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filed not later than April 17, 1991

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).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of May 1991 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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 1991 pursuant to RCW 63.14.130(1)(a) is thirteen point seven five percent (13.75%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is twelve point two five percent (12.25%) for the second calendar quarter of 1991.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is twelve point zero percent (12.0%) for the second calendar quarter of 1991.

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1990 – 1991

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
90-14	Jun 7	Jun 21	Jul 5	Jul 18	Aug 7
90-15	Jun 20	Jul 5	Jul 18	Aug 1	Aug 21
90-16	Jul 5	Jul 18	Aug 1	Aug 15	Sep 4
90-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
90-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
90-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
90-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
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91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992

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

²A 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.

³At 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 91-05-029**ERRATA****DEPARTMENT OF HEALTH**

[Order 134—Filed February 12, 1991, 2:35 p.m.]

Reviser's note: The following recodification section was adopted by the Department of Health in Order 134 and was filed in the code reviser's office on February 12, 1991. Through a clerical error, the incorrect recodification section was published. The recodification section as it appears below is exactly as filed by the department. Pursuant to RCW 34.05.380(2), the effective date of the recodification section is March 15, 1991.

RECODIFICATION SECTION

The following section is being recodified:

308-31-055 as 246-922-990

WSR 91-09-001**PERMANENT RULES****PARKS AND RECREATION
COMMISSION**

[Filed April 4, 1991, 8:42 a.m., effective dates see below]

Date of Adoption: March 8, 1991.

Purpose: Adjusts various fees charged for using agency facilities or issuing permits.

Citation of Existing Rules Affected by this Order: Amending WAC 352-12-020, 352-12-030, 352-10-010, 352-32-035, 352-32-045, 352-32-250, 352-32-252, 352-32-270, and 308-94-035.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 91-03-142 on January 23, 1991.

Effective Date of Rule: WAC 352-12-020, 352-32-010, 352-32-035, 352-32-045, 352-32-250, and 352-32-252 are effective May 15, 1991; WAC 352-32-250(7) is effective June 15, 1991; WAC 352-32-270 and 308-94-035 are effective October 1, 1991; and WAC 352-12-030 is effective January 1, 1992.

March 8, 1991

Jack Shreve
Chairman**AMENDATORY SECTION** (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-12-020 MOORAGE FEES. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, (~~(\$7.00)~~) \$9.00 per night;(b) Vessels under twenty-six feet in length, (~~(\$4.50)~~) \$6.00 per night: **PROVIDED, HOWEVER,** This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks;(c) Vessels moored to state park buoys, \$5.00 per night: PROVIDED FURTHER, Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: **PROVIDED FURTHER,** There

shall be no moorage fee for (~~(dinghies, vessels moored to state park buoys, vessels moored to floats not attached to piers, or)~~) any vessel riding on its own anchor: **PROVIDED FURTHER,** There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

AMENDATORY SECTION (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-12-030 ANNUAL MOORAGE PERMITS. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Annual permits for vessels twenty-six feet in length and over shall cost (~~(\$40.00)~~) \$45.00; for vessels under twenty-six feet in length shall cost (~~(\$24.00)~~) \$27.00: **PROVIDED HOWEVER,** Effective January 1, (~~(1991)~~) 1992, the permit for vessels twenty-six feet in length and over shall cost (~~(\$45.00)~~) \$55.00 and for vessels under twenty-six feet in length shall cost (~~(\$27.00)~~) \$35.00.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

AMENDATORY SECTION (Amending Order 89-01, filed 3/7/89)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission.

(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water,

sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

(7) "Utility campsite" shall mean a standard campsite with the addition of electricity and one or all of the following utility hookups: Domestic water(;) or sewer ~~((and electricity))~~.

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

(10) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

(11) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

(12) "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

(13) "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

(14) "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

(15) "Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media

advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

(16) "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

(17) "Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(a) Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(b) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

(18) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

(19) "Upland" shall mean all lands lying above mean high water.

(20) "Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-32-035 CAMPSITE RESERVATION.

(1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Reservation requests can only be made for camping dates within the current calendar year.

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior

to January 1 will be returned. Accepted reservation requests will be processed in order of arrival up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a ~~(((\$4.00))~~ \$5.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(7) Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.

(8) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(9) Reservations for a specific campsite within a park will not be guaranteed.

(10) Campsites which have not been reserved may be used on a first-come-first-served basis without paying a reservation fee, if the site is occupied immediately.

(11) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night's camping fee.

(12) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 9:00 p.m. After this time, the site may be reassigned, unless late arrival arrangements are made with the park by telephone between the hours of 7:00 p.m. and 9:00 p.m. on the day of arrival.

AMENDATORY SECTION (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE. (1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) A daily permit fee of ~~((ten))~~ twenty dollars for groups of 20 to 50 persons, ~~((twenty-five))~~ fifty dollars for groups of 51 to 100 persons, ~~((fifty))~~ one hundred dollars for groups of 101 to 500 persons, and ~~((one))~~ two hundred ~~((twenty-five))~~ fifty dollars for groups of more than 500 persons shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the group use permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the park manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the region supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the assistant director for operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

AMENDATORY SECTION (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: ~~(((\$7.50))~~ \$8.00 per night;

(2) Overnight camping – utility campsite: ~~((\$7.50))~~ \$12.00 per night ~~((plus a nightly fee of \$.75 for domestic water hookup, \$.75 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site)).~~ Payment for utility campsite will be collected whether utility ~~((is))~~ hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$2.00 per night;

(3) Overnight camping – primitive campsite: ~~((\$3.00))~~ \$4.00 per night for nonmotorized vehicle and ~~((\$4.50))~~ \$5.50 per night for motorized vehicle;

(4) Overnight camping – reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping – multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.

(6) Group camping area – certain parks: ~~((\$5.00))~~ \$7.50 per person per day and/or night; nonrefundable reservation fee – \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center – overnight camping: ~~((\$3.40))~~ \$3.65 per camper per night: PROVIDED, HOWEVER, The fee shall be ~~((\$3.65))~~ \$3.90 per camper per night, effective June 15, ~~((1989))~~ 1991;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: ~~((\$3.80))~~ \$4.05 per camper per night: PROVIDED, HOWEVER, The fee shall be ~~((\$4.05))~~ \$4.30 per camper per night, effective June 15, ~~((1989))~~ 1991;

(b) Environmental learning center – day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group – whichever is higher;

(8) Hot showers: \$.25 for a minimum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks – not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle charge: ~~((\$3.00))~~ \$4.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities – see WAC 352-12-020 and 352-12-030;

(13) Overnight camping – emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the ~~((\$3.00))~~ \$4.00 per night permit fee. The permit must be prominently displayed in the vehicle.

(15) Campsite reservations – see WAC 352-32-035(6).

AMENDATORY SECTION (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-32-252 OFF-SEASON SENIOR CITIZEN PASS—FEE. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, between the day following the Labor Day legal holiday and April 30. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August ~~((15))~~ 1 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be ~~((\$20.00))~~ \$30.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

AMENDATORY SECTION (Amending WSR 90-10-023, filed 4/23/90, effective 5/24/90)

WAC 352-32-270 SNO-PARK PERMIT—FEE. The fees and commencement and expiration dates for a winter recreational area parking permits issued by the state of Washington shall be as follows:

- (1) Seasonal permit - (~~(\$15.00)~~) \$20.00 per vehicle per season - commences October 1 and expires May 1 of the winter season for which it is issued.
- (2) Three day permit - \$10.00 per vehicle - commences on the date identified on the permit in the space provided and expires no later than twelve midnight two consecutive days later.

AMENDATORY SECTION (Amending Order 102, filed 11/24/87)

WAC 308-94-035 SNOWMOBILE REGISTRATION—FEE. Beginning with the registrations that expire September 30, (~~(1989)~~) 1992, the registration fee for snowmobiles required to be registered in accordance with RCW 46.10.020 shall be (~~(\$12.50)~~) \$15.00 annually.

WSR 91-09-002

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—April 4, 1991]**

Friday, May 17, 1991, the Washington State Library Commission will meet for a workshop at the Wyndham Garden Hotel, 18118 Pacific Highway South, Seattle, beginning at 9:00 a.m.

WSR 91-09-003

**PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Filed April 4, 1991, 1:44 p.m.]**

Date of Adoption: March 29, 1991.

Purpose: New chapter 16-557 WAC, to establish a commodity commission to represent asparagus growers with the authority to collect assessments and to carry out activities in promotion, research, public information, and the prevention of unfair trade practices all related to asparagus.

Statutory Authority for Adoption: RCW 15.65.050.

Other Authority: Chapter 15.65 RCW.

Pursuant to notice filed as WSR 91-01-104 on December 18, 1990.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Rule filed earlier as emergency rule.

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

March 29, 1991

C. Alan Pettibone
Director

**Chapter 16-557 WAC
WASHINGTON ASPARAGUS COMMISSION**

WAC

16-557-010	Definition of terms.
16-557-020	Asparagus commodity board.
16-557-030	Marketing order purposes.
16-557-040	Assessments and collections.
16-557-041	Time—Place—Method for payment and collection of assessments.
16-557-050	Obligations of the board.
16-557-060	Termination of the order.
16-557-070	Effective time.
16-557-080	Separability.

NEW SECTION

WAC 16-557-010 DEFINITION OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

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

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces in the state of Washington asparagus in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any asparagus produced for market in quantities of three tons (6,000 pounds) or more, in any calendar year.

(7) "Affected handler" means both affected handler fresh and affected handler processor.

(8) "Affected handler, fresh" means any person who acts as principal or agent or otherwise in selling, marketing, or distributing fresh asparagus not produced by him.

(9) "Affected handler, processor" means any person who acts as principal or agent or otherwise in processing, freezing asparagus, and selling, marketing, or distributing said processed or frozen asparagus, not produced by him.

(10) "Asparagus commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-557-020.

(11) "Asparagus" means and includes all kinds, varieties, and hybrids of "officinalis" Linn.

(12) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(13) "Producer-handler" means any person who acts both as a producer and as a handler with respect to asparagus. A producer-handler shall be deemed to be a producer with respect to the asparagus which he produces and a handler with respect to the asparagus which he handles, including those produced by himself.

