A self-insurer, on denying any claim, shall provide to the claimant, the department, and the attending physician, within thirty days after such self-insurer has notice of the claim, a notice of denial of claim, substantially similar to the example SIF #4. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer shall file a complete and accurate supplemental or final report on injury or occupational disease claims resulting in time loss payments, on a form substantially similar to labor and industries Form No. F207-005-000, self-insurer's report of occupational injury or disease, 7-86 (SIF-5) at the following times:

(a) Within five working days following the date the first time loss compensation is paid.

(b) Within five working days following the date the time loss compensation is terminated, reinstated, or the rate thereof changed. If time loss compensation is terminated due to the self-insurer's finding that the injured worker is not eligible for vocational rehabilitation services, the self-insurer must attach the employability notification to the supplemental SIF-5.

(c) On the date a determination is requested or date temporary disability claim is closed.

(d) On all claims where vocational rehabilitation services have been provided, a rehabilitation outcome report must be submitted with the final SIF #5.

All medical reports and other pertinent information in the self-insurer's possession not previously forwarded to the department must be submitted with the request for all determinations.

(4)(a) A self-insured employer shall, upon notice of an industrial injury, provide the injured worker with the opportunity to file a self-insurer accident report (SIF-2) and shall notify the worker of his/her rights and responsibilities under Title 51 RCW. A completed copy of the self-insurer accident report (SIF-2), with an assigned department claim number, is to be provided to the worker within five working days of the date an injured worker submits the SIF-2 to the employer.

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (LI-207-20), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

The self-insurer shall submit monthly statistical information on medical only claims closed during the month by copy of the accident report (SIF #2). In medical only claims where vocational rehabilitation services have been provided, the self-insurer shall submit a rehabilitation outcome report with the self-insurers accident report (SIF-2) at the time of reporting claim closure.

(c) A self-insurer, upon closure of a temporary disability claim, shall issue an order on a form substantially similar to labor and industries Form No. F207-070-000, self-insured employer's time loss claim closure order and notice, 7-86. The self-insurer shall send a copy of the closing order and final SIF-5 to the claimant and the department at the time of closure of a temporary disability claim.

(d) When the department requests claim information by certified mail, the self-insurer shall submit all information in its possession dealing with the claim in question, within ten working days from the date of receipt of such certified mail.

(e) In any case where the department or the self-insured employer has issued an appealable order on a medical-only claim, all subsequent orders in that claim shall be issued by the department.

(f) When an application for reopening of claim for aggravation of condition is received by a self-insured employer or its authorized representative, it shall be the responsibility of the self-insured employer to forward it to the department within five working days from the date of receipt.

(5) Self-insurers may close temporary disability claims with the date of injury occurring July 1, 1986, through June 30, 1990, and occupational disease claims filed July 1, 1986, through June 30, 1990. Self-insured claims that involve a permanent partial disability, an order issued by the department resolving a disagreement, or return to work with a different employer are not subject to closure by the self-insurer.

#### AMENDATORY SECTION (Amending Order 88-24, filed 10/10/88)

WAC 296-18A-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 shall be submitted each ~~(sixty)~~ thirty days unless otherwise authorized by the claim manager.

Progress reports will follow 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))~~ (2) Closing report. Upon completion of ~~((the formal program))~~ vocational rehabilitation services, 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;

(d) An ability to work summary may be substituted for a closing report.

#### AMENDATORY SECTION (Amending Order 88-13, filed 6/24/88)

WAC 296-18A-450 VOCATIONAL REHABILITATION PLAN. (1) A vocational rehabilitation plan shall be approved by the referral source prior to its implementation. ~~((The plan))~~ After the plan has been approved by the referral source, injured worker and vocational rehabilitation counselor, a copy of it shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

(a) Assessment of the skills and abilities, based on the physical capacities and mental status, aptitudes, and transferrable skills 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 a new job with the same employer including transitional return to work;

(e) Modification of the previous job with a new employer;

(f) A new job with a new employer or self-employment based upon transferable skills;

(g) Modification of a new job with a new employer;

(h) A new job with a new employer or self-employment involving on-the-job training; and

((th) Modification of a new job with a new employer; and))

(i) 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.

#### AMENDATORY SECTION (Amending Order 88-24, filed 10/10/88)

WAC 296-18A-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 making an estimate of physical capacities or restrictions. 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 medical findings, 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 non-cooperation 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 296-18A 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 department staff;

(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; and

(e) Assist/instruct any person, company, or firm utilized in a formal program and/or job modification in the proper procedure for requesting a provider number and completing and submitting the appropriate bill for services.

#### AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

WAC 296-18A-500 SELF-INSURERS. (1) No later than paying ninety continuous 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))~~ outlined in RCW 51.32.095, WAC 296-18A-420 and department guidelines must be followed to determine employability. 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. Within ten calendar days of receipt of the vocational plan, the supervisor's designee will inform the self-insurer, the vocational rehabilitation counselor and the injured worker that the plan has been received. A review of the

vocational rehabilitation plan by the supervisor's designee will be initiated upon request by the employer or the injured worker. Reasons for the review must be stated in writing. A request for a plan review must be made prior to completion or termination of the plan. If necessary, conflict resolution techniques, such as conferences and fact-finding, will be used in order to resolve problems with the plan in as fair and expedient manner as possible. The supervisor's designee shall notify the parties of the plan review results no later than sixty days from the date the request was received.

Disputes of the supervisor's designee's determination must be submitted to the director in accordance with WAC 296-18A-470.

(3) Upon completion of the formal program, the self-insurer will submit to the self-insurance section a closing report. Within ten calendar days of receipt of the closing report, the supervisor's designee shall inform the injured worker and employer that vocational services have concluded.

(4) The self-insurer shall provide the self-insurance section with a rehabilitation outcome report on a form prescribed by the department. The rehabilitation outcome report shall be attached to the final self-insurer's report on occupational injury or disease (SIF-5) or, in the case of medical only claims, with the self-insurers accident report (SIF-2), which is submitted at the time of claim closure. A rehabilitation outcome report will be submitted on all claims where vocational rehabilitation services have been provided.

#### AMENDATORY SECTION (Amending Order 87-16, filed 5/6/87)

WAC 296-18A-510 VOCATIONAL REHABILITATION COUNSELOR QUALIFICATIONS. (1) All vocational rehabilitation counselors who ~~((were))~~ are registered by the department ~~((prior to May 16, 1985)), will ((remain on the))~~ be placed on a list and be eligible to receive referrals. The referral source may only refer to vocational counselors on the list. 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))~~ (d) 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 or identification number as a fully qualified vocational rehabilitation counselor.

The period of internship shall be not less than one year during which the intern shall satisfactorily complete a training curriculum as approved by the department. At the completion of this curriculum and a satisfactory performance evaluation from the intern's supervisor, the intern may petition to the department to be registered as a fully qualified vocational rehabilitation counselor.

(4) In order to receive or maintain a provider account number, the provider shall submit an application form provided by the department. The owner or legal representative of the provider must sign the application form. The provider shall also submit the names and signatures of all counselors working for the provider. The provider shall also submit official sealed copies of each counselor's college transcripts unless the counselor is already on the department's ((provider)) vocational rehabilitation counselor list, the department having completed a check of qualifications and having sent written notice of their acceptance. If counselors employed by the provider are not on the department's ((provider)) vocational rehabilitation counselor list, completed applications signed by each counselor must be submitted on a form provided by the department. The application form must include a statement of each counselor's experience providing vocational rehabilitation to industrially injured workers and the names of former and current employers and supervisors.

(5) It is the responsibility of the vocational counselor and provider to be familiar with the industrial insurance rules and laws of the state of Washington. The vocational counselor and provider must act in a professional manner and comply with the code of professional ethics for vocational rehabilitation counselors.

#### NEW SECTION

WAC 296-18A-515 PERIOD OF REGISTRATION. (1) The period of registration for vocational rehabilitation counselors shall be two years.

(2) In order to maintain his or her registration with the department, the vocational rehabilitation counselor must complete forty continuing education units (CEUs) within the two-year registration period.

(a) The forty continuing education units must relate to the field of vocational rehabilitation; and

(b) Are subject to approval by the department.

(3) Any vocational rehabilitation counselor that has not provided vocational rehabilitation services to a Washington state industrially injured worker, and has not completed the forty continuing education units as stated in subsection (2) of this section within each two-year period, shall have his/her registration with the department terminated.

(a) For new vocational rehabilitation counselors the two-year time period shall start upon approval of their application by the department.

(b) For vocational rehabilitation counselors who are registered at the time this rule takes effect, the two-year time period shall start on their next birthday.

#### AMENDATORY SECTION (Amending Order 88-13, filed 6/24/88)

WAC 296-18A-520 JOB MODIFICATION ASSISTANCE. (1) As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32-250), the supervisor or supervisor's designee 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 or supervisor's designee 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.

(5) No employer/employee relationship need exist if the modification is used to assist in the successful completion of vocational rehabilitation services as authorized by chapter 51.32 RCW.

#### AMENDATORY SECTION (Amending WSR 90-04-057, filed 2/2/90, effective 3/5/90)

WAC 296-20-01002 DEFINITIONS. TERMINATION OF TREATMENT: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

UNUSUAL OR UNLISTED PROCEDURE: Value of unlisted services or procedures should be substantiated "by report" (BR).

"BY REPORT": BR (by report) in the value column indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative or narrative report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(1) Diagnosis;

(2) Size, location and number of lesion(s) or procedure(s) where appropriate;

(3) Major surgical procedure and supplementary procedure(s);

(4) Whenever possible, list the nearest similar procedure by number according to this schedule;

(5) Estimated follow-up;

(6) Operative time.

The department or self-insurer may adjust BR procedures when such action is indicated.

"INDEPENDENT OR SEPARATE PROCEDURE": Certain of the listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

SV. ITEMS: Sv (service) procedures are not essentially a single procedure, rather they are comprised of several other procedures. These "Sv" procedures although identified by a specific code number, can be described only in terms of the several services included. Therefore, unit values are not indicated for Sv procedures and total value is derived from the values of the individual services performed. These Sv procedures require "BR" (see above) information to substantiate billing.

MODIFIED WORK STATUS: The injured worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Injured workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

REGULAR WORK STATUS: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

TOTAL TEMPORARY DISABILITY: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably

continuous gainful employment as a direct result of an accepted industrial injury or exposure.

**TEMPORARY PARTIAL DISABILITY:** Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of ~~((at least))~~ more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary.

**ALL TIME LOSS COMPENSATION MUST BE CERTIFIED BY THE ATTENDING DOCTOR BASED ON OBJECTIVE FINDINGS.**

**PERMANENT PARTIAL DISABILITY:** Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. Appendix D contains a schedule of the permanent disability maximum awards. **UNDER WASHINGTON LAW DISABILITY AWARDS ARE BASED SOLELY ON PHYSICAL OR MENTAL IMPAIRMENT DUE TO THE ACCEPTED INJURY OR CONDITIONS WITHOUT CONSIDERATION OF ECONOMIC FACTORS.**

**TOTAL PERMANENT DISABILITY:** Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

**FATAL:** When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location (see Appendix C) or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

**DOCTOR:** For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; drugless therapeutics; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in WAC 296-20-100.

**HEALTH SERVICES PROVIDER OR PROVIDER:** For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, drugless therapeutics, and durable medical equipment dealers.

**PRACTITIONER:** For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

**PHYSICIAN:** For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

**ACCEPTANCE, ACCEPTED CONDITION:** Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

**AUTHORIZATION:** Notification by a qualified representative of the department or self-insurer that specific medically necessary treatment,

services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

**MEDICALLY NECESSARY:** Those health services are medically necessary which, in the opinion of the director or his or her designee, are:

(a) Proper and necessary for the diagnosis and curative or rehabilitative treatment of an accepted condition; and

(b) Reflective of accepted standards of good practice within the scope of the provider's license or certification; and

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered medically necessary. Services which are controversial, obsolete, experimental, or investigational are presumed not to be medically necessary, and shall be authorized only as provided in WAC 296-20-03002(6).

**UTILIZATION REVIEW:** The assessment of a claimant's medical care to assure that it is medically necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

**EMERGENCY HOSPITAL ADMISSION:** Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

**NONEMERGENT (ELECTIVE) HOSPITAL ADMISSION:** Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

#### AMENDATORY SECTION (Amending Order 83-23, filed 8/2/83)

**WAC 296-20-1103 TRAVEL EXPENSE.** The department or self-insurer will reimburse travel expense incurred by injured worker's for the following reasons: (1) Special exam at department's or self-insurer's request; (2) vocational evaluation at department's or self-insurer's request; (3) treatment at department rehabilitation center; (4) fitting of prosthetic device; and (5) upon prior authorization for treatment when injured worker must travel more than ten miles one-way from his home to the nearest point of adequate treatment. Travel expense is not payable when adequate treatment is available within ten miles of injured worker's home, yet the injured worker prefers to report to an attending doctor outside his home area.

Travel expense will be reimbursed at the current department established rate.

No travel expense for treatment services will be paid to those injured worker's residing outside the state of Washington, except when the examination, treatment, or evaluation is provided at the request of the department or is approved in advance for access to specific services (such as prosthetic fitting). Persons residing in states which border Washington state AND within fifty miles of the Washington border will be considered Washington residents for travel expense purposes. Persons traveling from Washington to another state for diagnostic or treatment services that are not available in Washington will be reimbursed travel expense when approved in advance.

When travel involves need for food and lodging these items will be reimbursed at the currently established rates.

Parking, vehicle storage, ferry and bridge tolls will be reimbursed if receipt is provided. No receipt will be required for parking expenses under two dollars.

Request for reimbursement of travel expenses must be received by the department or self-insurer within ninety days of the date expense was incurred.

**WSR 90-09-073**  
**EMERGENCY RULES**  
**GAMBLING COMMISSION**  
[Filed April 18, 1990, 11:44 a.m.]

Date of Adoption: April 13, 1990.

Purpose: To ensure the adjudicative system of agency complies with state administrative law requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 230-50-560 and 230-50-580.

Statutory Authority for Adoption: RCW 9.46.070(14).

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

Reasons for this Finding: The adjudicated system of the agency is not consistent with the Administrative Procedure Act. Without the change, the system is flawed and subject to legal challenge and delay of process.

Effective Date of Rule: Immediately.

April 18, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/89)

WAC 230-50-560 ADJUDICATED PROCEEDINGS-REVIEW OF INITIAL ORDER-REPLIES-RECONSIDERATION-FINAL ORDERS. Any party to an adjudicative proceeding may file a petition for review of an initial order.

(1) The petition for review shall be filed with the commission within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(2) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition.

(3) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed.

(4) At least a majority of the commission members shall review the petition within 120 days after the petition was filed and render a final order in accordance with WAC 10-08-210.

(5) A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the commission in accordance with WAC 230-50-210 within ten days of the service of the final order. Such petition shall be administered in accordance with RCW 34.05.470.

(6) An initial order issued by an administrative law judge or the commission shall become the final order in the proceedings unless a petition for reconsideration is filed in accordance with the requirements of this rule.

AMENDATORY SECTION (Amending Order 200, filed 11/27/89 [, effective 12/28/89])

WAC 230-50-580 ADJUDICATED PROCEEDINGS - HEARINGS - FORMS. The following formats shall be utilized in all adjudicated proceedings:

(1)

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Gambling Activities of Licensee. NO. NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATED PROCEEDING

((RONALD O. BAILEY)) (Director's Name) alleges as follows:

I

He is the Director of the Washington State Gambling Commission and makes these charges in his official capacity.

II

Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

III

has been issued the following license(s) by the Washington State Gambling Commission, which license(s) (was/were) issued subject to compliance by the licensee with state laws and rules of the Commission.

- A. License Number Authorizing Activity
B. License Number Authorizing Activity
C. License Number Authorizing Activity

IV

(Attach Recital Of Charges)

(Appropriate Roman Numeral)

The charges specified in paragraphs through above constitute grounds for the day suspension, or revocation of the license(s) held by to conduct authorized gambling activity under authority of RCW 9.46.075 and WAC 230-04-400.

(Appropriate Roman Numeral)

The (licensee/applicant) shall be afforded the opportunity to have an Adjudicated Proceeding, which includes a hearing on the alleged violations. In order to commence an Adjudicated Proceeding, the enclosed APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING MUST BE COMPLETED IN FULL by the LICENSEE OR REPRESENTATIVE and returned to the Gambling Commission within 20 days from the date of receipt of this notice. FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010, THE IMPOSITION OF THE PENALTY SET OUT ABOVE OR ONE OF LESSER DEGREE AND SHALL CONSTITUTE A WAIVER OF ANY FURTHER RIGHTS TO A HEARING OR REVIEW IN THIS MATTER.

STATE OF WASHINGTON
COUNTY OF THURSTON

ss.

((Ronald O. Bailey)) (Director's Name), being first duly sworn on oath, deposes and says: That he has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicated Proceeding, knows the contents thereof, and believes the same to be true, and that he is the Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

((Ronald O. Bailey))
(Director's Name)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

NOTARY PUBLIC in and for the State of Washington residing at \_\_\_\_\_

(2) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of (Licensee/Applicant.)

NO. \_\_\_\_\_ APPLICATION FOR ADJUDICATED PROCEEDINGS AND REQUESTS FOR HEARING

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission 4511 Woodview Drive SE Mail Stop QB-11 Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.440, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to apply for an ADJUDICATIVE PROCEEDING, which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

- Check Mark Signature 1) I want to have a hearing in this Adjudicated Proceeding 2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows: Name Address Phone Number 3) I will NOT be represented by an attorney in this matter. 4) I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER.

Please indicate those charges, if any, which you admit occurred.

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement I did NOT attach a letter or statement

A HEARING, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS MATTER AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1989

\*\* SIGN HERE \*\* LICENSEE OR REPRESENTATIVE

(3) STATE OF WASHINGTON GAMBLING COMMISSION

In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of (Licensee/Applicant)

NO. \_\_\_\_\_ APPLICATION FOR AN ADJUDICATED PROCEEDING AND REQUEST FOR HEARING WITH OFFER OF SETTLEMENT

THIS IS AN IMPORTANT NOTICE WHICH DETERMINES WHETHER OR NOT YOU WILL HAVE THE RIGHT TO A HEARING IN THIS MATTER. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE ANY QUESTIONS REGARDING YOUR LEGAL RIGHTS IN THIS MATTER YOU SHOULD CONTACT AN ATTORNEY.

In order to request and preserve your right to a hearing you MUST complete and sign this form, then return it by mail within 20 days to:

The Washington State Gambling Commission 4511 Woodview Drive SE Mail Stop QB-11 Lacey, Washington 98504-8121

FAILURE TO COMPLETE AND RETURN THIS FORM AS INSTRUCTED WILL RESULT IN THE ENTRY OF A DEFAULT ORDER AGAINST YOU PURSUANT TO RCW 34.05.440, and WAIVER of your rights to appeal in this matter.

YOU HAVE 20 DAYS FROM THE DATE OF RECEIPT OF THIS FORM TO COMPLETE AND RETURN IT TO THE ADDRESS ABOVE.

NO EXTENSIONS BEYOND THE 20 DAYS WILL BE GRANTED.

BRIEF EXPLANATION OF RIGHTS AND PROCEEDINGS:

You have the right to request apply for a ADJUDICATIVE PROCEEDING which includes a hearing on the allegations set forth in the notice of administrative charges. The hearing will be conducted by a state Administrative Law Judge pursuant to state law and administrative codes. You have the right to be represented by an attorney of your choice and at YOUR OWN EXPENSE.

You have the right to produce witnesses, and evidence relevant to the violations alleged. See WAC 230-50 for additional rights.

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

Check Mark Signature

1) I want to have a hearing in this Adjudicated Proceeding

2) I will be represented by an attorney in this matter, his/her name, address and phone number are as follows:

Name

Address

Phone Number

3) I will NOT be represented by an attorney in this matter.

4) I DO NOT want a HEARING AND WAIVE MY RIGHTS TO A HEARING IN THIS MATTER.

5) I will agree to a stipulated settlement as stated on Page 3 and have signed the order on page 4.

Please indicate those charges, if any, which you admit occurred.

You may attach a letter or a statement of your position in this matter if you choose to do so. Please indicate whether or not you attached either.

I attached a letter or statement
I did NOT attach a letter or statement

A hearing, if requested, shall be conducted by a state Administrative Law Judge in a location near your place of business or residence, but not necessarily in the city or county in which you do business or reside. You will be notified at least seven (7) days in advance of the proceeding.

If you do not understand any portion of these documents, you are strongly encouraged to contact an attorney.

You MUST complete, sign, date and then mail this document together with the REQUEST FOR INTERPRETER form, to the Washington State Gambling Commission at the address as stated on this form WITHIN 20 days of receipt of these documents. FAILURE TO DO SO WILL RESULT IN A WAIVER OF YOUR RIGHTS TO A HEARING IN THIS ADJUDICATIVE PROCEEDING AND ENTRY OF A DEFAULT ORDER PURSUANT TO RCW 34.05.440 AND WAC 230-50-010.

Dated this day of, 1989

\*\* SIGN HERE \*\* LICENSEE OR REPRESENTATIVE

I will agree to a stipulated settlement in this matter and the entry of the attached order on the following terms:

A suspension of days for my gambling license(s).
A fine of in lieu of the day suspension of my gambling license(s).

Th order finds that the violation(s) were in fact committed.

The staff of the Commission will contact me regarding the dates for the suspension and/or payment of the fine. The dates for the suspension or fine will be as stated in the order. Insert name of commission staff member of the staff of the Commission can be contacted regarding changing the dates for the suspension and/or payment of the fine before the order is signed.

The dates of the suspension as set are no more than 90 calendar days from the date of return of this form to the Commission mailing of this form to you and the fine is due PRIOR to the dates of the suspension.

By signing as indicated I agree to this settlement.

\*\* SIGN HERE \*\*

LICENSEE OR REPRESENTATIVE

DATE

YOU MUST ALSO SIGN THE ORDER ON PAGE FOUR WHERE INDICATED.

(4)

STATE OF WASHINGTON GAMBLING COMMISSION

Table with 2 columns: An Adjudicated proceeding in the matter of the Suspension or Revocation of the license(s) to conduct Gambling Activities of: and No. Stipulated Settlement from Written Pre Hearing Offer. Licensee

I

The licensee named hereon stipulates that the charges as set forth in the statement of charges attached hereto occurred and agrees to entry of a finding as such and conclusion of law or the violations.

II

That Licensee's Name has been issued a license(s) to conduct gambling activity(ies), as follows:

Table with 2 columns: License Number and Authorizing. (Insert License #) (Type of Activity)

III

thereto, and will be conducted pursuant to chapter 34.05 RCW and 230-50 WAC. Should the licensee and representatives fail to appear at the hearing as scheduled a default order pursuant to RCW 34.05.440 will be entered.

The proceeding will determine whether a suspension/revocation/or denial should be imposed.

(Ronald O. Bailey) Director's Name

((+)) (6)

STATE OF WASHINGTON GAMBLING COMMISSION

Table with 2 columns: An Adjudicated Proceeding In the Matter of the Suspension/Revocation/Denial of the License/ Application to Conduct Gambling Activities of: and No. REQUEST FOR INTERPRETER AND/OR TRANSLATION OF DOCUMENTS. Licensee

I, being a party in this proceeding hereby state that I am a limited English speaking person or hearing impaired person or that I will be calling a witness who is a limited English speaking or hearing impaired person and that I/they require an interpreter as indicated below:

(Check all items that apply and fill in the blank spaces.)

- I will require an interpreter for the \_\_\_\_\_ language.
- I will require an interpreter for a hearing impairment.
- I will be calling a limited English speaking witness who will require an interpreter in the \_\_\_\_\_ language.
- I will be calling a hearing impaired person who will require an interpreter.
- I request all documents in this proceeding be translated into the \_\_\_\_\_ language.

Signed: \_\_\_\_\_  
Dated: \_\_\_\_\_

That the following is entered as the Final Order on these charges.

That the license(s) of (Licensees Name) to conduct (Type of activity) activity(ies) is hereby suspended for a term of ( ) days commencing (date suspension to start) and running through and including (date suspension will end). Provided further, that in lieu of said suspension the licensee may pay a fine of (\$ amount) on or before (Date).

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
(Name)  
Administrative Law Judge

\_\_\_\_\_  
(Licensee) or representative

\_\_\_\_\_  
(Asst. Attorney General)

(5)

STATE OF WASHINGTON  
GAMBLING COMMISSION

An Adjudicated Proceeding In the Matter of the (Suspension/Revocation/Denial) of the (License/Application) to Conduct Authorized Gambling Activities of

NO. \_\_\_\_\_  
NOTICE OF HEARING

(Licensee/Applicant).  
\_\_\_\_\_

I

(ATTACH RECITAL OF CHARGES)

II

That the licensee(s) (was/were) previously notified of the administrative charges pending and (has/have) made a timely application for adjudicated proceeding and request for hearing. Based upon that request, a hearing will be conducted by \_\_\_\_\_, Administrative Law Judge of \_\_\_\_\_, phone number \_\_\_\_\_, on all charges as stated pursuant to WAC 230-50-010.

III

That the agency will be represented at the hearing by \_\_\_\_\_, Assistant Attorney General of \_\_\_\_\_, phone number \_\_\_\_\_. The licensee will be represented by \_\_\_\_\_ of \_\_\_\_\_, phone number \_\_\_\_\_.

IV

That the hearing is set for \_\_\_\_\_ at the hour of \_\_\_\_\_, in the city of \_\_\_\_\_ at \_\_\_\_\_. The hearing is being conducted under the authority of chapter 9.46 RCW and amendments

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

**WSR 90-09-074**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**  
[Filed April 18, 1990, 1:20 p.m.]

Original Notice.

Title of Rule: WAC 251-12-085 Hearing examiners; and 251-12-099 Filing of prehearing statements, briefs and written argument.

Purpose: To give guidance to the parties to administrative hearings before the board for submission of prehearing statements, briefs or written argument.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Parties wishing to submit prehearing statements, briefs or written argument must do so two weeks prior to the scheduled hearing. At the board's request, the parties may be required to submit prehearing statements, briefs and written argument two weeks prior to the scheduled hearing.

Reasons Supporting Proposal: To alleviate delays in the hearing process caused by last-minute submissions of documents.

Name of Agency Personnel Responsible for Drafting: Holly Galloway, 1202 Black Lake Boulevard, FT-11, Olympia 98504, 586-8642; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, 98504, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Expands the informal agency process used for submission of prehearing position statements to include briefs and written arguments. Specifies when such documents must be submitted, how many copies must be submitted, and when submission will be considered accomplished. Purpose is to reduce delays in the hearing process caused by last-minute submissions to the board. Will allow the board to be fully prepared prior to the beginning of the hearing. It is anticipated that this will shorten the decision-making process, thereby shortening the adjudication process and allowing more timely service to the parties.

Proposal Changes the Following Existing Rules: Modifies WAC 251-12-085. This modification refers

parties wishing to submit written argument to the new rule, WAC 251-12-099, which specifies the requirement to be met when submitting written argument.

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

Hearing Location: Board Room, Bellevue Community College, Bellevue, Washington, on June 7, 1990, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, by June 6, 1990.

Date of Intended Adoption: June 7, 1990.

April 18, 1990

John A. Spitz

Director

by Dorothy Gerard

AMENDATORY SECTION (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

WAC 251-12-085 HEARING EXAMINERS. (1) The board may appoint one or more hearing examiners to preside over, conduct and make recommended decisions in all cases of employee appeals to the board. The hearing examiner shall conduct hearings in the same manner and shall have the same authority as the presiding board member at hearings before the board. The hearing examiner shall also have the authority to do the following:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on offers of proof and receive relevant evidence;
- (f) Take any appropriate action necessary to maintain order during the hearing;
- (g) Permit or require oral argument or briefs and determine the time limits for submission thereof; and
- (h) Take any other action necessary and authorized by any applicable statute or rule.

(2) With the exclusion of WAC 251-12-076, within thirty calendar days of the hearing, the hearing examiner shall issue a recommended decision which shall be transmitted to the board and be served upon the parties by certified mail with a statement regarding the right to file exceptions to the recommended decision.

(3) Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exceptions with the board.

(4) If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision.

(5) When exceptions are filed, such written statements shall include in detail the specific items of the hearing examiner's recommended decision to which exception is taken. A hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument on the basis of the transcript and exhibits. Written argument may be presented in accordance with WAC 251-12-099. Following the hearing on the exceptions the board may affirm, reverse, or modify the recommended findings of fact, conclusions of law and/or decision of the hearing examiner.

#### NEW SECTION

WAC 251-12-099 FILING OF PREHEARING STATEMENTS, BRIEFS, AND WRITTEN ARGUMENT. (1) Any party to a hearing before the board who desires to submit, or who is requested by the board to submit, a prehearing statement, prehearing brief, or written argument will provide such documents to the board and to the opposing party no later than fourteen calendar days prior to the scheduled hearing date.

(2) The party submitting such documents will provide the original and three copies to the board, and one copy to the opposing party.

(3) Submission of documents will be accomplished when board staff receives the original document in the board's Olympia, Washington, headquarters.

#### WSR 90-09-075

#### PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed April 18, 1990, 1:21 p.m.]

Original Notice.

Title of Rule: WAC 251-01-180 Fringe benefits; and 251-22-165 Workmen's compensation.

Purpose: Define and specify provisions for use of workmen's compensation.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: The term "workmen's" is replaced by "workers'."

Reasons Supporting Proposal: To bring rules into compliance with state law.

Name of Agency Personnel Responsible for Drafting: Shelley Fore, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, 586-8418; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules define and specify workmen's compensation leave provisions. This modification will change the term "workmen's" to "workers'" to be consistent with the term usage throughout state law.

Proposal Changes the Following Existing Rules: Changes the term "workmen's" to "workers'."

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

Hearing Location: Board Room, Bellevue Community College, Bellevue, Washington, on June 7, 1990, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, by June 7, 1990.

Date of Intended Adoption: June 7, 1990.

April 18, 1990

John A. Spitz

Director

AMENDATORY SECTION (Amending Order 147, filed 4/22/86)

WAC 251-01-180 FRINGE BENEFITS. As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, ((workmen's)) worker's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

**AMENDATORY SECTION** (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-22-165 ((~~WORKMEN'S~~)) WORKERS' COMPENSATION—LEAVE. (1) Employees who suffer a work related injury or illness that is compensable under the state ((~~workmen's~~)) workers' compensation law may select time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and accrued paid leave.

(2) Employees taking sick leave during a period in which they receive ((~~workmen's~~)) workers' compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for ((~~workmen's~~)) workers' compensation is determined by the department of labor and industries, the institution may pay full sick leave, provided that the employee shall return any overpayment to the institution when the salary adjustment is determined.

(b) Sick leave hours charged to an employee who receives ((~~workmen's~~)) workers' compensation, as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the institution during the claim period.

(3) During a period when an employee receives pay for vacation leave, compensatory time off or holidays and also receives ((~~workmen's~~)) workers' compensation for time loss, he/she is entitled to both payments without any deduction for the industrial insurance payment.

(4) When an employee receives ((~~workmen's~~)) workers' compensation payment for time loss and is on leave without pay, no deductions will be made for the industrial insurance payment.

(5) An employee who sustains an industrial injury, accident or illness, arising from employment by an institution under the jurisdiction of the higher education personnel board shall, upon written request and proof of continuing disability, be granted leave of absence without pay for up to six months without loss of layoff seniority or change in annual increment date. Leave without pay exceeding six months without loss of layoff seniority or change in annual increment date may be granted at the option of the employing institution.

### WSR 90-09-076

#### PROPOSED RULES

#### HIGHER EDUCATION PERSONNEL BOARD

[Filed April 18, 1990, 1:22 p.m.]

#### Original Notice.

Title of Rule: WAC 251-12-073 Appeals from exempt status.

Purpose: States the right of an employee to appeal whether a classification should or should not be exempt.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Proposed modification corrects a reference to another section of Title 251 WAC.

Reasons Supporting Proposal: Proposed modification will keep Title 251 WAC current and accurate.

Name of Agency Personnel Responsible for Drafting: Pamela Andersen, 1202 Black Lake Boulevard, FT-11, Olympia, 753-3731; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule refers to another rule section regarding appeals. The other rule section was modified in December

1989, which changes the reference to it contained in this rule. This current modification will keep the chapter current and correct.

Proposal Changes the Following Existing Rules: Makes the reference correct in the rules.

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

Hearing Location: Board Room, Bellevue Community College, Bellevue, Washington, on June 7, 1990, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, by June 6, 1990.

Date of Intended Adoption: June 7, 1990.

April 18, 1990

John A. Spitz

Director

**AMENDATORY SECTION** (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

WAC 251-12-073 APPEALS FROM EXEMPT STATUS. As indicated in WAC 251-04-040((++)) (10), any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he/she should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080.

### WSR 90-09-077

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH (Chiropractic Disciplinary Board)

[Filed April 18, 1990, 2:40 p.m.]

#### Original Notice.

Title of Rule: New section WAC 113-12-104 Delegation of services to auxiliary staff.

Purpose: WAC 113-12-104 establishes guidelines for the use of auxiliary staff by licensed doctors of chiropractic.

Statutory Authority for Adoption: RCW 18.26.110 and 18.130.050.

Statute Being Implemented: Chapter 18.26 RCW and RCW 18.130.180(10).

Summary: WAC 113-12-104 defines the procedures which can be performed by auxiliary staff, in assisting licensed doctors of chiropractic.

Reasons Supporting Proposal: WAC 113-12-104 defines the procedures which auxiliary staff may perform in conjunction with a licensed doctor of chiropractic. The new rule is proposed to protect the public health, safety and welfare.

Name of Agency Personnel Responsible for Drafting: Connie Glasgow, Olympia, 753-0776; Implementation and Enforcement: Yvonne Braeme, Olympia, 753-0776.