(14) "Affected area" means the following counties in the state of Washington: Adams, Benton, Columbia,

Franklin, Grant, Kittitas, Klickitat, Walla Walla, and Yakima.

(15) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(16) "Affected unit" means one pound net pay weight of asparagus.

NEW SECTION

WAC 16-557-020 ASPARAGUS COMMODITY BOARD. (1) ADMINISTRATION. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh, elected as provided in this section, one member shall be an affected handler processor, as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.

(ii) District II shall have two board members, being positions three and four, and shall include the counties of Adams, Franklin, and Grant.

(iii) District III shall have two board members, being positions five and six, and shall include the counties of Columbia and Walla Walla.

(3) BOARD MEMBERSHIP QUALIFICATIONS.

(a) The affected producer members of the board shall be practical producers of asparagus and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actively engaged in producing asparagus within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, three, and seven - one year, shall terminate on December 31, 1992;

Positions two, four, and five - two years, shall terminate on December 31, 1993;

Positions six and eight - three years, shall terminate on December 31, 1994.

(d) No elected produce member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS.

For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers, affected handlers, fresh and affected handler processors. Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area and all affected handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or affected handler may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers or affected handlers. At the inception of this order, nominations may be made at the issuance hearing.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer within the affected district shall be entitled to one vote.

Affected handler, fresh, shall be elected by a majority of the votes cast by the affected handlers, fresh. Affected handler, processor, shall be elected by a majority of the votes cast by the affected handlers, processor.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer or affected handler entitled to vote whose name appears on the list of such affected producers and affected handler within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member may receive thirty-five dollars or an amount as provided for in RCW 43.03.230 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "asparagus board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except for an amount of petty cash for each days' needs, not to exceed fifty dollars, shall be deposited daily.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this

order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act.

(m) To bring actions or proceedings, upon joining the director as a party, for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. In addition to such notice as may be required by chapter 42.30 RCW, notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer, and handler and by regular news service.

(c) In accordance with RCW 42.30.080, the board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

NEW SECTION

WAC 16-557-030 MARKETING ORDER PURPOSES. The order is to promote the general welfare of the state, to enable producers of asparagus to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for asparagus. Such programs shall be directed toward increasing the sale of asparagus without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of asparagus nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of asparagus and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by Washington State University, but if in the judgment of the board, said university does not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Investigate and take necessary action to prevent unfair trade practices as set forth in RCW 15.65.340 and to correct where possible, trade practices which hinder marketing of Washington asparagus.

(4) Prohibit making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

NEW SECTION

WAC 16-557-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of asparagus shall be one percent of the gross receipts at first point of sale.

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid

and the receipt issued. The foregoing shall include all affected units shipped, or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Remedies. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION

WAC 16-557-041 TIME—PLACE—METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS. Effective with the growing season of 1991, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65-410 and WAC 16-557-040:

(1) All first handlers of asparagus for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer shall be submitted to the commission on forms provided by the commission.

(2) All growers selling asparagus other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, within thirty days of sale of such product.

(3) Any assessments paid after the above deadlines shall be accompanied by an administrative fee of 10% as provided in RCW 15.65.440 of the act.

NEW SECTION

WAC 16-557-050 OBLIGATIONS OF THE BOARD. Obligations incurred by the board or employee or agent thereof pertaining to their performance or non-performance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-557-060 TERMINATION OF THE ORDER. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent to such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

NEW SECTION

WAC 16-557-070 EFFECTIVE TIME. The marketing order for asparagus shall become effective on April 1, 1991.

NEW SECTION

WAC 16-557-080 SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

WSR 91-09-004

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 5, 1991, 8:00 a.m.]

The Department of Labor and Industries wishes to withdraw WAC 296-24-233 and 296-24-23303 in WSR 90-20-121 filed on October 3, 1990, and continued as WSR 91-03-043 filed on January 10, 1991.

Joseph A. Dear
Director

WSR 91-09-005

**PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed April 5, 1991, 9:46 a.m.]

Continuance of WSR 91-05-085.

Title of Rule: WAC 314-16-125 Suggestive, lewd and/or obscene conduct licensed premises.

Purpose: Specifies types of conduct which are prohibited on liquor licensed premises and provides rules for controlling activities on liquor licensed premises.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: Deletes certain prohibitions, references pertaining to still pictures which are currently prohibited to be displayed upon a liquor licensed premise.

Name of Agency Personnel Responsible for Drafting: Mary Tennyson, 1025 East Union, Olympia, 586-2451; Implementation: The board, 1025 East Union, Olympia, 753-6262; and Enforcement: Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule regulates suggestive, lewd and/or obscene conduct on liquor licensed premises. Language pertaining to the display of still photographs/pictures has the potential of preventing educational materials from being distributed in such premises to help curtail the further spread of AIDS and other diseases. Deleting the references to still pictures and contradictory language is necessary in order to further the board's statutory responsibility of protecting public health and welfare.

Proposal Changes the Following Existing Rules: Deletes references to still pictures and certain actions which may be portrayed in pictures as educational or health and prevention informational materials.

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

Hearing Location: Liquor Control Board, 1025 East Union, Olympia, WA 98504, on April 17, 1991, at 9:30 a.m.

Date of Intended Adoption: April 17, 1991.

April 3, 1991
Paula O'Connor
Chairman

WSR 91-09-006
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
 [Memorandum—April 1, 1991]

The board of trustees of Community College District Number Eleven (Pierce College) would like to make the following change to the May 8, 1991, regular board meeting:

Meeting Date/Location	Time	Change To
May 8, 1991 Puyallup, Washington	12:30	Change the meeting location to Ft. Lewis, Washington

WSR 91-09-007
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—April 3, 1991]

The Design Committee of the Washington State Convention and Trade Center will meet on Wednesday, April 10, 1991, at 11:00 a.m. in the 5th Floor Board Room of the Convention Center, 800 Convention Place, Seattle.

The WSCTC board of directors will also meet on Wednesday, April 10, 1991, at 2:00 p.m. in the 5th Floor Board Room of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding these meetings, please call 447-5000.

WSR 91-09-008
EMERGENCY RULES
BOARD FOR
COMMUNITY COLLEGE EDUCATION

[Order 127, Resolution No. 91-07—Filed April 8, 1991, 9:47 a.m.]

Date of Adoption: April 4, 1991.

Purpose: To correct a typographical error in a previously adopted rule concerning eligibility standards for participation in the TIAA/CREF retirement annuity program.

Citation of Existing Rules Affected by this Order: Amending WAC 131-16-021.

Statutory Authority for Adoption: RCW 28B.10.400.

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: A typographical error in the initial adoption of this rule necessitated a correction so that it could be immediately applied in the correct manner.

Effective Date of Rule: Immediately.

April 4, 1991
 Gilbert J. Carbone
 Assistant Director

AMENDATORY SECTION (Amending Order 125 and Resolution 91-02, filed 3/4/91)

WAC 131-16-021 EMPLOYEES ELIGIBLE TO PARTICIPATE IN RETIREMENT ANNUITY PURCHASE PLAN (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college districts or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who otherwise would be eligible for membership in the Washington State Teachers Retirement System or who have acquired such membership after August 31, 1990.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: PROVIDED, that such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Participation in the plan without matching employer contributions is also permitted for any employee of a community college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state sponsored retirement plan in which the employee participates.

(4) An employee who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such a move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) Any eligible employee who at the time of initial employment is required to or elects to become a participant in this plan may also select at that time to delay active participation and payment of required contributions for two years following the date of initial employment.

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 91-09-009
COLUMBIA RIVER GORGE
COMMISSION

[Filed April 8, 1991, 5:00 p.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

CERTIFICATE AND ORDER FOR FILING TEMPORARY
 ADMINISTRATIVE RULES WITH THE OFFICE OF THE CODE
 REVISER

I HEREBY CERTIFY that the copy shown below is a true, full and correct copy of temporary rule(s) adopted on March 26, 1991, by the Columbia River Gorge Commission to become effective immediately through June 30, 1991.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action be taken: Amending 350-20-004 as administrative rules of the Columbia River Gorge Commission.

DATED this 5th day of April, 1991.

Richard P. Benner
 Executive Director

Statutory Authority: RCW 43.97.015, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

350-20-004(2)
 EMERGENCY RULE FINDINGS
 March 26, 1991

Failure to amend the rule as proposed will deprive the commission of an opportunity to enhance the scenic resources of the gorge by reducing the contrast of existing development otherwise exempt from regulation under commission rule. Failure to amend the rule will also result in serious prejudice to owners of some properties who could not otherwise make additions to residences built before passage of the Scenic Area Act and who have no alternative way to modify them which will not protrude above a cliff, bluff or skyline.

Authority to amend the subject rule lies in 16 USC 544h(c) and the compact between Washington and Oregon, chapter 43.97 RCW and ORS 192.

The need to amend the subject rule arises from the effect on existing structures of its prohibition on any structure which would protrude above the line of a cliff or bluff. The existing rule has this effect even if there is no alternative modification to the structure, and even if application of mitigation measures would reduce the visibility of the existing structure from its premodification appearance. The rule would allow a modification to an existing structure which already protrudes above a cliff, bluff or skyline upon showing that no alternative modification would avoid the protrusion, that the additional

protrusion would not increase more than 50 percent, and that mitigation measures would reduce the contrast of the finished structure below that of the premodification structure.

The proposed amendment to the rule is based upon three years of experience applying the existing rule.

350-20-004. Review Standards and Guidelines.

(1) The Columbia River Gorge National Scenic Area Final Interim Guidelines, published by the Forest Service and dated June 30, 1987, are adopted by reference as amended in paragraph (2) below and declared to be a part of this rule. In reviewing major development actions and new residential development for consistency with the standards of section 6 and the purposes of P.L. 99-663, Chapter 3 of the Final Interim Guidelines, as amended in paragraph (2) below, shall be utilized.

(2) The Final Interim Guidelines identified in paragraph (1) above are amended as follows:

(a) The definition of agricultural lands shall be revised to read as follows: "Agricultural lands are those lands which are primarily used or are suitable for the production of crops, fruits or Christmas trees or the pasturing, grazing or feeding of livestock. Lands designated as open space by the Commission shall not be considered agricultural lands."

(b) The definition of forest lands shall be revised to read as follows: "Forest lands are those lands which are used for growing forest products or capable of producing in excess of twenty (20) cubic feet per acre per year of Douglas fir, Ponderosa pine or other merchantable tree species. Lands designated as open space by the Commission shall not be considered forest lands."

(c) The guidelines for existing uses shall be revised as follows: "When a structure is destroyed or partially destroyed, it will be considered an existing use when replaced in kind and in the same location within one year. The exterior color and reflectivity of the replacement structures must be consistent with the scenic guidelines in Chapter III. Replacement of a structure or use that differs in size or location from the original shall be subject to a consistency determination. Replacement of a mobile home in a special management area with a modular or site-built home, to be used in the same manner and for the same purposes, shall be considered the continuation of an existing use except that it shall be subject to review for consistency with the guidelines on scenic resources in section B(1).

(d) An alteration to a structure which was built prior to November 17, 1986, and which already protrudes above the line of a bluff, cliff or skyline, may itself protrude above the line provided that:

1. the alteration does not increase the protrusion more than 50 percent as viewed from the key viewing area from which the structure is most prominently seen;

2. the altered structure, through a combination of color, landscaping and other mitigation measures, contrasts less with its setting than before the alteration; and

3. there is no practicable alternative way to alter the structure without increasing the protrusion.

WSR 91-09-010
ATTORNEY GENERAL OPINION
Cite as: AGO 1991 No. 16
 [April 4, 1991]

COMMUNITY COLLEGES—BOARD FOR COMMUNITY COLLEGE EDUCATION—CONTRACTS—EDUCATION

1. The Legislature has established limits upon community college enrollment. As a creature of statute a community college must have specific statutory authority to enroll students in excess of those authorized by the Legislature.
2. RCW 28B.50.140(16) authorizes community colleges to offer educational services on a contractual basis to private and governmental entities. The students receiving instruction pursuant to such a contract do not fall within the enrollment lid. However, RCW 28B.50.140(16) does not authorize community colleges to avoid the enrollment lid by enrolling students on a contract basis when those students are treated the same as any other student and pay the same tuition and fees.

Requested by:

The Honorable Gerald L. Saling
 State Senator, District 5
 101 John A. Cherberg Building
 Olympia, Washington 98504-0486

WSR 91-09-011
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—April 4, 1991]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Planned Giving Acceptance Committee.

Planned Giving Acceptance Committee Meetings

Please note your calendars that meetings have been set from 9:30 – 10:30 in Room 272 in the Administration Building for the following dates:

Friday, March 22
 Friday, April 26
 Friday, May 24
 Friday, June 28
 Friday, July 26
 Friday, August 23
 Friday, September 27
 Friday, October 25
 Friday, November 22
 Friday, December 27

WSR 91-09-012
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed April 9, 1991, 9:19 a.m.]

Continuance of WSR 91-05-61 [91-05-069].
 Title of Rule: Chapter 478-124 WAC, General conduct code for the University of Washington.

Hearing Location: 106B Husky Union Building, University of Washington, Seattle, WA, on April 15, 1991, at 12:00 p.m.

Submit Written Comments to: Rules Coordination Office AI-10, University of Washington, Seattle, Washington 98195, by April 12.

Date of Intended Adoption: April 19, 1991.

April 5, 1991
 Melody Tereski
 Administrative Procedures Officer

WSR 91-09-013
PROPOSED RULES
REAL ESTATE COMMISSION
 [Filed April 9, 1991, 2:50 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-124E-012 Administration of funds held in trust—General procedures; and 308-124H-800 Real estate course, school, and instructor approval fees, Part D.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.040.

Summary: Amending rule clarifies the depositary institutions that can hold trust funds; and amending rule implements a fee schedule for approval of educational program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Mitchell, 2424 Bristol Court, Mailstop PB-01, Olympia, WA 98504, (206) 586-4681.

Name of Proponent: Real Estate Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Westwater Inn, 2300 Evergreen Park Drive, Olympia, WA 98502, Room 252, on May 21, 1991, at 1:30 p.m.

Submit Written Comments to: Robert Mitchell, 2424 Bristol Court, Mailstop PB-01, Olympia, WA 98504, by May 17, 1991, 5:00 p.m.

Date of Intended Adoption: May 21, 1991.

April 4, 1991
 Linda M. Moran
 Assistant Attorney General

AMENDATORY SECTION (Amending WSR 90-01-045, filed 12/14/89, effective 1/14/90)

WAC 308-124E-012 ADMINISTRATION OF FUNDS HELD IN TRUST—GENERAL PROCEDURES. Any real estate broker who receives funds or moneys from any principal or any party to a real estate or business opportunity transaction, property management agreement, or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a federally chartered or approved banking institution or a Washington state banking institution approved by the banking division, department of general administration, state of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed.

(2) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited by written assignment agreement to the broker may not be maintained in the trust account. The broker is responsible to make arrangements with the financial institution to credit this interest to the general account of the firm.

(3) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the department.

(4) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate or signature of another person authorized to act on the broker's behalf.

(5) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except:

(a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event; and

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, owned exclusively by the real estate broker or the broker's real estate firm.

(c) For purposes of this section, Saturday shall not be considered a banking day.

(6) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(7) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint, teller's stamp, or electronic transfer memo identifying the source of funds and transaction to which it applies. Receipt of funds by wire transfer are to be posted in the same manner as other receipts provided there is a traceable identifying number provided by the financial institution or transferring entity. The broker must also make arrangements for a follow-up "hard-copy" receipt for the deposit.

(8) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered including, but not limited to "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit" "interest." The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(9) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients.

(10) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account.

(11) All disbursements of trust funds shall be made by check, or electronic transfer, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction, or collection/management agreement. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(b) The broker must make arrangements with the financial institution in which the trust account is located to provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.

(c) The broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(12) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed"; or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(15) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(c) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker.

(d) For bank charges of any nature, including bank services, checks or other items, except as specified in WAC 308-124E-013 (1)(a) and (d). Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the brokers business bank account.

(16) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files.

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record.

(c) The broker will maintain a printed, dated source document file to support any changes to existing accounting records.

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier. The program may, if desired assign suffixes or subaccount codes before or after the check number for identification purposes.

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer.

PART D

REAL ESTATE COURSE, SCHOOL, AND INSTRUCTOR APPROVAL

NEW SECTION

WAC 308-124H-800 REAL ESTATE COURSE, SCHOOL, AND INSTRUCTOR APPROVAL FEES. The following fees shall

be charged by professional licensing services of the department of licensing. An effective date of July 1, 1991, shall be established for course, school, and instructor approval fees.

(1) Application/reapplication for course approval. A fee of \$5.00 per clock-hour credit being offered with a minimum fee of \$50.00 per course.

An application fee shall accompany each application. Approval shall be granted for two years from the approval date. Courses approved prior to the effective date for this rule, need not apply for re-approval until the expiration of the current two-year approval period. Applications submitted and disapproved may be resubmitted at no additional fee.

(2) Application/reapplication for school approval. A \$250.00 fee provides for two-year approval.

Application for school approval will include approval of school administrator. An application fee shall accompany each application. Approval shall be granted for two years from the approval date. All schools, approved after August 1, 1990 and prior to the effective date for this rule, need not apply for re-approval until expiration of the current two-year approval period.

(3) Application/renewal for instructor approvals: approval to teach a specific course on one occasion. A fee of \$50.00; Approval to teach as many subject areas as requested at time of initial application or renewal. A fee of \$75.00 for two-year approval. Approval shall be granted for two years from the approval date; and approval to teach additional subject area(s) not requested at time of initial application or renewal. A fee of \$25.00 for each application to teach additional subject area(s). Approval shall be granted for remainder of two-year approval period.

An application fee shall accompany each application. Instructors approved to teach a specific course prior to the effective date for this rule, need not apply for re-approval until the expiration of the current two-year approval period. However, those instructors who wish approval to teach an additional subject area(s), must file an application and pay the appropriate \$25.00 application fee.

WSR 91-09-014

PROPOSED RULES

DEPARTMENT OF HEALTH (Board of Practical Nursing)

[Filed April 9, 1991, 3:00 p.m.]

Original Notice.

Title of Rule: WAC 246-838-026 Mandatory reporting; 246-838-040 Licensure requirements; 246-838-060 Release of results of examination; 246-838-070 Filing of application for licensing examination; 246-838-090 Licensure of graduates of foreign schools of nursing; 246-838-100 Licensure by interstate endorsement; 246-838-110 Documents which indicate authorization to practice practical nursing in Washington; 246-838-120 Renewal of licenses; 246-838-130 Return to active status from inactive or lapsed status; 246-838-210 Clinical practice areas; 246-838-250 AIDS education and training; 246-838-260 Standards/competencies; and 246-838-270 Criteria for approved refresher course.

Statutory Authority for Adoption: WAC 246-838-026 is RCW 18.78.054 and 18.130.070; WAC 246-838-040, 246-838-060, 246-838-070, 246-838-090, 246-838-100 and 246-838-120 is RCW 18.78.050 and 18.130.050; WAC 246-838-110, 246-838-130, 246-838-210, 246-838-260 and 246-838-270 is RCW 18.78.050; and WAC 246-838-250 is RCW 70.24.270.

Statute Being Implemented: WAC 246-838-026 is RCW 18.130.070; WAC 246-838-040, 246-838-060 and 246-838-070 is RCW 18.78.060; WAC 246-838-090 is RCW 18.78.070; WAC 246-838-100 is RCW

18.78.072; WAC 246-838-110 is RCW 18.78.058, [18.78.]060 and [18.78.]225; WAC 246-838-120 is RCW 18.78.090 and 18.130.190; WAC 246-838-130 is RCW 18.78.225; WAC 246-838-210 is RCW 18.78-.055; WAC 246-838-250 is RCW 70.24.270; WAC 246-838-260 is RCW 18.78.055, [18.78.]060 and [18.78.]182; and WAC 246-838-270 is RCW 18.78-.055, [18.78.]060 and [18.78.]225.