Name of Proponent: Chiropractic Disciplinary Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 113-12-104 establishes the chiropractic procedures which may be delegated to auxiliary staff by

licensed doctors of chiropractic. The new section defines chiropractic procedures which constitute the unlicensed practice of chiropractic.

Proposal does not change existing rules.

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

Hearing Location: West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on May 24, 1990, at 1:30 p.m.

Submit Written Comments to: Connie Glasgow, P.O. Box 1099, Olympia, WA 98507, by May 17, 1990.

Date of Intended Adoption: May 24, 1990.

April 18, 1990

Connie M. Glasgow  
Program Manager

#### NEW SECTION

WAC 113-12-104 DELEGATION OF SERVICES TO AUXILIARY STAFF. Definitions:

(1) Auxiliary staff - All personnel who are working for or at the direction of a licensed doctor of chiropractic.

(2) Direct supervision - Is defined as having a licensed doctor of chiropractic on the premises where the service is being performed and immediately available.

(3) Auxiliary services - Those services, excluding those practices which are restricted to licensed chiropractors, which may be needed for the support of chiropractic care.

(a) A licensed chiropractor may, within the confines of this section, delegate certain services to auxiliary staff, provided that these services are performed under the licensed chiropractor's direct supervision.

(b) Unlicensed auxiliary staff and personnel shall not perform the following services:

(i) Detection of subluxations;

(ii) Adjustment or manipulation of the articulations of the spinal column or its immediate articulations;

(iii) Interpretation or analysis of radiographs;

(iv) Determining the necessity for chiropractic care.

(c) The supervising chiropractor shall be responsible for determining that auxiliary staff are competent to perform the delegated services. The licensed supervising chiropractor must render adequate supervision so that the patient's health and safety is not at risk.

Auxiliary staff may perform the following supportive examination procedures: Patient history, height, weight, temperature, blood pressure, pulse rate, and gross postural observation (active spinal range of motion utilizing a generally accepted measuring device). Further it is provided that such auxiliary staff shall not perform any orthopedic or neurological examinations.

**WSR 90-09-078**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:08 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-49-500 Income—Deductions.

Purpose: To implement new rules regarding food stamp program income deductions.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: WAC 388-49-500(5) specified that an allowable expense is not deductible when covered by an excluded vendor payment or excluded reimbursement;

and WAC 388-49-500(4) applies to effective dates for allowable expenses for categorically eligible households, specifically to households which: Apply for food stamps and SSI simultaneously; and are denied food stamps, but become SSI eligible afterward; or receive food stamps and become SSI afterward; or receive food stamps and become SSI eligible afterward. The rule specified that the department must extend eligibility for the medical or excess shelter deduction back to the date SSI eligibility began.

Reasons Supporting Proposal: This rule amendment is necessary in accordance with the code of federal regulations to clarify medical and shelter deduction policies for categorically eligible households. In addition, new rules restrict eligibility for other households to claim allowable deductions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, 753-1354.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.10 (d)(7) and 7 CFR 273.10 (d)(1)(i).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990

Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

#### AMENDATORY SECTION (Amending Order 2901, filed 11/17/89, effective 12/18/89)

WAC 388-49-500 INCOME—DEDUCTIONS. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred twelve dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed one hundred sixty dollars per dependent when care is necessary for a household member to:

(i) Seek, accept, or continue employment; or

(ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred by an elderly or disabled household member;

(e) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, and dependent care deductions. The shelter deduction shall not exceed one hundred seventy-seven dollars;

(f) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) Shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

- (i) Household intends to return to the home;
- (ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

- (i) Has not yet received a billing for utilities; or
- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or
- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

- (i) Not entitled to the standard utility allowance((:));<sub>2</sub> or
- (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(3) A household may switch between actual utility costs and the standard utility allowance:

- (a) At each recertification((:));<sub>2</sub> and
- (b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical and/or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

- (a) Reimbursement; or
- (b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

(6) The department shall verify:

(a) Continuing shelter costs, if allowing the costs could potentially result in a deduction. Verify on a one-time basis unless the household has:

- (i) Moved((:));<sub>2</sub> or
- (ii) Reported an increase in costs affecting the amount of the deduction or the information is questionable.

(b) Utility expenses:  
(i) If the household is entitled to the standard utility allowance. Verify on a one-time basis unless the household has moved, changed its utilities, or the information is questionable; or

(ii) On a one-time basis if the household claims actual utility expenses at initial certification, recertification, or on a monthly basis for households subject to monthly reporting.

(c) Dependent care costs including changes, except in prospective budgeting;

(d) Medical expenses and the reimbursement amounts resulting in a deduction:

(i) At recertification, if the amount has changed more than twenty-five dollars; and

(ii) On a monthly basis for a household subject to monthly reporting.

~~((5))~~ (7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction, except in prospective budgeting.

**WSR 90-09-079**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:09 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-24-050 Aid to families with dependent children—Assistance unit.

Purpose: Create periods of ineligibility for recipients of AFDC who have been found by state or federal court to be guilty of committing fraud. Ineligibility exists for the following time periods: First offense, six months; second offense, twelve months; third offense, permanently.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Recipients of AFDC will be disqualified from receiving assistance if they have been found guilty by a state or federal court of committing fraud. Ineligibility will exist for the following time periods: First offense, six months; second offense, twelve months; third offense, permanently.

Reasons Supporting Proposal: This rule amendment is necessary in accordance with the Omnibus Reconciliation Act of 1987 (OBRA) provides the state the option to disqualify intentional program violaters as part of its fraud control program if the client was found by a state or federal court to be guilty of committing fraud. Implementing this option provides increased federal matching for the administrative costs of prosecution activities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Brinkman, Division of Income Assistance, 753-4915.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990

Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2731, filed 11/30/88)

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. (1) Except as specified in subsection (4) of this section, the department shall include, in a single assistance unit, the following persons living together:

- (a) A woman in her third trimester of pregnancy who has no other child; or  
 (b) The child(ren), including all full or half brothers and sisters of such a child(ren); and  
 (c) The parent(s) or stepparent(s) with whom the child(ren) lives; and

(d) A minor parent's parent who claims to be the needy caretaker relative of the:

- (i) ~~((The))~~ Minor parent,  
 (ii) ~~((The))~~ Minor parent's child, or  
 (iii) ~~((The))~~ Minor parent's full or half brother or half sister.

(2) Except as specified in subsection (4) of this section, the department may include in the assistance unit at the option of the family:

(a) One needy relative caretaker of specified degree whose eligibility depends solely on caring for the child(ren), if a parent does not reside in the family home; or

(b) The stepbrothers or stepsisters of a child included in the assistance unit, except as required in subsection (1) of this section; or

(c) Needy eligible nonsibling children.

(3) The department shall authorize only one assistance unit grant for all needy eligible siblings and nonsiblings living with a single caretaker relative or relative married couple.

(4) The department shall exclude from the assistance unit any person ineligible due to factors not related to need. Exclusions include, but are not limited to:

(a) A recipient of SSI benefits;

(b) An alien not meeting the citizenship and alienage requirements (see WAC 388-26-120); ~~((and))~~

(c) A person under sanction for noncooperation with the:

(i) ~~((The))~~ OPPORTUNITIES program (see WAC 388-24-107); or

(ii) ~~((The))~~ Department's office of support enforcement (see WAC 388-24-108 and 388-24-109); and

(d) A person found guilty by a court within this state or any federal court of any criminal act relating to the application for or receipt of public assistance benefits, or a person who enters into a pretrial or precharging diversion program, sanctioned by a county prosecutor or United States attorney, as the result of their committing such act.

(i) Ineligibility exists for the following time periods:

(A) First offense - Six months;

(B) Second offense - Twelve months; and

(C) Third offense - Permanently.

(ii) The period of ineligibility for a recipient begins on the first of the month following the month the court notifies the department of a fraud conviction.

(iii) The period of ineligibility for a nonrecipient begins the month the nonrecipient re-applies and is found otherwise eligible for assistance.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 90-09-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:10 p.m.]

Original Notice.

Title of Rule: WAC 388-49-070 Public assistance households.

Purpose: Clarify food stamp application processing rules for public assistance households.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: The department shall accept one application from a household applying for food stamps and public assistance at the same time. Provide food stamps,

effective the date of application, o [of] categorically eligible households who: Have not been denied food stamps; and are determined to be categorically eligible within the time limits specified in WAC 388-49-120 and 388-49-150. Reevaluate, within sixty days from the application date, any food stamp application from a household which: Applied for both food stamps and AFDC or SSI; and was denied food stamps prior to a positive AFDC or SSI eligibility determination. Provide food stamps, effective the AFDC eligibility date, for households that: File joint applications; and are found categorically eligible after being denied nonassistance food stamps.

Reasons Supporting Proposal: This rule amendment is necessary to implement 7 CFR 273.2(j).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 753-5401.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.2(j).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990  
 Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

**AMENDATORY SECTION** (Amending Order 2855, filed 8/29/89, effective 9/29/89)

WAC 388-49-070 PUBLIC ASSISTANCE HOUSEHOLDS.

(1) The department shall accept one application from a household applying for food stamps and public assistance at the same time.

(2) When a household files an application requesting public assistance and food stamps, the department shall:

~~((+))~~ (a) Conduct a single interview at initial application;

~~((+))~~ (b) Not delay food stamp benefits pending determination of public assistance eligibility; and

~~((+))~~ (c) Not require a new food stamp application filing if the department

~~((+))~~ denies the public assistance request

~~((+))~~ terminates public assistance eligibility during a certification period).

(3) The department shall not require a new food stamp application if the department terminates public assistance eligibility during a certification period.

(4) The department shall provide food stamps, effective the date of application, to categorically eligible households:

(a) Not denied food stamps; and

(b) Determined categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150.

(5) The department shall re-evaluate, within sixty days from the application date, any food stamp application from a household:

(a) Applying for both food stamps and AFDC or SSI; and

- (b) Denied food stamps before a positive AFDC or SSI eligibility determination.
- (6) The department shall provide food stamp benefits, effective the AFDC eligibility date, for households:
  - (a) Filing joint applications; and
  - (b) Found categorically eligible after being denied nonassistance food stamps.

**WSR 90-09-081**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:11 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-49-020

Definitions.

Purpose: To amend food stamp program definitions to conform with federal definitions and to define "department," a term used in a variety of food stamp program rules.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Clarifies the definition of "student" means those at least 18, but less than 60 years of age. Clarifies definition of "administrative error overissuance" includes, in the case of categorical eligibility, overissuances caused by department action resulting in a household's improper eligibility for public assistance, provided the claim can be calculated based on a net income or household size change. Clarifies the definition of "inadvertent household error overissuance" includes, for categorically eligible households, overissuances caused by SSA action or unintended client error, provided the claim can be calculated based on a net income or household size change. Defines "department" to mean DSHS. Clarifies the definition of "homeless" to include typical living situations of homeless individuals. Clarifies definition of "under parental control" to exclude those who receive, as his or her payee, gross income equal to or greater than the AFDC grant payment standard as described under WAC 388-29-100 (3)(b). Clarifies definition of "nonstriker" includes employees who cannot work because their workplace is closed to them.

Reasons Supporting Proposal: This rule amendment is necessary to conform with federal definitions as required by 7 CFR 271.2, 273.5(a) and 273.18(a).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 753-5401.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 271.2, 273.5(a) and 273.18(a).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990

Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2854, filed 8/29/89, effective 9/29/89)

WAC 388-49-020 DEFINITIONS. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not an individual committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d), who is a:

- (a) ((A)) Person paying reasonable compensation to the household for lodging and meals; or
- (b) ((A)) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone (~~under eighteen~~) seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means contact with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

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

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue

employment, or attend training or education preparatory to employment.

((+7)) (18) "Destitute household" means a household with migrant or seasonal workers with little or no income at the time of application in need of immediate food assistance.

((+8)) (19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran with service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC), or considered in need of regular aid and attendance, or permanently housebound under such title;

(d) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

(f) Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act; or

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

((+9)) (20) "Documentary evidence" means written confirmation of a household's circumstances.

((+0)) (21) "Documentation" means the process of recording the source, date, and content of verifying information.

((+1)) (22) "Elderly person" means a person sixty years of age or older.

((+2)) (23) "Eligible food" means, for a homeless food stamp household, meals prepared for and served by an authorized homeless meal provider.

((+3)) (24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

((+4)) (25) "Equity value" means fair market value less encumbrances.

((+5)) (26) "Expedited services" means quick provision of food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross income and liquid resources which are less than the household's current monthly rent or mortgage and actual utility costs; or

(d) Includes all members who are homeless individuals; or

(e) Includes destitute migrant or seasonal farm workers.

((+6)) (27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

((+7)) (28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

((+8)) (29) "Food coupon" means food stamps and the two terms are interchangeable.

((+9)) (30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

((+0)) (31) "Food stamp monthly reporting cycle" means the budget month, the process month, and the payment month.

((+1)) (32) "Gross income eligibility standards" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

((+2)) (33) "Group living arrangement" means a public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agency under section 1616(e) of the Social Security Act.

((+3)) (34) "Head of household" means:

(a) The person designated by the household to be named on the case file, identification card, and FCA card;

(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:

(i) The employment involves at least twenty hours per week; and

(ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,

(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

((+4)) (35) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

((+5)) (36) "Homeless (~~food stamp household~~) individual" means an (~~eligible food stamp household having no fixed mailing address or not residing in a permanent dwelling~~) individual lacking a fixed and regular nighttime residence or an individual whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution that provides temporary residence for individuals needing institutionalization;

(c) Temporary accommodation in the residence of another individual; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

((+6)) (37) "Homeless meal provider" means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by division of income assistance (DIA) and authorized by food and nutrition service (FNS).

((+7)) (38) "Household" means the basic client unit in the food stamp program.

((+8)) (39) "Household disaster" means when food purchased with food stamps are destroyed by a natural disaster, such as flood, fire, etc.

((+9)) (40) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

((+0)) (41) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error (~~on the part of the household~~) by a household;

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

((+1)) (42) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work registration requirements;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

((+2)) (43) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

((+3)) (44) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

((+4)) (45) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or  
 (c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended prior to August 8, 1983, consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

~~((45))~~ (46) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

~~((46))~~ (47) "Live-in attendant" means an individual residing with a household to provide medical, housekeeping, child care, or other similar personal services.

~~((47))~~ (48) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

~~((48))~~ (49) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

~~((49))~~ (50) "Migrant farmworker" means an individual working in seasonal agricultural employment and who is required to be absent overnight from his or her permanent place of residence.

~~((50))~~ (51) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

~~((51))~~ (52) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as:

(a) A roomer;

(b) A live-in attendant; or

(c) An individual who does not purchase and prepare meals with the food stamp household.

~~((52))~~ (53) "Nonstriker" means any person:

(a) Exempt from work registration the day prior to the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

~~((53))~~ (54) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

~~((54))~~ (55) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

~~((55))~~ (56) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

~~((56))~~ (57) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

~~((57))~~ (58) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

~~((58))~~ (59) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

~~((59))~~ (60) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

~~((60))~~ (61) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

~~((61))~~ (62) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income

the household and department are reasonably certain will be received during the month of issuance.

~~((62))~~ (63) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((63))~~ (64) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

~~((64))~~ (65) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

~~((65))~~ (66) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

~~((66))~~ (67) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

~~((67))~~ (68) "Resident of an institution" means a person who resides in an institution that provides the individual with the majority of meals as part of the institution's normal service.

~~((68))~~ (69) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

~~((69))~~ (70) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

~~((70))~~ (71) "Roomer" means an individual to whom a household furnishes lodging, but not meals, for compensation.

~~((71))~~ (72) "Seasonal farmworker" means an individual working in seasonal agricultural employment who is not required to be absent from his or her permanent place of residence overnight.

~~((72))~~ (73) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home including interest on such payments.

~~((73))~~ (74) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

~~((74))~~ (75) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

~~((75))~~ (76) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

~~((76))~~ (77) "Sponsored alien" means an alien lawfully admitted for permanent residence.

~~((77))~~ (78) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

~~((78))~~ (79) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

~~((79))~~ (80) "Student" means any person:

(a) ~~((Between))~~ At least eighteen ~~((and))~~ but less than sixty years of age,

(b) Physically and mentally fit for employment, and

(c) Enrolled at least half time in an institution of higher education.

~~((80))~~ (81) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

~~((81))~~ (82) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

~~((82))~~ (83) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an ~~((aid to families with dependent children))~~ AFDC ~~((s))~~ grant as ~~((his or her))~~ the person's own payee;

(b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-29-100(3)(b); or

(c) Married.

~~((83))~~ (84) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

~~((84))~~ (85) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

~~((85))~~ (86) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

**WSR 90-09-082**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:12 p.m.]

**Original Notice.**

Title of Rule: Amending WAC 388-81-043 Dispute conference—Contractor/provider.

Purpose: To incorporate current practices in WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Set effective dates of retroactive increases and dates of rate decreases. Change the time period for filing a rate appeal from thirty to sixty days.

Reasons Supporting Proposal: This rule is necessary to set effective dates of retroactive increases and dates of rate decreases and to change the time period for filing a rate appeal from thirty to sixty days.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Income Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990

Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

**AMENDATORY SECTION (Amending Order 2758, filed 2/13/89)**

WAC 388-81-043 DISPUTE CONFERENCE—CONTRACTOR/PROVIDER. (1) Right to an administrative appeal. Any enrolled contractor/provider of medical services, except ~~((for))~~ nursing homes ~~((which are))~~ governed by WAC 388-96-904, shall have a right to an administrative appeal ~~((in the following situations))~~ when the department:

(a) ~~((When the department))~~ Finds a contractor/provider liable for receipt of excess payments ~~((pursuant to))~~ under RCW 74.09.220 or otherwise served with notice that repayment of excess benefits is due under the statute;

(b) ~~((When the department))~~ Changes the contractor/provider reimbursement rate and the contractor/provider disagrees with the change; and

(c) ~~((When the department))~~ Initiates contract action, such as termination, with which the contractor/provider disagrees.

(2) First level of appeal. A contractor/provider wishing to contest an action described in subsection (1) of this section files an appeal with the appropriate program or audit manager.

(a) Audit disputes. When the department finds a hospital contractor/provider liable for receipt of excess payments, the contractor/provider shall appeal such findings to the office of nursing home audit, administrative services. All other medical service contractors/providers shall appeal to the office of operations review, administrative services.

(i) Unless otherwise specified, the audited contractor/provider shall submit such an appeal within forty-five days after receipt of the draft audit report. If the audited contractor/provider does not submit the appeal timely, the department shall not consider ~~((it))~~ the appeal and the contractor/provider forfeits any right ~~((s))~~ to a dispute conference.

(ii) The audited contractor/provider's appeal shall include a statement specifying which ~~((portion or))~~ portions of the audit findings are ~~((being))~~ disputed, with supporting justification. Administrative services may request additional documentation to complete their review.

(iii) Administrative services shall issue a decision or request additional information within ninety days of receipt of the appeal. When additional information is necessary, administrative services shall issue a decision within sixty days of receipt of complete information. Publication of the final audit report and identification of a sum certain due the department shall constitute the department's final audit position.

(iv) Administrative services may grant discretionary extensions of time to the audited contractor/provider ~~((s))~~. The audited contractor/provider ~~((s))~~ shall request an extension within the forty-five-day period referenced under subsection (2)(a)(i) of this section.

(b) Rate disputes. A contractor/provider may appeal its rates by submitting a written notice of appeal to the rate analysis section, division of medical assistance (DMA).

(i) Unless the written rate notification ~~((of action))~~ specifies otherwise, the contractor/provider shall file ~~((an))~~ a rate appeal requesting retroactive rate adjustments within ~~((thirty))~~ sixty days after being notified of an action or determination ~~((it))~~ the contractor/provider wishes to challenge. ~~((If the contractor/provider does not appeal timely, the department shall not consider the appeal and the contractor/provider forfeits the right to a dispute conference))~~ The notification date of an action or determination is the date of the written rate notification letter. A contractor/provider rate adjustment appeal, filed after the sixty-day period described in this subsection shall not be considered for retroactive adjustments.

(ii) The appeal shall include a statement of the issue being appealed, supporting documentation, and a request for recalculation of the rate. DMA may request additional documentation to complete the review. DMA may conduct an audit of the documentation provided in order to complete the review.

(iii) When any portion of a rate is appealed, DMA ~~((shall))~~ may review all components of the reimbursement rate.

(iv) DMA shall issue a decision or request additional information within sixty days of the receipt of the rate appeal request. When additional information is necessary, the contractor/provider shall have forty-five days to submit the information. DMA shall issue a decision within thirty days of receipt of complete information.

(v) Unless the written rate notification (~~(of action)~~) specifies otherwise, ~~((appeals resulting in rate))~~ increases in rates resulting from an appeal, filed within sixty days after the written rate notification letter that the contractor/provider is challenging, shall be effective (~~(on)~~) retroactively to the effective date (~~(DMA received the appeal)~~) of the rate change as specified in the notification letter. Increases in rates, resulting from a rate appeal filed after the sixty-day period described in subsection (2)(b)(i) of this section, shall be effective the date the appeal is filed with DMA. Appeals resulting in rate decreases shall be effective on the (~~(notification)~~) date (~~(to the contractor/provider)~~) specified in the appeal decision notification. The effective date shall not be before the date of the appeal decision notification. Rate changes subject to the provisions of fraudulent practices under RCW 74.09.210 are exempt from these provisions.

(vi) DMA may grant extensions of time at their discretion if requested within the (~~(thirty)~~) sixty-day period referenced under subsection (2)(b)(i) of this section.

(c) Contract disputes. The contractor/provider may appeal contract action involving termination or nonrenewal, to the medical director, DMA.

(i) Unless otherwise specified, the contractor/provider shall submit such an appeal within thirty days of the department's notification of contract action (~~(by the department)~~). If the contractor/provider does not appeal timely, the department shall not consider the appeal and the contractor/provider forfeits the right to a dispute conference.

(ii) The appeal shall include a statement of the (~~(action or)~~) actions (~~(being)~~) appealed and supporting justification.

(iii) DMA shall issue a decision or request additional information within sixty days of receipt of the appeal. When additional information is necessary, the contractor/provider shall have forty-five days to submit the information. DMA shall issue a decision within thirty days of receipt of complete information.

(iv) DMA may grant extensions of time at their discretion if requested within the thirty-day period referenced under subsection (2)(c)(i) of this section.

(3) Second level of appeal. If the contractor/provider disagrees with an adverse audit, rate, or contract review decision, (~~(it)~~) the contractor/provider may file a request for a dispute conference with the director, DMA. A dispute conference is defined as an informal administrative hearing for the purpose of resolving contractor/provider disagreements with any of the department actions, described under subsection (1)(a), (b), and (c) of this section (~~(which could)~~), not (~~(be)~~) resolved at the first level of appeal.

(a) A contractor/provider shall file a request for a dispute conference within thirty days following receipt of the adverse review decision. The department shall not consider dispute conference requests submitted after thirty days.

(b) DMA shall conduct the dispute conference within ninety days of the receipt of request.

(c) The director, DMA, or the director's designee shall chair the conference when issues regarding medical policy, program policy, or program regulation are in dispute. A contracts officer, office of (~~(contracts management)~~) vendor services, shall chair the conference if contract compliance issues are disputed. The director, DMA, shall determine who chairs the dispute conference.

(d) The conference chairperson shall issue the final decision within thirty days of the conference.

(e) The director, DMA, may grant extensions of time for extenuating circumstances.

(f) The effective date of dispute conference decisions regarding rate changes shall be the same as specified under subsection (2)(b)(v) of this section.

(g) The dispute conference shall be the final level of administrative appeal within the department.

(4) DMA shall construe failure on the part of the contractor/provider to attempt to resolve disputed issues as provided in this section as an abandonment of the dispute.

**WSR 90-09-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:13 p.m.]

Original Notice.

Title of Rule: Amending WAC 388-49-080 Expedited service.

Purpose: To amend food stamp program rules: To require that households, which apply on or after the sixteenth of the month whose verifications has been postponed when receiving expedited benefits, will receive only the first month's benefits within the five-day maximum. The next month's benefits will be issued within five working days from receipt of the postponed verification; to specify that a household which includes a destitute migrant or seasonal farmworker whose liquid resources do not exceed one hundred dollars shall receive expedited service; and to separate subdivision into two distinct actions to reduce confusion.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Households which apply for food stamps on or after the sixteenth of the month and are found eligible for expedited service, if required verification is postponed, the department shall, after the verification is received, issue the subsequent month's benefits: Within five working days from receipt of the verification; or the first working day of the second calendar month, whichever is later. The department shall provide expedited service for applying households when the household: Includes a destitute migrant or seasonal farmworker whose liquid resources do not exceed one hundred dollars.

Reasons Supporting Proposal: The rule amendment is necessary to implement provisions of the Hunger Prevention Act of 1988 and to comply with federal regulations found in 7 CFR 273.2 (i)(4)(iii)(B).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mick Determan, Division of Income Assistance, 753-4005.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.3 [273.2] (i)(4)(iii)(B).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990  
Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

**WSR 90-09-084**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:14 p.m.]

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

WAC 388-49-080 EXPEDITED SERVICE. (1) The department shall provide expedited service for applying households when the household:

- (a) Has liquid resources of one hundred dollars or less; and
- (b) Has gross monthly income under one hundred fifty dollars; or
- (c) Has combined gross income and liquid resources which are less than the household's current monthly rent or mortgage and actual utilities costs; or

(d) Includes all members who are homeless individuals; or  
(e) Includes a destitute migrant or seasonal farm worker((s)) whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited services by the end of the fifth calendar day following the date the application was filed.

(3) The department shall provide food stamps to residents of drug and alcohol treatment centers and group living arrangements eligible for expedited service, by the fifth calendar day following the date of application.

(4) When certifying a household eligible for expedited service, the department shall:

- (a) Verify the household's identity;
- (b) Make a reasonable effort to verify residence, income, liquid resources, and all other required verifications within the expedited processing standards;

(c) Require the applicant to register for work unless exempt or the authorized representative is applying for the household ~~((and staff))~~;

(d) Attempt to register other household members for work without delaying expedited benefits;

~~((d))~~ (e) Issue benefits within five calendar days for expedited service; and

~~((e))~~ (f) Assist the household in obtaining necessary verification.

(5) The department shall certify an expedited service household~~((:))~~:  
(a) Based on certification periods in WAC 388-49-160((:)) when all necessary verification ((has been)) is provided; or

(b) For one month when necessary verification is postponed; or

(c) For the month of application and the subsequent month when:

(i) Verification is postponed; and

(ii) The application is received after the fifteenth of the month.

~~((The department shall certify for one month when necessary verification has been postponed.~~

~~((7) The department shall certify for the month of application and the subsequent month when:~~

~~((a) Verification is postponed, and~~

~~((b) The application is received after the fifteenth of the month.~~

~~((8)) The department shall, after postponed verification is received for cases certified under subsection (5)(c), issue the subsequent month's benefits:~~

~~((a) Within five working days from receipt of the verification; or~~

~~((b) The first working day of the subsequent month, whichever is later.~~

~~((7) There is no ((time)) limit to the number of times a household may receive expedited service provided:~~

~~((a) The household completes the postponed verification requirements, or~~

~~((b) The household was certified under the thirty-day processing standard since the last expedited certification.~~

~~((9))~~ (8) The department shall conduct an out-of-office interview and complete the application process within the expedited service standard when a household is entitled to expedited service and a waiver of the office interview.

Original Notice.

Title of Rule: Amending WAC 388-77-515 Income—Exempt.

Purpose: To limit the exemption of gifts under the family independence program.

Statutory Authority for Adoption: Chapter 74.21 RCW.

Statute Being Implemented: Chapter 74.21 RCW.

Summary: Gifts will be treated the same as in aid to families with dependent children, except certain gifts for employment and training which are exempt.

Reasons Supporting Proposal: This rule amendment is necessary to help control expenditures in the family independence program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, Division of Income Assistance, 753-4371.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990

Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-515 INCOME—EXEMPT. In addition to income exempted under the AFDC program in chapter 388-28 WAC, the department shall exempt the following income from FIP:

- (1) Higher education benefits;
- (2) Earned income tax credit (EIC);
- (3) The earnings of a child under eighteen years of age;
- (4) Retroactive FIP benefits;
- (5) Income tax refunds;
- (6) Loans, if there is a written agreement to repay;
- (7) Income in-kind; and
- (8) Gifts as follows:

(a) Small nonrecurring gifts, not to exceed thirty dollars per recipient in any quarter;

(b) Gifts to cover the costs of tuition, books, or fees; or

(c) Gifts to cover medical expenses for procedures used to eliminate barriers to employment.

**WSR 90-09-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:15 p.m.]

**Original Notice.**

Title of Rule: Amending chapter 388-77 WAC, Family independence program.

Purpose: Control caseload growth and FIP expenditures.

Statutory Authority for Adoption: SSB 6624, Laws of 1990.

Statute Being Implemented: SSB 6624, Laws of 1990.

Summary: The changes are to implement the provisions of SSB 6624 and the department's portion of the FIP management proposal. The changes are necessary to control caseload growth and FIP expenditures. WAC 388-77-005(5) is amended to limit voluntary conversions from AFDC to FIP unless there has been a break in assistance of at least 30 days. Currently households can request termination from aid to families with dependent children (AFDC) and immediately reapply for FIP. With the proposed change, AFDC households in the treatment sites will be unable to convert to FIP until their annual face-to-face review. WAC 388-77-005 (6) and (7) are amended to limit the retention of FIP status when a household transfers from a FIP to a non-FIP geographic area. Households transferring from a FIP to a non-FIP area for employment will be permitted to remain on FIP. The retention of FIP status for households transferring to a non-FIP area because of training will be considered through the exception-to-policy process. A new section WAC 388-77-006 is added to freeze enrollments in all FIP CSOs except the treatment sites. During the freeze, the department will process FIP applications, made in the nontreatment sites, as a request for AFDC. WAC 388-77-200(4) is amended to exclude from FIP those households where the child lives with a nonparent caretaker relative and the nonparent caretaker relative is not included in the Title IV-A benefit unit. If eligible, such households will receive AFDC. A new section WAC 388-77-256 is added to require an employability reassessment for enrollees employed full time to determine if the employment will likely lead to self-sufficiency within one year. If the employment is not likely to lead to self-sufficiency, the department shall suspend approval of the employability plan. Households continuing employment under a suspended plan for 18 months shall be ineligible for FIP incentives, supportive services and child care.

Reasons Supporting Proposal: This rule amendment is necessary to implement the FIP management initiatives and the provisions of SSB 6624, Laws of 1990.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, Division of Income Assistance, 753-4371.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990

Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

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

WAC 388-77-005 GENERAL PROVISIONS. (1) The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.

(2) In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:

(a) The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP; and

(b) The food stamp program for the food assistance portion of FIP.

(3) The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.

(4) The department shall designate those geographic areas where FIP is to be implemented.

(5) The department shall enroll eligible households residing in a designated FIP geographic area at application (~~for applications submitted after June 30~~), ~~((+1988))~~ at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:

(a) An applicant who received AFDC within thirty days before application shall not be converted to FIP. If eligible, the household shall be authorized AFDC;

(b) AFDC ~~((cases which))~~ recipients who lose their exemption from participation in the Washington employment opportunities program (OPPORTUNITIES) may convert to FIP as an alternative to being referred to OPPORTUNITIES;

~~((+b))~~ (c) AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.

(6) FIP enrollees transferring, or who transferred, from a FIP to a non-FIP geographic area shall have the option to retain their FIP status ~~((if))~~ when the following conditions exist:

(a) There is a FIP community services office (CSO) in the county to which they ~~((transferred:))~~ transfer; and

(b) The enrollee moved to a non-FIP geographic area before May 1, 1990, and the enrollee is participating in approved training or is employed; or

(c) The enrollee moves to a non-FIP geographic area after May 1, 1990, and the move is to maintain employment or to accept offered employment and the enrollee is participating in such employment; and

(d) Such enrollees ~~((wishing to remain))~~ remaining in FIP shall report to, have their eligibility maintained by, and services provided by ~~((:))~~ the FIP CSO in the county to which they ~~((transferred))~~ transfer.

(7) Before transferring existing cases from FIP for failing to meet the conditions of subsection (6) of this section, the department shall provide ten days advance notice of the transfer.

(8) ~~((Prior to))~~ Before denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

**NEW SECTION**

WAC 388-77-006 FREEZING ENROLLMENTS. (1) Notwithstanding WAC 388-77-005(5), effective May 1, 1990, the department shall temporarily stop FIP enrollments in all FIP community services offices (CSO) except the treatment sites for:

(a) Applications filed on or after the date enrollments stop. For the purposes of this subsection, a re-application for assistance made following a break in assistance of one calendar month or more shall be considered an application;

(b) Conversions, if the review month for the annual grant face-to-face review is during or after the month in which enrollments stop;

(c) Conversions for households that lose exemption from participation in OPPORTUNITIES and the exemption is lost during or after the month in which enrollments stop;

(d) Voluntary conversions, if the request was filed on or after the date enrollments stop; or

(e) Transfers, where the household made the transfer request on or after the date enrollments stop. FIP enrollees transferring to FIP nontreatment sites shall not be subject to the enrollment freeze.

(2) The department shall treat FIP applications, made in a nontreatment site after enrollments stop, as a request for AFDC.

(3) The department shall exempt the treatment sites from the enrollment freeze. For the purposes of this section, treatment site shall mean those sites chosen in accordance with federal standards for data collection by the independent evaluator contracted for under RCW 74.21.140(3). The treatment sites include the following CSOs:

(a) Moses Lake; Othello; Ephrata;

(b) Spokane North;

(c) Everett; Skykomish Valley;

(d) Burien; West Seattle;

(e) White Salmon; Stevenson; and Goldendale.

(4) The department shall stop enrollments in the nontreatment sites including the following CSOs:

(a) Spokane East;

(b) Spokane Southwest;

(c) Sunnyside;

(d) Toppenish;

(e) Smokey Point;

(f) Capitol Hill;

(g) King Eastside;

(h) Pierce North;

(i) Puyallup; and

(j) Port Angeles.