Summary: WAC 246-838-026 to define mandatory reporting for practical nurses; WAC 246-838-040, 246-838-060, 246-838-070, 246-838-090, 246-838-120, 246-838-130, 246-838-210 and 246-838-250 are housekeeping changes; WAC 246-838-100 approves tests given in other states before the national licensure examination was used nationwide, allows licensee with inactive license to endorse into Washington state; WAC 246-838-260 adds two competencies to standards of practice, administration of medications safely and accurately and demonstrates ability to communicate effectively in English; and WAC 246-838-270 allows inactive licensees from other states to receive a limited educational license for clinical studies in order to become active.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Boots, 1300 Quince, EY-28, Olympia, WA 98504, (206) 753-2807.

Name of Proponent: LPN Association of Washington State, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Ridpath Hotel, West 515 Sprague Avenue, Spokane, WA 99204, on May 23, 1991, at 9:00 a.m.

Submit Written Comments to: Susan Boots, Program Administrator, 1300 Quince Street, EY-28, Olympia, WA 98504, by May 9, 1991.

Date of Intended Adoption: May 23, 1991.

March 29, 1991

Susan L. Boots

Program Administrator

NEW SECTION

WAC 246-838-026 MANDATORY REPORTING. The board of practical nursing does not intend to cause every nursing error to be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the practical nurse.

(1) Any person, including health care facilities and agencies and state or local government, who is aware of a conviction or has made a determination or finding that a practical nurse has committed an act constituting unprofessional conduct as defined in RCW 18.130.180, including violation of chapter 246-838 WAC, shall report such conviction, determination or finding to the board.

(2) Any person, including health care facilities and agencies and state or local government, who has information that a practical nurse may not be able to practice with reasonable skill and safety as a result of a mental or physical condition, shall report such information to the board.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-040 **LICENSURE QUALIFICATIONS.** (1) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC ((308-117-300)) 246-838-240, or its equivalent as determined by the board. ((Effective May 1, 1988;)) Every applicant must have satisfactorily completed an approved practical nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the board to determine current theoretical and clinical knowledge of practical nursing practice.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as ((registered)) licensed practical nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

(3) An interim permit (WAC ((308-117-095)) 246-838-110) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved practical nursing programs after the filing of a completed application, payment of the application fee, and official notification from the program certifying that the individual has satisfactorily completed all requirements for the diploma/certification. The interim permit is only issued for the first examination period for which the applicant is eligible after graduation.

(4) All other requirements of the statute and regulations shall be met.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-060 **RELEASE OF RESULTS OF EXAMINATION.** (1) Applicants shall be notified regarding the examination results by mail only. The results will not be released until the candidate's official transcript is on file with the board.

(2) Applicants who pass shall receive a license to practice as a licensed practical nurse provided all other requirements are met.

(3) Applicants who fail shall receive a letter of notification regarding their eligibility to retake the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each practical nursing program in Washington shall receive a statistical report of the examination results of applicants from that school and a report of state and national statistics.

(5) Examination results for all candidates will be maintained in the application files in the division of professional licensing services, department of ((licensing)) health.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-070 **FILING OF APPLICATION FOR LICENSING EXAMINATION.** (1) All applicants shall file with the Washington state board of practical nursing a completed ((notarized)) application, with the required fee prior to February 15, for the April examination and August 15, for the October examination. The fee is not refundable.

(2) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(3) Applicants shall request the school of nursing to send an official transcript directly to the board of practical nursing. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(4) Applicants shall also file an examination application, along with the required fee, directly with the testing service.

(5) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(6) ((Effective January 1, 1989;)) Persons applying for licensure shall submit, in addition to the other requirements, evidence to show

compliance with the education requirements of WAC ((308-117-360)) 246-838-250.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-090 **LICENSURE OF GRADUATES OF FOREIGN SCHOOLS OF NURSING.** Applicants who received their nursing education outside the United States or its territories shall meet the following requirements for licensing:

(1) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

(2) Satisfactory passage of the test of English as a foreign language (TOEFL). ((As of May 1, 1988;)) All applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the board's discretion and for good cause, to this requirement.

(3) All other requirements of the statute and regulations shall be met.

(4) File with the board of practical nursing a completed ((notarized)) license application with the required fee prior to February 15 for the April examination and prior to August 15 for the October examination. The fees are not refundable.

(5) Submit one recent United States passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(6) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(7) File an examination application, along with the required fee, directly with the testing service.

(8) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-100 **LICENSURE BY INTERSTATE ENDORSEMENT.** A license to practice as a licensed practical nurse in Washington may be issued without examination provided the applicant meets all the following requirements:

(1) The applicant has graduated and holds a credential from:

(a) A state board approved program preparing candidates for licensure as a practical nurse; or

(b) Its equivalent as determined by the board((:

(a) The applicant has fulfilled), which program must fulfill the minimum requirement((s-prevailing)) for state board approved practical nursing programs in Washington at the time of ((the applicant's)) graduation.

((b) Applicants who take the NCLEX after October 1, 1988, shall present a score of pass. All other applicants shall present a minimum score of 350 on the state board test pool examination or NCLEX, except those applicants who were licensed after October 1, 1973, but before October 1, 1982, shall present a minimum score of 400 on the state board test pool examination.))

(2) Applicants shall have passed a state board constructed test, the SBTPE, or NCLEX in their original state of licensure.

(3) The applicant held or currently holds a ((valid-current)) license to practice as a practical nurse in another state or territory. If the license is lapsed or inactive for three years or more, the applicant must successfully complete a board approved refresher course before an active Washington license is issued.

~~((3))~~ (4) That grounds do not exist for denial under chapter 18-130 RCW.

(5) The applicant shall:

(a) Submit a completed application with the required fee. The fee is not refundable.

~~(b) ((Request the nursing education program to send directly to the board of practical nursing an official transcript verifying graduation from an approved practical nursing program. The transcript shall provide sufficient documentation to verify that statutory requirements are met.~~

~~(c))~~ Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC ~~((308-117-360))~~ 246-838-250.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-110 DOCUMENTS WHICH INDICATE AUTHORIZATION TO PRACTICE PRACTICAL NURSING IN WASHINGTON. The following documents are the only documents that indicate legal authorization to practice as a practical nurse in Washington.

(1) License - Active status. A license is issued upon completion of all requirements for licensure and confers the right to use the title licensed practical nurse and its abbreviation, L.P.N., and to practice in the state of Washington.

(2) Interim permit. An interim permit may be issued to a graduate from an approved practical nursing program who has met all qualifications, has filed an application for examination, and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued or when the candidate receives first notice of failure, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit within three days to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of practical nursing as described in chapter 18.78 RCW. The holder of an interim permit must practice under the direct supervision of a health professional as defined in RCW 18.78.010, cannot work as a charge nurse, and cannot work for employment agencies or nursing pools.

(d) It is in violation of the law regulating the practice of practical nursing to use the title "licensed practical nurse." The title "graduate practical nurse," or its abbreviation G.P.N., may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status (see WAC ~~((308-117-105))~~ 246-838-130).

(4) Inactive license. A license issued to a practical nurse who is temporarily or permanently retired from practice. The holder of an inactive license shall not practice practical nursing in this state.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-120 RENEWAL OF LICENSES. (1) Individuals making applications for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(2) Individuals making application for initial license with the state of Washington under the interstate endorsement regulations, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(3) Issuance of license - Licensed practical nurses who complete the renewal application accurately, are practicing practical nursing in compliance with the law, and pay the renewal fee, shall be issued a license to practice. Should the licensee fail to renew his or her license prior to the expiration date, the individual is subject to the penalty fee as stated in RCW 18.78.090. If the licensee fails to renew the license within one year from date of expiration, application for renewal of license shall be made under statutory conditions then in force.

(4) A license, active or inactive, that is not renewed is considered lapsed. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC ~~((308-117-105))~~ 246-838-130.

(5) Illegal practice - Any person practicing as a licensed practical nurse during the time that such individual's license is inactive or has lapsed shall be considered an illegal practitioner and shall be subjected

to the penalties provided for violators under the provisions of RCW 18.130.190.

~~(6) ((Effective January 1, 1989, all persons making application for their 1989 license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.))~~ It is the licensee's responsibility to inform the board of changes of address.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-130 RETURN TO ACTIVE STATUS FROM INACTIVE OR LAPSED STATUS. ~~((After October 1, 1988;))~~ Persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-210 CLINICAL PRACTICE AREAS. (1) Clinical learning opportunities shall be selected so that they enable the student to observe and practice safe nursing care and provide experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care to clients in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness, rehabilitation and support in death. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy and objectives of the program.

(2) There shall be sufficient experienced and supervisory personnel in clinical practice areas to safeguard the client's well-being and the interests of students so that curriculum objectives can be attained.

(3) The manner in which experiences in each clinical area contribute to achievement of the identified student terminal objectives shall be documented and maintained on file.

(4) The students' curriculum objectives shall not be sacrificed in order to provide nursing service for clients.

(5) Facilities utilized as clinical practice areas shall be licensed and/or accredited by the appropriate agency.

(6) When a practical nursing program plans to add a new clinical practice area for student experience, it shall notify the board and submit the objectives to be gained from the experiences 60 days prior to the scheduled use. The new clinical practice area must meet all the requirements of this rule.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-250 AIDS EDUCATION AND TRAINING. (1) Acceptable education and training. Effective January 1, 1989, the board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. ~~((Effective January 1, 1989;))~~ The requirement for licensure application ~~((renewal;))~~ or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed ~~((after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;))~~

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-260 **STANDARDS/COMPETENCIES.** Minimum standards of competency expected of beginning licensed practical nurses include the following:

(1) **STANDARD I** – The practical nurse assists in implementing the nursing process. The nursing process is defined as a systematic approach to nursing care which has the goal of facilitating an optimal level of functioning for the client, recognizing cultural and religious diversity.

The components of the nursing process are assessing, planning, implementing and evaluating. Written and verbal communication is essential to the nursing process.

COMPETENCIES:

(a) **Assessment** – Makes observations, gathers data and assists in identification of needs and problems relevant to the client.

(i) Makes basic observations of clients' safety and comfort needs.

(ii) Identifies physical discomfort and environmental threats to client safety.

(iii) Identifies basic physiological, emotional, sociological, cultural, economic, and spiritual needs.

(iv) Collects specific data as directed.

(v) Identifies major deviation from normal.