**AMENDATORY SECTION** (Amending Order 2630, filed 6/1/88)

WAC 388-77-200 FAMILY INDEPENDENCE PROGRAM (FIP)—SUMMARY OF TITLE IV-A ELIGIBILITY CONDITIONS. The department shall grant FIP benefits on behalf of a needy child:

(1) Who is ~~((under the age of))~~ eighteen years of age or younger:

(a) FIP benefits may be granted to a pregnant woman in any trimester with no other children;

(b) FIP benefits shall continue through the month the eligible child reaches the maximum age.

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington;

(3) Who is living in the home of a relative of specified degree, except for a temporary period, or who, as a result of judicial action, was removed from ~~((his or her))~~ the home and placed in foster care, and who meets the conditions specified ~~((m))~~ under WAC 388-24-207;

(4) Who, if living with a nonparent caretaker relative, the nonparent caretaker relative is included in the Title IV-A benefit unit with the child. Households where the nonparent caretaker relative is not included in the Title IV-A benefit unit shall be ineligible for FIP except when the caretaker relative is excluded from the Title IV-A benefits unit because of sanction for noncooperation with program requirements. Before terminating benefits for existing FIP households failing to meet the conditions of this subsection, the department shall provide ten days advance notice.

(5) Who, if living with both parents when neither is incapacitated, meets the conditions in WAC 388-77-240;

~~((5))~~ (6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States;

~~((6))~~ (7) Whose parent or stepparent has not transferred property contrary to law or WAC 388-24-457 through 388-24-465;

~~((7))~~ (8) Who is in financial need according to WAC 388-77-500;  
~~((8))~~ (9) Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month when the child becomes nineteen years of age. The school or training requirement shall not apply to a parent eighteen years of age and under nineteen years of age.

~~((9))~~ (10) For persons to be included in the FIP assistance unit, see WAC 388-77-210.

**NEW SECTION**

WAC 388-77-256 EMPLOYABILITY RE-ASSESSMENT. (1) The department and the employment security department (ESD) shall conduct an employability re-assessment for an enrollee employed full time to determine if the employment will lead to self-sufficiency within one year:

(a) The re-assessment shall apply only for a household with earnings less than one hundred thirty-five percent of the benchmark plus applicable incentives;

(b) The department shall identify such household at the annual grant face-to-face review;

(c) For the purposes of this subsection, full-time employment shall mean the household received a full-time incentive in each of the four months immediately preceding the month in which the annual grant face-to-face review is due.

(2) Based on the employability re-assessment, the department shall suspend employability plan approval if the enrollee is unlikely to become self-sufficient within one year as a result of the employment;

(a) The enrollee shall be offered the opportunity and be encouraged to participate in the employability re-assessment;

(b) The department and ESD shall jointly determine if the employment will likely lead to self-sufficiency within one year;

(c) The department and the ESD shall consider the following in determining the likelihood of the enrollee becoming self-sufficient as a result of the employment:

(i) The enrollee's previous achievements, education, training, and employment;

(ii) The advancement opportunities and the income potential of the current position/occupation;

(iii) Current labor market conditions;

(iv) The availability of other employment in the enrollee's labor market with income high enough to lead to self-sufficiency.

(d) The department and ESD shall document all decisions where it is determined the employment is not likely to lead to self-sufficiency.

(3) An enrollee continuing employment for more than eighteen months under a suspended plan shall be ineligible for FIP incentives, supportive services, and child care. The department shall so notify the enrollee:

(a) At the time the employability plan is suspended; and

(b) Six months before FIP incentives and child care are suspended.

(4) The department shall lift the sanction of incentives, supportive services, and child care benefits for working under a suspended plan when the:

(a) Employability plan is approved; or

(b) Household is no longer employed.

(5) The department and ESD shall periodically offer services to an enrollee with suspended employability plans to assist the enrollee in attaining self-sufficiency.

**WSR 90-09-086**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 18, 1990, 3:16 p.m.]

Original Notice.

Title of Rule: WAC 388-49-180 Categorical eligibility.

Purpose: To clarify when food stamp households shall be considered categorically eligible.

Statutory Authority for Adoption: RCW 74.04.510.  
Statute Being Implemented: RCW 74.04.510.

Summary: Clarifies that a household will not be considered categorically eligible when the entire household is institutionalized, disqualified for any reason from receiving food stamps or terminated due to failure to comply with monthly reporting requirements, or any member is disqualified for an intentional program violation or the head of the household is disqualified for failure to comply with work registration requirements.

Reasons Supporting Proposal: This rule amendment is necessary to implement 7 CFR 273.2 (j)(2).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 753-5401.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.2 (j)(2).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990  
Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

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

WAC 388-49-180 CATEGORICAL ELIGIBILITY. (1) The department shall determine households categorically eligible for food stamps when all household members are authorized to receive AFDC and/or SSI benefits, except when:

(a) The entire household is:

(i) Institutionalized;

(ii) Disqualified for any reason from receiving food stamps; or

(iii) Terminated due to failure to comply with monthly reporting requirements under WAC 388-49-590.

(b) Any member is disqualified for an intentional program violation;

or

(c) The head of the household is disqualified for failure to comply with work registration requirements.

(2) The department shall exempt a categorically eligible household from the following food stamp eligibility requirements:

(a) Resources,

(b) Gross and net income standards,

(c) Social Security number requirement,

(d) Sponsored alien requirement, and

(e) Residency requirement.

~~((3) A household shall not be categorically eligible when:~~

~~(a) An entire household is institutionalized, or~~

~~(b) Any household member is disqualified from the food stamp program for any reason;))~~

WSR 90-09-087

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed April 18, 1990, 3:17 p.m.]

Original Notice.

Title of Rule: WAC 388-86-085 Transportation (other than ambulance).

Purpose: To eliminate duplication of Medicaid services.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The department, contractor or broker, shall not authorize transportation to or from medical services when the medical services described under WAC 388-88-050 (1)(b) is the responsibility of the facility.

Reasons Supporting Proposal: This rule amendment is necessary to eliminate transporting nursing home recipients to medical services that the facility is responsible for providing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990  
Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

AMENDATORY SECTION (Amending Order 2899, filed 11/17/89, effective 12/18/89)

WAC 388-86-085 TRANSPORTATION (OTHER THAN AMBULANCE). (1) The department shall assure the availability of necessary transportation for a recipient:

(a) To and from medical services;

(b) Covered under the recipient's medical assistance program; and

(c) Suitable to the recipient's medical need.

(2) The department shall authorize payment for such transportation:

(a) When other means of transportation are not available or appropriate to the recipient's need;

(b) At the least costly alternative mode of transportation suitable to the recipient's medical condition;

(c) When the department, broker, or contractor gives prior authorization for the transportation or gives retro-authorization within seventy-two hours for transportation during hours when the department, broker, or contractor is not available; and

- (d) When transportation is given to and from covered services:
- (i) Within the local medical community unless necessary medical services are not available locally; or
  - (ii) Outside of the local medical community to the closest provider able and willing to provide the necessary and covered medical services.
- (3) The department shall:
- (a) Contract to provide such transportation as an administrative service in counties under broker or contractor agreements.
    - (i) Brokers or contractors shall certify transportation providers for medical services in accordance with rules established by the division of medical assistance; and
    - (ii) The department shall require the brokers and contractors to operate the services in accordance with all federal, state, and local ordinances, statutes, and regulations.
  - (b) Provide transportation as a medical service in unbrokered or noncontracted counties.
  - (4) The department, broker, or contractor shall pay for transportation only for the recipient unless the recipient has an identified need for an attendant or escort.
  - (5) When the department determines no other appropriate transportation resource is available to the recipient, the department may:
    - (a) Authorize public transit when a transit authority is present in the community and when the recipient is capable of using this level of service;
    - (b) Reimburse the recipient for mileage in a private vehicle or issue a gas voucher, in areas with gas voucher systems:
      - (i) When prior authorized; and
      - (ii) ~~((If distance traveled is more than forty miles to and from covered medical services in a given week))~~ The private vehicle is the least costly alternative mode of transportation suitable to the recipient's medical condition.
    - (c) Reimburse volunteers providing recipient transportation:
      - (i) When prior authorized; and
      - (ii) From volunteer point of origin, and back to volunteer's point of origin.
    - (6) When transportation in subsection (5) of this section is either not available or not accessible by the recipient, and the transportation is medically necessary, the department shall authorize transportation by:
      - (a) Nonprofit organizations using specialized equipment, such as wheelchair lifts when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;
      - (b) Cabulance vehicle when medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable; and
      - (c) Taxi transportation when medically necessary and other less expensive modes of transportation are not available or not appropriate to meet the recipient's needs.
    - (7) The department shall authorize interstate and intrastate transportation ((f)), e.g., bus, train, air((g)), when:
      - (a) Transportation is medically necessary; and
      - (b) Necessary medical treatment is not available locally; and
      - (c) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.
    - (8) The department, broker, or contractor shall not authorize transportation for nursing home recipients to or from a medical service when the medical service as described under WAC 388-88-050 is the responsibility of the facility.

**WSR 90-09-088**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2971—Filed April 18, 1990, 3:18 p.m.]

Date of Adoption: April 18, 1990.

Purpose: Control caseload growth and FIP expenditures.

Citation of Existing Rules Affected by this Order:  
 Amending chapter 388-77 WAC, Family independence program.

Statutory Authority for Adoption: SSB 6624, Laws of 1990.

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

Reasons for this Finding: Immediate adoption of the rules implementing the family independence program management proposals is necessary to comply with the emergency enactment in SSB 6624, Laws of 1990; continued funding for the program requires safe guarding by managing the program consistent with the direction given by the legislature; controlling caseload growth and program expenditures preserves federal program funding by addressing federal concerns for budget neutrality in accordance with the provisions of RCW 74.21.010, 43-.20A.550 and 74.21.050. In any event permanent adoption of such rules will also be done thereby affording public input as to such changes.

Effective Date of Rule: May 1, 1990, 12:01 a.m.

April 18, 1990

Leslie F. James, Director  
 Administrative Services  
 by Rosemary Carr

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

**WAC 388-77-005 GENERAL PROVISIONS. (1)**  
*The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.*

*(2) In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:*

- (a) The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP; and*
- (b) The food stamp program for the food assistance portion of FIP.*

*(3) The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.*

*(4) The department shall designate those geographic areas where FIP is to be implemented.*

*(5) The department shall enroll eligible households residing in a designated FIP geographic area at application ~~((for applications submitted after June 30)),~~ ~~((1988))~~ at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:*

(a) An applicant who received AFDC within thirty days before application shall not be converted to FIP. If eligible, the household shall be authorized AFDC.

(b) AFDC (~~(cases which)~~) recipients who lose their exemption from participation in the Washington employment opportunities program (OPPORTUNITIES) may convert to FIP as an alternative to being referred to OPPORTUNITIES;

(~~(b)~~) (c) AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.

(6) FIP enrollees transferring, or who transferred, from a FIP to a non-FIP geographic area shall have the option to retain their FIP status (~~(if)~~) when the following conditions exist:

(a) There is a FIP community services office (CSO) in the county to which they (~~(transferred:))~~ transfer, and

(b) The enrollee moved to a non-FIP geographic area before May 1, 1990, and the enrollee is participating in approved training or is employed; or

(c) The enrollee moves to a non-FIP geographic area after May 1, 1990, and the move is to maintain employment or to accept offered employment and the enrollee is participating in such employment; and

(d) Such enrollees (~~(wishing to remain)~~) remaining in FIP shall report to, have their eligibility maintained by, and services provided by(~~(:))~~ the FIP CSO in the county to which they (~~(transferred))~~ transfer.

(7) Before transferring existing cases from FIP for failing to meet the conditions of subsection (6) of this section, the department shall provide ten days advance notice of the transfer.

(8) (~~(Prior to)~~) Before denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

#### NEW SECTION

WAC 388-77-006 FREEZING ENROLLMENTS. (1) Notwithstanding WAC 388-77-005(5), effective May 1, 1990, the department shall temporarily stop FIP enrollments in all FIP community services offices (CSO) except the treatment sites for:

(a) Applications filed on or after the date enrollments stop. For the purposes of this subsection, a re-application for assistance made following a break in assistance of one calendar month or more shall be considered an application;

(b) Conversions, if the review month for the annual grant face-to-face review is during or after the month in which enrollments stop;

(c) Conversions for households that lose exemption from participation in OPPORTUNITIES and the exemption is lost during or after the month in which enrollments stop;

(d) Voluntary conversions, if the request was filed on or after the date enrollments stop; or

(e) Transfers, where the household made the transfer request on or after the date enrollments stop. FIP enrollees transferring to FIP nontreatment sites shall not be subject to the enrollment freeze.

(2) The department shall treat FIP applications, made in a nontreatment site after enrollments stop, as a request for AFDC.

(3) The department shall exempt the treatment sites from the enrollment freeze. For the purposes of this section, treatment site shall mean those sites chosen in accordance with federal standards for data collection by the independent evaluator contracted for under RCW 74.21.140(3). The treatment sites include the following CSOs:

(a) Moses Lake; Othello; Ephrata;

(b) Spokane North;

(c) Everett; Skykomish Valley;

(d) Burien; West Seattle;

(e) White Salmon; Stevenson; and Goldendale.

(4) The department shall stop enrollments in the nontreatment sites including the following CSOs:

(a) Spokane East;

(b) Spokane Southwest;

(c) Sunnyside;

(d) Toppenish;

(e) Smokey Point;

(f) Capitol Hill;

(g) King Eastside;

(h) Pierce North;

(i) Puyallup; and

(j) Port Angeles.

#### AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-200 FAMILY INDEPENDENCE PROGRAM (FIP)—SUMMARY OF TITLE IV-A ELIGIBILITY CONDITIONS. The department shall grant FIP benefits on behalf of a needy child:

(1) Who is (~~(under the age of)~~) eighteen years of age or younger:

(a) FIP benefits may be granted to a pregnant woman in any trimester with no other children;

(b) FIP benefits shall continue through the month the eligible child reaches the maximum age.

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington;

(3) Who is living in the home of a relative of specified degree, except for a temporary period, or who, as a result of judicial action, was removed from (~~(his or her)~~) the home and placed in foster care, and who meets the conditions specified (~~(in)~~) under WAC 388-24-207;

(4) Who, if living with a nonparent caretaker relative, the nonparent caretaker relative is included in the Title IV-A benefit unit with the child. Households where the nonparent caretaker relative is not included in the Title IV-A benefit unit shall be ineligible for FIP except when the caretaker relative is excluded from the Title IV-A benefits unit because of sanction for noncooperation with program requirements. Before terminating benefits for existing FIP households failing to meet the conditions of this subsection, the department shall provide ten days advance notice.

(5) Who, if living with both parents when neither is incapacitated, meets the conditions in WAC 388-77-240;

~~((5))~~ (6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States;

~~((6))~~ (7) Whose parent or stepparent has not transferred property contrary to law or WAC 388-24-457 through 388-24-465;

~~((7))~~ (8) Who is in financial need according to WAC 388-77-500;

~~((8))~~ (9) Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month when the child becomes nineteen years of age. The school or training requirement shall not apply to a parent eighteen years of age and under nineteen years of age.

~~((9))~~ (10) For persons to be included in the FIP assistance unit, see WAC 388-77-210.

### NEW SECTION

WAC 388-77-256 EMPLOYABILITY RE-ASSESSMENT. (1) The department and the employment security department (ESD) shall conduct an employability re-assessment for an enrollee employed full time to determine if the employment will lead to self-sufficiency within one year:

(a) The re-assessment shall apply only for a household with earnings less than one hundred thirty-five percent of the benchmark plus applicable incentives;

(b) The department shall identify such household at the annual grant face-to-face review;

(c) For the purposes of this subsection, full-time employment shall mean the household received a full-time incentive in each of the four months immediately preceding the month in which the annual grant face-to-face review is due.

(2) Based on the employability re-assessment, the department shall suspend employability plan approval if the enrollee is unlikely to become self-sufficient within one year as a result of the employment;

(a) The enrollee shall be offered the opportunity and be encouraged to participate in the employability re-assessment;

(b) The department and ESD shall jointly determine if the employment will likely lead to self-sufficiency within one year;

(c) The department and the ESD shall consider the following in determining the likelihood of the enrollee becoming self-sufficient as a result of the employment:

(i) The enrollee's previous achievements, education, training, and employment;

(ii) The advancement opportunities and the income potential of the current position/occupation;

(iii) Current labor market conditions;

(iv) The availability of other employment in the enrollee's labor market with income high enough to lead to self-sufficiency.

(d) The department and ESD shall document all decisions where it is determined the employment is not likely to lead to self-sufficiency.

(3) An enrollee continuing employment for more than eighteen months under a suspended plan shall be ineligible for FIP incentives, supportive services, and child care. The department shall so notify the enrollee:

(a) At the time the employability plan is suspended; and

(b) Six months before FIP incentives and child care are suspended.

(4) The department shall lift the sanction of incentives, supportive services, and child care benefits for working under a suspended plan when the:

(a) Employability plan is approved; or

(b) Household is no longer employed.

(5) The department and ESD shall periodically offer services to an enrollee with suspended employability plans to assist the enrollee in attaining self-sufficiency.

### WSR 90-09-089

#### EMERGENCY RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Public Assistance)

[Order 2972—Filed April 18, 1990, 3:19 p.m.]

Date of Adoption: April 18, 1990.

Purpose: To amend food stamp program rules: To require that households, which apply on or after the sixteenth of the month whose verifications has been postponed when receiving expedited benefits, will receive only the first month's benefits within the five-day maximum. The next month's benefits will be issued within five working days from receipt of the postponed verification; to specify that a household which includes a destitute migrant or seasonal farmworker whose liquid resources do not exceed one hundred dollars shall receive expedited service; and to separate subdivision into two distinct actions to reduce confusion.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-080 Expedited service.

Statutory Authority for Adoption: RCW 74.04.510.

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

Reasons for this Finding: This rule amendment is necessary to implement provisions of the Hunger Prevention Act of 1988, and to comply with federal regulations found in 7 CFR 273.2 (i)(4)(iii)(B).

Effective Date of Rule: May 1, 1990, 12:01 a.m.

April 18, 1990

Leslie F. James, Director  
Administrative Services  
by Rosemary Carr

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

WAC 388-49-080 EXPEDITED SERVICE. (1) The department shall provide expedited service for applying households when the household:

- (a) Has liquid resources of one hundred dollars or less; and
- (b) Has gross monthly income under one hundred fifty dollars; or
- (c) Has combined gross income and liquid resources which are less than the household's current monthly rent or mortgage and actual utilities costs; or
- (d) Includes all members who are homeless individuals; or
- (e) Includes a destitute migrant or seasonal farm worker(s) whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited services by the end of the fifth calendar day following the date the application was filed.

(3) The department shall provide food stamps to residents of drug and alcohol treatment centers and group living arrangements eligible for expedited service, by the fifth calendar day following the date of application.

(4) When certifying a household eligible for expedited service, the department shall:

- (a) Verify the household's identity;
- (b) Make a reasonable effort to verify residence, income, liquid resources, and all other required verifications within the expedited processing standards;
- (c) Require the applicant to register for work unless exempt or the authorized representative is applying for the household ~~((and shall))~~;
- (d) Attempt to register other household members for work without delaying expedited benefits;

~~((d))~~ (e) Issue benefits within five calendar days for expedited service; and

~~((e))~~ (f) Assist the household in obtaining necessary verification.

(5) The department shall certify an expedited service household(~~;~~):

(a) Based on certification periods in WAC 388-49-160(~~;~~) when all necessary verification ~~((has been))~~ is provided; or

(b) For one month when necessary verification is postponed; or

(c) For the month of application and the subsequent month when:

- (i) Verification is postponed; and
- (ii) The application is received after the fifteenth of the month.

~~(6) ((The department shall certify for one month when necessary verification has been postponed.~~

~~(7) The department shall certify for the month of application and the subsequent month when:~~

- ~~(a) Verification is postponed; and~~
- ~~(b) The application is received after the fifteenth of the month.~~

~~((8)) The department shall, after postponed verification is received for cases certified under subsection (5)(c), issue the subsequent month's benefits:~~

~~(a) Within five working days from receipt of the verification; or~~

~~(b) The first working day of the subsequent month, whichever is later.~~

~~(7) There is no ((time)) limit to the number of times a household may receive expedited service provided:~~

~~(a) The household completes the postponed verification requirements; or~~

~~(b) The household was certified under the thirty-day processing standard since the last expedited certification.~~

~~((9)) (8) The department shall conduct an out-of-office interview and complete the application process within the expedited service standard when a household is entitled to expedited service and a waiver of the office interview.~~

**WSR 90-09-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Banking)**

[Filed April 18, 1990, 3:32 p.m.]

Original Notice.

Title of Rule: Schedule of fees for banks, trust companies, stock savings banks, mutual savings banks, and alien banks.

Purpose: To revise the procedure used by the Division of Banking to collect revenues for the processing and investigation of applications received by the division, and other incidental services.

Statutory Authority for Adoption: RCW 30.08.095.

Statute Being Implemented: RCW 30.08.095.

Summary: The revisions change the way in which the Division of Banking collects application revenues. All services, under the proposed rule, are charged on an hourly basis.

Reasons Supporting Proposal: The effect of the rule is to assure that those who use the services of the Division of Banking pay for the use of those services.

Name of Agency Personnel Responsible for Drafting: John L. Bley, Deputy Supervisor, 219 General Administration Building, Olympia, 98504, 753-6520; Implementation and Enforcement: Thomas H. Oldfield, Supervisor, 219 General Administration Building, Olympia, 98504, 753-6520.

Name of Proponent: Division of Banking, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The provisions contained in this proposed rule have received considerable attention and input from the Washington Bankers Association and the Washington Savings League and an ad hoc committee made up of representatives from the division, WBA and WSL.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed rule is designed to collect sufficient revenues to fund the application and investigation activities of the division on a "user-fee" basis.

**Proposal Changes the Following Existing Rules:** See above.

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

The division has determined that a small business economic impact statement is not required because the fees charged under the proposed rule are substantially proportionate to the services rendered by the division to each institution and the change in fees to any one institution has a minor impact on the annual net income of the institutions affected by the proposed rule.

**Hearing Location:** General Administration Building, Room 219, Olympia, Washington 98504, on May 22, 1990, at 9:00 a.m.

**Submit Written Comments to:** Thomas H. Oldfield, Supervisor of Banking or John L. Bley, Deputy Supervisor, by May 22, 1990.

**Date of Intended Adoption:** May 22, 1990.

April 18, 1990  
Thomas H. Oldfield  
Supervisor of Banking

#### NEW SECTION

WAC 50-12-045 SCHEDULE OF FEES FOR BANKS, TRUST COMPANIES, STOCK SAVINGS BANKS, MUTUAL SAVINGS BANKS, AND ALIEN BANKS. (1) The supervisor shall collect the following fees:

(a) Hourly charges for services plus actual expenses for review of application and attendant investigation for:

- (i) New bank or trust company;
- (ii) Conversion to a state chartered institution;
- (iii) Alien bank to establish and operate an office or bureau in the state;
- (iv) Certificate conferring trust powers;
- (v) Branch;
- (vi) A satellite facility or facilities which are to be used by its own customers or customers of another bank;
- (vii) A network system of satellite facilities as defined in WAC 50-40-010(4) or modification of a previously approved network system made in accordance with WAC 50-40-060 (1) or (2);
- (viii) Merger, consolidation, or reorganizational agreement;
- (ix) Relocation of main office or branch;
- (x) An out-of-state bank holding company acquisition and control of more than five percent of the shares of voting stock or substantially all of the assets of a bank, trust company, national banking association or bank holding company, the principal operations of which are conducted within this state;
- (xi) The purchase or sale of a branch;
- (xii) Voluntary or involuntary liquidation of a bank or trust company pursuant to chapter 30.44 RCW or for acting as conservator of a bank or trust company pursuant to chapter 30.46 RCW;
- (xiii) Conversion from a mutual savings bank to a stock savings bank;
- (xiv) Notice of change of control.

(b) Hourly charges for opinions rendered regarding interpretations of statutes and rules.

(c) \$100.00 for issuing the following certificates:

- (i) Branch certificate;
- (ii) Increase or decrease of capital stock certificate;
- (iii) Certificate of authority;
- (iv) Satellite facility;
- (v) Other.

(d) \$100.00 for filing articles of incorporation, or amendments thereof, or other certificates required to be filed with the supervisor.

(e) Fifty cents per page for furnishing copies of papers filed with the supervisor.

(2) The hourly fee for services shall be \$65.00 per employee hour expended. The supervisor may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in subsection (1)(a) and (b) of this section. In no event shall the lump sum payment required under this section exceed actual amounts derived in subsection (1)(a) and (b) of this section.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 50-12-040 SCHEDULE OF FEES FOR BANKS, TRUST COMPANIES, STOCK SAVINGS BANKS, MUTUAL SAVINGS BANKS, AND ALIEN BANKS.

**WSR 90-09-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Banking)**

[Filed April 18, 1990, 3:34 p.m.]

**Original Notice.**

**Title of Rule:** Collection of examination costs and collection of semi-annual assessment.

**Purpose:** To revise the procedure used by the Division of Banking to collect revenues for the proper operation of the examination and supervision functions of the division.

**Statutory Authority for Adoption:** RCW 30.04.070 and 30.08.095.

**Statute Being Implemented:** RCW 30.04.070 and 30.08.095.

**Summary:** Historically the division has operated on an asset assessment basis. The proposed rule changes the method of collection by implementing an hourly examination fee and a reduced asset assessment rate.

**Reasons Supporting Proposal:** By implementing an hourly rate structure, the proposed rule assures that approximately seventy percent of the expenses in the examination and supervision area is based on a "user fee" basis.

**Name of Agency Personnel Responsible for Drafting:** John L. Bley, Deputy Supervisor, 219 General Administration Building, Olympia, 98504, 753-6520; **Implementation and Enforcement:** Thomas H. Oldfield, Supervisor, 219 General Administration Building, Olympia, 98504, 753-6520.

**Name of Proponent:** Division of Banking, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** The provisions contained in this proposed rule have received considerable attention and input from the Washington Bankers Association and the Washington Savings League and an ad hoc committee made up of representatives from the division, WBA and WSL.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will require the billing of time directly attributable to time spent examining and supervision of each institution under the jurisdiction of the division. Time related to travel is not included in the billing. Historically, the division has collected revenue based on the total assets of each institution without regard to the examination time spent. The proposed rule will have the effect of putting the division's collection process on a more "user fee" type basis.

Proposal Changes the Following Existing Rules: See above.

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

The division has determined that a small business economic impact statement is not required because the fees charged under the proposed rule are substantially proportionate to the services rendered by the division to each institution and the change in fees to any one institution has a minor impact on the annual net income of the institutions affected by the proposed rule.

Hearing Location: General Administration Building, Room 219, Olympia, Washington 98504, on May 22, 1990, at 9:00 a.m.

Submit Written Comments to: Thomas H. Oldfield, Supervisor of Banking or John L. Bley, Deputy Supervisor, by May 22, 1990.

Date of Intended Adoption: May 22, 1990.

April 18, 1990  
Thomas H. Oldfield  
Supervisor of Banking

**AMENDATORY SECTION** (Amending Order 55, filed 10/3/83)

WAC 50-44-010 COLLECTION OF EXAMINATION COSTS—COLLECTION METHOD. The requirement of RCW 30.04.070 and 30.08.095 that the supervisor collect from each bank, mutual savings bank, stock savings bank, trust company, or industrial loan company, the ~~((estimated))~~ costs of ~~((examinations))~~ the division, shall be met in accordance with the procedures established in this chapter. Costs shall be recouped by the following methods: Semiannual asset charges in order to recoup nondirect bank examination related expenses (RCW 30.08.095, giving the supervisor the authority to charge for other services rendered), ((a charge for each branch office in operation,)) and an hourly charge for the estimated actual cost of examination determined by a rate specified herein times the number of hours spent by division personnel in ((specialized)) regular or extraordinary examinations. ((In addition, a special assessment will be made over the next two years to provide working capital for the banking examination fund:))

**AMENDATORY SECTION** (Amending Order 77, filed 4/6/89)

WAC 50-44-020 SEMIANNUAL ASSET CHARGE—ASSESSMENT. A semiannual charge for assets will be used to recoup nondirect bank examination related expenses (RCW 30.08.095). The semiannual charge for assets will be computed upon the asset value reflected in the most recent report of condition. The rate of such charge shall be as set forth in the following schedules:

(1) Commercial banks, mutual savings banks, and stock savings banks.  
If the bank's total assets are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	10	\$ 500	.0000850	0
10	100	1,000	.0000850	1
100	100	1,000	.0000800	1
100	300	1,000	.0000600	1
300	500	1,000	.0000575	1

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
500	700	1,000	.0000538	1
700	900	1,000	.0000525	1
900	1,000	1,000	.0000500	1
1,000		1,000	.0000450	1))
0	10	\$ 25	0	0
10	20	50	0	10
20	30	75	0	20
30	40	100	0	30
40	60	100	.00000625	40
60	100	375	.000006875	60
100	150	650	.000007	100
150	200	1000	.000005	150
200	350	1250	.000025	200
350	500	5000	.00000833	350
500	750	6250	.000002	500
750	1000	6750	.00001	750
1000		9250	.00001065	1,000

(2) Alien banks.  
If the bank's total assets are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	200	\$1,000	.0000625	1
200	300	1,000	.0000600	1
300	500	1,000	.0000575	1
500	700	1,000	.0000550	1
700	1,000	1,000	.0000500	1
1,000		1,000	.0000450	1))
0	50	100	.00005	0
50	100	2,600	.00007	50
100	500	6,100	.00004	100
500	750	22,100	.000035	500
750	1,000	30,850	.00003	750
1,000		38,350	.000025	1,000

((3)) Mutual savings banks and stock savings banks.  
If the bank's total assets are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	100	\$3,000		
100	200	1,000	.0000225	1
200	500	1,000	.0000200	1
500	1,000	1,000	.0000175	1
1,000	3,000	1,000	.00001625	1
3,000		1,000	.0000150	1))

((4)) (3) Industrial loan companies.  
If the total assets on a consolidated basis are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	1	\$ 250		
1		250	.000075	1

The supervisor's office shall forward by United States mail a notice to each financial institution showing the manner of calculating the asset charge due and a worksheet for such purposes. The notices shall be mailed with the blank June and December report of condition commencing with the ~~((December 1988))~~ June 1990 report of condition applicable to commercial, savings and alien banks and the consolidated annual report and a semiannual notice of assessment applicable to industrial loan companies. The asset charge shall be calculated by the financial institution and forwarded to the office of the supervisor of banking with the applicable report. A completed copy of the worksheet shall be included with the assessment. An additional two hundred dollar penalty shall be assessed if the amount is not paid within the time specified.

**AMENDATORY SECTION** (Amending Order 62, filed 9/13/85)

WAC 50-44-030 ~~((ADDITIONAL))~~ HOURLY FEES AND CHARGES—REGULAR, INCLUDING EXTRAORDINARY EXAMINATION AND SPECIAL EXAMINATIONS~~((BRANCH~~

OFFICES)). Each bank, mutual savings bank, trust company, alien bank, or industrial loan company shall pay to the supervisor the following fees:

(1) For ~~((special))~~ regular examinations ~~((and reviews as determined by the supervisor, forty dollars per hour; (special)), including extraordinary examinations ((are))~~ for the express purpose of examining unusual conditions or circumstances, including extensions of regular examinations wherein conditions may warrant extension of time required in the examination beyond normal allotted time~~((;))~~ and such other reviews as determined by the supervisor; ~~forty-five dollars per hour. The supervisor may charge the actual cost of examinations performed under personal service contracts by third parties.~~

(2) For electronic data processing examination, trust examination, or other examination requiring specialized expertise, ~~((forty))~~ fifty-five dollars per hour(;

~~(3) For each bank branch in operation at the time of any periodic examination, seventy-five dollars;~~

~~(4) For each industrial loan company branch in operation at the time of any periodic examination, one hundred fifty dollars)). Electronic data processing centers and trust companies are exempt from the asset assessment provisions of WAC 50-44-020(1) if such centers or companies are not a part of the assets of the bank as reported in the report of condition.~~

The supervisor shall submit a statement for the foregoing charges following the completion of any applicable examination, and the charges shall be paid not later than thirty days after submission of such statement.

#### NEW SECTION

WAC 50-44-050 LIMITATIONS ON ASSESSMENTS. (1) Limit on assessment. The charges assessed under WAC 50-44-020(1) relating to a semiannual asset charge in WAC 50-44-030(1) relating to the hourly examination fee, shall not exceed eighty percent of the assessment charge applicable for a two-year period of the Office of the Comptroller of the Currency ("OCC") or its successor.

(2) Determination. The total of semiannual assessments and examination fees are determined by adding the monthly average semiannual assessment and the monthly average of the examination fees for any twenty-four month period after June 1, 1990. The monthly average is determined by dividing the semiannual assessment fee by six and applying the monthly average to the previous six months. The monthly average examination fee is determined by dividing the examination fee for each examination during the averaging period by the number of months between each such examination and the previous examination as determined by the date of the examinations and applying the monthly average to those months. The OCC charge is determined in the same manner.

(3) Rebate. The rebate is determined by the difference between the sum of the applicable monthly average state charges for the twenty-four month period minus eighty percent of the sum of the applicable monthly average OCC charge for the same period, as each are determined in subsection (2) of this section.

(4) Petition. Entitlement of the rebate shall occur only upon petition and proof to the supervisor.

(5) Rebates shall become eligible on June 1, 1992, and such eligibility shall continue for six years thereafter.