(vi) Selects data from established sources relevant to client's needs or problems.

(vii) Collaborates in organizing data.

(viii) Assists in formulating the list of clients' needs or problems.

(ix) Identifies major short and long term needs of clients.

(b) **Planning** – Contributes to the development of approaches to meet the needs of clients and families.

(i) Develops client care plans, utilizing a standardized nursing care plan.

(ii) Assists in setting priorities for nursing care.

(iii) Participates in client care conferences.

(c) **Implementation** – Carries out planned approaches to client care.

(i) Carries out nursing actions developed in care plan to ensure safe and effective nursing care.

(ii) Performs common therapeutic nursing techniques.

(iii) Administers medications safely and accurately, within institutional policies and procedures, and with knowledge of the medication being administered.

(d) **Evaluation** – Utilizing a standard plan for nursing care, appraises the effectiveness of client care.

(i) Collaborates in data collection relevant to outcome of care.

(ii) Assists in comparing outcome of care to formulated objective.

(iii) Assists with adjustments in care.

(iv) Reports outcome of care given.

(2) **STANDARD II.** The practical nurse uses communication skills effectively in order to function as a member of the nursing team. Communication is defined as a process by which information is exchanged between individuals through a common system of symbols, signs, or behaviors that serves as both a means of gathering information and of influencing the behavior and feelings of others.

COMPETENCIES:

((+)) Applies beginning skills in verbal, nonverbal and written communication, recognizing and respecting cultural diversity and respecting the spiritual beliefs of individual clients.

((+)) (a) Uses common medical terminology and abbreviations.

((+)) (b) Interprets common medical terminology and abbreviations.

((+)) (c) Reports pertinent client communications regarding his/her physical and psycho-social welfare.

((+)) (d) Develops a working relationship with the client, family, and health team members.

((+)) (e) Interviews clients to collect specific data with or without a structured tool.

((+)) (f) Identifies possible communication blocks.

((+)) (g) Recognizes that communication can be facilitated by certain responses.

((+)) (h) Interacts appropriately in a one-to-one relationship and in a group setting.

((+)) (i) Modifies own communication pattern.

((+)) (j) Documents observations and actions correctly in the chart.

(k) Demonstrates the ability to communicate effectively in the work setting.

(3) **STANDARD III.** In a structured setting the practical nurse demonstrates responsibility for own actions by using common techniques of problem solving and decision making to plan and organize own assignment. Problem solving and decision making include utilization of available resources to secure a desired result.

COMPETENCIES:

(a) Participates in self-assessment.

(i) Identifies own strengths and weaknesses.

(ii) Maintains personal health.

(iii) Maintains appropriate appearance.

(iv) Seeks assistance as needed.

(v) Requests recommendations for improvements.

(vi) Incorporates new and appropriate behaviors in nursing action.

(vii) Evaluates completion of assigned duties.

(b) Seeks learning opportunities that will foster growth.

(i) Plans goals for self improvement of performance with help of a supervisor.

(ii) Seeks opportunities for personal vocational growth.

(iii) Utilizes new knowledge and skills.

(iv) Participates in staff development.

(v) Demonstrates knowledge of professional organization and other contributors to past and present nursing advancement.

(c) Applies knowledge of ethical and legal principles and responsibilities pertinent to self, clients, and others.

(i) Identifies scope and limitations of own role.

(ii) Functions within the law regulating the practice of practical nursing.

(iii) Demonstrates ethical practice in providing client care.

(iv) Respects and maintains the client's privacy interests.

(d) Practices conservation of available resources.

(i) Demonstrates an understanding of hospital and client costs by economical use of supplies and equipment.

(ii) Participates in nursing audit.

(e) Follows employer rules and regulations.

(i) Functions according to the job description, recognizing employer/employee expectations.

(ii) Explains employer rules and regulations as they apply to client and family.

(4) **STANDARD IV.** The practical nurse assists in the health teaching of clients recognizing individual differences. Health teaching is defined as facilitating learning and instructing clients and significant others in preventive and therapeutic measures.

COMPETENCIES:

(a) **Health teaching** – Assists in the development of teaching plans for the individual client.

(i) Identifies major health education needs and problems of clients.

(ii) Communicates observation of health and learning needs.

(iii) Assists in individualizing the teaching plan to include others when appropriate.

(b) Implements teaching of basic health information according to the appropriate teaching plan.

(c) Communicates client's request for information to appropriate team member.

(d) Documents client teaching on the appropriate records.

(5) **STANDARD V.** The practical nurse demonstrates an understanding of own role in the health care delivery system. Health care delivery systems are defined as the voluntary and governmental organizations and institutions at international, national, state, and local levels that influence health policy and encompass comprehensive services.

COMPETENCIES:

(a) Functions as a practical nurse within the health care delivery system. (See chapter 18.78 RCW.)

(i) Functions within the role of the practical nurse.

(ii) Identifies the basic functions of members of the health care delivery team.

(b) Recognizes functions of health care delivery systems.

(i) Identifies supportive services in client care settings.

(ii) Identifies community resources.

(iii) Identifies the need for assistance from other agencies.

(iv) Demonstrates ability to obtain information about health care agencies.

(c) Acts as client advocate in health maintenance and clinical care.

(i) Recognizes the rights of individuals to control their own health needs and make decisions about health services.

(ii) Provides client education concerning health care delivery systems.

(6) STANDARD VI. The practical nurse recognizes the need for change in a structured health care setting and demonstrates willingness to participate in effecting change. Change is defined as a systematic process which includes careful assessment and acceptance of responsibility for own actions, resulting in a significant alteration.

COMPETENCIES:

((††)) Recognizes need to adjust functions to comply with the accepted practical nurse role and assists in assessing effectiveness of current nursing practices in a given health care delivery system.

((††)) (a) Recognizes problems and the need for change in current nursing practice.

((†††)) (b) Communicates needs for further change through appropriate channels.

((††††)) (c) Identifies personal factors which influence response to change. Adapts own behavior.

((††††)) (d) Accepts potential risks with instituting change.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-270 CRITERIA FOR APPROVED REFRESHER COURSE. (1) Philosophy, purpose, and objectives.

(a) Philosophy, purpose, and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of practical nursing as outlined in chapter 18.78 RCW.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(b) All faculty shall be qualified to develop and implement the program of study.

(c) Faculty shall be sufficient in number to achieve the stated program objectives.

(3) Course content.

(a) The course content shall consist of a minimum of sixty hours of theory content and one hundred twenty hours of clinical practice.

(b) The course content, length, methods of instruction, and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

(c) The theory course content shall include, but not be limited to, a minimum of sixty hours in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Practical nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological, and social sciences necessary for practice; and

(iv) Review and updating of practical nursing knowledge and skills to include, but not be limited to, concepts of fundamentals, medical/surgical, parent/child, geriatric, and mental health nursing.

(d) The clinical course content shall include a minimum of one hundred twenty hours of clinical practice in the area(s) listed in (c) of this subsection. Exceptions shall be justified to and approved by the board.

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid practical nurse license or a limited educational license approved by the board.

(c) Any person holding an inactive or lapsed practical nurse license in another state may apply for a limited educational license provided that the applicant meets the requirements of WAC 246-838-100.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a certification of successful completion of the course to the board.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board prior to starting the course.

(8) Approval of refresher courses shall be requested and approved in advance as directed by the board.

WSR 91-09-015
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed April 9, 1991, 3:55 p.m.]

Original Notice.

Title of Rule: WAC 480-70-130 relating to temporary certificates for solid waste collection companies. The proposed amendment is shown below as Appendix A, Docket No. TG-901089. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW.

Purpose: This amendment will more fully emphasize the public interest when application is made for temporary authority to operate a solid waste collection company. The number of days within which the commission may consider cancelling a temporary certificate is extended to 45 days and any permanent certificate holder protesting a temporary application must file a brief statement of reasons for opposing such application.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Transportation Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington 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: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

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 29, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by May 20, 1991.

Date of Intended Adoption: May 29, 1991.

April 9, 1991
Paul Curl
Secretary

APPENDIX "A"

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

April 9, 1991

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order R-335, Docket No. TG-900718, filed 1/14/91, effective 2/14/91)

WAC 480-70-130 TEMPORARY CERTIFICATES, APPLICATION FOR. Temporary certificates to engage in the business of operating a solid waste collection company may be issued if such issuance is consistent with the public interest.

(1) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

(a) ~~((A showing of an immediate and urgent))~~ The need for the requested service;

(b) ~~((The presence or lack of))~~ Available service capable of meeting the need; and

(c) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(2) When an applicant requests a temporary certificate to operate in territory that another carrier is authorized to serve, the commission shall notify the existing solid waste collection company or companies authorized to serve the territory of the application ~~((and problem and shall issue the temporary certificate only if the existing solid waste collection company or companies cannot or will not provide service to the satisfaction of the commission))~~. Any interested permanent certificate holder may, within 10 days after service of the notice of application, file a protest to the application with a brief statement of the protestant's reasons for opposing the application. The protest shall also be served on the applicant and the applicant's representative, if known.

(3) Temporary certificates ~~((issued pursuant to this subsection))~~ will carry the following condition:

"This certificate is subject to cancellation any time within ~~((20))~~ 45 days after date of issuance, if the commission ~~((receives evidence))~~ determines that ~~((no emergency exists or))~~ another carrier with permanent authority can and will provide service to the satisfaction of the commission."

~~((3))~~ (4) Temporary certificates may be issued for a period up to 180 days where the area or territory covered thereby is not contained in the certificate of any other solid waste collection company; in all other cases temporary certificates may be issued for a period not to exceed 120 days. Applications for temporary certificates shall conform to the requirements of WAC 480-70-120.

WSR 91-09-016
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 3131—Filed April 9, 1991, 4:01 p.m.]

Date of Adoption: April 9, 1991.

Purpose: The department has recently lost a license revocation appeal hearing because chapter 388-76 WAC does not clearly define what is meant in that chapter by complaints and inspections. Confusion also exists regarding the differing roles and procedures of the adult family home licenser and the adult protective services worker. Definitions and language are added in order to bring clarification to these regulations.

Citation of Existing Rules Affected by this Order: Amending chapter 388-76 WAC, Adult family home minimum licensing requirements.