### WSR 90-09-092 PROPOSED RULES DEPARTMENT OF FISHERIES

[Filed April 18, 1990, 3:48 p.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend Grays Harbor and Willapa Bay salmon seasons for 1990.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Adjustments are made for harvesting salmon returning to rivers that feed into Grays Harbor and Willapa Bay.

Reasons Supporting Proposal: Preseason forecasts indicate a differing stock composition.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These proposals adjust salmon gillnet fisheries in coastal harbors in order to harvest the projected available surplus based on preseason run return estimates.

Proposal Changes the Following Existing Rules: Time and date changes.

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

This proposal does not effect 10% of the businesses in any one three-digit industrial classification nor 20% of all businesses.

Hearing Location: South Bend Community Center, South Bend, Washington, on May 23, 1990, at 7:30 p.m.

Submit Written Comments to: Fisheries Hearings Officer, 115 General Administration Building, Olympia, WA 98502 [98504], by May 22, 1990.

Date of Intended Adoption: May 30, 1990.

April 18, 1990  
Judith Merchant  
Deputy  
for Joseph R. Blum  
Director

AMENDATORY SECTION (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

WAC 220-36-021 SALMON—GRAYS HARBOR—SUMMER FISHERY. From July 5 through August 15 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

#### FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from 6:00 p.m. July 5 to 6:00 p.m. August 15 in (a) SMCRA 2B; (b) that portion of SMCRA 2C south of a line true east-west through the northernmost tip of Goose Island, and west of a line true north-south through the southernmost tip of Goose Island; and (c) that portion of SMCRA 2D south of a line true east-west through light "35" (flashing green) near Moon Island, and west of a line from light "35" to the mouth of O'Leary Creek.

#### GEAR

(2) Gill net gear shall be used as provided in WAC 220-36-015, except there is no maximum mesh size.

#### GENERAL

(3) Notwithstanding WAC 220-36-031, from 6:00 p.m. July 5 to 11:59 p.m. July 31 all white sturgeon must be released immediately and returned to the water.

AMENDATORY SECTION (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

WAC 220-36-023 GRAYS HARBOR SALMON—FALL FISHERY. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes

or to possess salmon taken from those waters for commercial purposes, except that:

**FISHING PERIOD**

- (1) Gill net gear may be used to fish for salmon from:  
 ((6:00 a.m. to 6:00 p.m. August 28 in SMCRA 2A, 2B, 2C, and 2D;  
 6:00 a.m. to 6:00 p.m. September 5 in SMCRA 2A, 2B, 2C, and 2D;  
 6:00 a.m. to 6:00 p.m. September 11 in SMCRA 2A, 2B, 2C, and 2D;  
 6:00 a.m. to 6:00 p.m. September 18 in SMCRA 2C;  
 6:00 a.m. to 6:00 p.m. September 25 in SMCRA 2C;  
 6:00 p.m. October 27 to 6:00 p.m. October 28 in SMCRA 2B;  
 6:00 p.m. October 30 to 6:00 p.m. October 31 in SMCRA 2B.))  
 (a) 6:00 p.m. August 20 to 6:00 p.m. August 21 in SMCRA 2A, 2B, and 2D;  
 (b) 6:00 p.m. August 25 to 6:00 p.m. August 26 in SMCRA 2A and 2D;  
 (c) 6:00 p.m. August 30 to 6:00 p.m. August 31 in SMCRA 2A and 2D;  
 (d) 6:00 p.m. September 4 to 6:00 p.m. September 5 in SMCRA 2A and 2D;  
 (e) 6:00 p.m. September 9 to 6:00 p.m. September 10 in SMCRA 2A and 2D;  
 (f) 6:00 p.m. September 14 to 6:00 p.m. September 15 in SMCRA 2A and 2D;  
 (g) 6:00 p.m. October 2 to 6:00 p.m. October 5 in SMCRA 2C;  
 (h) 6:00 p.m. October 9 to 6:00 p.m. October 12 in SMCRA 2C;  
 (i) 6:00 p.m. October 16 to 6:00 p.m. October 19 in SMCRA 2C.

**GEAR**

- (2) Gill net gear shall be used as provided in WAC 220-36-015 except, prior to ((October 1)) September 26, there is no maximum mesh size.

**AMENDATORY SECTION** (Amending Order 85-14, filed 3/1/85)

WAC 220-36-031 GRAYS HARBOR—SEASON AND GEAR—STURGEON. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60B except at those times, with the gear, and subject to the provisions of this section:

- (1) ((Marine Fish-Shellfish Management and Catch Reporting Area 60B is open to commercial sturgeon fishing with set line gear the entire year.  
 (2) A maximum of three set lines per fisherman may be used, each set line being not more than 2400 feet in length, and each set line having not more than 300 hooks, all hooks must be number 3 halibut circle style hook or larger, no multiple point hooks allowed.  
 (3) Gangions must have a swivel between the set line and the hook.  
 (4) Set lines must be checked a minimum of once every forty-eight hours.  
 (5) Buoys that are visible on the surface of the water at all times must be attached to each end of each set line, and marked with the buoy brand number assigned to the fisherman.  
 (6)) It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.  
 (((7))) (2) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.  
 (((8))) (3) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Grays Harbor Salmon Management and Catch Reporting Area.

**AMENDATORY SECTION** (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

WAC 220-40-021 WILLAPA BAY SALMON—SUMMER FISHERY. From July 5 through August 15 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**FISHING PERIOD**

- (1) Gill net gear may be used to fish for salmon from 6:00 p.m. July 5 to 6:00 p.m. August 15 in: (a) That portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 10; and (b) that portion of SMCRA 2H west of Willapa Channel Marker 35.

**GEAR**

- (2) Gill net gear shall be used as provided in WAC 220-40-015, except there is no maximum mesh size.

**GENERAL**

- (3) Notwithstanding WAC 220-40-031, from 6:00 p.m. July 5 to 11:59 p.m. July 31 all white sturgeon must be released immediately and returned to the water.

**AMENDATORY SECTION** (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

WAC 220-40-027 SALMON—WILLAPA BAY FALL FISHERY. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**FISHING PERIOD**

- (1) Gill net gear may be used to fish for salmon from:  
 (a) 6:00 ((p.m. September 17 to 6:00 p.m. November 30 in SMCRA 2H;  
 (b) 6:00 p.m. September 21 to 6:00 p.m. October 14 in SMCRA 2G and 2M;  
 (c) 6:00 p.m. Monday to 6:00 p.m. Tuesday and 6:00 p.m. Thursday to 6:00 p.m. Friday of each week September 21 to October 14 in SMCRA 2J and 2K;  
 (d) 6:00 p.m. October 1 to 6:00 p.m. October 14 in the Naselle River upstream of Highway 101 to the boundary marker near the mouth of Roaring Creek slough;  
 (e) 6:00 p.m. October 20 to 6:00 p.m. October 21 in SMCRA 2G, 2J, 2K and 2M; and  
 (f) 6:00 p.m. November 1 to 6:00 p.m. November 30 in SMCRA 2G, 2J, 2K and 2M)) a.m. August 16 to 6:00 p.m. August 19 in SMCRA 2J, 2K, 2M that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12, and that portion of SMCRA 2H west of Willapa Channel Marker 35;

— or —

- 6:00 a.m. August 16 to 6:00 p.m. August 17 and 6:00 a.m. August 20 to 6:00 p.m. August 21;  
 (b) 6:00 p.m. August 27 to 6:00 p.m. August 28 in SMCRA 2J, 2K, 2M, that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12, and that portion of SMCRA 2H west of Willapa Channel Marker 35;  
 (c) 6:00 p.m. September 16 to 6:00 p.m. November 30 in SMCRA 2H;  
 (d) 6:00 p.m. September 16 to 6:00 p.m. October 10 in SMCRA 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12;  
 (e) 6:00 p.m. Monday to 6:00 p.m. Tuesday and 6:00 p.m. Thursday to 6:00 p.m. Friday of each week September 17 to October 9 in SMCRA 2J and 2K;  
 (f) 6:00 p.m. November 5 to 6:00 p.m. November 30 in SMCRA 2J, 2K, 2M, and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12.

**GEAR**

- (2) Gill net gear shall be used as provided in WAC 220-40-015 except((:));  
 (a) Before September 16, there is no maximum mesh size; and  
 (b) After November 19, the minimum mesh size ((shall not be less than)) is 7-1/2 inches ((stretch-measure)).

**AMENDATORY SECTION** (Amending Order 85-14, filed 3/1/85)

WAC 220-40-031 WILLAPA HARBOR—SEASONS AND LAWFUL GEAR—STURGEON. It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish

Management and Catch Reporting Area 60C except at those times, with the gear, and subject to the provisions of this section:

(1) ~~((Marine Fish-Shellfish Management and Catch Reporting Area 60C is open to commercial sturgeon fishing with set line gear the entire year.~~

~~(2) A maximum of three set lines per fisherman may be used, each set line being not more than 2400 feet in length, and each set line having not more than 300 hooks, all hooks must be number 3 halibut circle style hook or larger, no multiple point hooks allowed.~~

~~(3) Gangions must have a swivel between the set line and the hook.~~

~~(4) Set lines must be checked a minimum of once every forty-eight hours.~~

~~(5) Buoys that are visible on the surface of the water at all times must be attached to each end of each set line, and marked with the buoy brand number assigned to the fisherman.~~

~~(6)) It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.~~

~~((7)) (2) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.~~

~~((8)) (3) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Willapa Harbor Salmon Management and Catch Reporting Area.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-026 SALMON—WILLAPA BAY LATE SUMMER FISHERY.

### WSR 90-09-093 PROPOSED RULES DEPARTMENT OF FISHERIES

[Filed April 18, 1990, 3:49 p.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend Puget Sound commercial salmon fishery regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Redefine mouth of Whatcom Creek, 10-10F line and 11-11A line; establish salmon species seasons and 1990 fishery seasons; and establish limited participation fishery.

Reasons Supporting Proposal: Provide for harvest of available surplus and protect fish in terminal areas; and provide for nonfull fleet harvest when such effort would endanger resource.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Redefining the mouth of Whatcom Creek reduces gear conflict and protects milling salmon. The restaurant on the 10-10F line has been renamed. The Asarco smelter stack is due to be removed. Adjusting salmon

fisheries allows harvest of available surplus in accordance with preseason forecast of expected returns. A limited participation fishery will provide for harvest of surplus salmon that cannot be safely taken through use of a full fleet fishery.

Proposal Changes the Following Existing Rules: Boundary changes and season openings and closures.

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

These proposals have no anticipated differential effect on 10% of the businesses in any one three-digit industrial classification nor 20% of all businesses.

Hearing Location: NOAA Auditorium, 7600 Sandpoint Way N.E., Seattle, WA, on May 23, 1990, at 2:00 p.m.

Submit Written Comments to: Fisheries Hearings Officer, 115 General Administration Building, Olympia, WA 98504, by May 22, 1990.

Date of Intended Adoption: May 30, 1990.

April 18, 1990  
Judith Merchant  
Deputy  
for Joseph R. Blum  
Director

#### AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern

shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), terminating on the west at the international boundary and on the east at the landfall on Sandy Point.

(10) Area 7B shall include those waters of Puget Sound westerly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point, easterly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay and southwesterly of the mouth of Whatcom Creek, defined as a line projected approximately 14 degrees true from the flashing light at the southwest end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point and south of a line projected true east from Sandy Point Light No. 2 to the landfall on Sandy Point.

(13) Area 7E shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(14) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) Area 8D shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(18) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the

shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(19) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the ((Acapulco)) Azteca Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(20) Area 10A shall include those waters of Puget Sound easterly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head.

(21) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(24) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the ((Acapulco)) Azteca Restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal and those waters of the Lake Washington Ship Canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(27) Area 11A shall include those waters of Puget Sound southerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay.

(28) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(29) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(31) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the public boat ramp at Union.

(32) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) Area 13C shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) Area 13D shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line

projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(37) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(38) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(39) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(40) Area 13H shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(41) Area 13I shall include those waters of Puget Sound southwest-erly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) Area 13J shall include those waters of Puget Sound northwest-erly of a line projected from the light at Arcadia to Hungerford Point.

(43) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-304 PUGET SOUND—((LAWFUL GEAR—TROLL LINE)) ALL CITIZEN SALMON SPECIES SEASONS. ((Lawful troll line salmon gear in Puget Sound shall be limited to not more than 6 lines.)) The following are Puget Sound salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
6D:	COHO	9/23 -	10/27
7,7A:	COHO	9/2 -	10/13
	CHUM	10/14 -	11/30
7B:	CHINOOK	7/29 -	9/8
	COHO	9/9 -	10/27
	CHUM	10/28 -	11/30
7C:	CHINOOK	7/29 -	8/25
7E:	CHINOOK	7/29 -	9/8
8:	CHUM	10/28 -	11/24
8A:	CHINOOK	7/29 -	9/8
	COHO	9/9 -	10/20
	CHUM	10/21 -	11/30
8D:	CHINOOK	7/29 -	9/22
	COHO	9/23 -	11/10
	CHUM	11/11 -	11/30
10,11:	COHO	9/9 -	10/20
	CHUM	10/21 -	11/30
12:	COHO	9/9 -	10/20
	CHUM	10/21 -	11/17
12A:	COHO	9/9 -	10/20
	CHUM	10/21 -	11/17
12B:	CHINOOK	7/29 -	9/8
	COHO	9/9 -	10/20
	CHUM	10/21 -	11/17
12C:	CHINOOK	7/29 -	9/8
	CHUM	10/28 -	11/30

AMENDATORY SECTION (Amending Order 88-48, filed 7/6/88)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1,000 feet of each mouth of the Dungeness River.

Area 7 - The San Juan Island Preserve as defined in WAC 220-47-262.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

Area 8A - Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence to the green light at the entrance jetty of the Snohomish River thence across the mouth of the Snohomish River to the red light at Western Gear Corporation and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) That portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(2) Additional coho seasonal closure: Those waters east of a line projected from West Point to Alki Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected from Fisherman's Point on the Bolton Peninsula to the boat haven at Quilcene and those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Hood Point to Quatsap Point.

Area 12C - Those waters within 1,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock and those waters south of a line projected from the Cushman Power-house to the public boat ramp at Union.

Areas 12, 12A, 12B, 12C, and 12D - Additional coho seasonal closure: Those waters south and west of a line projected 94 degrees true from Hazel Point.

- or -

Areas 12A, 12B, 12C, and 12D - Additional coho seasonal closure: Those waters south and west of a line projected from Hood Point to Quatsap Point.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-47-311 PURSE SEINE—((SEASONS)) OPEN PERIODS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the ((seasons)) periods provided for hereinafter in each respective Management and Catch Reporting Area:

((Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A - closed:

Area 6D - September 17 through October 28;

Area 7B - September 11 through November 30;

Areas 7C and 7D - closed;

Area 7E - July 23 through August 19;

Area 8 - October 29 through November 18;

Area 8A—September 11 through November 30:  
 Area 8D—September 24 through November 30:  
 Areas 9 and 9A—closed:  
 Areas 10 and 11—September 11 through November 30:  
 Areas 10A, 10C, 10D, 10E, 10F, 10G, and 11A—closed:  
 Area 12—September 11 through November 30:  
 Area 12A—September 11 through November 30:  
 Area 12B—September 11 through November 30:  
 Area 12C—September 11 through November 30:  
 Areas 12D and 13—closed:  
 Areas 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas—closed:))

AREA	TIME	DATE
6D:	5AM SUN 9/23 - 4PM FRI 10/26 (PDT)	
7,7A:	5AM - 9PM PDT MON 10/15	
	5AM - 9PM PDT TUE 10/23	
	5AM - 9PM PDT WED 10/24	
	5AM - 8PM PST MON 10/29	
	5AM - 8PM PST TUE 10/30	
7B:	5AM MON 9/10 - 4PM FRI 10/26 (PDT)	
	5AM MON 10/29 - 4PM FRI 11/2 (PST)	
	5AM MON 11/5 - 4PM FRI 11/9 (PST)	
10,11:	5AM - 9PM PDT MON 9/10	
	5AM - 9PM PDT TUE 9/18	
	5AM - 9PM PDT MON 9/24	
	5AM - 9PM PDT TUE 10/23	
	5AM - 9PM PDT WED 10/24	
	5AM - 8PM PST MON 10/29	
	5AM - 8PM PST TUE 10/30	
12,12B:	5AM - 9PM PDT MON 9/10	
	5AM - 9PM PDT TUE 9/18	
	5AM - 9PM PDT TUE 10/23	
	5AM - 8PM PST MON 10/29	
12A:	5AM - 9PM PDT MON 9/10	
	5AM - 9PM PDT TUE 9/18	

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-319 SPECIAL PURSE SEINE MESH SIZE. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas 6B, 6D, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J and 13K from the second Monday in September through November 30 unless said purse seine gear is constructed so that the first 100 meshes below the corkline that are within 75 fathoms of the bunt, excluding the bunt, are of a size not less than 5 inches stretch measure.

AREA	TIME	DATE(S)
6D:	5AM SUN 9/23 - 4PM FRI 10/26 (PDT)	
7,7A:	5PM - 9AM PDT NIGHTLY MON 10/15, MON 10/22, TUE 10/23	
	4PM - 8AM PST NIGHTLY MON 10/29, TUE 10/30	
7B:	7PM - 9:30AM NIGHTLY MON 7/30, TUE 7/31 (PDT)	
	7PM - 9:30AM NIGHTLY MON 8/6, TUE 8/7, WED 8/8 (PDT)	
	6PM - 9AM NIGHTLY MON 8/13, TUE 8/14, WED 8/15 (PDT)	
	6PM - 9AM NIGHTLY MON 8/20, TUE 8/21 (PDT)	
	6PM SUN 9/9 - 4PM FRI 10/26 (PDT)	
	5AM MON 10/29 - 4PM FRI 11/2 (PST)	
	5AM MON 11/5 - 4PM FRI 11/9 (PST)	
7C:	7PM - 9:30AM NIGHTLY MON 7/30, TUE 7/31 (PDT)	
	7PM - 9:30AM NIGHTLY MON 8/6, TUE 8/7, WED 8/8 (PDT)	
	6PM - 9AM NIGHTLY MON 8/13, TUE 8/14, WED 8/15 (PDT)	
	6PM - 9AM NIGHTLY MON 8/20, TUE 8/21 (PDT)	
10,11:	5PM - 9AM PDT NIGHTLY MON 9/10, MON 9/17, MON 9/24	
	5PM - 9AM PDT NIGHTLY MON 10/22, TUE 10/23	
	4PM - 8AM PST NIGHTLY MON 10/29, TUE 10/30	
12,12B:	5PM - 9AM PDT NIGHTLY MON 9/10, MON 9/17	
	5PM - 9AM PDT MON 10/22	
	4PM - 8AM PST MON 10/29	
12A:	5PM - 9AM PDT NIGHTLY MON 9/10, MON 9/17	

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-47-401 REEF NET((=SEASONS)) OPEN PERIODS. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the ((seasons)) periods provided for hereinafter in each respective area:

((Areas 7 and 7A—September 3 through November 30:))

AREA	TIME	DATE
7,7A:	5AM - 9PM PDT MON 9/17	
	5AM - 9PM PDT WED 9/19	
	5AM - 9PM PDT FRI 9/28	
	5AM - 9PM PDT MON 10/1	
	5AM - 9PM PDT SUN 10/14	
	5AM - 9PM PDT THU 10/25	
	5AM - 9PM PDT FRI 10/26	
	5AM - 8PM PST SUN 10/28	
	5AM - 8PM PST MON 10/29	

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-47-411 GILL NET--((SEASONS)) OPEN PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

((Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A—closed:

Area 6D—September 17 through October 27:

Area 7B—July 24 through November 30:

Area 7C—July 24 through August 26:

Area 7D—closed:

Area 7E—July 23 through August 19:

Area 8—August 20 through November 25:

Area 8A—July 23 through November 30:

Area 8D—July 23 through November 30:

Areas 9 and 9A—closed:

Area 10—September 10 through November 30:

Areas 10A, 10C, 10D, 10E, 10F, and 10G—closed:

Area 11—September 10 through November 30:

Area 11A—closed:

Area 12—September 10 through November 30:

Area 12A—September 10 through November 30:

Area 12B—July 23 through November 30:

Area 12C—July 23 through November 30:

Areas 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas—closed:))

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

~~WAC 220-47-412 GILL NET—((OPEN PERIODS)) MINIMUM MESH SIZES. It is unlawful to take, fish for or possess salmon taken with gill net gear ((except during the open periods)) using mesh less than the size hereinafter designated ((in the following Puget Sound Salmon Management and Catch Reporting Areas:~~

~~Area 6D—5:00 p.m. Sunday 9/17 through 4:00 p.m. Friday 10/27.  
Area 7B—7:00 p.m.—9:30 a.m. nightly, Monday 7/24 and Tuesday 7/25;~~

~~7:00 p.m.—9:30 a.m. nightly, Monday 7/31, Tuesday 8/1, and Wednesday 8/2;~~

~~6:00 p.m.—9:00 a.m. nightly, Monday 8/7, Tuesday 8/8, and Wednesday 8/9;~~

~~6:00 p.m. through 9:00 a.m. nightly, Monday 8/14 and Tuesday 8/15;~~

~~6:00 p.m. Sunday 9/10 through 4:00 p.m. Friday 10/27;~~

~~5:00 a.m. Monday 10/30 through 4:00 p.m. Friday 11/3;~~

~~5:00 a.m. Monday 11/6 through 4:00 p.m. Friday 11/10;~~

~~Area 7C—7:00 p.m.—9:30 a.m. nightly, Monday 7/24 and Tuesday 7/25;~~

~~7:00 p.m.—9:30 a.m. nightly, Monday 7/31, Tuesday 8/1, and Wednesday 8/2;~~

~~6:00 p.m.—9:00 a.m. nightly, Monday 8/7, Tuesday 8/8, and Wednesday 8/9;~~

~~6:00 p.m. through 9:00 a.m. nightly, Monday 8/14 and Tuesday 8/15;~~

~~Areas 10 and 11—6:00 p.m.—9:00 a.m. Monday 9/11;~~

~~5:00 p.m.—9:00 a.m. Monday 9/18;~~

~~5:00 p.m.—9:00 a.m. Monday 9/25;~~

~~5:00 p.m.—9:00 a.m. Monday 10/16;~~

~~5:00 p.m.—9:00 a.m. nightly Monday 10/23 and Tuesday 10/24;~~

~~4:00 p.m.—8:00 a.m. nightly Monday 10/30 and Tuesday 10/31;~~

~~Areas 12, 12A, and 12B—5:00 p.m.—9:00 a.m. nightly Monday 9/11, Monday 9/18, and Monday 10/23;~~

~~4:00 p.m.—8:00 a.m. Monday 10/30;)) for each species season:~~

CHINOOK SEASON 7" MINIMUM MESH

COHO SEASON 5" MINIMUM MESH

PINK SEASON 5" MINIMUM MESH

CHUM SEASON 6" MINIMUM MESH

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-47-312 PURSE SEINE—OPEN PERIODS.

WAC 220-47-313 PURSE SEINE—DAILY HOURS.

WAC 220-47-402 REEF NET—WEEKLY PERIODS.

WAC 220-47-403 REEF NET—DAILY HOURS.

WAC 220-47-413 GILL NET—DAILY HOURS.

WAC 220-47-414 GILL NET—MESH SIZES.

NEW SECTION

WAC 220-47-500 LIMITED PARTICIPATION SALMON NET FISHERIES. (1) When the director determines that a harvestable amount of salmon appears to be available, but that full-fleet fishing effort has an unacceptable risk of exceeding the available harvest, the director may authorize a limited participation fishery. Such a fishery may be authorized for fisheries necessary to refine run size data, provide biological information, or in cases where:

(a) There is a reasonable expectation that foregone opportunity will be claimed and the harvestable surplus cannot be carried forward to the next year of harvest; and

(b) Full-fleet participation with time, space, or gear restrictions cannot achieve the harvest goal; and

(c) A liberalized sport fishery could not harvest the available surplus.

(2) Only licensed commercial salmon fishers may participate in a limited participation fishery. Fishers who wish to have their name placed on a limited participation register must mark the appropriate box on their license renewal application, or so notify the department, in writing, by July 31st. Interested fishers must provide a message phone number at which they may be contacted.

(3) Each year the department will, from the list of interested fishers, use random selection to create a priority list for gillnet fishers and a priority list for purse seine fishers. Priority registers will be available

for inspection at the department's Olympia office, or upon written request to the department. Once the priority lists have been created, sale or transfer of the license shall invalidate the receiver from participation in that year's limited participation fishery.

(4) The number of units of each gear type selected to participate in a limited participation fishery will reflect the most recent ratio of gear types in the full-fleet fishery directed at the species in question, except when conservation concerns or biological data collection needs dictate alternative ratios or use of a single gear type.

(5) When a limited participation fishery is authorized, the department will contact fishers from the priority registers at least twenty-four hours prior to the opening of the fishery. When a fisher cannot be contacted after reasonable effort, the department will select the next name, until the maximum number of allowable units of gear is reached. If not reached, the fisher's name will remain at the priority position, but the fisher may not participate in that limited participation fishery. Agreement to participate, or declining to participate, will remove the fisher from the priority position, and place the name at the bottom of the priority list.

**WSR 90-09-094****PROPOSED RULES****UTILITIES AND****TRANSPORTATION COMMISSION**

[Filed April 18, 1990, 4:01 p.m.]

## Original Notice.

Title of Rule: WAC 480-30-100 relating to auto transportation companies. The proposed amendatory section is shown below as Appendix A, Docket No. TC-900312-R. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendatory section on economic values, pursuant to chapter 43.21H RCW.

Purpose: The proposed amendment is designed to provide for the safety of and limit the conditions under which passengers may stand while riding buses.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: RCW 81.68.030 (2) and (4).

Summary: The amendment mandates installation of safety equipment on buses operated by auto transportation companies when passengers are allowed to stand in the aisles and clearly defines when standing is allowed.

Reasons Supporting Proposal: Existing rule language may be construed to allow conditions that are unsafe for passengers and are contrary to the public interest. The result allows passengers to stand in the aisles of buses while travelling at freeway speeds with no provision for handholds or safety equipment.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and Transportation Staff, 1300 South Evergreen Park Drive Southwest, Olympia, WA, (206) 753-6451.

Name of Proponent: Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposal prohibits passengers traveling on vehicles operated by auto transportation companies from standing in the aisles of a bus unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety. It also provides that if the buses are equipped with the required devices, no passenger shall be permitted to stand for distances exceeding thirty-five miles. The rule will help insure safe transportation for the traveling public.

**Proposal Changes the Following Existing Rules:** Amends current rule by requiring installation of safety devices, and amends the current twenty mile allowance to thirty-five miles.

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

**Hearing Location:** Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on May 22, 1990, at 9:00 a.m.

**Submit Written Comments to:** Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by May 14, 1990.

**Date of Intended Adoption:** May 22, 1990.

April 18, 1990  
Paul Curl  
Secretary

#### APPENDIX "A"

**AMENDATORY SECTION** (Amending Order R-295 [Order R-315], Cause No. TV-2225 [Docket No. TV-2285], filed 2/23/89 [2/27/90, effective 3/30/90])

**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 383, 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 October 1, 1988, 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 October 1, 1988, 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.

(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.

(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.)~~ No motor vehicle used in the transportation of persons shall carry more than one hundred fifty percent of its rated carrying capacity. No passenger shall be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even if the vehicle is so equipped, no passenger shall be permitted to stand for a distance in excess of thirty-five miles.

(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: 1-206-586-1119. 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."

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

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 90-09-095**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed April 18, 1990, 4:08 p.m.]

Original Notice.

Title of Rule: Chapter 388-08 WAC.

Purpose: To have a review judge hold the hearing and make the final decision in license, rate and related adjudicative proceedings. To adopt the brief adjudicative proceeding procedure for programs administered by the Office of Support Enforcement. To describe the indexing system for final adjudicative orders of substantial importance.

Statutory Authority for Adoption: RCW 34.05.220 (1)(a).

Statute Being Implemented: RCW 34.05.220 (1)(a).

Summary: Under current procedures an administrative law judge hears a Department of Social and Health Services adjudicative proceeding and makes an initial decision. Each party has the right to file a petition for administrative review. If none is filed the initial decision is the final decision. If a petition is filed a Department of Social and Health Services review judge rules on the petition and makes the final decision. A petition for review is filed by one or both parties in the vast majority of license, rate and related cases. In these programs review judges make most of the final decisions. The change in WAC 388-08-410 will assign responsibility to hear such cases to the review judges who are now making most of the final decisions. WAC 388-08-482, 388-08-485, 388-08-488 and 388-08-491 adopt the brief adjudicative procedures for proceedings in programs the Office of Support Enforcement administers. New section WAC 388-320-185 describes the indexing system for final adjudicative and declaratory orders of substantial importance. Such a system is required by RCW 42.17.260 (4)(b) and (c).

RCW 34.05.250 requires an agency adopting a rule of procedure that differs from the model rules to include in the order of adoption a finding stating the reasons for the variance. The model rules are chapter 10-08 WAC. They contain no provision relating to when an agency may delegate to one of its officials the authority to hear and decide an adjudicative proceeding. The model rules do not address brief adjudicative proceedings or indexing final adjudicative and declaratory orders.

Petitions for review are filed against a majority of initial orders entered in license and similar programs. This duplication causes the litigants additional expense, increases the cost of administering adjudicative proceedings, and delays final decision making. The duplication is eliminated in the rule proposing to have the same officer conduct the hearing and make the final decision.

The Office of Administrative Hearings has advised the department that the cost for their services this biennium will exceed the amount of their appropriation. The department has proposed to reduce the level of services it seeks from the Office of Administrative [Hearings] to ensure that costs stay within their appropriation. Brief adjudications are proposed as part of this service level reduction.

The indexing rule is proposed to comply with the requirements of RCW 42.17.260 (4)(b) and (c).

Reasons Supporting Proposal: This rule amendment is necessary to reduce costs and to comply with RCW 42.17.260 (4)(b) [and] (c).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Henry, Office of Appeals, 753-3898.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 22, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by May 22, 1990.

Date of Intended Adoption: May 31, 1990.

April 18, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2999, filed 2/5/90, effective 3/1/90)

WAC 388-08-410 APPLICATION OF CHAPTER 388-08 WAC. (1) Scope. This chapter applies to adjudicative proceedings begun on or after July 1, 1989, in programs administered by the department of social and health services (DSHS). The definition of the word "begun" is receipt of the application for an adjudication proceeding at the DSHS(†) office of appeals. Proceedings begun before July 1, 1989, are governed by the procedural rules in effect on (~~July 30, 1989~~) June 30, 1989. Legal authority for adopting this chapter is RCW 34.05.220 (1)(a).

(2) Conflict of rules. If a provision in this chapter conflicts with a provision in the chapter containing the program's substantive rules, the provision in the chapter containing the program's substantive rules governs.

(3) Presiding officer.

(a) The presiding officer shall be either an administrative law judge (ALJ) from the office of administrative hearings or a review judge from the DSHS office of appeals, except the presiding officer shall be a:

(i) Review judge in an adjudicative proceeding contesting a department decision concerning a license, civil fine, rate, nursing home cost reimbursement, or contract; or

(ii) Hearings examiner from the DSHS office of appeals or other person as delegated by the secretary in a brief adjudicative proceeding conducted under RCW 34.05.482 through 34.05.494.

(b) References to ALJ in this chapter apply to a review judge when a review judge is the presiding officer.

(4) Reviewing officer. The reviewing officer shall be the secretary ((or)), a review judge from the DSHS office of appeals, or other person as designated by the secretary.

(5) Physical and mailing addresses. ALJ administrative and field office addresses are listed under WAC 10-04-020. The office of appeals is located in the DSHS headquarters, office building number 2, Twelfth and Franklin, Olympia, and the mailing address is Office of Appeals, P.O. Box 2465, Olympia, WA 98504-2465.

#### NEW SECTION

WAC 388-08-482 BRIEF ADJUDICATIONS—CATEGORIES—CONVERSION. (1) Categories. Applications for adjudicative proceedings in programs administered by the office of support enforcement (OSE) shall be heard and decided in brief adjudicative proceedings. These OSE programs include, but are not limited to, the following categories:

(a) Child support liability with no superior court order under RCW 74.20A.055 and chapter 388-11 WAC;

(b) Retained support recovery under RCW 74.20A.270 and WAC 388-13-050 and 388-13-060;

(c) Address disclosure under RCW 26.23.120 and WAC 388-14-030;

(d) Child support distribution under WAC 388-14-270; and

(e) Parental responsibility for child support set by RCW 74.20A.056.

(2) Conversion. The presiding officer may convert a brief adjudicative proceeding to a formal adjudicative proceeding upon the presiding officer's own motion or upon the motion of a party. Grounds to convert include complex:

(a) Issues or interests involved warranting the use of a formal adjudicative proceeding; and/or

(b) Discovery rulings or admissibility of evidence rulings are likely to be required.

#### NEW SECTION

WAC 388-08-485 BRIEF ADJUDICATIVE PROCEEDINGS—PRESIDING OFFICER—PROCEDURE—INITIAL ORDER. (1) Presiding officer. The presiding officer in an adjudicative proceeding shall be a hearings examiner from the office of appeals.

(2) Procedure. The presiding officer shall conduct a brief adjudicative proceeding with the greatest degree of informality needed to make a sufficient record. The presiding officer:

(a) Shall give each party an opportunity to inform the other of the party's view of the matter;

(b) Shall permit each party to present evidence and argument without undue interference or interruption from the other party;

(c) May ask questions of the parties and the parties' witnesses; and

(d) May refer to formal adjudicative procedures in chapters 34.05 RCW and 388-08 WAC as guidelines in a brief adjudicative proceeding.

(3) Initial order. Within ten days after the close of the record, the presiding officer shall serve the initial order which shall include a:

(a) Brief statement of the reasons for unfavorable actions; and

(b) Petition for administrative review form and instructions.

#### NEW SECTION

WAC 388-08-488 BRIEF ADJUDICATIVE PROCEEDINGS—RIGHT TO ADMINISTRATIVE REVIEW. (1) Right to administrative review. Each party has the right to file a petition for administrative review of the initial order. A review judge may file a petition for review on the review judge's own motion.

(2) Petition for administrative review. A party's petition for review:

(a) May be written or oral; and

(b) Shall be received at the office of appeals within twenty-one days after service of the initial order.

#### NEW SECTION

WAC 388-08-491 BRIEF ADJUDICATIVE PROCEEDINGS—REVIEWING OFFICER—PROCEDURE. (1) Reviewing officer. The reviewing officer shall be an office of appeals review judge or other person delegated the authority to grant appropriate relief by the secretary, but shall not have been previously involved in the proceeding.

(2) Administrative review procedure.

(a) The procedures for administrative review are as described in the provisions of RCW 34.05.464 and WAC 388-08-464 which do not conflict with this section.

(b) The reviewing officer shall give each party an opportunity to explain the party's view of the matter.

(c) The reviewing officer shall make any inquiries necessary to ascertain whether the proceeding should be converted to a formal adjudicative proceeding.

(d) The order on review shall:

(i) Include a brief, written statement of the reasons for the decision;

(ii) Be served within twenty days of receipt of the petition for review; and

(iii) Include a notice that nonagency parties have the right to judicial review of the review order.

#### NEW SECTION

WAC 388-320-185 FINAL ADJUDICATIVE ORDER INDEX. (1) Legal authority for this rule is RCW 42.17.260 (4)(b) and (c). Each state agency is required to, by rule, establish and implement a system of indexing for the identification and location of final adjudicative orders and declaratory orders that contain an analysis or decision of substantial importance to the agency, in carrying out its duties. The requirement applies to orders entered after June 30, 1990.

(2) The department's indexing system is administered by the office of appeals.

(3) The system of indexing is as follows:

(a) A separate index may be established by program category, including but not limited to benefits, such as public assistance, food stamps, vocational rehabilitation, and developmental disabilities; food stamp administrative disqualification; child support; institution reimbursement; and license, rate, and similar programs.

(b) Staff of the office of appeals select the orders to be indexed. Review final adjudicative and declaratory orders in all programs are evaluated and those orders which have substantial importance are selected for inclusion in the index.

(c) Any person may nominate a final adjudicative order or declaratory order to be evaluated for indexing by writing the Office of Appeals, P.O. Box 2465, Olympia, WA 98504-2465 and attaching a copy of the nominated order.

(d) Selected orders are indexed by a phrase describing the issue or holding and by a citation to the law involved.

(e) The index may contain a copy or a synopsis of the order.

### WSR 90-09-096

#### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Order 90-14—Filed April 18, 1990, 4:28 p.m.]

#### Original Notice.

Title of Rule: WAC 173-19-280 Klickitat County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Klickitat County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by

the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Nora Jewett, Ecology, Mailstop PV-11, Olympia, Washington 98504, 459-6789; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment is a complete rewrite of Klickitat County's shoreline master program (SMP). It introduces a fifty-foot natural buffer zone; restructures the shoreline advisory committee; reduces the number of shoreline districts and environment designations; includes objectives and policies in goals in master program elements; includes policies in each use activity; updates use activities to bring them into compliance with current federal, state and local regulations; changes regulations for forest management, residential, recreation and other uses; and revises the format of the shoreline master program.

Proposal Changes the Following Existing Rules: Amends WAC 173-19-280.

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

Hearing Location: Courthouse Annex Meeting Room, 68 West Main Street, Goldendale, WA 98620, on Tuesday, May 22, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by June 1, 1990.

Date of Intended Adoption: June 19, 1990.

April 17, 1990  
Fred Olson  
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-40, filed 3/2/84)

WAC 173-19-280 KLIICKITAT COUNTY. Klickitat County master program approved August 29, 1975. Revision approved September 6, 1979. Revision approved March 1, 1984. Revision approved June 19, 1990.

Summary: The amendment revises the shoreline master program for city of North Bend.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Nora Jewett, Ecology, Mailstop PV-11, Olympia, Washington 98504, 459-6789; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment contains major changes to the current program. It adjusts jurisdiction to include annexed areas of the city but exclude most of the floodplain; changes environment designations; expands use regulations; and changes membership of the shoreline advisory board.

Proposal Changes the Following Existing Rules: Amends WAC 173-19-2517.

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

Hearing Location: North Bend Fire Hall, 112 West Second Avenue, North Bend, WA 98045, on Thursday, May 24, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by June 1, 1990.

Date of Intended Adoption: June 19, 1990.

April 17, 1990  
Fred Olson  
Deputy Director

AMENDATORY SECTION (Amending Order DE 87-43, filed 12/1/87)

WAC 173-19-2517 NORTH BEND, CITY OF. City of North Bend master program approved September 18, 1974. Revision approved December 1, 1987. Revision approved June 19, 1990.

**WSR 90-09-097**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 90-15—Filed April 18, 1990, 4:32 p.m.]

Original Notice.

Title of Rule: WAC 173-19-2517 North Bend, city of.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

## Table of WAC Sections Affected

### KEY TO TABLE

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-86-005	AMD-E 90-05-049	16-230-862	NEW-P 90-04-109	16-318-370	NEW 90-03-026
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16-228-710	NEW-C 90-06-012	16-317-090	REP 90-04-003	16-403-142	AMD 90-09-032
16-228-710	NEW-W 90-07-042	16-318-040	AMD 90-03-026	16-403-155	AMD-W 90-03-036
16-228-715	NEW-C 90-06-012	16-318-065	NEW 90-03-026	16-403-155	AMD-P 90-05-066
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16-230-845	AMD-P 90-04-109	16-318-315	NEW 90-03-026	16-494-001	AMD-W 90-06-105
16-230-845	AMD-E 90-09-011	16-318-320	NEW 90-03-026	16-494-010	AMD-P 90-03-090
16-230-850	REP-P 90-04-109	16-318-325	NEW 90-03-026	16-494-010	AMD-W 90-06-105
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Table of WAC Sections Affected

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16-622-045	NEW	90-08-069	132D-108-080	NEW	90-05-045	132H-108-090	REP-E	90-03-079
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51-04-018	NEW	90-02-108	132D-130-085	NEW	90-05-045	132H-108-140	REP-P	90-03-077
51-04-020	AMD	90-02-108	132D-130-090	NEW	90-05-045	132H-108-140	REP-E	90-03-079
51-04-025	NEW	90-02-108	132D-130-095	NEW	90-05-045	132H-108-140	REP	90-09-066
51-04-030	NEW	90-02-108	132D-130-100	NEW	90-05-045	132H-108-150	REP-P	90-03-077
51-04-035	NEW	90-02-108	132D-133-020	NEW	90-05-045	132H-108-150	REP-E	90-03-079
51-04-037	NEW	90-02-108	132D-400-010	NEW	90-05-045	132H-108-150	REP	90-09-066
51-04-040	NEW	90-02-108	132D-400-020	NEW	90-05-045	132H-108-160	REP-P	90-03-077
51-04-050	NEW	90-02-108	132D-400-030	NEW	90-05-045	132H-108-160	REP-E	90-03-079
51-04-060	NEW	90-02-108	132D-400-040	NEW	90-05-045	132H-108-160	REP	90-09-066
51-04-070	NEW	90-02-108	132E-108-010	NEW-P	90-03-012	132H-108-170	REP-P	90-03-077
51-06-010	AMD	90-02-108	132E-108-010	NEW	90-09-006	132H-108-170	REP-E	90-03-079
51-06-020	AMD	90-02-108	132E-108-020	NEW-P	90-03-012	132H-108-170	REP	90-09-066
51-06-030	REP	90-02-108	132E-108-020	NEW	90-09-006	132H-108-180	REP-P	90-03-077
51-06-040	REP	90-02-108	132E-108-030	NEW-P	90-03-012	132H-108-180	REP-E	90-03-079
51-06-050	REP	90-02-108	132E-108-030	NEW	90-09-006	132H-108-180	REP	90-09-066
51-06-060	REP	90-02-108	132E-108-040	NEW-P	90-03-012	132H-108-190	REP-P	90-03-077
51-06-070	AMD	90-02-108	132E-108-040	NEW	90-09-006	132H-108-190	REP-E	90-03-079
51-06-080	REP	90-02-108	132E-108-050	NEW-P	90-03-012	132H-108-190	REP	90-09-066
51-06-090	REP	90-02-108	132E-108-050	NEW	90-09-006	132H-108-200	REP-P	90-03-077
51-06-100	REP	90-02-108	132E-108-060	NEW-P	90-03-012	132H-108-200	REP-E	90-03-079
51-06-110	REP	90-02-108	132E-108-060	NEW	90-09-006	132H-108-200	REP	90-09-066
51-06-120	AMD	90-02-108	132E-108-070	NEW-P	90-03-012	132H-108-210	REP-P	90-03-077
51-08-010	AMD	90-02-108	132E-108-070	NEW	90-09-006	132H-108-210	REP-E	90-03-079
51-10	AMD	90-02-110	132E-108-080	NEW-P	90-03-012	132H-108-210	REP	90-09-066
51-12-201	AMD-P	90-05-064	132E-108-080	NEW	90-09-006	132H-108-220	REP-P	90-03-077
51-12-202	AMD-P	90-05-064	132E-133-020	NEW-P	90-03-019	132H-108-220	REP-E	90-03-079
51-12-204	AMD-P	90-05-064	132E-133-020	NEW	90-09-049	132H-108-220	REP	90-09-066
51-12-220	AMD	90-02-110	132E-400-010	NEW-P	90-03-021	132H-108-230	REP-P	90-03-077
51-12-403	AMD	90-02-110	132E-400-010	NEW	90-09-005	132H-108-230	REP-E	90-03-079
51-12-404	AMD	90-02-110	132E-400-020	NEW-P	90-03-021	132H-108-230	REP	90-09-066
51-12-411	AMD-P	90-05-064	132E-400-020	NEW	90-09-005	132H-108-240	REP-P	90-03-077
51-12-426	AMD	90-02-110	132E-400-030	NEW-P	90-03-021	132H-108-240	REP-E	90-03-079
51-12-601	AMD	90-02-110	132E-400-030	NEW	90-09-005	132H-108-240	REP	90-09-066
51-12-602	AMD-P	90-05-064	132E-400-040	NEW-P	90-03-021	132H-108-250	REP-P	90-03-077
51-12-608	AMD	90-02-110	132E-400-040	NEW	90-09-005	132H-108-250	REP-E	90-03-079
51-16-030	AMD	90-02-110	132H-108-005	REP-P	90-03-077	132H-108-250	REP	90-09-066
51-16-050	AMD	90-02-110	132H-108-005	REP-E	90-03-079	132H-108-260	REP-P	90-03-077
51-16-080	AMD-P	90-07-083	132H-108-005	REP	90-09-066	132H-108-260	REP-E	90-03-079
51-16-090	REP-P	90-07-083	132H-108-010	REP-P	90-03-077	132H-108-260	REP	90-09-066
51-18-010	NEW	90-02-110	132H-108-010	REP-E	90-03-079	132H-108-270	REP-P	90-03-077
51-18-020	NEW	90-02-110	132H-108-010	REP	90-09-066	132H-108-270	REP-E	90-03-079
51-18-030	NEW	90-02-110	132H-108-020	REP-P	90-03-077	132H-108-270	REP	90-09-066
51-18-040	NEW	90-02-110	132H-108-020	REP-E	90-03-079	132H-108-280	REP-P	90-03-077
51-18-050	NEW	90-02-110	132H-108-020	REP	90-09-066	132H-108-280	REP-E	90-03-079
113-12-104	NEW-P	90-09-077	132H-108-030	REP-P	90-03-077	132H-108-280	REP	90-09-066

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132H-108-290	REP-P	90-03-077	132L-280-015	NEW	90-05-004	132T-104-260	REP	90-03-065
132H-108-290	REP-E	90-03-079	132L-280-020	NEW	90-05-004	132T-104-265	REP	90-03-065
132H-108-290	REP	90-09-066	132L-280-030	NEW	90-05-004	132T-104-270	REP	90-03-065
132H-108-300	REP-P	90-03-077	132L-280-040	NEW	90-05-004	132T-104-280	REP	90-03-065
132H-108-300	REP-E	90-03-079	132L-280-050	NEW	90-05-004	132U-03-010	NEW	90-05-043
132H-108-300	REP	90-09-066	132L-280-060	NEW	90-05-004	132U-03-020	NEW	90-05-043
132H-108-310	REP-P	90-03-077	132L-280-070	NEW	90-05-004	132U-03-030	NEW	90-05-043
132H-108-310	REP-E	90-03-079	132L-280-080	NEW	90-05-004	132U-108-010	NEW	90-05-043
132H-108-310	REP	90-09-066	132L-280-090	NEW	90-05-004	132U-108-020	NEW	90-05-043
132H-108-320	REP-P	90-03-077	132L-280-100	NEW	90-05-004	132U-108-021	NEW	90-05-043
132H-108-320	REP-E	90-03-079	132L-280-110	NEW	90-05-004	132U-108-030	NEW	90-05-043
132H-108-320	REP	90-09-066	132L-280-120	NEW	90-05-004	132U-116-030	AMD	90-05-043
132H-108-330	REP-P	90-03-077	132L-400-010	NEW-E	90-03-073	132U-400-010	NEW	90-05-043
132H-108-330	REP-E	90-03-079	132L-400-010	NEW	90-05-009	132V-400-010	NEW-P	90-03-094
132H-108-330	REP	90-09-066	132L-400-020	NEW	90-05-009	132V-400-010	NEW	90-07-038
132H-108-410	NEW-P	90-03-077	132L-400-030	NEW	90-05-009	132V-400-020	NEW-P	90-03-094
132H-108-410	NEW-E	90-03-079	132L-400-040	NEW	90-05-009	132V-400-020	NEW	90-07-038
132H-108-410	NEW	90-09-066	132N-400-010	NEW-P	90-04-079	132V-400-030	NEW-P	90-03-094
132H-108-420	NEW-P	90-03-077	132N-400-020	NEW-P	90-04-079	132V-400-030	NEW	90-07-038
132H-108-420	NEW-E	90-03-079	132N-400-030	NEW-P	90-04-079	132V-400-040	NEW-P	90-03-094
132H-108-420	NEW	90-09-066	132N-400-040	NEW-P	90-04-079	132V-400-040	NEW	90-07-038
132H-108-430	NEW-P	90-03-077	132P-136-040	AMD-P	90-07-058	132Y-108-010	NEW-P	90-02-062
132H-108-430	NEW-E	90-03-079	132S-01-010	NEW-P	90-03-082	132Y-108-010	NEW	90-08-022
132H-108-430	NEW	90-09-066	132S-01-010	NEW	90-07-006	132Y-108-020	NEW-P	90-02-062
132H-108-440	NEW-P	90-03-077	132S-01-020	NEW-P	90-03-082	132Y-108-020	NEW	90-08-022
132H-108-440	NEW-E	90-03-079	132S-01-020	NEW	90-07-006	132Y-108-030	NEW-P	90-02-062
132H-108-440	NEW	90-09-066	132S-01-030	NEW-P	90-03-082	132Y-108-030	NEW	90-08-022
132H-108-450	NEW-P	90-03-077	132S-01-030	NEW	90-07-006	132Y-108-040	NEW-P	90-02-062
132H-108-450	NEW-E	90-03-079	132S-01-040	NEW-P	90-03-082	132Y-108-040	NEW	90-08-022
132H-108-450	NEW	90-09-066	132S-01-040	NEW	90-07-006	132Y-108-050	NEW-P	90-02-062
132H-108-460	NEW-P	90-03-077	132S-01-050	NEW-P	90-03-082	132Y-108-050	NEW	90-08-022
132H-108-460	NEW-E	90-03-079	132S-01-050	NEW	90-07-006	132Y-108-060	NEW-P	90-02-062
132H-108-460	NEW	90-09-066	132S-01-060	NEW-P	90-03-082	132Y-108-060	NEW	90-08-022
132H-108-470	NEW-P	90-03-077	132S-01-060	NEW	90-07-006	132Y-108-070	NEW-P	90-02-062
132H-108-470	NEW-E	90-03-079	132S-01-070	NEW-P	90-03-082	132Y-108-070	NEW	90-08-022
132H-108-470	NEW	90-09-066	132S-01-070	NEW	90-07-006	132Y-108-080	NEW-P	90-02-062
132H-108-480	NEW-P	90-03-077	132S-01-080	NEW-P	90-03-082	132Y-108-080	NEW	90-08-022
132H-108-480	NEW-E	90-03-079	132S-01-080	NEW	90-07-006	132Y-133-020	NEW-P	90-02-063
132H-108-480	NEW	90-09-066	132S-01-090	NEW-P	90-03-082	136-01-010	AMD	90-07-071
132H-200-040	NEW-P	90-03-076	132S-01-090	NEW	90-07-006	136-01-030	AMD	90-07-071
132H-200-040	NEW-E	90-03-080	132S-05-010	NEW-P	90-03-082	136-01-040	REP	90-07-071
132H-200-040	NEW	90-09-065	132S-05-010	NEW	90-07-006	136-04-020	AMD	90-07-072
132H-400-005	NEW-P	90-03-078	132S-05-015	NEW-P	90-03-082	136-04-030	AMD	90-07-072
132H-400-005	NEW-E	90-03-081	132S-05-015	NEW	90-07-006	136-04-040	AMD	90-07-072
132H-400-005	NEW	90-09-067	132S-05-020	NEW-P	90-03-082	136-04-060	AMD	90-07-072
132H-400-010	NEW-P	90-03-078	132S-05-020	NEW	90-07-006	136-04-080	AMD	90-07-072
132H-400-010	NEW-E	90-03-081	132S-30-037	NEW-P	90-03-082	136-04-090	AMD	90-07-072
132H-400-010	NEW	90-09-067	132S-30-037	NEW	90-07-006	136-04-100	AMD	90-07-072
132H-400-020	NEW-P	90-03-078	132S-40-130	NEW-P	90-03-082	136-10-010	AMD	90-07-073
132H-400-020	NEW-E	90-03-081	132S-40-130	NEW	90-07-006	136-10-020	AMD	90-07-073
132H-400-020	NEW	90-09-067	132S-40-135	NEW-P	90-03-082	136-10-030	AMD	90-07-073
132H-400-030	NEW-P	90-03-078	132S-40-135	NEW	90-07-006	136-10-040	AMD	90-07-073
132H-400-030	NEW-E	90-03-081	132S-40-140	NEW-P	90-03-082	136-10-050	AMD	90-07-073
132H-400-030	NEW	90-09-067	132S-40-140	NEW	90-07-006	136-10-060	AMD	90-07-073
132H-400-040	NEW-P	90-03-078	132S-40-145	NEW-P	90-03-082	136-12-010	AMD	90-07-074
132H-400-040	NEW-E	90-03-081	132S-40-145	NEW	90-07-006	136-12-020	AMD	90-07-074
132H-400-040	NEW	90-09-067	132S-40-150	NEW-P	90-03-082	136-12-030	AMD	90-07-074
132L-20-090	REP	90-05-004	132S-40-150	NEW	90-07-006	136-12-060	AMD	90-07-074
132L-108-010	NEW-E	90-03-074	132S-40-155	NEW-P	90-03-082	136-12-070	AMD	90-07-074
132L-108-010	NEW	90-05-005	132S-40-155	NEW	90-07-006	136-12-080	AMD	90-07-074
132L-108-020	NEW-E	90-03-074	132T-104-010	REP	90-03-065	136-14-010	AMD	90-07-075
132L-108-020	NEW	90-05-005	132T-104-020	REP	90-03-065	136-14-020	AMD	90-07-075
132L-108-030	NEW-E	90-03-074	132T-104-030	REP	90-03-065	136-14-030	AMD	90-07-075
132L-108-030	NEW	90-05-005	132T-104-040	REP	90-03-065	136-14-040	AMD	90-07-075
132L-108-040	NEW-E	90-03-074	132T-104-060	REP	90-03-065	136-14-050	AMD	90-07-075
132L-108-040	NEW	90-05-005	132T-104-070	REP	90-03-065	136-14-060	AMD	90-07-075
132L-108-050	NEW-E	90-03-074	132T-104-080	REP	90-03-065	136-16-010	AMD	90-07-076
132L-108-050	NEW	90-05-005	132T-104-090	REP	90-03-065	136-16-018	AMD	90-07-076
132L-108-060	NEW-E	90-03-074	132T-104-100	REP	90-03-065	136-16-022	AMD	90-07-076
132L-108-060	NEW	90-05-005	132T-104-110	REP	90-03-065	136-16-042	AMD	90-07-076
132L-108-070	NEW-E	90-03-074	132T-104-120	REP	90-03-065	136-16-050	AMD	90-07-076
132L-108-070	NEW	90-05-005	132T-104-121	REP	90-03-065	136-36-010	REP	90-07-077
132L-108-080	NEW-E	90-03-074	132T-104-130	REP	90-03-065	136-36-020	REP	90-07-077
132L-108-080	NEW	90-05-005	132T-104-200	REP	90-03-065	136-36-030	REP	90-07-077
132L-133-020	NEW-E	90-03-074	132T-104-210	REP	90-03-065	136-36-040	REP	90-07-077
132L-133-020	NEW	90-05-005	132T-104-240	REP	90-03-065	139-05-925	NEW-P	90-03-085
132L-280-010	NEW	90-05-004	132T-104-250	REP	90-03-065	139-05-925	NEW	90-07-012

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154-04-035	REP	90-05-078	173-19-4201	AMD-C	90-08-122
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154-04-041	NEW	90-05-078	173-19-4202	AMD-C	90-08-122
154-04-110	REP-P	90-02-086	173-19-4203	AMD-P	90-05-076
154-04-110	REP	90-05-078	173-19-4203	AMD-C	90-08-122
154-08-050	AMD-P	90-02-086	173-19-4204	AMD-P	90-05-076
154-08-050	AMD	90-05-078	173-19-4204	AMD-C	90-08-122
154-12-010	AMD-P	90-02-086	173-19-4205	AMD-P	90-05-076
154-12-010	AMD	90-05-078	173-19-4205	AMD-C	90-08-122
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154-12-030	AMD-P	90-02-086	173-19-4507	AMD	90-07-063
154-12-030	AMD	90-05-078	173-50-010	RE-AD	90-07-017
154-12-050	AMD-P	90-02-086	173-50-020	RE-AD	90-07-017
154-12-050	AMD	90-05-078	173-50-030	RE-AD	90-07-017
154-12-070	AMD-P	90-02-086	173-50-040	RE-AD	90-07-017
154-12-070	AMD	90-05-078	173-50-050	RE-AD	90-07-017
154-12-080	AMD-P	90-02-086	173-50-060	RE-AD	90-07-017
154-12-080	AMD	90-05-078	173-50-070	RE-AD	90-07-017
154-12-085	AMD-P	90-02-086	173-50-080	RE-AD	90-07-017
154-12-085	AMD	90-05-078	173-50-090	RE-AD	90-07-017
154-12-086	AMD-P	90-02-086	173-50-100	RE-AD	90-07-017
154-12-086	AMD	90-05-078	173-50-110	RE-AD	90-07-017
154-12-087	AMD-P	90-02-086	173-50-120	RE-AD	90-07-017
154-12-087	AMD	90-05-078	173-50-130	RE-AD	90-07-017
154-12-090	AMD-P	90-02-086	173-50-140	RE-AD	90-07-017
154-12-090	AMD	90-05-078	173-50-150	RE-AD	90-07-017
154-12-107	REP-P	90-02-086	173-50-160	RE-AD	90-07-017
154-12-107	REP	90-05-078	173-50-170	RE-AD	90-07-017
154-12-110	AMD-P	90-02-086	173-50-180	RE-AD	90-07-017
154-12-110	AMD	90-05-078	173-50-190	RE-AD	90-07-017
154-24-010	AMD-P	90-02-086	173-50-200	RE-AD	90-07-017
154-24-010	AMD	90-05-078	173-50-210	RE-AD	90-07-017
154-32-010	AMD-P	90-02-086	173-158-030	RE-AD	90-06-059
154-32-010	AMD	90-05-078	173-158-060	RE-AD	90-06-059
154-32-020	AMD-P	90-02-086	173-160-215	RE-AD	90-07-016
154-32-020	AMD	90-05-078	173-166	AMD-P	90-02-096
154-40	AMD-P	90-02-086	173-166	AMD-C	90-05-048
154-40	AMD	90-05-078	173-166	AMD-C	90-06-010
154-40-010	AMD-P	90-02-086	173-166	AMD-C	90-08-080
154-40-010	AMD	90-05-078	173-166-010	AMD-P	90-02-096
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154-44-010	AMD	90-05-078	173-166-030	AMD-P	90-02-096
154-64-050	AMD-P	90-02-086	173-166-040	AMD-P	90-02-096
154-64-050	AMD	90-05-078	173-166-050	AMD-P	90-02-096
173-06-030	RE-AD	90-07-014	173-166-060	AMD-P	90-02-096
173-18-090	AMD-C	90-02-107	173-166-070	AMD-P	90-02-096
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173-18-090	AMD-E	90-06-069	173-166-090	NEW-P	90-02-096
173-18-200	AMD-C	90-02-107	173-166-100	NEW-P	90-02-096
173-18-200	AMD	90-06-068	173-166-110	NEW-P	90-02-096
173-18-200	AMD-E	90-06-069	173-166-120	NEW-P	90-02-096
173-19-1104	AMD	90-02-105	173-166-130	NEW-P	90-02-096
173-19-220	AMD-P	90-03-112	173-221A-010	NEW-P	90-06-071
173-19-220	AMD-C	90-08-122	173-221A-020	NEW-P	90-06-071
173-19-220	AMD-C	90-07-061	173-221A-030	NEW-P	90-06-071
173-19-240	RE-AD	90-07-027	173-221A-100	NEW-P	90-06-071
173-19-2401	RE-AD	90-07-027	173-221A-150	NEW-P	90-06-071
173-19-2505	AMD	90-06-067	173-224-015	RE-AD	90-07-015
173-19-2512	AMD	90-06-106	173-224-020	RE-AD	90-07-015
173-19-2517	AMD-P	90-09-097	173-224-030	RE-AD	90-07-015
173-19-2519	AMD	90-02-101	173-224-040	RE-AD	90-07-015
173-19-2520	AMD-P	90-05-074	173-224-050	RE-AD	90-07-015
173-19-280	AMD-P	90-09-096	173-224-060	RE-AD	90-07-015
173-19-3514	AMD-P	90-03-110	173-224-070	RE-AD	90-07-015
173-19-3514	AMD-C	90-08-122	173-224-080	RE-AD	90-07-015
173-19-360	AMD-P	90-03-111	173-224-090	RE-AD	90-07-015
173-19-360	AMD-C	90-06-024	173-224-100	RE-AD	90-07-015
173-19-360	RE-AD	90-07-026	173-224-110	RE-AD	90-07-015
173-19-360	AMD-C	90-08-122	173-224-120	RE-AD	90-07-015
173-19-3601	AMD-P	90-05-075	173-303	PREP	90-06-002
173-19-3601	AMD-C	90-08-122	173-306-010	NEW-P	90-02-088
173-19-390	RE-AD	90-07-025	173-306-050	NEW-P	90-02-088
173-19-3910	RE-AD	90-07-028	173-306-100	NEW-P	90-02-088
173-19-420	AMD-C	90-05-077	173-306-150	NEW-P	90-02-088
173-19-420	AMD-C	90-08-122	173-306-200	NEW-P	90-02-088
173-306-300	NEW-P	90-02-088	173-306-300	NEW-P	90-02-088
173-306-310	NEW-P	90-02-088	173-306-310	NEW-P	90-02-088
173-306-320	NEW-P	90-02-088	173-306-320	NEW-P	90-02-088
173-306-330	NEW-P	90-02-088	173-306-330	NEW-P	90-02-088
173-306-340	NEW-P	90-02-088	173-306-340	NEW-P	90-02-088
173-306-345	NEW-P	90-02-088	173-306-345	NEW-P	90-02-088
173-306-350	NEW-P	90-02-088	173-306-350	NEW-P	90-02-088
173-306-400	NEW-P	90-02-088	173-306-400	NEW-P	90-02-088
173-306-405	NEW-P	90-02-088	173-306-405	NEW-P	90-02-088
173-306-410	NEW-P	90-02-088	173-306-410	NEW-P	90-02-088
173-306-440	NEW-P	90-02-088	173-306-440	NEW-P	90-02-088
173-306-450	NEW-P	90-02-088	173-306-450	NEW-P	90-02-088
173-306-470	NEW-P	90-02-088	173-306-470	NEW-P	90-02-088
173-306-480	NEW-P	90-02-088	173-306-480	NEW-P	90-02-088
173-306-490	NEW-P	90-02-088	173-306-490	NEW-P	90-02-088
173-306-495	NEW-P	90-02-088	173-306-495	NEW-P	90-02-088
173-306-500	NEW-P	90-02-088	173-306-500	NEW-P	90-02-088
173-306-900	NEW-P	90-02-088	173-306-900	NEW-P	90-02-088
173-306-9901	NEW-P	90-02-088	173-306-9901	NEW-P	90-02-088
173-336-010	REP-W	90-02-097	173-336-010	REP-W	90-02-097
173-336-010	REP-P	90-02-098	173-336-010	REP-P	90-02-098
173-336-010	REP	90-08-120	173-336-010	REP	90-08-120
173-336-020	REP-W	90-02-097	173-336-020	REP-W	90-02-097
173-336-020	REP-P	90-02-098	173-336-020	REP-P	90-02-098
173-336-020	REP	90-08-120	173-336-020	REP	90-08-120
173-336-030	REP-W	90-02-097	173-336-030	REP-W	90-02-097
173-336-030	REP-P	90-02-098	173-336-030	REP-P	90-02-098
173-336-030	REP	90-08-120	173-336-030	REP	90-08-120
173-338-010	REP-W	90-02-097	173-338-010	REP-W	90-02-097
173-338-010	REP-P	90-02-098	173-338-010	REP-P	90-02-098
173-338-010	REP	90-08-120	173-338-010	REP	90-08-120
173-338-020	REP-W	90-02-097	173-338-020	REP-W	90-02-097
173-338-020	REP-P	90-02-098	173-338-020	REP-P	90-02-098
173-338-020	REP	90-08-120	173-338-020	REP	90-08-120
173-338-030	REP-W	90-02-097	173-338-030	REP-W	90-02-097
173-338-030	REP-P	90-02-098	173-338-030	REP-P	90-02-098
173-338-030	REP	90-08-120	173-338-030	REP	90-08-120
173-338-040	REP-W	90-02-097	173-338-040	REP-W	90-02-097
173-338-040	REP-P	90-02-098	173-338-040	REP-P	90-02-098
173-338-040	REP	90-08-120	173-338-040	REP	90-08-120
173-338-050	REP-W	90-02-097	173-338-050	REP-W	90-02-097
173-338-050	REP-P	90-02-098	173-338-050	REP-P	90-02-098
173-338-050	REP	90-08-120	173-338-050	REP	90-08-120
173-340	AMD-W	90-02-097	173-340	AMD-W	90-02-097
173-340	AMD-P	90-02-098	173-340	AMD-P	90-02-098
173-340	AMD	90-08-086	173-340	AMD	90-08-086
173-340-010	REP-W	90-02-097	173-340-010	REP-W	90-02-097
173-340-010	REP-P	90-02-098	173-340-010	REP-P	90-02-098
173-340-010	REP	90-08-086	173-340-010	REP	90-08-086
173-340-020	REP-W	90-02-097	173-340-020	REP-W	90-02-097
173-340-020	REP-P	90-02-098	173-340-020	REP-P	90-02-098
173-340-020	REP	90-08-086	173-340-020	REP	90-08-086
173-340-030	REP-W	90-02-097	173-340-030	REP-W	90-02-097
173-340-030	REP-P	90-02-098	173-340-030	REP-P	90-02-098
173-340-030	REP	90-08-086	173-340-030	REP	90-08-086
173-340-040	REP-W	90-02-097	173-340-040	REP-W	90-02-097
173-340-040	REP-P	90-02-098	173-340-040	REP-P	90-02-098
173-340-040	REP	90-08-086	173-340-040	REP	90-08-086
173-340-050	REP-W	90-02-097	173-340-050	REP-W	90-02-097
173-340-050	REP-P	90-02-098	173-340-050	REP-P	90-02-098
173-340-050	REP	90-08-086	173-340-050	REP	90-08-086
173-340-100	NEW-W	90-02-097	173-340-100	NEW-W	90-02-097
173-340-100	NEW-P	90-02-098	173-340-100	NEW-P	90-02-098
173-340-100	NEW	90-08-086	173-340-100	NEW	90-08-086
173-340-110	NEW-W	90-02-097	173-340-110	NEW-W	90-02-097
173-340-110	NEW-P	90-02-098	173-340-110	NEW-P	90-02-098
173-340-110	NEW	90-08-086	173-340-110	NEW	90-08-086
173-340-120	NEW-W	90-02-097	173-340-120	NEW-W	90-02-097
173-340-120	NEW-P	90-02-098	173-340-120	NEW-P	90-02-098
173-340-120	NEW	90-08-086	173-340-120	NEW	90-08-086
173-340-130	NEW-W	90-02-097	173-340-130	NEW-W	90-02-097
173-340-130	NEW-P	90-02-098	173-340-130	NEW-P	90-02-098
173-340-130	NEW	90-08-086	173-340-130	NEW	90-08-086
173-340-140	NEW-W	90-02-097	173-340-140	NEW-W	90-02-097
173-340-140	NEW-P	90-02-098	173-340-140	NEW-P	90-02-098
173-340-140	NEW	90-08-086	173-340-140	NEW	90-08-086
173-340-200	NEW-W	90-02-097	173-340-200	NEW-W	90-02-097