Statutory Authority for Adoption: RCW 70.128.040.

Pursuant to notice filed as WSR 91-05-070 on February 20, 1991.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-030 DEFINITIONS. Those terms in chapter 70.128 RCW shall have the same meaning when used in this chapter except as otherwise provided herein.

(1) "Abuse" means an act of physical or mental mistreatment or injury, harming or threatening a person through action or inaction by another individual.

(a) "Exploitation" means the illegal or improper use of a vulnerable adult or the adult's resources for another person's profit or advantage.

(b) "Neglect" means a pattern of conduct resulting in deprivation of care necessary to maintain minimum physical and mental health.

(2) "Adult dependent person" means a person eighteen years of age or older found legally incompetent under chapter 11.88 RCW or found disabled to such a degree under this chapter that protection is needed.

(3) "Adult family home" means a regular family abode of a person providing personal care, room, and board to more than one, but not more than four, adults not related by blood or marriage to the person or persons providing the services; except, a maximum of six adults may be permitted if the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for in law and this chapter.

(4) "Adult in need of personal care" means a person eighteen years of age or older who, because of developmental disability or physical or mental disability requires supervision and assistance in personal care services.

(5) "Ambulatory resident" means a resident physically and mentally capable of walking unaided or capable of independent mobility or transfer with the use of a cane, crutches, walkerette, walker, wheelchair, artificial limb, or other assistive device. A resident is considered nonambulatory when bedridden, immobile, unable to walk or move without assistance from another person, or unable to independently transfer.

(6) "Applicant" means a person who completes an adult family home license application.

(7) "Bedroom" means a living space set apart by floor-to-ceiling walls on all sides with all openings provided with doors or windows.

(8) "Board" means the availability of three or more daily meals.

(9) "Capacity" means the maximum number of persons permitted under adult family home care at a given time.

(10) "Complaint" means a verbal or written expression of concern filed with the licenser or other department staff. These concerns relate to licensed adult family home sponsor's particular issues or incidents of noncompliance with the minimum licensing requirements as specified under chapter 70.120 RCW and this chapter.

(11) "Department" means the department of social and health services.

~~((11))~~ (12) "Developmentally disabled adult" means a person eighteen years of age or older who the department determines is developmentally disabled.

~~((12))~~ (13) "Good cause" means the conditions providing for the best interest of the resident.

~~((13))~~ (14) "Imminent danger" means serious physical harm to or death of a resident occurred or a serious threat to resident life, health, or safety exists.

~~((14))~~ (15) "Inspection" means an in home visit conducted by an adult family home licensor for the purpose of evaluating compliance with the licensing requirements of chapter 70.128 RCW and this chapter. The term "inspection," as used in this chapter, is distinguished from investigations conducted by adult protective service workers under chapter 388-15 WAC.

(16) "Nursing care" means the practice of nursing by a licensed practical nurse (LPN) or registered nurse (RN) as specified under chapter 18.88 or 18.78 RCW.

~~((15))~~ (17) "Other persons on the premises" means relief caregivers, supportive assistance staff person, family members, other relatives and friends of the sponsor with unmonitored access to the residents in care.

~~((16))~~ (18) "Personal care" means assistance with the following tasks:

- (a) Personal hygiene;
- (b) Dressing;
- (c) Bathing;
- (d) Eating;
- (e) Toileting;
- (f) Ambulation;
- (g) Transfer;
- (h) Positioning;
- (i) Self-medication;
- (j) Body-care;
- (k) Travel to medical services; and
- (l) Essential shopping.

These tasks are provided to the resident as needed according to the resident's physical condition. The department may define and include additional tasks.

~~((17))~~ (19) "Premises" means the residence, other buildings, and adjoining grounds.

~~((18))~~ (20) "Private pay resident" means a resident whose cost of care is paid entirely without the assistance of state funds.

~~((19))~~ (21) "Provider" is synonymous with "sponsor."

~~((20))~~ (22) "Relative" or "related" means a person related by birth, marriage, or adoption as follows:

- (a) Parent,
- (b) Grandparent,
- (c) Brother,
- (d) Sister,
- (e) Son,
- (f) Daughter,
- (g) Step parent,
- (h) Step brother,
- (i) Step sister,
- (j) Uncle,
- (k) Aunt, and/or
- (l) First cousin.

~~((21))~~ (23) "Relief caregiver" means a person designated by the sponsor and who meets the relief caregiver standards to care for residents in the sponsor's absence.

~~((22))~~ (24) "Resident" means any adult person unrelated to the sponsor receiving room, board, personal, and/or special care and supervision, as defined by the department, in an adult family home.

~~((23))~~ (25) "Service plan" means a written description of a resident's needs and capabilities, including who, when, and how often care services are provided and the expected outcomes.

~~((24))~~ (26) "Special care" means care beyond personal care and other services authorized through an exception to policy process. Special care services are provided to persons suffering chronic long-term health conditions.

~~((25))~~ (27) "Sponsor" means a person licensed under this chapter to operate an adult family home. The sponsor shall reside at the adult family home. Exceptions may be authorized by the department for good cause, as defined in the rule.

~~((26))~~ (28) "State-pay resident" means a resident receiving financial assistance from the state for paying adult family home cost of care.

~~((27))~~ (29) "Supervision" means a sponsor available to:

- (a) Help the client with personal care tasks that cannot be scheduled, for example, toileting, ambulation, transfer, positioning, some medication assistance;
- (b) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment; or
- (c) Intervene on a resident's behalf if a crisis arises.

~~((28))~~ (30) "Supportive assistance" means assistance with caregiving tasks provided to residents and/or home care by co-sponsor, employed staff, or appropriate others at the same time the sponsor or relief caregiver is present in the adult care home.

~~((29))~~ (31) "Vulnerable adult" means a person sixty years of age or older and unable to care for or protect self because of a functional, mental, or physical disability.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-040 APPLICATION FOR LICENSE. (1) Persons making application for a license under this chapter shall do so upon department-provided forms. The forms shall contain information the department reasonably requires. The application shall be made by and in the name of the person who shall be the adult family home sponsor.

(2) The department shall send the sponsor a license application form and written notice no later than one hundred twenty days before the license expiration date. The sponsor shall apply for license renewal no later than ninety days before the expiration date. Submittal of a renewal application and fee before the expiration date shall keep the license in effect until the department takes action. If the renewal application and applicable fee are not submitted before the expiration date, the department

shall treat the home as an unlicensed facility. The department shall have the authority to investigate the accuracy of any information included in the application for a license.

(3) The applicant shall submit additional information the department considers necessary for proper administration of this chapter. The department shall make investigations of the applicant, relief caregivers, supportive assistance staff persons, and members of applicant's household.

(4) The department shall make a criminal history check of all applicants, relief caregivers, supportive assistance staff persons, and members of the applicant's household before an initial license is issued or a license is renewed. The department shall furnish, upon request from the sponsor, a copy of the completed State Patrol criminal history check for any person involved in the sponsor's adult family home operation.

(5) The department shall issue licenses provided under this chapter for a period of one year.

(6) A sponsor may accept a state-pay client into the adult family home only if the sponsor is licensed and has an adult family home contract with the department.

(7) If the department finds the home is not in compliance with licensing standards as set forth in chapter 70.128 RCW and this chapter, the department shall require the home to correct any violations of licensing standards in a time frame specified by the department. If corrections are not made within this time period, the department may take one or more of the following actions:

- (a) Refuse to issue a license;
- (b) Suspend, revoke, or refuse to renew a license; or
- (c) Suspend admissions to the adult family home.

(8) The department shall issue a license to an adult family home if:

(a) The department finds the applicant and the home are in compliance with chapter 70.128 RCW and the rules adopted under this chapter;

(b) The applicant has no prior violations of the rules pertaining to adult family home licensing in either the home the applicant is applying for or any other adult family home;

(c) The applicant has no prior violation of any other law regulating residential care facilities within the past five years resulting in revocation or nonrenewal of a license.

(9) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of the applicant's application for a license. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC by requesting a hearing, in writing, within ten days after receipt of the notice of denial.

AMENDATORY SECTION (Amending Order 2934, filed 1/16/90, effective 2/16/90)

WAC 388-76-087 INSPECTIONS. (1) The department shall inspect an adult family home regarding compliance with licensing standards set forth in chapter 70.128 RCW and this chapter at the time of initial licensure.

(2) The department shall inspect licensed homes regarding compliance with licensing standards set forth in chapter 70.128 RCW and this chapter every eighteen months. The department shall notify the sponsor, in writing, two weeks or more in advance of a regular inspection.

(3) When a licensing complaint is received regarding noncompliance with licensing standards set forth in chapter 70.128 RCW and this chapter, the department may inspect, without written notice, a licensed home. At the time of the licensing complaint inspection, the department shall furnish the sponsor with a written copy of the complaint. The name of the complainant shall remain confidential.

(4) During licensing inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide resident care or support, including resident's records, accounts, equipment, and the physical premises. The department also has the authority to interview the sponsor, relief caregiver, supportive assistance staff person, residents, guardian and resident advocates of an adult family home.

(5) When conducting ~~((an))~~ a licensing inspection, the department shall prepare a written report summarizing all information obtained during the inspection. If the home is in violation of this chapter, the department shall provide the sponsor a copy of the licensing inspection report at the same time as a notice of violation is served. If the home is not in violation of this chapter, the department shall mail the sponsor a copy of the inspection report within ten days of the home inspection. The department shall make available to the public, during business hours, all department licensing inspection reports ~~((during business hours))~~ that pertain to compliance with chapter 70.128 RCW and this chapter.

(6) The licensing inspection report shall describe any of the sponsor's corrective measures which are completed and necessary to pass a reinspection and will include a time frame when the corrections shall be completed. If the department finds upon reinspection of the home the corrective measures are satisfactorily implemented, the department shall cease any actions taken against the home. This section shall not require the department to license or renew the adult family home's license where serious physical harm or death occurred to a resident due to the action or inaction of the sponsor.

(7) An applicant/sponsor reported to be a perpetrator of abuse, neglect, or exploitation shall be subject to chapters 26.44, 74.34 RCW, and the regulations contained in WAC 388-15-120. The department may immediately deny, revoke, or suspend the license of an applicant/sponsor found to be a perpetrator of abuse, neglect or exploitation. The department may take this action without providing the applicant/sponsor an opportunity for corrective action as outlined in this chapter.