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-340-200	NEW-P	90-02-098	173-340-830	NEW-W	90-02-097	173-405-033	AMD-P	90-05-052
173-340-200	NEW	90-08-086	173-340-830	NEW-P	90-02-098	173-405-035	AMD-P	90-05-052
173-340-210	NEW-W	90-02-097	173-340-830	NEW	90-08-086	173-405-040	AMD-P	90-05-052
173-340-210	NEW-P	90-02-098	173-340-840	NEW-W	90-02-097	173-405-041	REP-P	90-05-052
173-340-210	NEW	90-08-086	173-340-840	NEW-P	90-02-098	173-405-045	AMD-P	90-05-052
173-340-300	NEW-W	90-02-097	173-340-840	NEW	90-08-086	173-405-061	AMD-P	90-05-052
173-340-300	NEW-P	90-02-098	173-340-850	NEW-W	90-02-097	173-405-072	AMD-P	90-05-052
173-340-300	NEW	90-08-086	173-340-850	NEW-P	90-02-098	173-405-077	AMD-P	90-05-052
173-340-310	NEW-W	90-02-097	173-340-850	NEW	90-08-086	173-405-078	AMD-P	90-05-052
173-340-310	NEW-P	90-02-098	173-340-860	NEW-W	90-02-097	173-405-086	AMD-P	90-05-052
173-340-310	NEW	90-08-086	173-340-860	NEW-P	90-02-098	173-405-087	AMD-P	90-05-052
173-340-320	NEW-W	90-02-097	173-340-860	NEW	90-08-086	173-405-091	AMD-P	90-05-052
173-340-320	NEW-P	90-02-098	173-340-870	NEW-W	90-02-097	173-410-012	AMD-P	90-05-052
173-340-320	NEW	90-08-086	173-340-870	NEW-P	90-02-098	173-410-021	AMD-P	90-05-052
173-340-330	NEW-W	90-02-097	173-340-870	NEW	90-08-086	173-410-035	AMD-P	90-05-052
173-340-330	NEW-P	90-02-098	173-340-880	NEW-W	90-02-097	173-410-040	AMD-P	90-05-052
173-340-330	NEW	90-08-086	173-340-880	NEW-P	90-02-098	173-410-042	REP-P	90-05-052
173-340-340	NEW-W	90-02-097	173-340-880	NEW	90-08-086	173-410-045	AMD-P	90-05-052
173-340-340	NEW-P	90-02-098	173-340-890	NEW-W	90-02-097	173-410-062	AMD-P	90-05-052
173-340-340	NEW	90-08-086	173-340-890	NEW-P	90-02-098	173-410-067	AMD-P	90-05-052
173-340-350	NEW-W	90-02-097	173-340-890	NEW	90-08-086	173-410-071	AMD-P	90-05-052
173-340-350	NEW-P	90-02-098	173-342-010	NEW	90-03-020	173-410-086	AMD-P	90-05-052
173-340-350	NEW	90-08-086	173-342-020	NEW	90-03-020	173-410-087	AMD-P	90-05-052
173-340-360	NEW-W	90-02-097	173-342-030	NEW	90-03-020	173-410-100	NEW-P	90-05-052
173-340-360	NEW-P	90-02-098	173-342-040	NEW	90-03-020	173-415-010	AMD-P	90-05-052
173-340-360	NEW	90-08-086	173-342-050	NEW	90-03-020	173-415-020	AMD-P	90-05-052
173-340-400	NEW-W	90-02-097	173-400-010	AMD-P	90-05-052	173-415-030	AMD-P	90-05-052
173-340-400	NEW-P	90-02-098	173-400-020	AMD-P	90-05-052	173-415-040	AMD-P	90-05-052
173-340-400	NEW	90-08-086	173-400-030	AMD-P	90-05-052	173-415-041	REP-P	90-05-052
173-340-410	NEW-W	90-02-097	173-400-040	AMD-P	90-05-052	173-415-045	AMD-P	90-05-052
173-340-410	NEW-P	90-02-098	173-400-050	AMD-P	90-05-052	173-415-050	AMD-P	90-05-052
173-340-410	NEW	90-08-086	173-400-060	AMD-P	90-05-052	173-415-051	AMD-P	90-05-052
173-340-420	NEW-W	90-02-097	173-400-070	AMD-P	90-05-052	173-415-060	AMD-P	90-05-052
173-340-420	NEW-P	90-02-098	173-400-075	AMD-P	90-05-052	173-415-070	AMD-P	90-05-052
173-340-420	NEW	90-08-086	173-400-100	AMD-P	90-05-052	173-415-080	AMD-P	90-05-052
173-340-430	NEW-W	90-02-097	173-400-105	AMD-P	90-05-052	173-422-020	AMD	90-06-062
173-340-430	NEW-P	90-02-098	173-400-110	AMD-P	90-05-052	173-422-035	NEW	90-06-062
173-340-430	NEW	90-08-086	173-400-115	AMD-P	90-05-052	173-422-040	AMD	90-06-062
173-340-500	NEW-W	90-02-097	173-400-120	AMD-P	90-05-052	173-422-060	AMD	90-06-062
173-340-500	NEW-P	90-02-098	173-400-131	NEW-P	90-05-052	173-422-070	AMD	90-06-062
173-340-500	NEW	90-08-086	173-400-136	NEW-P	90-05-052	173-422-090	AMD	90-06-062
173-340-510	NEW-W	90-02-097	173-400-141	NEW-P	90-05-052	173-422-100	AMD	90-06-062
173-340-510	NEW-P	90-02-098	173-400-151	NEW-P	90-05-052	173-422-130	AMD	90-06-062
173-340-510	NEW	90-08-086	173-400-161	NEW-P	90-05-052	173-422-140	AMD	90-06-062
173-340-520	NEW-W	90-02-097	173-400-171	NEW-P	90-05-052	173-422-145	AMD	90-06-062
173-340-520	NEW-P	90-02-098	173-400-180	NEW-P	90-05-052	173-422-160	AMD	90-06-062
173-340-520	NEW	90-08-086	173-400-190	NEW-P	90-05-052	173-422-170	AMD	90-06-062
173-340-530	NEW-W	90-02-097	173-400-200	NEW-P	90-05-052	173-422-190	NEW	90-06-062
173-340-530	NEW-P	90-02-098	173-400-205	NEW-P	90-05-052	173-422-195	NEW	90-06-062
173-340-530	NEW	90-08-086	173-400-210	NEW-P	90-05-052	173-425-010	AMD-P	90-06-102
173-340-540	NEW-W	90-02-097	173-400-220	NEW-P	90-05-052	173-425-020	AMD-P	90-06-102
173-340-540	NEW-P	90-02-098	173-400-230	NEW-P	90-05-052	173-425-030	AMD-P	90-06-102
173-340-540	NEW	90-08-086	173-400-240	NEW-P	90-05-052	173-425-036	AMD-P	90-06-102
173-340-550	NEW-W	90-02-097	173-400-250	NEW-P	90-05-052	173-425-055	AMD-P	90-06-102
173-340-550	NEW-P	90-02-098	173-400-260	NEW-P	90-05-052	173-425-065	AMD-P	90-06-102
173-340-550	NEW	90-08-086	173-403-010	REP-P	90-05-052	173-425-075	AMD-P	90-06-102
173-340-560	NEW-W	90-02-097	173-403-020	REP-P	90-05-052	173-425-085	AMD-P	90-06-102
173-340-560	NEW-P	90-02-098	173-403-030	REP-P	90-05-052	173-425-095	AMD-P	90-06-102
173-340-560	NEW	90-08-086	173-403-050	REP-P	90-05-052	173-425-100	AMD-P	90-06-102
173-340-600	NEW-W	90-02-097	173-403-060	REP-P	90-05-052	173-425-115	AMD-P	90-06-102
173-340-600	NEW-P	90-02-098	173-403-070	REP-P	90-05-052	173-425-120	AMD-P	90-06-102
173-340-600	NEW	90-08-086	173-403-075	REP-P	90-05-052	173-425-130	AMD-P	90-06-102
173-340-610	NEW-W	90-02-097	173-403-080	REP-P	90-05-052	173-425-140	AMD-P	90-06-102
173-340-610	NEW-P	90-02-098	173-403-090	REP-P	90-05-052	173-430-010	AMD-P	90-06-102
173-340-610	NEW	90-08-086	173-403-100	REP-P	90-05-052	173-430-020	AMD-P	90-06-102
173-340-700	NEW-W	90-02-097	173-403-110	REP-P	90-05-052	173-430-030	AMD-P	90-06-102
173-340-700	NEW-P	90-02-098	173-403-120	REP-P	90-05-052	173-430-040	AMD-P	90-06-102
173-340-700	NEW	90-08-086	173-403-130	REP-P	90-05-052	173-430-050	AMD-P	90-06-102
173-340-800	NEW-W	90-02-097	173-403-141	REP-P	90-05-052	173-430-060	AMD-P	90-06-102
173-340-800	NEW-P	90-02-098	173-403-145	REP-P	90-05-052	173-430-070	AMD-P	90-06-102
173-340-800	NEW	90-08-086	173-403-150	REP-P	90-05-052	173-430-080	AMD-P	90-06-102
173-340-810	NEW-W	90-02-097	173-403-160	REP-P	90-05-052	173-433-030	AMD-P	90-06-102
173-340-810	NEW-P	90-02-098	173-403-170	REP-P	90-05-052	173-433-100	AMD-P	90-06-102
173-340-810	NEW	90-08-086	173-403-180	REP-P	90-05-052	173-433-110	AMD-P	90-06-102
173-340-820	NEW-W	90-02-097	173-403-190	REP-P	90-05-052	173-433-120	AMD-P	90-06-102
173-340-820	NEW-P	90-02-098	173-405-012	AMD-P	90-05-052	173-433-130	AMD-P	90-06-102
173-340-820	NEW	90-08-086	173-405-021	AMD-P	90-05-052	173-433-150	AMD-P	90-06-102

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-433-170	AMD-P	90-06-102	174-126-010	REP	90-04-011	174-160-040	REP	90-04-011
173-433-200	AMD-P	90-06-102	174-126-020	REP	90-04-011	174-162-010	REP	90-04-011
173-434-010	AMD-P	90-06-102	174-126-030	REP	90-04-011	174-162-015	REP	90-04-011
173-434-020	AMD-P	90-06-102	174-128-010	REP	90-04-011	174-162-020	REP	90-04-011
173-434-030	AMD-P	90-06-102	174-128-020	REP	90-04-011	174-162-025	REP	90-04-011
173-434-050	AMD-P	90-06-102	174-128-030	REP	90-04-011	174-162-030	REP	90-04-011
173-434-070	NEW-P	90-06-102	174-128-040	REP	90-04-011	174-162-035	REP	90-04-011
173-434-090	NEW-P	90-06-102	174-128-042	REP	90-04-011	174-162-040	REP	90-04-011
173-434-100	AMD-P	90-06-102	174-128-044	REP	90-04-011	174-162-045	REP	90-04-011
173-434-110	AMD-P	90-06-102	174-128-046	REP	90-04-011	174-168-010	NEW-W	90-03-037
173-434-120	AMD-P	90-06-102	174-128-050	REP	90-04-011	174-168-010	NEW-P	90-04-028
173-434-130	AMD-P	90-06-102	174-128-060	REP	90-04-011	174-168-020	NEW-W	90-03-037
173-434-160	AMD-P	90-06-102	174-128-062	REP	90-04-011	174-168-020	NEW-P	90-04-028
173-434-170	AMD-P	90-06-102	174-128-064	REP	90-04-011	174-168-030	NEW-P	90-04-028
173-434-190	AMD-P	90-06-102	174-128-066	REP	90-04-011	174-168-040	NEW-P	90-04-028
173-434-200	AMD-P	90-06-102	174-128-070	REP	90-04-011	174-168-050	NEW-P	90-04-028
173-434-210	AMD-P	90-06-102	174-128-080	REP	90-04-011	174-168-060	NEW-P	90-04-028
173-440-010	AMD-P	90-06-102	174-128-090	REP	90-04-011	174-168-070	NEW-P	90-04-028
173-440-030	AMD-P	90-06-102	174-128-990	REP	90-04-011	174-168-080	NEW-P	90-04-028
173-440-100	AMD-P	90-06-102	174-130-010	NEW	90-04-011	174-276-010	NEW	90-04-011
173-490-010	AMD-P	90-05-052	174-130-020	NEW	90-04-011	174-276-020	NEW	90-04-011
173-490-020	AMD-P	90-05-052	174-131-010	NEW	90-04-011	174-276-030	NEW	90-04-011
173-490-025	AMD-P	90-05-052	174-132	AMD	90-04-011	174-276-040	NEW	90-04-011
173-490-030	AMD-P	90-05-052	174-132-010	AMD	90-04-011	174-276-050	NEW	90-04-011
173-490-040	AMD-P	90-05-052	174-132-020	REP	90-04-011	174-276-060	NEW	90-04-011
173-490-070	REP-P	90-05-052	174-132-030	REP	90-04-011	174-276-070	NEW	90-04-011
173-490-071	REP-P	90-05-052	174-132-040	REP	90-04-011	174-276-080	NEW	90-04-011
173-490-080	AMD-P	90-05-052	174-132-050	REP	90-04-011	174-276-090	NEW	90-04-011
173-490-090	AMD-P	90-05-052	174-132-060	REP	90-04-011	174-276-100	NEW	90-04-011
173-490-120	REP-P	90-05-052	174-132-070	REP	90-04-011	174-276-110	NEW	90-04-011
173-490-130	REP-P	90-05-052	174-132-080	REP	90-04-011	174-276-120	NEW	90-04-011
173-490-135	REP-P	90-05-052	174-132-090	REP	90-04-011	174-280-010	NEW	90-04-011
173-490-140	REP-P	90-05-052	174-132-100	REP	90-04-011	174-280-015	NEW	90-04-011
173-490-150	REP-P	90-05-052	174-132-110	REP	90-04-011	174-280-020	NEW	90-04-011
173-490-200	AMD-P	90-05-052	174-132-120	REP	90-04-011	174-280-025	NEW	90-04-011
173-490-201	AMD-P	90-05-052	174-133-010	NEW	90-04-011	174-280-030	NEW	90-04-011
173-490-202	AMD-P	90-05-052	174-133-020	NEW	90-04-011	174-280-035	NEW	90-04-011
173-490-203	AMD-P	90-05-052	174-135-010	NEW	90-04-011	174-280-040	NEW	90-04-011
173-490-204	AMD-P	90-05-052	174-136-010	REP	90-04-011	174-280-045	NEW	90-04-011
173-490-205	AMD-P	90-05-052	174-136-011	REP	90-04-011	174-400-010	NEW	90-05-031
173-490-207	AMD-P	90-05-052	174-136-012	REP	90-04-011	180-25-025	AMD	90-04-031
173-490-208	AMD-P	90-05-052	174-136-013	REP	90-04-011	180-25-300	REP	90-04-032
173-495-010	AMD-P	90-06-102	174-136-014	REP	90-04-011	180-27-050	AMD	90-04-031
173-495-020	AMD-P	90-06-102	174-136-015	REP	90-04-011	180-27-058	AMD	90-04-031
173-495-030	AMD-P	90-06-102	174-136-016	REP	90-04-011	180-27-425	NEW	90-04-031
173-495-040	AMD-P	90-06-102	174-136-017	REP	90-04-011	180-29-300	REP	90-04-032
173-495-045	AMD-P	90-06-102	174-136-018	REP	90-04-011	180-75-005	AMD	90-02-073
173-495-050	AMD-P	90-06-102	174-136-019	REP	90-04-011	180-75-018	REP	90-02-073
173-495-060	AMD-P	90-06-102	174-136-02001	REP	90-04-011	180-75-019	REP	90-02-073
173-495-065	AMD-P	90-06-102	174-136-021	REP	90-04-011	180-75-020	REP	90-02-073
173-495-070	AMD-P	90-06-102	174-136-022	REP	90-04-011	180-75-025	REP	90-02-073
173-495-080	AMD-P	90-06-102	174-136-060	REP	90-04-011	180-75-026	REP	90-02-073
173-495-100	AMD-P	90-06-102	174-136-080	REP	90-04-011	180-75-027	REP	90-02-073
173-495-120	AMD-P	90-06-102	174-136-090	REP	90-04-011	180-75-030	REP	90-02-073
173-802-050	RE-AD	90-06-014	174-136-100	REP	90-04-011	180-75-033	REP	90-02-073
174-108	AMD	90-04-011	174-136-110	REP	90-04-011	180-75-034	REP	90-02-073
174-108-170	REP	90-04-011	174-136-120	REP	90-04-011	180-75-035	REP	90-02-073
174-108-180	REP	90-04-011	174-136-130	REP	90-04-011	180-75-037	REP	90-02-073
174-108-190	REP	90-04-011	174-136-140	REP	90-04-011	180-75-038	REP	90-02-073
174-108-200	REP	90-04-011	174-136-160	REP	90-04-011	180-75-039	REP	90-02-073
174-108-210	REP	90-04-011	174-136-170	REP	90-04-011	180-75-040	REP	90-02-073
174-108-220	REP	90-04-011	174-136-210	REP	90-04-011	180-75-042	REP	90-02-073
174-108-230	REP	90-04-011	174-136-220	REP	90-04-011	180-75-043	REP	90-02-073
174-108-240	REP	90-04-011	174-136-230	REP	90-04-011	180-75-044	REP	90-02-073
174-108-250	REP	90-04-011	174-136-240	REP	90-04-011	180-75-045	AMD	90-02-073
174-108-260	REP	90-04-011	174-136-250	REP	90-04-011	180-75-061	AMD-P	90-08-112
174-108-900	REP	90-04-011	174-136-300	REP	90-04-011	180-75-065	AMD-P	90-08-112
174-108-90001	REP	90-04-011	174-136-310	REP	90-04-011	180-75-081	AMD	90-02-073
174-108-90002	REP	90-04-011	174-136-320	REP	90-04-011	180-75-084	REP	90-02-073
174-108-910	NEW	90-04-011	174-136-330	REP	90-04-011	180-75-086	REP	90-02-073
174-112-130	REP	90-04-011	174-157-600	REP	90-04-011	180-75-090	AMD-P	90-08-112
174-112-140	REP	90-04-011	174-157-610	REP	90-04-011	180-75-199	REP	90-02-073
174-112-150	REP	90-04-011	174-157-620	REP	90-04-011	180-78-057	AMD-P	90-08-113
174-122-010	NEW	90-04-011	174-157-990	REP	90-04-011	180-78-191	AMD	90-02-074
174-122-020	NEW	90-04-011	174-160-010	REP	90-04-011	180-78-191	AMD	90-02-104
174-122-030	NEW	90-04-011	174-160-020	REP	90-04-011	180-78-192	REP	90-02-074
174-122-040	NEW	90-04-011	174-160-030	REP	90-04-011	180-78-192	REP	90-02-104

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180-78-193	REP	90-02-104	180-87-015	NEW	90-02-075	220-33-01000M	REP-E	90-05-030
180-78-194	REP	90-02-074	180-87-020	NEW	90-02-075	220-33-01000N	NEW-E	90-05-030
180-78-194	REP	90-02-104	180-87-025	NEW	90-02-075	220-36-021	AMD-P	90-09-092
180-78-195	REP	90-02-074	180-87-030	NEW	90-02-075	220-36-023	AMD-P	90-09-092
180-78-195	REP	90-02-104	180-87-035	NEW	90-02-075	220-36-031	AMD-P	90-09-092
180-78-197	REP	90-02-074	180-87-040	NEW	90-02-075	220-40-021	AMD-P	90-09-092
180-78-197	REP	90-02-104	180-87-045	NEW	90-02-075	220-40-026	REP-P	90-09-092
180-78-198	REP	90-02-074	180-87-050	NEW	90-02-075	220-40-027	AMD-P	90-09-092
180-78-198	REP	90-02-104	180-87-055	NEW	90-02-075	220-40-031	AMD-P	90-09-092
180-78-199	REP	90-02-074	180-87-060	NEW	90-02-075	220-44-050	AMD-P	90-06-080
180-78-199	REP	90-02-104	180-87-065	NEW	90-02-075	220-44-05000B	REP-E	90-04-047
180-79-045	AMD-P	90-08-115	180-87-070	NEW	90-02-075	220-44-05000C	NEW-E	90-04-047
180-79-049	AMD-P	90-08-115	180-87-080	NEW	90-02-075	220-44-05000C	REP-E	90-07-031
180-79-060	AMD-P	90-08-115	180-87-085	NEW	90-02-075	220-44-05000D	NEW-E	90-07-031
180-79-065	AMD-P	90-08-115	180-87-090	NEW	90-02-075	220-47-304	AMD-P	90-09-093
180-79-075	AMD-P	90-08-115	180-87-095	NEW	90-02-075	220-47-307	AMD-P	90-09-093
180-79-080	AMD-P	90-08-115	182-12-115	AMD-P	90-04-087	220-47-311	AMD-P	90-09-093
180-79-230	AMD-E	90-08-111	192-12-050	AMD	90-08-028	220-47-312	REP-P	90-09-093
180-79-230	AMD-P	90-08-115	192-12-350	NEW	90-08-028	220-47-313	REP-P	90-09-093
180-79-230	AMD-E	90-09-027	192-12-355	NEW	90-08-028	220-47-319	AMD-P	90-09-093
180-79-245	AMD-P	90-08-115	192-12-360	NEW	90-08-028	220-47-401	AMD-P	90-09-093
180-79-362	AMD-P	90-08-115	192-12-365	NEW	90-08-028	220-47-402	REP-P	90-09-093
180-79-364	AMD-P	90-08-115	192-16-004	NEW-E	90-09-057	220-47-403	REP-P	90-09-093
180-85-045	AMD-P	90-08-114	196-08-030	REP	90-05-071	220-47-411	AMD-P	90-09-093
180-85-080	REP-P	90-08-114	196-24-090	AMD	90-05-071	220-47-412	AMD-P	90-09-093
180-85-083	REP-P	90-08-114	196-24-092	NEW	90-05-071	220-47-413	REP-P	90-09-093
180-85-085	AMD-P	90-08-114	196-26-020	AMD	90-03-028	220-47-414	REP-P	90-09-093
180-85-100	AMD-P	90-08-114	196-26-020	AMD-E	90-04-010	220-47-500	NEW-P	90-09-093
180-85-105	AMD-P	90-08-114	196-27-020	AMD	90-05-071	220-48-01500D	NEW-E	90-06-001
180-85-106	NEW-P	90-08-114	204-36-030	AMD-P	90-04-023	220-49-063	NEW-C	90-07-002
180-85-107	NEW-P	90-08-114	204-36-030	AMD	90-07-034	220-49-063	NEW	90-07-003
180-85-108	NEW-P	90-08-114	204-36-040	AMD-P	90-04-023	220-49-064	NEW-C	90-07-002
180-85-109	NEW-P	90-08-114	204-36-040	AMD	90-07-034	220-49-064	NEW	90-07-003
180-85-110	AMD-P	90-08-114	204-36-050	AMD-P	90-04-023	220-52-07300H	NEW-E	90-03-067
180-85-115	AMD-P	90-08-114	204-36-050	AMD	90-07-034	220-55-010	AMD-P	90-08-008
180-85-202	REP-P	90-08-114	204-36-060	AMD-P	90-04-023	220-55-01000A	NEW-E	90-07-040
180-85-205	AMD-P	90-08-114	204-36-060	AMD	90-07-034	220-55-01000A	REP-E	90-08-034
180-86-003	NEW	90-02-076	204-44-010	AMD	90-06-055	220-55-01000B	NEW-E	90-08-034
180-86-005	NEW	90-02-076	204-44-030	AMD	90-06-055	220-55-015	AMD-P	90-08-008
180-86-010	NEW	90-02-076	204-48-020	AMD-P	90-08-023	220-55-086	AMD	90-03-068
180-86-012	NEW	90-02-076	204-88-030	AMD	90-06-056	220-55-150	NEW	90-03-068
180-86-015	NEW	90-02-076	204-990	REP-P	90-08-024	220-56	AMD-C	90-06-025
180-86-020	NEW	90-02-076	212-17-300	AMD-P	90-04-097	220-56-105	AMD-P	90-02-112
180-86-030	NEW	90-02-076	212-17-305	AMD-P	90-04-097	220-56-105	AMD	90-06-026
180-86-035	NEW	90-02-076	212-17-310	AMD-P	90-04-097	220-56-115	AMD-P	90-02-112
180-86-040	NEW	90-02-076	212-17-315	AMD-P	90-04-097	220-56-115	AMD	90-06-026
180-86-050	NEW	90-02-076	212-17-317	NEW-P	90-04-097	220-56-125	AMD-P	90-02-112
180-86-055	NEW	90-02-076	212-17-325	AMD-P	90-04-097	220-56-125	AMD	90-06-026
180-86-065	NEW	90-02-076	212-17-330	AMD-P	90-04-097	220-56-126	AMD-P	90-02-112
180-86-070	NEW	90-02-076	212-17-335	AMD-P	90-04-097	220-56-126	AMD	90-06-026
180-86-075	NEW	90-02-076	220-12-01000B	NEW-E	90-06-058	220-56-127	NEW-P	90-02-112
180-86-085	NEW	90-02-076	220-16	AMD-C	90-06-025	220-56-127	NEW	90-06-026
180-86-090	NEW	90-02-076	220-16-410	AMD	90-03-068	220-56-128	AMD-P	90-02-112
180-86-095	NEW	90-02-076	220-16-420	NEW	90-03-068	220-56-128	AMD	90-06-026
180-86-097	NEW	90-02-076	220-16-430	NEW-C	90-07-002	220-56-156	AMD-C	90-06-081
180-86-100	NEW	90-02-076	220-16-430	NEW	90-07-003	220-56-156	AMD	90-08-001
180-86-105	NEW	90-02-076	220-16-440	NEW-P	90-02-112	220-56-160	AMD-P	90-02-112
180-86-110	NEW	90-02-076	220-16-440	NEW	90-06-026	220-56-160	AMD	90-06-026
180-86-115	NEW	90-02-076	220-16-450	NEW-P	90-02-112	220-56-165	AMD-P	90-02-112
180-86-120	NEW	90-02-076	220-16-450	NEW	90-06-026	220-56-165	AMD	90-06-026
180-86-130	NEW	90-02-076	220-20	AMD-C	90-06-043	220-56-175	AMD-P	90-02-112
180-86-135	NEW	90-02-076	220-20-010	AMD-P	90-06-079	220-56-175	AMD	90-06-026
180-86-140	NEW	90-02-076	220-20-017	AMD-P	90-08-008	220-56-180	AMD-P	90-02-112
180-86-145	NEW	90-02-076	220-20-020	AMD-P	90-02-111	220-56-180	AMD	90-06-026
180-86-150	NEW	90-02-076	220-20-020	AMD	90-06-045	220-56-190	AMD-P	90-02-112
180-86-155	NEW	90-02-076	220-20-020	AMD-C	90-07-002	220-56-190	AMD	90-06-026
180-86-160	NEW	90-02-076	220-20-020	AMD	90-07-003	220-56-195	AMD-P	90-02-112
180-86-165	NEW	90-02-076	220-20-025	AMD-P	90-02-111	220-56-195	AMD	90-06-026
180-86-170	NEW	90-02-076	220-20-025	AMD	90-06-045	220-56-197	AMD-P	90-02-112
180-86-175	NEW	90-02-076	220-22-020	AMD	90-03-068	220-56-197	AMD	90-06-026
180-86-180	NEW	90-02-076	220-22-030	AMD-P	90-09-093	220-56-205	AMD-P	90-02-112
180-86-185	NEW	90-02-076	220-28-41303	NEW-E	90-02-065	220-56-205	AMD	90-06-026
180-86-200	NEW	90-02-076	220-32-05100X	REP-E	90-04-046	220-56-230	NEW-P	90-02-112
180-87-001	NEW	90-02-075	220-32-05100Y	NEW-E	90-04-046	220-56-230	NEW	90-06-026
180-87-003	NEW	90-02-075	220-32-05700E	NEW-E	90-03-006	220-56-235	AMD-P	90-02-112
180-87-005	NEW	90-02-075	220-33-01000L	REP-E	90-05-008	220-56-235	AMD	90-06-026

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220-56-240	AMD	90-06-026	230-04-190	AMD	90-03-064	248-08-060	REP	90-06-018
220-56-24500G	NEW-E	90-08-033	230-04-270	AMD	90-03-064	248-08-070	REP	90-06-018
220-56-25500F	NEW-E	90-08-033	230-08-120	AMD-P	90-05-034	248-08-075	REP	90-06-018
220-56-282	AMD-P	90-02-112	230-08-125	AMD-P	90-05-034	248-08-080	REP	90-06-018
220-56-282	AMD	90-06-026	230-20-064	AMD-P	90-05-034	248-08-090	REP	90-06-018
220-56-307	NEW-P	90-02-112	230-20-325	AMD	90-05-032	248-08-100	REP	90-06-018
220-56-307	NEW	90-06-026	230-20-698	NEW	90-05-033	248-08-110	REP	90-06-018
220-56-310	AMD-P	90-02-112	230-30-052	NEW-P	90-05-034	248-08-120	REP	90-06-018
220-56-310	AMD	90-06-026	230-30-070	AMD	90-05-032	248-08-130	REP	90-06-018
220-56-320	AMD-P	90-02-112	230-30-070	AMD-E	90-06-020	248-08-140	REP	90-06-018
220-56-320	AMD	90-06-026	230-30-070	AMD-P	90-06-021	248-08-150	REP	90-06-018
220-56-330	AMD-P	90-02-112	230-40-010	AMD	90-05-032	248-08-160	REP	90-06-018
220-56-330	AMD	90-06-026	230-40-120	AMD	90-05-032	248-08-170	REP	90-06-018
220-56-350	AMD-P	90-02-112	230-40-125	NEW	90-05-032	248-08-180	REP	90-06-018
220-56-350	AMD	90-06-026	230-40-125	AMD-E	90-07-019	248-08-190	REP	90-06-018
220-56-35000I	NEW-E	90-06-058	230-40-125	AMD-P	90-07-022	248-08-200	REP	90-06-018
220-56-36000T	NEW-E	90-07-039	230-50-012	AMD-P	90-03-060	248-08-210	REP	90-06-018
220-56-380	AMD-P	90-02-112	230-50-012	AMD-E	90-03-061	248-08-220	REP	90-06-018
220-56-380	AMD	90-06-026	230-50-012	AMD	90-07-018	248-08-230	REP	90-06-018
220-56-38000F	NEW-E	90-03-007	230-50-560	AMD-E	90-09-007	248-08-240	REP	90-06-018
220-56-38000F	REP-E	90-03-027	230-50-580	AMD-E	90-09-073	248-08-250	REP	90-06-018
220-56-38000G	NEW-E	90-03-027	230-60-010	AMD	90-03-064	248-08-260	REP	90-06-018
220-56-38000G	REP-E	90-04-041	230-60-020	REP	90-03-064	248-08-270	REP	90-06-018
220-56-38000H	NEW-E	90-04-041	230-60-025	AMD	90-03-064	248-08-280	REP	90-06-018
220-56-400	AMD-P	90-02-112	230-60-100	NEW	90-05-032	248-08-290	REP	90-06-018
220-56-400	AMD	90-06-026	232-12-011	AMD-P	90-04-098	248-08-300	REP	90-06-018
220-57	AMD-C	90-06-025	232-12-017	AMD-P	90-06-084	248-08-310	REP	90-06-018
220-57	AMD-C	90-06-042	232-12-019	AMD-P	90-06-085	248-08-320	REP	90-06-018
220-57-140	AMD-P	90-02-112	232-12-047	AMD-P	90-06-091	248-08-330	REP	90-06-018
220-57-140	AMD	90-06-026	232-12-051	AMD-P	90-06-092	248-08-340	REP	90-06-018
220-57-160	AMD-P	90-02-112	232-12-054	AMD	90-03-092	248-08-350	REP	90-06-018
220-57-160	AMD	90-06-026	232-12-177	AMD-P	90-06-089	248-08-360	REP	90-06-018
220-57-16000D	NEW-E	90-08-032	232-12-184	RE-AD-P	90-06-090	248-08-370	REP	90-06-018
220-57-220	AMD-P	90-02-112	232-12-187	RE-AD-P	90-06-090	248-08-380	REP	90-06-018
220-57-220	AMD	90-06-026	232-12-191	AMD-P	90-06-088	248-08-390	REP	90-06-018
220-57-242	NEW-P	90-02-112	232-12-251	RE-AD-P	90-06-090	248-08-400	REP	90-06-018
220-57-260	AMD-P	90-02-112	232-12-254	RE-AD-P	90-06-090	248-08-410	AMD	90-06-018
220-57-260	AMD	90-06-026	232-12-297	NEW-P	90-04-099	248-08-413	NEW	90-06-018
220-57-270	AMD-P	90-02-112	232-28-022	NEW-P	90-04-100	248-08-420	REP	90-06-018
220-57-270	AMD	90-06-026	232-28-218	REP-P	90-04-100	248-08-425	NEW	90-06-018
220-57-290	AMD-P	90-02-112	232-28-219	NEW-P	90-06-093	248-08-428	NEW	90-06-018
220-57-290	AMD	90-06-026	232-28-220	NEW-P	90-06-094	248-08-430	REP	90-06-018
220-57-315	AMD-P	90-02-112	232-28-221	NEW-P	90-06-095	248-08-431	NEW	90-06-018
220-57-31500S	NEW-E	90-07-032	232-28-222	NEW-P	90-06-096	248-08-434	NEW	90-06-018
220-57-328	NEW-P	90-02-112	232-28-223	NEW-P	90-06-097	248-08-437	NEW	90-06-018
220-57-465	AMD-P	90-02-112	232-28-61728	NEW	90-02-070	248-08-440	AMD	90-06-018
220-57-465	AMD	90-06-026	232-28-61729	NEW	90-02-071	248-08-446	NEW	90-06-018
220-57-497	NEW-P	90-02-112	232-28-61730	NEW-E	90-03-072	248-08-449	NEW	90-06-018
220-57-497	NEW	90-06-044	232-28-61731	NEW-E	90-08-066	248-08-450	REP	90-06-018
220-57-505	AMD-P	90-02-112	232-28-61802	NEW-E	90-02-067	248-08-452	NEW	90-06-018
220-57-505	AMD	90-06-026	232-28-61802	NEW-P	90-04-101	248-08-460	REP	90-06-018
220-57-50500R	NEW-E	90-07-032	232-28-61802	NEW	90-08-064	248-08-461	NEW	90-06-018
220-57-515	AMD-P	90-02-112	232-28-61803	NEW-E	90-02-068	248-08-464	NEW	90-06-018
220-57-51500E	NEW-E	90-07-032	232-28-61803	NEW-P	90-04-102	248-08-470	AMD	90-06-018
220-57-530	NEW-P	90-02-112	232-28-61803	NEW	90-08-065	248-08-480	REP	90-06-018
220-57A	AMD-C	90-06-025	232-28-61804	NEW-E	90-02-069	248-08-490	REP	90-06-018
220-57A-080	AMD-P	90-02-112	232-28-61804	NEW-P	90-04-103	248-08-500	REP	90-06-018
220-57A-080	AMD	90-06-026	232-28-61804	NEW	90-08-067	248-08-510	REP	90-06-018
220-57A-180	AMD-P	90-02-112	232-28-61805	NEW-E	90-02-066	248-08-515	NEW	90-06-018
220-57A-180	AMD	90-06-026	232-28-61805	NEW-P	90-04-104	248-08-520	REP	90-06-018
220-69-220	AMD	90-03-068	232-28-61805	NEW	90-08-063	248-08-525	NEW	90-06-018
220-69-237	AMD	90-03-068	232-28-61806	NEW-P	90-06-086	248-08-530	REP	90-06-018
220-69-237	AMD-P	90-09-050	232-28-61806	NEW-E	90-09-052	248-08-535	NEW	90-06-018
220-69-238	AMD	90-03-068	232-28-61807	NEW-P	90-06-087	248-08-540	REP	90-06-018
220-69-238	AMD-P	90-09-050	232-28-712	REP	90-03-083	248-08-545	NEW	90-06-018
220-69-239	NEW-P	90-09-050	232-28-713	NEW	90-03-083	248-08-550	REP	90-06-018
220-69-23900A	NEW-E	90-09-051	232-28-811	REP-P	90-04-105	248-08-560	REP	90-06-018
220-69-260	AMD	90-03-068	232-28-812	NEW-P	90-04-105	248-08-565	NEW	90-06-018
220-69-264	AMD	90-03-068	246-09-060	NEW-P	90-04-030	248-08-570	REP	90-06-018
220-140-001	NEW	90-04-026	246-09-060	NEW	90-08-003	248-08-575	NEW	90-06-018
220-140-010	NEW	90-04-026	248-06-385	AMD	90-06-019	248-08-580	REP	90-06-018
220-140-020	NEW	90-04-026	248-08-001	REP	90-06-018	248-08-590	REP	90-06-018
220-140-030	NEW	90-04-026	248-08-010	REP	90-06-018	248-08-700	REP	90-06-018
224-12-090	AMD-P	90-03-091	248-08-020	REP	90-06-018	248-08-705	REP	90-06-018
230-02-010	AMD	90-03-064	248-08-030	REP	90-06-018	248-08-710	REP	90-06-018
230-02-022	AMD-P	90-05-034	248-08-040	REP	90-06-018	248-08-715	REP	90-06-018