(8) An adult family home shall have readily available for the public's review:

- (a) The adult family home's license to operate; or

(b) Copies of licensing inspection reports the adult family home received from the department for the past three years.

WSR 91-09-017
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3132—Filed April 9, 1991, 4:06 p.m.]

Date of Adoption: April 9, 1991.

Purpose: To incorporate into WAC a new state plan provision that payments and interest from a sales contract are considered unearned income. The sales contract is an exempt resource unless the sales contract is transferred. To incorporate an OBRA 90 change affecting earned income tax credit refunds and payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-041, 388-92-045, 388-95-380, and 388-99-040.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 91-05-008 on February 7, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-92-045 (1)(k)(ii), after the word "be" the following is added, "kept separate from all other resources not intended for the burial of the client or the client's spouse and"; and a new second sentence is added, "If the secluded burial funds are mixed with resources not intended for burial this exclusion shall not apply to any portion of the funds." WAC 388-92-045 (1)(k)(iii), the second word revocable is deleted; after burial arrangements, the words "cash, accounts," are added; and after other the words "separately identifiable resources" is replaced by "financial instruments with a definite cash value." WAC 388-92-045 (1)(k)(v), the word after appreciation is changed from "on" to "in."

A new subsection (u) has been added: Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

The principal reasons for adopting the changes are as follows: These changes are made to assure consistency with the federal law regarding burial funds and victims compensation.

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

April 9, 1991
Rosemary Carr
Acting Director
Administrative Services

NEW SECTION

WAC 388-83-041 **INCOME-ELIGIBILITY.** (1) For cash assistance recipients of AFDC, FIP, or SSI, the department shall find a person eligible for medical programs without a separate determination of eligibility.

(2) For non-cash medical assistance recipients or applicants, the department shall determine countable income according to AFDC, FIP, or SSI methodology, except the department shall:

(a) Budget income prospectively as defined under WAC 388-28-483;

(b) Not use mandatory monthly income reporting;

(c) Consider financial relative responsibility as described under WAC 388-83-130 and WAC 388-92-025;

(d) Exclude lump sum payments as described under WAC 388-92-045;

(e) Consider the AFDC earned income exemption as described under WAC 388-83-130; and

(f) Count the payment and interest from sales contracts as unearned income.

(g) Exclude earned income tax credit refunds and payments, the person receives on or after January 1, 1991, during the month of receipt and the following month.

AMENDATORY SECTION (Amending Order 2907, filed 12/1/89, effective 1/1/90)

WAC 388-92-045 **EXCLUDED RESOURCES.**

(1) The department shall exclude the following resources in determining eligibility for medical programs:

~~((1-A))~~ (a) Home.

~~((a))~~ (i) A home means any shelter:

~~((1))~~ (A) In which the client (~~(or clients)~~) has ownership interest; and

~~((1))~~ ~~Used by~~ (B) The client (~~(or clients)~~) uses as the principal place of residence. The department shall consider only one home as the client's principal place of residence.

~~((b) Client or clients)~~ (ii) Client's absence from the home shall not affect the home exclusion. The client's home shall remain((s)) the principal place of residence as long as:

~~((1))~~ (A) The client (~~(or clients)~~) intends to return home. The department shall accept the client's statement of intent without challenge; or

~~((1))~~ (B) A client's spouse or dependent relative uses the home during the client's absence. The department shall:

(I) Consider (~~(an individual)~~) a person a dependent relative when such (~~(individual)~~) person is either financially or medically dependent on the client (~~(The department shall)~~); and

(II) Accept the client's or dependent relative's written ((allegation)) statement of dependency or relationship unless the department has reason to question it.

~~((c))~~ (iii) The department shall exclude the client's proceeds from the sale of the excluded home providing the client uses the proceeds ((are used)) to purchase another home within three months of the receipt of the proceeds. Proceeds shall include real estate contracts, or any similar home financing arrangements, and the income produced.

~~((d))~~ (iv) The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-95-395.

~~((2))~~ (b) Household goods and personal effects.

~~((3))~~ (c) Automobile or automobiles.

~~((a))~~ (i) The department shall exclude one automobile regardless of its value if ~~((t))~~ the automobile is:

~~((f))~~ (A) Necessary for employment; or

~~((ii))~~ (B) Necessary for the ~~((individual's))~~ person's medical treatment; or

~~((iii))~~ (C) Modified for operation by, or transportation of, a handicapped client; or

~~((iv))~~ (D) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities.

~~((b))~~ (ii) The department shall:

~~((t))~~ (A) Exclude one of the client's automobiles to the extent its current market value does not exceed four thousand five hundred dollars;

~~((ii))~~ (B) Count any excess against the resource limit; and

~~((iii))~~ (C) Exclude an automobile under this subdivision only if ~~((no))~~ an automobile is not excluded under subsection ~~((3)(a))~~ (1)(c)(i) of this section.

~~((c))~~ (iii) The department shall treat the client's ownership of other automobiles as nonexempt resources and count the client's automobile equity value toward the resource limit.

~~((4) Trade or business)~~ (d) Property essential to self-support. ~~((a))~~ The department shall exclude:

(i) Property regardless of value, when the client uses the property:

(A) In a trade or business ~~((which is essential to self support));~~ ~~((and~~

(ii) Liquid resources as defined under WAC 388-92-005 even though such liquid resource may produce income.

~~(b) This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc., and~~

~~(c) The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.~~

~~(5) Nonbusiness property. The department shall exclude nonbusiness property essential to the client's self-support. This exclusion shall include:~~

~~(a) Nonliquid (see WAC 388-92-005), nonbusiness property if the individual:~~

~~(i) Relies on the nonbusiness property as a significant factor in producing income on which the client can live; or~~

~~(ii) Uses the nonbusiness property to produce goods; or provide services essential to the individual's support. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.~~

~~(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual;~~

~~(c) Tools, equipment, uniforms and similar items required by the individual's employer; and~~

~~(d) The exclusion may include an additional automobile or other motor vehicle (truck, tractor, trailer, etc.) if the vehicle excluded under subsection (3) of this section is not used for self-support functions:~~

~~((6))~~ (B) As an employee for work; or

~~((C))~~ As authorized by the government for income producing activity.

~~((ii))~~ Nonbusiness property up to six thousand dollars equity, when the client uses the property for producing goods or services essential to daily activities, solely for the client's household.

~~((iii))~~ Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce an annual income return of at least six percent of the excluded equity or is expected to produce at least a six percent return within a twenty-month period as long as the client:

(A) Currently uses the property in items (1)(d)(i), (ii), and (iii) of this section in the described activity; or

(B) Is expected to resume the use of the property in items (1)(d)(i), (ii), and (iii) of this section in the described activity within twelve months.

~~((e))~~ Resources of a blind or disabled ~~((individual))~~ person. The department shall exclude resources necessary to fulfill an approved plan for a client to achieve self-support as long as such plan remains in effect.

~~((7))~~ (f) Alaska Native Claims Settlement Act stock. The department shall exclude shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable under the Alaska Native Claims Settlement Act.

~~((8))~~ (g) Life insurance.

~~((a))~~ (i) The department shall exclude the total cash surrender value if the total face value of all the ~~((policy or))~~ policies held by each ~~((individual))~~ person is over one thousand five hundred dollars or less.

~~((b))~~ (ii) The cash surrender value applies to the resource limit if the face value of ~~((policy or))~~ all the policies held by each ~~((individual))~~ person is over one thousand five hundred dollars.

~~((c))~~ (iii) When determining total face value in ~~((subdivision a))~~ item (1)(h)(i) of this ~~((subsection))~~ subdivision, the department shall exclude term or burial insurance with no cash surrender value.

~~((9))~~ (h) Restricted allotted land. The department shall exclude restricted allotted land owned by an enrolled tribal member and spouse, if married, if such land cannot be sold, transferred, or otherwise disposed of without permission of other ~~((individuals))~~ persons, the tribe, or an agency of the federal government.

~~((10))~~ (i) Insurance settlements. The department shall exclude cash the client receives from an insurance company for purposes of repairing or replacing an excluded resource ~~((that is lost, damaged, or stolen, etc.))~~ providing the client uses the total amount of the cash to repair or replace such excluded resource within nine months. The department may extend the nine-month period based on circumstances beyond the control of the ~~((applicant))~~ client to a maximum of nine additional months. The department shall consider any cash not used within the time period as an available resource.

~~((11))~~ (j) Burial spaces. The department shall exclude the value of burial spaces for the client, the client's spouse, or any member of the client's immediate family.

~~((a))~~ (i) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories customarily and traditionally used for the remains of deceased persons.

~~((b))~~ (ii) For purposes of ~~((this subsection))~~ subdivision (1)(k) of this section, immediate family means a client's minor and adult children, including adopted children and step-children; a client's brothers, sisters, parents, adoptive parents, and the spouses of those ~~((individuals))~~ persons. The department shall consider neither dependency nor living-in-the-same-household as factors in determining whether a person is an immediate family member.

~~((12))~~ (k) Burial funds.

~~((a))~~ (i) Funds specifically set aside for the burial arrangements of a client or the client's spouse not to exceed one thousand five hundred dollars for each spouse. The department shall count burial funds in excess of this limit toward the resource limit in WAC 388-92-050.

~~((b))~~ (ii) The department shall require funds set aside for burial expenses be kept separate from all other resources not intended for the burial of the client or the client's spouse and separately identified and designated as set aside for burial. If the excluded burial funds are mixed with resources not intended for burial this exclusion shall not apply to any portion of the funds. The department may exclude designated burial funds retroactively back to the first day of the month in which the ~~((individual))~~ person intended the funds to be set aside for burial or to November 1, 1982, whichever is later.

~~((c))~~ (iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or ~~((any))~~ other ~~((separately identifiable resources))~~ financial instruments with a definite cash value the ~~((individual))~~ person clearly designates as set aside for the ~~((individual's))~~ person's (or spouse's, if any) burial expenses.