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-08-720	REP	90-06-018	248-23-010	AMD	90-06-019	248-98-104	NEW	90-07-010
248-08-725	REP	90-06-018	248-25-010	AMD	90-06-019	248-98-110	AMD-P	90-02-072
248-08-730	REP	90-06-018	248-26-020	AMD	90-06-019	248-98-110	AMD	90-07-010
248-08-735	REP	90-06-018	248-27-025	AMD	90-06-019	248-98-120	AMD-P	90-02-072
248-08-740	REP	90-06-018	248-27-035	AMD	90-06-019	248-98-120	AMD	90-07-010
248-08-750	REP	90-06-018	248-27-045	AMD	90-06-019	248-98-130	NEW-P	90-02-072
248-08-755	REP	90-06-018	248-27-055	AMD	90-06-019	248-98-130	NEW	90-07-010
248-08-760	REP	90-06-018	248-29-020	AMD	90-06-019	248-98-135	NEW-P	90-02-072
248-08-765	REP	90-06-018	248-31-025	AMD	90-06-019	248-98-135	NEW	90-07-010
248-08-770	REP	90-06-018	248-31-035	AMD	90-06-019	248-98-998	NEW-P	90-02-072
248-08-775	REP	90-06-018	248-31-045	AMD	90-06-019	248-98-998	NEW	90-07-010
248-08-780	REP	90-06-018	248-31-055	AMD	90-06-019	248-98-999	REP-P	90-02-072
248-08-785	REP	90-06-018	248-33-040	AMD	90-05-038	248-98-999	REP	90-07-010
248-08-790	REP	90-06-018	248-33-060	REP	90-05-038	248-100-016	AMD-P	90-02-095
248-08-800	REP	90-06-018	248-33-080	REP	90-05-038	248-100-016	AMD	90-07-033
248-08-805	REP	90-06-018	248-36-025	AMD	90-06-019	248-100-021	AMD-P	90-06-063
248-08-810	REP	90-06-018	248-36-035	AMD	90-06-019	248-100-086	AMD-P	90-06-063
248-08-815	REP	90-06-018	248-36-045	AMD	90-06-019	248-100-217	NEW-P	90-06-063
248-08-820	REP	90-06-018	248-36-055	AMD	90-06-019	248-106-001	NEW	90-02-094
248-08-825	REP	90-06-018	248-55-220	AMD	90-06-019	248-106-010	NEW	90-02-094
248-08-830	REP	90-06-018	248-55-230	REP	90-06-019	248-106-020	NEW	90-02-094
248-08-835	REP	90-06-018	248-55-235	NEW	90-06-019	248-106-030	NEW-P	90-08-104
248-08-840	REP	90-06-018	248-55-240	AMD	90-06-019	248-140-200	AMD	90-05-038
248-08-845	REP	90-06-018	248-55-250	REP	90-06-019	248-144-031	AMD	90-06-049
248-14-070	AMD-C	90-04-015	248-55-260	REP	90-06-019	248-170-001	NEW	90-04-082
248-14-070	AMD	90-04-071	248-58-085	NEW	90-06-049	248-170-020	NEW	90-04-082
248-15-110	AMD	90-06-019	248-59-030	AMD	90-06-019	248-170-100	NEW	90-04-082
248-16-031	AMD	90-06-019	248-59-040	REP	90-06-019	248-170-130	NEW	90-04-082
248-17-060	AMD	90-06-019	248-59-050	REP	90-06-019	248-170-160	NEW	90-04-082
248-17-230	AMD	90-06-019	248-59-060	REP	90-06-019	248-170-200	NEW	90-04-082
248-18-010	AMD-P	90-08-099	248-59-070	REP	90-06-019	248-170-300	NEW	90-04-082
248-18-015	AMD	90-06-019	248-59-080	REP	90-06-019	248-170-320	NEW	90-04-082
248-18-018	AMD-P	90-08-099	248-63-025	AMD	90-06-049	248-180-010	NEW	90-03-052
248-18-020	AMD-P	90-08-099	248-91-060	AMD	90-06-019	248-180-020	NEW	90-03-052
248-18-221	AMD-P	90-08-099	248-97-130	AMD	90-06-049	248-320-340	NEW	90-06-018
248-18-245	AMD-P	90-08-099	248-97-135	NEW	90-06-049	248-320-350	NEW	90-06-018
248-18-510	AMD-P	90-08-099	248-98-001	AMD-P	90-02-072	248-320-360	NEW	90-06-018
248-18-520	AMD-P	90-08-099	248-98-001	AMD	90-07-010	248-320-370	NEW	90-06-018
248-18-525	AMD-P	90-08-099	248-98-003	NEW-P	90-02-072	248-320-400	NEW	90-06-018
248-18-530	AMD-P	90-08-099	248-98-003	NEW	90-07-010	248-320-410	NEW	90-06-018
248-18-534	AMD-P	90-08-099	248-98-005	NEW-P	90-02-072	248-320-500	NEW	90-06-018
248-18-555	AMD-P	90-08-099	248-98-005	NEW	90-07-010	248-554-030	AMD-C	90-04-016
248-18-560	AMD-P	90-08-099	248-98-010	AMD-P	90-02-072	248-554-030	AMD	90-04-072
248-18-565	AMD-P	90-08-099	248-98-010	AMD	90-07-010	250-20-001	AMD	90-04-067
248-18-568	AMD-P	90-08-099	248-98-015	NEW-P	90-02-072	250-20-011	AMD	90-04-067
248-18-640	AMD-P	90-08-099	248-98-015	NEW	90-07-010	250-20-015	AMD	90-04-067
248-18-645	AMD-P	90-08-099	248-98-020	AMD-P	90-02-072	250-20-021	AMD	90-04-067
248-18-650	AMD-P	90-08-099	248-98-020	AMD	90-07-010	250-20-031	AMD	90-04-067
248-18-660	AMD-P	90-08-099	248-98-025	NEW-P	90-02-072	250-20-037	NEW	90-04-067
248-18-665	AMD-P	90-08-099	248-98-025	NEW	90-07-010	250-20-041	AMD	90-04-067
248-18-675	AMD-P	90-08-099	248-98-030	AMD-P	90-02-072	250-20-051	AMD	90-04-067
248-18-680	AMD-P	90-08-099	248-98-030	AMD	90-07-010	250-20-071	AMD	90-04-067
248-18-685	AMD-P	90-08-099	248-98-035	NEW-P	90-02-072	250-69-010	NEW-P	90-04-068
248-18-690	AMD-P	90-08-099	248-98-035	NEW	90-07-010	250-69-010	NEW	90-09-003
248-18-695	AMD-P	90-08-099	248-98-040	AMD-P	90-02-072	250-69-020	NEW-P	90-04-068
248-18-705	AMD-P	90-08-099	248-98-040	AMD	90-07-010	250-69-020	NEW	90-09-003
248-18-719	AMD-P	90-08-099	248-98-045	NEW-P	90-02-072	250-69-030	NEW-P	90-04-068
248-18-99902	AMD-P	90-08-099	248-98-045	NEW	90-07-010	250-69-030	NEW	90-09-003
248-19-220	AMD	90-02-093	248-98-050	AMD-P	90-02-072	250-69-040	NEW-P	90-04-068
248-19-373	REP-P	90-08-105	248-98-050	AMD	90-07-010	250-69-040	NEW	90-09-003
248-19-375	REP-P	90-08-105	248-98-060	AMD-P	90-02-072	250-69-050	NEW-P	90-04-068
248-19-403	REP-P	90-08-105	248-98-060	AMD	90-07-010	250-69-050	NEW	90-09-003
248-19-480	AMD	90-06-019	248-98-080	AMD-P	90-02-072	250-69-060	NEW-P	90-04-068
248-19-800	NEW-P	90-08-102	248-98-080	AMD	90-07-010	250-69-060	NEW	90-09-003
248-19-805	NEW-P	90-08-102	248-98-085	NEW-P	90-02-072	250-69-070	NEW-P	90-04-068
248-19-806	NEW-P	90-08-102	248-98-085	NEW	90-07-010	250-69-070	NEW	90-09-003
248-19-810	NEW-P	90-08-105	248-98-090	AMD-P	90-02-072	250-69-080	NEW-P	90-04-068
248-19-811	NEW-P	90-08-105	248-98-090	AMD	90-07-010	250-69-080	NEW	90-09-003
248-19-820	NEW-P	90-08-105	248-98-095	NEW-P	90-02-072	250-69-090	NEW-P	90-04-068
248-19-840	NEW-P	90-08-105	248-98-095	NEW	90-07-010	250-69-090	NEW	90-09-003
248-19-860	NEW-P	90-08-105	248-98-098	NEW-P	90-02-072	250-69-100	NEW-P	90-04-068
248-19-880	NEW-P	90-08-103	248-98-098	NEW	90-07-010	250-69-100	NEW	90-09-003
248-19-882	NEW-P	90-08-103	248-98-100	AMD-P	90-02-072	250-69-110	NEW-P	90-04-068
248-19-884	NEW-P	90-08-103	248-98-100	AMD	90-07-010	250-69-110	NEW	90-09-003
248-19-886	NEW-P	90-08-103	248-98-102	NEW-P	90-02-072	251-01-180	AMD-P	90-09-075
248-21-005	AMD	90-05-038	248-98-102	NEW	90-07-010	251-04-040	AMD	90-06-023
248-22-005	AMD	90-06-019	248-98-104	NEW-P	90-02-072	251-09-085	NEW-W	90-06-082

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
251-09-090	AMD-C	90-06-083	275-56-235	AMD	90-03-113	284-55-165	REP-P	90-04-089
251-09-092	NEW-C	90-06-083	275-56-240	AMD	90-03-113	284-55-172	REP-P	90-04-089
251-09-094	NEW-C	90-06-083	275-56-245	AMD	90-03-113	284-55-177	REP-P	90-04-089
251-12-073	AMD-P	90-09-076	275-56-250	REP	90-03-113	284-55-180	REP-P	90-04-089
251-12-085	AMD-P	90-09-074	275-56-255	REP	90-03-113	284-55-185	REP-P	90-04-089
251-12-099	NEW-P	90-09-074	275-56-260	AMD	90-03-113	284-55-190	REP-P	90-04-089
251-22-165	AMD-P	90-09-075	275-56-265	REP	90-03-113	284-55-205	REP-P	90-04-089
260-36-190	NEW-E	90-09-010	275-56-270	REP	90-03-113	284-55-210	REP-P	90-04-089
260-36-200	NEW-E	90-09-010	275-56-275	AMD	90-03-113	284-66-010	NEW-P	90-04-089
275-16-055	AMD-C	90-04-019	275-56-280	REP	90-03-113	284-66-010	NEW	90-07-059
275-16-055	AMD	90-04-075	275-56-285	AMD	90-03-113	284-66-020	NEW-P	90-04-089
275-19-050	AMD-C	90-04-017	275-56-290	AMD	90-03-113	284-66-020	NEW	90-07-059
275-19-050	AMD	90-04-073	275-56-295	AMD	90-03-113	284-66-030	NEW-P	90-04-089
275-20-080	AMD-C	90-04-018	275-56-300	AMD	90-03-113	284-66-030	NEW	90-07-059
275-20-080	AMD	90-04-074	275-56-305	AMD	90-03-113	284-66-040	NEW-P	90-04-089
275-26-022	AMD-C	90-04-018	275-56-310	REP	90-03-113	284-66-040	NEW	90-07-059
275-26-022	AMD	90-04-074	275-56-315	REP	90-03-113	284-66-050	NEW-P	90-04-089
275-27-500	AMD-C	90-04-018	275-56-320	REP	90-03-113	284-66-050	NEW	90-07-059
275-27-500	AMD	90-04-074	275-56-325	REP	90-03-113	284-66-060	NEW-P	90-04-089
275-36-310	AMD-C	90-04-018	275-56-330	REP	90-03-113	284-66-060	NEW	90-07-059
275-36-310	AMD	90-04-074	275-56-335	AMD	90-03-113	284-66-070	NEW-P	90-04-089
275-38-960	AMD-C	90-04-018	275-56-340	AMD	90-03-113	284-66-070	NEW	90-07-059
275-38-960	AMD	90-04-074	275-56-345	REP	90-03-113	284-66-080	NEW-P	90-04-089
275-56-005	AMD	90-03-113	275-56-350	REP	90-03-113	284-66-080	NEW	90-07-059
275-56-010	AMD	90-03-113	275-56-355	AMD	90-03-113	284-66-090	NEW-P	90-04-089
275-56-015	AMD	90-03-113	275-56-360	REP	90-03-113	284-66-090	NEW	90-07-059
275-56-016	NEW	90-03-113	275-56-365	AMD	90-03-113	284-66-100	NEW-P	90-04-089
275-56-017	NEW	90-03-113	275-56-370	REP	90-03-113	284-66-100	NEW	90-07-059
275-56-020	AMD	90-03-113	275-56-375	REP	90-03-113	284-66-110	NEW-P	90-04-089
275-56-025	AMD	90-03-113	275-56-380	REP	90-03-113	284-66-110	NEW	90-07-059
275-56-030	REP	90-03-113	275-56-385	AMD	90-03-113	284-66-120	NEW-P	90-04-089
275-56-035	AMD	90-03-113	275-56-390	REP	90-03-113	284-66-120	NEW	90-07-059
275-56-040	AMD	90-03-113	275-56-395	REP	90-03-113	284-66-130	NEW-P	90-04-089
275-56-042	NEW	90-03-113	275-56-400	AMD	90-03-113	284-66-130	NEW	90-07-059
275-56-043	NEW	90-03-113	275-56-405	REP	90-03-113	284-66-140	NEW-P	90-04-089
275-56-050	AMD	90-03-113	275-56-410	REP	90-03-113	284-66-140	NEW	90-07-059
275-56-055	AMD	90-03-113	275-56-415	REP	90-03-113	284-66-150	NEW-P	90-04-089
275-56-060	AMD	90-03-113	275-56-420	REP	90-03-113	284-66-150	NEW	90-07-059
275-56-065	AMD	90-03-113	275-56-425	AMD	90-03-113	284-66-160	NEW-P	90-04-089
275-56-070	AMD	90-03-113	275-56-430	REP	90-03-113	284-66-160	NEW	90-07-059
275-56-075	AMD	90-03-113	275-56-435	REP	90-03-113	284-66-170	NEW-P	90-04-089
275-56-080	AMD	90-03-113	275-56-440	REP	90-03-113	284-66-170	NEW	90-07-059
275-56-085	AMD	90-03-113	275-56-445	AMD	90-03-113	284-66-180	NEW-P	90-04-089
275-56-087	NEW	90-03-113	275-56-450	REP	90-03-113	284-66-180	NEW	90-07-059
275-56-088	NEW	90-03-113	275-56-465	NEW	90-03-113	284-66-190	NEW-P	90-04-089
275-56-089	NEW	90-03-113	275-56-475	NEW	90-03-113	284-66-190	NEW	90-07-059
275-56-090	AMD	90-03-113	275-56-485	NEW	90-03-113	284-66-200	NEW-P	90-04-089
275-56-095	AMD	90-03-113	275-56-495	NEW	90-03-113	284-66-200	NEW	90-07-059
275-56-095	AMD-C	90-04-019	275-56-505	NEW	90-03-113	284-66-210	NEW-P	90-04-089
275-56-095	AMD-W	90-04-069	275-56-515	NEW	90-03-113	284-66-210	NEW	90-07-059
275-56-100	AMD	90-03-113	284-12-010	REP	90-04-060	284-66-220	NEW-P	90-04-089
275-56-105	AMD	90-03-113	284-12-030	REP	90-04-060	284-66-220	NEW	90-07-059
275-56-110	AMD	90-03-113	284-12-040	REP	90-04-060	284-66-230	NEW-P	90-04-089
275-56-115	AMD	90-03-113	284-12-080	AMD	90-04-042	284-66-230	NEW	90-07-059
275-56-120	REP	90-03-113	284-17-121	NEW	90-04-060	284-66-240	NEW-P	90-04-089
275-56-125	REP	90-03-113	284-17-122	NEW	90-04-060	284-66-240	NEW	90-07-059
275-56-130	REP	90-03-113	284-17-123	NEW	90-04-060	284-66-250	NEW-P	90-04-089
275-56-135	AMD	90-03-113	284-55-010	REP-P	90-04-089	284-66-250	NEW	90-07-059
275-56-140	REP	90-03-113	284-55-020	REP-P	90-04-089	284-66-260	NEW-P	90-04-089
275-56-145	REP	90-03-113	284-55-030	REP-P	90-04-089	284-66-260	NEW	90-07-059
275-56-150	AMD	90-03-113	284-55-035	REP-P	90-04-089	284-66-270	NEW-P	90-04-089
275-56-155	REP	90-03-113	284-55-040	REP-P	90-04-089	284-66-270	NEW	90-07-059
275-56-160	REP	90-03-113	284-55-045	REP-P	90-04-089	284-66-300	NEW-P	90-04-089
275-56-165	REP	90-03-113	284-55-050	REP-P	90-04-089	284-66-300	NEW	90-07-059
275-56-170	AMD	90-03-113	284-55-060	REP-P	90-04-089	284-66-310	NEW-P	90-04-089
275-56-175	AMD	90-03-113	284-55-065	REP-P	90-04-089	284-66-310	NEW	90-07-059
275-56-180	AMD	90-03-113	284-55-067	REP-P	90-04-089	284-66-320	NEW-P	90-04-089
275-56-185	AMD	90-03-113	284-55-070	REP-P	90-04-089	284-66-320	NEW	90-07-059
275-56-190	REP	90-03-113	284-55-080	REP-P	90-04-089	284-66-330	NEW-P	90-04-089
275-56-195	AMD	90-03-113	284-55-090	REP-P	90-04-089	284-66-330	NEW	90-07-059
275-56-200	AMD	90-03-113	284-55-095	REP-P	90-04-089	284-66-340	NEW-P	90-04-089
275-56-205	AMD	90-03-113	284-55-115	REP-P	90-04-089	284-66-340	NEW	90-07-059
275-56-210	AMD	90-03-113	284-55-120	REP-P	90-04-089	284-66-350	NEW-P	90-04-089
275-56-215	AMD	90-03-113	284-55-125	REP-P	90-04-089	284-66-350	NEW	90-07-059
275-56-220	AMD	90-03-113	284-55-150	REP-P	90-04-089	284-66-400	NEW-P	90-04-089
275-56-225	AMD	90-03-113	284-55-155	REP-P	90-04-089	284-66-400	NEW	90-07-059
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292-12-020	NEW-P 90-03-095	296-17-57602	AMD-P 90-08-092	296-24-87033	NEW-P 90-03-093
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292-12-060	NEW-E 90-08-077	296-17-885	AMD-P 90-08-092	296-52-473	REP 90-03-029
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292-12-180	NEW-E 90-08-077	296-20-680	AMD 90-04-007	296-62-3110	AMD 90-09-026
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296-06-090	AMD-P 90-02-089	296-24-76503	AMD 90-03-029	296-127-045	AMD-E 90-09-047
296-06-090	AMD 90-07-004	296-24-78007	AMD 90-03-029	296-127-400	NEW-E 90-06-008
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296-06-100	AMD 90-07-004	296-24-81005	AMD 90-03-029	296-127-420	NEW-E 90-06-008
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296-06-110	AMD 90-07-004	296-24-870	AMD-P 90-03-093	296-127-440	NEW-E 90-06-008
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296-06-130	AMD 90-07-004	296-24-87003	REP-P 90-03-093	296-131	AMD-C 90-08-093
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308-124H-530	NEW-C	90-05-072	308-180-120	AMD-P	90-05-053	316-55-020	AMD	90-06-047
308-124H-540	NEW-C	90-05-072	308-180-150	AMD-P	90-08-002	316-55-030	AMD-P	90-03-039
308-124H-550	NEW-C	90-05-072	308-180-210	AMD-P	90-08-002	316-55-030	AMD	90-06-047
308-124H-560	NEW-C	90-05-072	308-180-250	AMD-P	90-08-002	316-55-050	AMD-P	90-03-039
308-124H-570	NEW-C	90-05-072	308-180-260	AMD-P	90-04-094	316-55-050	AMD	90-06-047
308-124H-580	NEW-C	90-05-072	308-180-260	AMD-P	90-08-009	316-55-070	AMD-P	90-03-039
308-124I-010	NEW-P	90-02-102	308-190-010	AMD	90-04-094	316-55-070	AMD	90-06-047
308-124I-020	NEW-P	90-02-102	308-190-010	AMD-P	90-08-009	316-55-090	RE-AD-P	90-03-039
308-124I-030	NEW-P	90-02-102	308-310-010	AMD	90-04-094	316-55-090	RE-AD	90-06-047
308-124I-040	NEW-P	90-02-102	308-320-010	NEW	90-02-060	316-55-110	AMD-P	90-03-039
308-124I-050	NEW-P	90-02-102	308-320-010	NEW-E	90-02-061	316-55-110	AMD	90-06-047
308-124I-060	NEW-P	90-02-102	308-320-020	NEW	90-02-060	316-55-120	NEW-P	90-03-039
308-124I-070	NEW-P	90-02-102	308-320-020	NEW-E	90-02-061	316-55-120	NEW	90-06-047
308-124I-080	NEW-P	90-02-102	308-320-030	NEW	90-02-060	316-55-130	RE-AD-P	90-03-039
308-124I-090	NEW-P	90-02-102	308-320-030	NEW-E	90-02-061	316-55-130	RE-AD	90-06-047
308-124I-100	NEW-P	90-02-102	308-320-040	NEW	90-02-060	316-55-150	RE-AD-P	90-03-039
308-124I-110	NEW-P	90-02-102	308-320-040	NEW-E	90-02-061	316-55-150	RE-AD	90-06-047
308-124I-120	NEW-P	90-02-102	308-320-050	NEW	90-02-060	316-55-160	AMD-P	90-03-039
308-124I-130	NEW-P	90-02-102	308-320-050	NEW-E	90-02-061	316-55-160	AMD	90-06-047
308-124I-140	NEW-P	90-02-102	308-320-060	NEW	90-02-060	316-55-170	RE-AD-P	90-03-039
308-124J-010	NEW-P	90-02-102	308-320-060	NEW-E	90-02-061	316-55-170	RE-AD	90-06-047
308-124J-020	NEW-P	90-02-102	308-320-070	NEW	90-02-060	316-55-500	AMD-P	90-03-039
308-124J-030	NEW-P	90-02-102	308-320-070	NEW-E	90-02-061	316-55-500	AMD	90-06-047
308-124J-040	NEW-P	90-02-102	308-320-080	NEW	90-02-060	316-55-505	AMD-P	90-03-039
308-124J-050	NEW-P	90-02-102	308-320-080	NEW-E	90-02-061	316-55-505	AMD	90-06-047
308-124J-060	NEW-P	90-02-102	308-320-090	NEW	90-02-060	316-55-510	RE-AD-P	90-03-039
308-124J-070	NEW-P	90-02-102	308-320-090	NEW-E	90-02-061	316-55-510	RE-AD	90-06-047
308-124J-080	NEW-P	90-02-102	308-400-042	AMD	90-04-051	316-55-515	AMD-P	90-03-039
308-127-010	REP-P	90-04-088	308-400-095	AMD	90-04-051	316-55-515	AMD	90-06-047
308-127-010	REP	90-07-023	314-16-170	AMD-P	90-03-088	316-55-517	NEW-P	90-03-039
308-127-020	REP-P	90-04-088	314-20-025	NEW-P	90-03-089	316-55-517	NEW	90-06-047
308-127-020	REP	90-07-023	314-60-040	AMD	90-02-109	316-55-520	REP-P	90-03-039
308-127-030	REP-P	90-04-088	315-04-132	AMD-P	90-07-086	316-55-520	REP	90-06-047
308-127-030	REP	90-07-023	315-06-080	AMD-P	90-07-086	316-55-525	AMD-P	90-03-039
308-127-035	NEW-P	90-04-088	315-08-010	NEW-P	90-07-086	316-55-525	AMD	90-06-047
308-127-035	NEW	90-07-023	315-08-020	NEW-P	90-07-086	316-55-600	RE-AD-P	90-03-039
308-127-040	AMD-P	90-04-088	315-08-030	NEW-P	90-07-086	316-55-600	RE-AD	90-06-047
308-127-040	AMD	90-07-023	315-08-040	NEW-P	90-07-086	316-55-700	NEW-P	90-03-039
308-127-100	REP-P	90-04-088	315-11-480	AMD	90-03-023	316-55-700	NEW	90-06-047
308-127-100	REP	90-07-023	315-11-490	AMD	90-03-023	316-55-710	NEW-P	90-03-039
308-127-105	NEW-P	90-04-088	315-11-491	AMD	90-03-023	316-55-710	NEW	90-06-047
308-127-105	NEW	90-07-023	315-11-530	NEW-P	90-03-109	316-55-730	NEW-P	90-03-039
308-127-110	AMD-P	90-04-088	315-11-530	NEW	90-06-060	316-55-730	NEW	90-06-047
308-127-110	AMD	90-07-023	315-11-531	NEW-P	90-03-109	316-85-001	NEW-P	90-03-040
308-127-120	AMD-P	90-04-088	315-11-531	NEW	90-06-060	316-85-001	NEW	90-06-046
308-127-120	AMD	90-07-023	315-11-532	NEW-P	90-03-109	316-85-010	NEW-P	90-03-040
308-127-130	AMD-P	90-04-088	315-11-532	NEW	90-06-060	316-85-010	NEW	90-06-046
308-127-130	AMD	90-07-023	315-11-540	NEW-P	90-03-109	316-85-020	NEW-P	90-03-040
308-127-140	AMD-P	90-04-088	315-11-540	NEW	90-06-060	316-85-020	NEW	90-06-046
308-127-140	AMD	90-07-023	315-11-541	NEW-P	90-03-109	316-85-030	NEW-P	90-03-040
308-127-155	REP-P	90-04-088	315-11-541	NEW	90-06-060	316-85-030	NEW	90-06-046
308-127-155	REP	90-07-023	315-11-542	NEW-P	90-03-109	316-85-040	NEW-P	90-03-040
308-127-160	NEW-P	90-04-088	315-11-542	NEW	90-06-060	316-85-040	NEW	90-06-046
308-127-160	NEW	90-07-023	315-11-550	NEW-P	90-07-086	316-85-050	NEW-P	90-03-040
308-127-200	AMD-P	90-04-088	315-11-551	NEW-P	90-07-086	316-85-050	NEW	90-06-046
308-127-200	AMD	90-07-023	315-11-552	NEW-P	90-07-086	316-85-060	NEW-P	90-03-040
308-127-210	AMD-P	90-04-088	315-33-010	NEW-P	90-03-109	316-85-060	NEW	90-06-046
308-127-210	AMD	90-07-023	315-33-010	NEW	90-06-060	316-85-070	NEW-P	90-03-040
308-127-220	REP-P	90-04-088	315-33-020	NEW-P	90-03-109	316-85-070	NEW	90-06-046
308-127-220	REP	90-07-023	315-33-020	NEW	90-06-060	316-85-080	NEW-P	90-03-040
308-127-225	NEW-P	90-04-088	315-33-030	NEW-P	90-03-109	316-85-080	NEW	90-06-046
308-127-225	NEW	90-07-023	315-33-030	NEW	90-06-060	316-85-090	NEW-P	90-03-040
308-127-300	AMD-P	90-04-088	315-33-040	NEW-P	90-03-109	316-85-090	NEW	90-06-046
308-127-300	AMD	90-07-023	315-33-040	NEW	90-06-060	316-85-100	NEW-P	90-03-040
308-128B-060	REP	90-03-098	315-33-050	NEW-P	90-03-109	316-85-100	NEW	90-06-046
308-128B-080	AMD	90-03-099	315-33-050	NEW	90-06-060	326-30-030	AMD	90-06-040
308-138-080	AMD	90-04-094	315-33-060	NEW-P	90-03-109	326-30-03902	NEW	90-06-041
308-152-030	AMD	90-04-094	315-33-060	NEW	90-06-060	332-30-166	AMD	90-02-085

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
332-130-030	AMD-P	90-03-066	352-37-080	NEW-P	90-04-106	352-66-120	NEW-P	90-04-107
332-130-030	AMD	90-06-028	352-37-080	NEW-E	90-06-006	352-66-120	NEW	90-07-051
332-130-070	AMD-P	90-03-066	352-37-080	NEW	90-07-050	352-75-010	NEW-P	90-06-110
332-130-070	AMD	90-06-028	352-37-090	NEW-P	90-04-106	352-75-020	NEW-P	90-06-110
332-130-080	AMD-P	90-03-066	352-37-090	NEW-E	90-06-006	352-75-030	NEW-P	90-06-110
332-130-080	AMD	90-06-028	352-37-090	NEW	90-07-050	352-75-040	NEW-P	90-06-110
332-130-090	AMD-P	90-03-066	352-37-100	NEW-P	90-04-106	352-75-050	NEW-P	90-06-110
332-130-090	AMD	90-06-028	352-37-100	NEW-E	90-06-006	352-75-060	NEW-P	90-06-110
352-12-020	AMD-P	90-04-108	352-37-100	NEW	90-07-050	352-75-070	NEW-P	90-06-110
352-12-020	AMD	90-07-062	352-37-110	NEW-P	90-04-106	352-75-080	NEW-P	90-06-110
352-12-020	AMD-E	90-08-121	352-37-110	NEW-E	90-06-006	352-75-090	NEW-P	90-06-110
352-12-030	AMD-P	90-04-108	352-37-110	NEW	90-07-050	356-05-210	AMD	90-03-044
352-12-030	AMD	90-07-062	352-37-120	NEW-P	90-04-106	356-06-020	AMD-P	90-08-074
352-12-030	AMD-E	90-08-121	352-37-120	NEW-E	90-06-006	356-06-055	AMD-P	90-08-074
352-20-010	AMD-P	90-04-108	352-37-120	NEW	90-07-050	356-06-080	AMD-P	90-08-075
352-20-010	AMD	90-07-062	352-37-130	NEW-P	90-04-106	356-07-030	AMD-C	90-03-048
352-20-010	AMD-E	90-08-121	352-37-130	NEW-E	90-06-006	356-07-030	AMD	90-07-056
352-20-050	AMD-P	90-04-108	352-37-130	NEW	90-07-050	356-14-240	AMD-P	90-03-102
352-20-050	AMD	90-07-062	352-37-140	NEW-P	90-04-106	356-14-240	AMD-C	90-07-054
352-20-050	AMD-E	90-08-121	352-37-140	NEW-E	90-06-006	356-15-060	AMD-P	90-03-102
352-32-010	AMD-P	90-04-108	352-37-140	NEW	90-07-050	356-15-060	AMD-C	90-07-054
352-32-010	AMD-W	90-07-064	352-37-150	NEW-P	90-04-106	356-15-125	AMD-P	90-03-102
352-32-045	AMD-P	90-04-108	352-37-150	NEW-E	90-06-006	356-15-125	AMD-C	90-07-054
352-32-045	AMD	90-07-062	352-37-150	NEW	90-07-050	356-22-010	AMD-C	90-03-047
352-32-045	AMD-E	90-08-121	352-37-160	NEW-P	90-04-106	356-22-010	AMD	90-05-029
352-32-050	AMD-P	90-04-108	352-37-160	NEW-E	90-06-006	356-22-070	AMD-P	90-08-072
352-32-050	AMD	90-07-062	352-37-160	NEW	90-07-050	356-22-11001	REP-C	90-03-047
352-32-050	AMD-E	90-08-121	352-37-170	NEW-P	90-04-106	356-22-11001	REP	90-05-029
352-32-235	AMD	90-04-025	352-37-170	NEW-E	90-06-006	356-22-111	NEW-C	90-03-047
352-32-250	AMD-P	90-04-108	352-37-170	NEW	90-07-050	356-22-111	NEW	90-05-029
352-32-250	AMD	90-07-062	352-37-180	NEW-P	90-04-106	356-22-120	AMD-C	90-03-047
352-32-250	AMD-E	90-08-121	352-37-180	NEW-E	90-06-006	356-22-120	AMD	90-05-029
352-32-25001	AMD-P	90-04-108	352-37-180	NEW	90-07-050	356-26-060	AMD-P	90-08-075
352-32-25001	AMD	90-07-062	352-37-190	NEW-P	90-04-106	356-30-145	AMD-C	90-03-045
352-32-25001	AMD-E	90-08-121	352-37-190	NEW-E	90-06-006	356-30-145	AMD-C	90-05-027
352-32-251	AMD	90-04-024	352-37-190	NEW	90-07-050	356-30-145	AMD-C	90-07-055
352-32-252	AMD-P	90-04-108	352-37-200	NEW-P	90-04-106	356-30-180	AMD-C	90-03-045
352-32-252	AMD	90-07-062	352-37-200	NEW-E	90-06-006	356-30-180	AMD-C	90-05-027
352-32-252	AMD-E	90-08-121	352-37-200	NEW	90-07-050	356-30-180	AMD-C	90-07-055
352-32-270	AMD-P	90-06-108	352-37-210	NEW-P	90-04-106	356-30-190	AMD-C	90-03-045
352-36-010	REP-P	90-06-109	352-37-210	NEW-E	90-06-006	356-30-190	AMD-C	90-05-027
352-36-020	REP-P	90-06-109	352-37-210	NEW	90-07-050	356-30-190	AMD-C	90-07-055
352-36-025	REP-P	90-06-109	352-64-020	AMD	90-04-064	356-30-280	AMD-C	90-03-045
352-36-030	REP-P	90-06-109	352-64-030	AMD	90-04-064	356-30-280	AMD-C	90-05-027
352-36-040	REP-P	90-06-109	352-64-040	AMD	90-04-064	356-30-280	AMD-C	90-07-055
352-36-050	REP-P	90-06-109	352-64-050	AMD	90-04-064	356-30-320	AMD-C	90-03-045
352-36-060	REP-P	90-06-109	352-64-060	AMD	90-04-064	356-30-320	AMD	90-05-028
352-36-070	REP-P	90-06-109	352-64-070	AMD	90-04-064	356-34-110	REP-P	90-03-101
352-36-080	REP-P	90-06-109	352-64-080	AMD	90-04-064	356-34-110	REP-C	90-07-053
352-36-090	REP-P	90-06-109	352-65-010	NEW-P	90-09-070	356-34-113	REP-P	90-03-101
352-36-100	REP-P	90-06-109	352-65-020	NEW-P	90-09-070	356-34-113	REP-C	90-07-053
352-36-110	REP-P	90-06-109	352-65-030	NEW-P	90-09-070	356-34-115	REP-P	90-03-101
352-36-115	REP-P	90-06-109	352-65-040	NEW-P	90-09-070	356-34-115	REP-C	90-07-053
352-36-120	REP-P	90-06-109	352-65-050	NEW-P	90-09-070	356-34-117	REP-P	90-03-101
352-36-130	REP-P	90-06-109	352-65-060	NEW-P	90-09-070	356-34-117	REP-C	90-07-053
352-36-140	REP-P	90-06-109	352-66-010	NEW-P	90-04-107	356-34-118	REP-P	90-03-101
352-37-010	NEW-P	90-04-106	352-66-010	NEW	90-07-051	356-34-118	REP-C	90-07-053
352-37-010	NEW-E	90-06-006	352-66-020	NEW-P	90-04-107	356-34-119	REP-P	90-03-101
352-37-010	NEW	90-07-050	352-66-020	NEW	90-07-051	356-34-119	REP-C	90-07-053
352-37-020	NEW-P	90-04-106	352-66-030	NEW-P	90-04-107	356-34-130	REP-P	90-03-101
352-37-020	NEW-E	90-06-006	352-66-030	NEW	90-07-051	356-34-130	REP-C	90-07-053
352-37-020	NEW	90-07-050	352-66-040	NEW-P	90-04-107	356-34-140	REP-P	90-03-101
352-37-030	NEW-P	90-04-106	352-66-040	NEW	90-07-051	356-34-140	REP-C	90-07-053
352-37-030	NEW-E	90-06-006	352-66-050	NEW-P	90-04-107	356-34-140	REP-C	90-07-053
352-37-030	NEW	90-07-050	352-66-050	NEW	90-07-051	356-34-160	REP-P	90-03-101
352-37-040	NEW-P	90-04-106	352-66-060	NEW-P	90-04-107	356-34-160	REP-C	90-07-053
352-37-040	NEW-E	90-06-006	352-66-060	NEW	90-07-051	356-34-170	REP-P	90-03-101
352-37-040	NEW	90-07-050	352-66-070	NEW-P	90-04-107	356-34-170	REP-C	90-07-053
352-37-050	NEW-P	90-04-106	352-66-070	NEW	90-07-051	356-34-180	REP-P	90-03-101
352-37-050	NEW-E	90-06-006	352-66-080	NEW-P	90-04-107	356-34-180	REP-C	90-07-053
352-37-050	NEW	90-07-050	352-66-080	NEW	90-07-051	356-34-190	REP-P	90-03-101
352-37-060	NEW-P	90-04-106	352-66-090	NEW-P	90-04-107	356-34-200	REP-P	90-07-053
352-37-060	NEW-E	90-06-006	352-66-090	NEW	90-07-051	356-34-200	REP-C	90-07-053
352-37-060	NEW	90-07-050	352-66-100	NEW-P	90-04-107	356-34-210	REP-P	90-03-101
352-37-070	NEW-P	90-04-106	352-66-100	NEW	90-07-051	356-34-210	REP-C	90-07-053
352-37-070	NEW-E	90-06-006	352-66-110	NEW-P	90-04-107	356-34-220	REP-P	90-03-101
352-37-070	NEW	90-07-050	352-66-110	NEW	90-07-051	356-34-220	REP-C	90-07-053

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
356-34-230	REP-P	90-03-101	374-30-060	NEW-E	90-08-085	388-08-590	REP	90-04-076
356-34-230	REP-C	90-07-053	388-08-00201	REP-C	90-04-020	388-09-010	REP-C	90-04-020
356-37-010	NEW-P	90-03-101	388-08-00201	REP	90-04-076	388-09-010	REP	90-05-020
356-37-010	NEW	90-07-057	388-08-00401	REP-C	90-04-020	388-09-020	REP-C	90-04-020
356-37-020	NEW-P	90-03-101	388-08-00401	REP	90-04-076	388-09-020	REP	90-05-020
356-37-020	NEW	90-07-057	388-08-006	REP-C	90-04-020	388-09-030	REP-C	90-04-020
356-37-030	NEW-P	90-03-101	388-08-006	REP	90-04-076	388-09-030	REP	90-05-020
356-37-030	NEW	90-07-057	388-08-00601	REP-C	90-04-020	388-09-040	REP-C	90-04-020
356-37-040	NEW-P	90-03-101	388-08-00601	REP	90-04-076	388-09-040	REP	90-05-020
356-37-040	NEW	90-07-057	388-08-010	REP-C	90-04-020	388-11-100	AMD-C	90-04-021
356-37-050	NEW-P	90-03-101	388-08-010	REP	90-04-076	388-11-100	AMD	90-04-077
356-37-050	NEW	90-07-057	388-08-405	REP-C	90-04-020	388-11-105	REP-C	90-04-021
356-37-060	NEW-P	90-03-101	388-08-405	REP	90-04-076	388-11-105	REP	90-04-077
356-37-060	NEW	90-07-057	388-08-406	REP-C	90-04-020	388-11-180	AMD-C	90-04-021
356-37-070	NEW-P	90-03-101	388-08-406	REP	90-04-076	388-11-180	AMD	90-04-077
356-37-070	NEW	90-07-057	388-08-409	REP-C	90-04-020	388-11-185	REP-C	90-04-021
356-37-080	NEW-P	90-03-101	388-08-409	REP	90-04-076	388-11-185	REP	90-04-077
356-37-080	NEW	90-07-057	388-08-410	NEW-C	90-04-020	388-13-050	AMD-C	90-04-021
356-37-090	NEW-P	90-03-101	388-08-410	NEW	90-04-076	388-13-050	AMD	90-04-077
356-37-090	NEW	90-07-057	388-08-410	AMD-P	90-09-095	388-13-060	AMD-C	90-04-021
356-37-100	NEW-P	90-03-101	388-08-413	AMD-C	90-04-020	388-13-060	AMD	90-04-077
356-37-100	NEW	90-07-057	388-08-413	AMD	90-04-076	388-13-070	AMD-C	90-04-021
356-37-110	NEW-P	90-03-101	388-08-416	REP-C	90-04-020	388-13-070	AMD	90-04-077
356-37-110	NEW	90-07-057	388-08-416	REP	90-04-076	388-13-080	REP-C	90-04-021
356-37-120	NEW-P	90-03-101	388-08-425	NEW-C	90-04-020	388-13-080	REP	90-04-077
356-37-120	NEW	90-07-057	388-08-425	NEW	90-04-076	388-13-110	AMD-C	90-04-021
356-37-130	NEW-P	90-03-101	388-08-428	NEW-C	90-04-020	388-13-110	AMD	90-04-077
356-37-130	NEW	90-07-057	388-08-428	NEW	90-04-076	388-13-120	AMD-C	90-04-021
356-37-140	NEW-P	90-03-101	388-08-431	NEW-C	90-04-020	388-13-120	AMD	90-04-077
356-37-140	NEW	90-07-057	388-08-431	NEW	90-04-076	388-14-200	AMD	90-05-022
356-37-150	NEW-P	90-03-101	388-08-434	NEW-C	90-04-020	388-14-260	AMD-C	90-04-021
356-37-150	NEW	90-07-057	388-08-434	NEW	90-04-076	388-14-260	AMD	90-04-077
356-42-055	AMD-P	90-03-104	388-08-435	REP-C	90-04-020	388-14-270	AMD-P	90-03-041
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356-42-056	NEW-P	90-03-103	388-08-437	NEW-C	90-04-020	388-14-270	AMD-C	90-04-021
356-46-060	AMD-P	90-07-052	388-08-437	NEW	90-04-076	388-14-270	AMD-W	90-04-069
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356-47-090	AMD-P	90-08-070	388-08-449	NEW-C	90-04-020	388-14-415	AMD-C	90-04-021
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360-15-020	NEW	90-03-054	388-08-452	NEW	90-04-076	388-15-820	AMD-P	90-02-084
360-15-030	NEW	90-03-054	388-08-461	NEW-C	90-04-020	388-15-820	AMD	90-06-038
360-15-040	NEW	90-03-054	388-08-461	NEW	90-04-076	388-15-870	AMD-E	90-02-079
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360-16A-010	NEW	90-03-055	388-08-470	NEW	90-04-076	388-15-880	AMD-P	90-02-084
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360-16A-070	NEW	90-03-055	388-08-515	NEW-C	90-04-020	388-17-500	AMD	90-04-070
360-16A-080	NEW	90-03-055	388-08-515	NEW	90-04-076	388-17-510	AMD-C	90-04-022
360-16A-090	NEW	90-03-055	388-08-525	NEW-C	90-04-020	388-17-510	AMD	90-04-070
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365-110-050	REP	90-09-008	388-08-555	NEW	90-04-076	388-29-110	AMD	90-06-035
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388-42-150	AMD-P	90-05-025	388-77-006	NEW-E	90-09-088	388-96-773	REP-P	90-05-014
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391-25-230	RE-AD	90-06-072	391-95-050	RE-AD	90-06-075	392-140-191	NEW	90-06-007
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391-25-252	RE-AD	90-06-072	391-95-090	RE-AD	90-06-075	392-140-193	NEW	90-06-007
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391-25-270	RE-AD	90-06-072	391-95-130	RE-AD	90-06-075	392-140-195	NEW	90-06-007
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391-25-370	RE-AD	90-06-072	391-95-250	RE-AD	90-06-075	392-140-200	NEW	90-06-007
391-25-390	RE-AD	90-06-072	391-95-260	RE-AD	90-06-075	392-140-201	NEW	90-06-007
391-25-391	RE-AD	90-06-072	391-95-270	RE-AD	90-06-075	392-140-202	NEW	90-06-007
391-25-410	RE-AD	90-06-072	391-95-280	RE-AD	90-06-075	392-140-336	NEW-P	90-09-022
391-25-412	RE-AD	90-06-072	391-95-290	RE-AD	90-06-075	392-140-337	NEW-P	90-09-022
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391-35-010	RE-AD	90-06-073	392-120-040	NEW-P	90-05-035	392-140-416	NEW-P	90-07-045
391-35-020	RE-AD	90-06-073	392-120-040	NEW	90-09-038	392-140-417	NEW-P	90-07-045
391-35-030	RE-AD	90-06-073	392-120-045	NEW-P	90-05-035	392-140-418	NEW-P	90-07-045
391-35-050	RE-AD	90-06-073	392-120-045	NEW	90-09-038	392-140-419	NEW-P	90-07-045
391-35-070	RE-AD	90-06-073	392-120-050	NEW-P	90-05-035	392-140-420	NEW-P	90-07-045
391-35-080	NEW	90-06-073	392-120-050	NEW	90-09-038	392-140-421	NEW-P	90-07-045
391-35-090	RE-AD	90-06-073	392-120-055	NEW-P	90-05-035	392-140-422	NEW-P	90-07-045
391-35-099	RE-AD	90-06-073	392-120-055	NEW	90-09-038	392-140-423	NEW-P	90-07-045
391-35-110	RE-AD	90-06-073	392-120-060	NEW-P	90-05-035	392-142-005	AMD	90-02-077
391-35-130	RE-AD	90-06-073	392-120-060	NEW	90-09-038	392-142-010	AMD	90-02-077
391-35-170	AMD	90-06-073	392-120-065	NEW-P	90-05-035	392-142-015	REP	90-02-077
391-35-190	RE-AD	90-06-073	392-120-065	NEW	90-09-038	392-142-020	REP	90-02-077
391-35-210	RE-AD	90-06-073	392-120-070	NEW-P	90-05-035	392-142-025	REP	90-02-077
391-35-230	RE-AD	90-06-073	392-120-070	NEW	90-09-038	392-142-030	REP	90-02-077
391-35-250	RE-AD	90-06-073	392-121-420	AMD-P	90-09-019	392-142-035	REP	90-02-077
391-45-001	AMD	90-06-074	392-127	AMD-P	90-09-020	392-142-040	REP	90-02-077
391-45-002	RE-AD	90-06-074	392-127-003	REP-P	90-09-020	392-142-045	REP	90-02-077
391-45-010	RE-AD	90-06-074	392-127-004	NEW-P	90-09-020	392-142-050	REP	90-02-077
391-45-019	RE-AD	90-06-074	392-127-005	REP-P	90-09-020	392-142-055	REP	90-02-077
391-45-030	RE-AD	90-06-074	392-127-006	NEW-P	90-09-020	392-142-060	REP	90-02-077
391-45-050	RE-AD	90-06-074	392-127-010	REP-P	90-09-020	392-142-065	REP	90-02-077
391-45-070	RE-AD	90-06-074	392-127-011	NEW-P	90-09-020	392-142-070	REP	90-02-077
391-45-090	RE-AD	90-06-074	392-127-015	NEW-P	90-09-020	392-142-075	NEW	90-02-077
391-45-110	RE-AD	90-06-074	392-127-020	NEW-P	90-09-020	392-142-080	NEW	90-02-077
391-45-130	RE-AD	90-06-074	392-127-025	NEW-P	90-09-020	392-142-085	NEW	90-02-077
391-45-170	AMD	90-06-074	392-127-030	NEW-P	90-09-020	392-142-090	NEW	90-02-077
391-45-190	RE-AD	90-06-074	392-127-035	NEW-P	90-09-020	392-142-095	NEW	90-02-077
391-45-210	RE-AD	90-06-074	392-127-040	NEW-P	90-09-020	392-142-100	NEW	90-02-077
391-45-230	RE-AD	90-06-074	392-127-045	NEW-P	90-09-020	392-142-105	NEW	90-02-077
391-45-250	RE-AD	90-06-074	392-127-050	NEW-P	90-09-020	392-142-110	NEW	90-02-077
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391-45-270	AMD	90-06-074	392-127-060	NEW-P	90-09-020	392-142-120	NEW	90-02-077
391-45-290	RE-AD	90-06-074	392-127-065	NEW-P	90-09-020	392-142-125	NEW	90-02-077
391-45-310	RE-AD	90-06-074	392-127-070	NEW-P	90-09-020	392-142-130	NEW	90-02-077
391-45-330	RE-AD	90-06-074	392-127-075	NEW-P	90-09-020	392-142-135	NEW	90-02-077
391-45-350	RE-AD	90-06-074	392-127-080	NEW-P	90-09-020	392-142-140	NEW	90-02-077
391-45-370	RE-AD	90-06-074	392-127-085	NEW-P	90-09-020	392-142-145	NEW	90-02-077
391-45-390	RE-AD	90-06-074	392-127-090	NEW-P	90-09-020	392-142-150	NEW	90-02-077

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392-142-160	NEW	90-02-077	402-70-055	NEW-P	90-06-106	460-24A-050	AMD	90-05-003
392-142-165	NEW	90-02-077	402-70-060	NEW-P	90-06-106	460-24A-205	AMD-P	90-06-061
392-142-170	NEW	90-02-077	402-70-062	NEW-P	90-06-106	460-44A-060	REP-P	90-02-087
392-142-175	NEW	90-02-077	402-70-064	NEW-P	90-06-106	460-44A-060	REP-S	90-05-061
392-142-180	NEW	90-02-077	402-70-066	NEW-P	90-06-106	460-44A-060	REP	90-09-059
392-142-185	NEW	90-02-077	402-70-068	NEW-P	90-06-106	460-44A-065	REP-P	90-02-087
392-142-190	NEW	90-02-077	402-70-070	AMD-P	90-06-106	460-44A-065	REP-S	90-05-061
392-142-195	NEW	90-02-077	402-70-073	NEW-P	90-06-106	460-44A-065	REP	90-09-059
392-142-200	NEW	90-02-077	402-70-077	NEW-P	90-06-106	460-44A-070	REP-P	90-02-087
392-142-205	NEW	90-02-077	402-70-080	AMD-P	90-06-106	460-44A-070	REP-S	90-05-061
392-142-210	NEW	90-02-077	402-70-085	NEW-P	90-06-106	460-44A-070	REP	90-09-059
392-142-215	NEW	90-02-077	402-70-090	AMD-P	90-06-106	460-44A-500	AMD-P	90-02-087
392-142-220	NEW	90-02-077	440-44-028	NEW	90-03-049	460-44A-500	AMD-S	90-05-061
392-142-225	NEW	90-02-077	446-10-090	AMD-P	90-04-027	460-44A-500	AMD	90-09-059
392-142-230	NEW	90-02-077	456-09-110	AMD-P	90-08-007	460-44A-501	AMD-P	90-02-087
392-142-235	NEW	90-02-077	456-09-150	AMD-P	90-08-007	460-44A-501	AMD-S	90-05-061
392-142-240	NEW	90-02-077	456-09-210	AMD-P	90-08-007	460-44A-501	AMD	90-09-059
392-142-245	NEW	90-02-077	456-09-230	AMD-P	90-08-007	460-44A-502	AMD-P	90-02-087
392-142-250	NEW	90-02-077	456-09-310	AMD-P	90-08-007	460-44A-502	AMD-S	90-05-061
392-142-255	NEW	90-02-077	456-09-315	AMD-P	90-08-007	460-44A-502	AMD	90-09-059
392-142-260	NEW	90-02-077	456-09-320	AMD-P	90-08-007	460-44A-503	AMD-P	90-02-087
392-142-265	NEW	90-02-077	456-09-320	AMD-W	90-08-096	460-44A-503	AMD-S	90-05-061
392-142-270	NEW	90-02-077	456-09-320	AMD-P	90-08-097	460-44A-503	AMD	90-09-059
392-168-125	AMD-P	90-07-044	456-09-325	AMD-P	90-08-007	460-44A-504	NEW-P	90-02-087
392-168-135	AMD-P	90-07-044	456-09-430	AMD-P	90-08-007	460-44A-504	NEW-S	90-05-061
392-168-140	AMD-P	90-07-044	456-09-440	AMD-P	90-08-007	460-44A-504	NEW	90-09-059
392-168-160	AMD-P	90-07-044	456-09-520	AMD-P	90-08-007	460-44A-508	AMD-P	90-02-087
392-168-170	AMD-P	90-07-044	456-09-530	AMD-P	90-08-007	460-44A-508	AMD-S	90-05-061
392-171-800	NEW-P	90-04-045	456-09-655	AMD-P	90-08-007	460-44A-508	AMD	90-09-059
392-171-805	NEW-P	90-04-045	456-09-730	AMD-P	90-08-007	460-46A	AMD-P	90-02-087
392-171-810	NEW-P	90-04-045	456-09-732	NEW-P	90-08-007	460-46A	AMD-S	90-05-061
392-171-815	NEW-P	90-04-045	456-09-740	AMD-P	90-08-007	460-46A	AMD	90-09-059
392-171-820	NEW-P	90-04-045	456-09-742	NEW-P	90-08-007	460-46A-010	AMD-P	90-02-087
392-171-825	NEW-P	90-04-045	456-09-760	AMD-P	90-08-007	460-46A-010	AMD-S	90-05-061
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392-183-015	NEW-P	90-05-036	456-09-935	AMD-P	90-08-007	460-46A-020	AMD	90-09-059
392-183-020	NEW-P	90-05-036	456-09-940	AMD-P	90-08-007	460-46A-025	AMD-P	90-02-087
392-183-025	NEW-P	90-05-036	456-09-945	AMD-P	90-08-007	460-46A-025	AMD-S	90-05-061
392-183-030	NEW-P	90-05-036	456-09-955	AMD-P	90-08-007	460-46A-025	AMD	90-09-059
392-183A-005	NEW	90-09-039	456-09-960	NEW-P	90-08-007	460-46A-040	AMD-P	90-02-087
392-183A-010	NEW	90-09-039	456-10-110	AMD-P	90-08-006	460-46A-040	AMD-S	90-05-061
392-183A-015	NEW	90-09-039	456-10-160	AMD-P	90-08-006	460-46A-040	AMD	90-09-059
392-183A-020	NEW	90-09-039	456-10-310	AMD-P	90-08-006	460-46A-090	AMD-P	90-02-087
392-183A-025	NEW	90-09-039	456-10-315	AMD-P	90-08-006	460-46A-090	AMD-S	90-05-061
392-183A-030	NEW	90-09-039	456-10-320	AMD-P	90-08-006	460-46A-090	AMD	90-09-059
392-191-001	AMD	90-02-078	456-10-320	AMD-W	90-08-096	460-46A-095	AMD-P	90-02-087
392-191-005	AMD	90-02-078	456-10-320	AMD-P	90-08-098	460-46A-095	AMD-S	90-05-061
392-191-010	AMD	90-02-078	456-10-325	AMD-P	90-08-006	460-46A-095	AMD	90-09-059
392-191-020	AMD	90-02-078	456-10-430	AMD-P	90-08-006	460-46A-100	AMD-P	90-02-087
392-191-025	NEW	90-02-078	456-10-440	AMD-P	90-08-006	460-46A-100	AMD-S	90-05-061
392-191-030	NEW	90-02-078	456-10-545	AMD-P	90-08-006	460-46A-100	AMD	90-09-059
392-191-035	NEW	90-02-078	456-10-730	AMD-P	90-08-006	460-46A-105	AMD-P	90-02-087
392-191-040	NEW	90-02-078	456-10-735	AMD-P	90-08-006	460-46A-105	AMD-S	90-05-061
392-191-045	NEW	90-02-078	456-10-740	AMD-P	90-08-006	460-46A-105	AMD	90-09-059
392-191-060	NEW	90-02-078	456-10-755	AMD-P	90-08-006	460-46A-110	AMD-P	90-02-087
392-191-065	NEW	90-02-078	456-12-030	AMD-P	90-08-005	460-46A-110	AMD-S	90-05-061
392-191-070	NEW	90-02-078	456-12-090	AMD-P	90-08-005	460-46A-110	AMD	90-09-059
392-191-075	NEW	90-02-078	456-12-140	AMD-P	90-08-005	460-46A-145	AMD-P	90-02-087
392-191-080	NEW	90-02-078	458-16-265	NEW-P	90-03-059	460-46A-145	AMD-S	90-05-061
392-191-085	NEW	90-02-078	458-16-265	NEW	90-06-048	460-46A-145	AMD	90-09-059
392-191-090	NEW	90-02-078	458-20-107	AMD-E	90-06-077	460-46A-150	AMD-P	90-02-087
392-191-095	NEW	90-02-078	458-20-107	AMD-P	90-07-087	460-46A-150	AMD-S	90-05-061
402-44-050	REP-P	90-06-106	458-20-185	AMD	90-04-038	460-46A-150	AMD	90-09-059
402-44-057	REP-P	90-06-106	458-20-186	AMD	90-04-039	460-46A-155	AMD-P	90-02-087
402-44-058	REP-P	90-06-106	458-20-197	AMD-P	90-07-089	460-46A-155	AMD-S	90-05-061
402-44-059	REP-P	90-06-106	458-20-22801	NEW	90-05-044	460-46A-155	AMD	90-09-059
402-44-060	REP-P	90-06-106	458-20-256	NEW	90-04-058	460-46A-160	AMD-P	90-02-087
402-44-061	REP-P	90-06-106	458-20-257	NEW-E	90-06-078	460-46A-160	AMD-S	90-05-061
402-44-062	REP-P	90-06-106	458-20-257	NEW-P	90-07-088	460-46A-160	AMD	90-09-059
402-70-010	AMD-P	90-06-106	458-30-260	AMD	90-02-080	460-46A-165	AMD-P	90-02-087
402-70-020	AMD-P	90-06-106	458-30-261	REP	90-02-080	460-46A-165	AMD-S	90-05-061
402-70-030	AMD-P	90-06-106	458-30-262	NEW	90-02-080	460-46A-165	AMD	90-09-059
402-70-040	NEW-P	90-06-106	460-20A-400	AMD-P	90-05-051	460-90A-005	AMD-P	90-03-106
402-70-045	NEW-P	90-06-106	460-20A-400	AMD	90-09-058	460-90A-005	AMD	90-06-051

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460-90A-017	AMD-P	90-03-106	463-34-050	AMD	90-05-018	479-20-027	AMD-P	90-07-060
460-90A-017	AMD	90-06-051	463-34-060	AMD	90-05-018	479-20-031	AMD-P	90-07-060
460-90A-018	AMD-P	90-03-106	463-34-070	AMD	90-05-018	479-20-033	AMD-P	90-07-060
460-90A-018	AMD	90-06-051	463-34-080	AMD	90-05-018	479-20-036	AMD-P	90-07-060
460-90A-032	AMD-P	90-03-106	463-34-090	AMD	90-05-018	479-20-037	AMD-P	90-07-060
460-90A-032	AMD	90-06-051	463-34-100	REP	90-05-018	479-20-060	REP-P	90-07-060
460-90A-035	AMD-P	90-03-106	463-38-041	AMD-P	90-09-029	479-20-070	REP-P	90-07-060
460-90A-035	AMD	90-06-051	463-38-042	AMD-P	90-09-029	479-20-075	AMD-P	90-07-060
460-90A-055	AMD-P	90-03-106	463-38-063	AMD-P	90-09-029	479-20-080	REP-P	90-07-060
460-90A-090	AMD-P	90-03-106	463-39-130	REP-P	90-09-029	479-20-083	REP-P	90-07-060
460-90A-090	AMD	90-06-051	463-39-150	AMD-P	90-09-029	479-20-086	AMD-P	90-07-060
460-90A-105	REP-P	90-03-106	463-43-060	AMD-P	90-09-029	479-20-089	AMD-P	90-07-060
460-90A-115	AMD-P	90-03-106	463-47-060	AMD-P	90-09-029	479-20-095	AMD-P	90-07-060
460-90A-115	AMD	90-06-051	463-50-030	AMD-P	90-09-029	479-24-010	AMD-P	90-07-060
460-90A-122	AMD-P	90-03-106	463-54-070	AMD-P	90-09-029	479-24-020	AMD-P	90-07-060
460-90A-122	AMD	90-06-051	463-58-030	AMD-P	90-09-029	479-24-030	AMD-P	90-07-060
460-90A-125	REP-P	90-03-106	478-04-010	NEW-P	90-08-084	479-24-040	AMD-P	90-07-060
460-90A-140	AMD-P	90-03-106	478-04-020	NEW-P	90-08-084	479-24-050	AMD-P	90-07-060
460-90A-145	AMD-P	90-03-106	478-108-010	NEW-P	90-08-084	479-24-060	REP-P	90-07-060
460-90A-145	AMD	90-06-051	478-108-020	NEW-P	90-08-084	479-24-070	AMD-P	90-07-060
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463-14-080	AMD-P	90-09-029	478-108-110	NEW-P	90-08-084	480-30-097	NEW	90-06-017
463-18-020	AMD-P	90-09-029	478-108-120	NEW-P	90-08-084	480-30-100	AMD	90-06-017
463-26-120	AMD-P	90-09-029	478-108-130	NEW-P	90-08-084	480-30-100	AMD-E	90-09-034
463-26-130	AMD-P	90-09-029	478-108-140	NEW-P	90-08-084	480-30-100	AMD-P	90-09-094
463-28-060	AMD-P	90-09-029	478-116	AMD-C	90-04-002	480-40-065	NEW	90-06-017
463-28-080	AMD-P	90-09-029	478-116-510	AMD-P	90-08-084	480-40-100	NEW	90-06-017
463-30	AMD-C	90-03-087	478-120-070	AMD-P	90-08-084	480-70-325	NEW	90-06-017
463-30	AMD	90-05-018	478-120-130	AMD-P	90-08-084	480-70-335	NEW	90-06-017
463-30-010	AMD	90-05-018	478-136-030	AMD-P	90-08-030	480-70-990	AMD-P	90-03-009
463-30-020	AMD	90-05-018	478-138-030	AMD-W	90-04-001	480-70-990	AMD	90-09-015
463-30-050	AMD	90-05-018	478-138-040	AMD-W	90-04-001	480-110-066	AMD-W	90-04-056
463-30-060	AMD	90-05-018	478-138-050	AMD-W	90-04-001	480-110-081	AMD-W	90-04-056
463-30-070	REP	90-05-018	478-160-162	NEW-P	90-08-084	480-120-081	AMD-W	90-04-055
463-30-080	AMD	90-05-018	478-160-232	NEW-P	90-08-084	480-120-138	AMD	90-08-010
463-30-085	NEW	90-05-018	479-01-010	AMD-P	90-07-060	490-500-005	AMD-P	90-07-035
463-30-090	AMD	90-05-018	479-01-020	AMD-P	90-07-060	490-500-145	AMD-P	90-07-035
463-30-100	AMD	90-05-018	479-01-030	AMD-P	90-07-060	490-500-257	AMD-P	90-07-035
463-30-110	REP	90-05-018	479-01-040	NEW-P	90-07-060	490-500-260	AMD-P	90-07-035
463-30-120	AMD	90-05-018	479-12	AMD-P	90-07-060	490-500-270	AMD-P	90-07-035
463-30-130	REP	90-05-018	479-12-010	AMD-P	90-07-060	490-500-275	AMD-P	90-07-035
463-30-140	REP	90-05-018	479-12-020	AMD-P	90-07-060	490-500-280	AMD-P	90-07-035
463-30-150	REP	90-05-018	479-13	AMD-P	90-07-060	490-500-340	NEW-P	90-07-035
463-30-160	REP	90-05-018	479-13-010	AMD-P	90-07-060	490-500-350	AMD-P	90-07-035
463-30-170	REP	90-05-018	479-13-035	AMD-P	90-07-060	490-500-387	REP-P	90-07-035
463-30-180	REP	90-05-018	479-13-040	REP-P	90-07-060	490-500-390	AMD-P	90-07-035
463-30-190	AMD	90-05-018	479-13-050	REP-P	90-07-060	490-500-405	AMD-P	90-07-035
463-30-200	AMD	90-05-018	479-13-060	AMD-P	90-07-060	490-500-415	AMD-P	90-07-035
463-30-210	REP	90-05-018	479-13-070	AMD-P	90-07-060	490-500-417	NEW-P	90-07-035
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