~~((d))~~ (iv) The department shall reduce the one-thousand-five-hundred-dollars-exclusion by:

~~((1))~~ (A) The face value of the client's insurance policies owned by the person or spouse on the life of ~~((an individual owned by the individual or spouse))~~ the person if the policies have been excluded as provided in subsection ~~((8))~~ (1)(g) of this section; and

~~((2))~~ (B) Amounts in an irrevocable trust.

~~((e))~~ (v) The department shall exclude interest earned on excluded burial funds and appreciation ~~((on))~~ in the value of excluded burial arrangements if the excluded interest and appreciation are left to accumulate and become part of the separately identified burial fund.

~~((f))~~ (vi) When used for other purposes, the department shall consider any excluded burial funds, interest, or appreciated values set aside for burial expenses as an available resource if, when added to other nonexempt resources, the total exceeds the resource limit.

~~((13))~~ (l) Other resources excluded by federal statute.

~~((14))~~ (m) Retroactive payments. The department shall exclude retroactive SSI including benefits a client receives under the interim assistance reimbursement agreement with the social security administration, or OASDI payments ~~((from resources))~~:

~~((a))~~ (i) For six months following the month of receipt this exclusion applies to:

~~((1))~~ (A) Payments the client received from October 1, 1984 through September 30, 1987 and after September 30, 1989;

~~((2))~~ (B) Payments received by the client, spouse, and/or any other person whose income the department considers available to meet the applicant's or recipient's needs;

~~((3))~~ (C) SSI payments made to the client for benefits due for a month prior to the month of payment;

~~((4))~~ (D) OASDI payments made to the client for benefits due for a month that is two or more months prior to the month of payment; and

~~((5))~~ (E) Payments that remain in the form of cash, checking or saving accounts; this exclusion shall not apply once the retroactive payment has been converted to any other form.

~~((b))~~ (ii) For nine months following the month of receipt if:

~~((1))~~ (A) Subsection ~~((1)(a)(2))~~ (1)(m)(i)(B), ~~((3))~~ (C), ~~((4))~~ (D), and ~~((5))~~ (E) of this section is met; and

~~((2))~~ (B) The payment is received during the period beginning October 1, 1987, and ending September 30, 1989.

~~((15))~~ (n) Payments for medical or social services. The department shall exclude, from resources for the one-calendar month following the month of receipt, certain cash payments an SSI ~~((individual))~~ person receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services.

~~((16))~~ (o) Restitution to civilians relocated and interned during war time. The department shall exclude payments to persons of Japanese or Aleut ancestry under P.L. 100-383.

(p) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41.

(q) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201.

(r) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not excluded.

(s) Unspent assistance payments the client receives because of a presidentially declared major disaster, under P.L. 93-288, is excluded for nine months from date of receipt.

(i) The exclusion may extend an additional nine months, if circumstances beyond the client's control:

(A) Prevents the client from repairing or replacing the damaged or destroyed property; or

(B) Keeps the client from contracting for such repair or replacement.

(ii) Interest earned on the excluded resource is excluded for the period the exclusion applies.

(t) Earned income tax credit refunds and payments, received on or after January 1, 1991, during the month of receipt and the following month.

(u) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

(2) The department shall not consider sales contracts as countable resources to the extent that the sales contracts are not transferred. WAC 388-83-027 shall apply to sales contract income and interest payments.

(3) Applicants or recipients may transfer or exchange exempt resources. The department shall consider cash received from the sale of an exempt resource as a non-exempt resource to the extent that the cash is not used to:

- (a) Replace; or
- (b) Be reinvested in another exempt resource within the same month, except as specified under this section.

AMENDATORY SECTION (Amending Order 2604, filed 3/2/88)

WAC 388-95-380 EXCLUDED RESOURCES.
((Applicants or recipients may transfer or exchange exempt resources. Exclude cash received from the sale of an exempt resource to the extent that it is used to replace or reinvest in another exempt resource within three months. Consider any remaining portion a nonexempt resource. In determining the value of resources the department shall exclude the following:

- (1) A home:
 - (a) A home is any shelter:
 - (i) In which the client(s) has ownership interest; and
 - (ii) Which is used by the client(s) as the principal place of residence. Only one home may be the principal place of residence.

(b) Absences from the home shall not affect the home exclusion. It continues to be the principal place of residence as long as:

- (i) The individual intends to return home;
Accept the client's statement of intent without challenge; or
- (ii) The home is used by a spouse or dependent relative during the individual's absence. Dependency may be either financial or medical. The client's or dependent relative's written allegation of dependency or relationship shall be accepted unless there is reason to question it.

(c) The proceeds from the sale of the excluded home shall be excluded to the extent they are used to purchase another home within three months of the receipt of the proceeds. Proceeds shall include real estate contracts, or any similar home financing arrangements, and the income stream produced by them:

- (2) Household goods and personal effects.
- (3) Automobile(s):
 - (a) Totally exclude one automobile regardless of its value if it is:
 - (i) Necessary for employment; or
 - (ii) Necessary for the individual's medical treatment;
 - or
 - (iii) Modified for operation by, or transportation of, a handicapped person; or
 - (iv) Necessary because of climate, terrain, distance, or similar factors to provide necessary transportation to perform essential daily activities.

(b) Exclude one automobile to the extent its current market value does not exceed four thousand five hundred dollars, any excess to be counted against the resource limit. An automobile may be excluded under this subdivision only if no automobile is excluded under (a) of this subsection;

(c) Other automobiles shall be treated as nonexempt resources and counted towards the resource limit to the extent of their equity value.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. See WAC 388-92-045(5).

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance:

(a) If the total face value of policies held by each individual is one thousand five hundred dollars or less the total cash surrender value shall be excluded.

(b) If the face value of policy(ies) held by each individual is over one thousand five hundred dollars there shall be no exclusion, cash surrender value must be applied to resource limitations.

(c) Term or burial insurance with no cash surrender value shall not be considered in determining total face value in (a) of this subsection.

(9) Restricted ownership. Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Insurance settlements. Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., shall be excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods shall be considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living in the same household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses:

(a) Of the funds specifically set aside for the burial arrangements of an individual or the individual's spouse exclude only an amount which may not exceed one thousand five hundred dollars for each spouse. Burial funds in excess of this limit shall be counted towards the resource limit in WAC 388-92-050.

(b) This exclusion shall apply if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-95-390.

(c) Funds set aside for burial expenses must be separately identifiable and designated as set aside for burial. Designation may be used to exclude burial funds retroactively back to the first day of the month in which the individual intended funds set aside for burial or to November 1, 1982, whichever is later.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The one thousand five hundred dollar exclusion shall be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the policies have been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) If any excluded burial funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) shall be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purposes.

(13) Other resources excluded by federal statute.

(14) Retroactive payments. Exclude retroactive SSI or OASDI payments from resources for six months following the month of receipt. This exclusion applies to:

(a) Payments received on or after October 1, 1984.

(b) Payments received by the individual, spouse, and/or any other person whose income is considered available to meet the applicant's or recipient's needs.

(c) SSI payments made for benefits due for a month prior to the month of payment.

(d) OASDI payments made for benefits due for a month that is two or more months prior to the month of payment.

(c) Payments that remain in the form of cash, checking or saving accounts, this exclusion shall not apply once the retroactive payment has been converted to any other form)) (1) In determining eligibility, the department shall exclude resources specified under WAC 388-92-045.

(2) The department shall apply WAC 388-95-395 for transfers of resources.

AMENDATORY SECTION (Amending Order 2727, filed 11/18/88)

WAC 388-99-040 AVAILABILITY OF RESOURCES. (1) The department shall consider the resource standard for ((aH)) the medically needy ((to be)) program as listed under WAC 388-99-035.

(2) The department shall consider resources for:

(a) ((For)) SSI-related medically needy, according to chapter 388-92 WAC;

(b) ((For)) AFDC-related medically needy as in determining AFDC financial eligibility under WAC 388-28-415 through WAC 388-28-450, except for:

(i) Sales contracts, which are considered exempt resources unless transferred; and

(ii) Resources as determined under WAC 388-28-425.

(c) ((For)) FIP-related medically needy, as in determining FIP financial eligibility, except for sales contracts, which are considered exempt resources unless transferred.

(3) The department shall consider transferred sales contracts under WAC 388-83-130 (6)(c) and WAC 388-95-395.

(4) For households with more than one assistance unit, the department shall consider resources for each assistance unit according to the related program.

((+)) (5) The department shall consider only resources available during the period for which income is computed.

WSR 91-09-018
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3133—Filed April 9, 1991, 4:10 p.m.]

Date of Adoption: April 9, 1991.

Purpose: To clarify that residential parents, who are payees under superior court child support orders and are not receiving public assistance, may contest action OSE takes regarding the amount of the support debt OSE intends to collect for them and apply for an adjudicative proceeding as an independent party to have the matter resolved.

Citation of Existing Rules Affected by this Order: Amending RCW 74.08.090 [chapter 388-14 WAC].

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 91-04-002 on January 24, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-14-385 (6)(e), the proposed rule required that the conference board chair distribute copies of the conference board request to parties in interest "when requested." The adopted rule does not have this qualification. "When requested" was deleted in order to clarify that parties in interest are entitled to a copy of the decision; WAC 388-14-415(8) and 388-14-435(8), a subsection clarifying hearing procedures was added to these sections to help avoid improper defaults and continuances through miscommunication in the hearing process; WAC 388-14-415(12) and 388-14-435(6), reference to chapter 10-08 WAC was added to these subsections to incorporate the model rules of procedure. The department also added a provision clarifying the interpretation of sections incorporated by reference, where those sections were inconsistent with these sections; WAC 388-14-415(14), as published, this proposed rule required the parties to prove their defenses to a support obligation. Because one party in these proceedings may be attempting to enforce a support obligation, this language was no longer appropriate. The rule as adopted requires the parties to show why the support obligation is incorrect. The neutral terminology is more clear and correct; WAC 388-14-435 (1)(i), the proposed rule was unclear regarding the custodial parent's right to notice of, and independent party status in, a conference board requested by the responsible parent. Changes to the adopted rule clarify these rights; WAC 388-14-435(3), the rule as published was vague regarding the form of notice sent to the custodial parent when the responsible parent has been served with notice of the support obligation. A provision was added requiring the department to send the custodial parent a copy of the notice served on the responsible parent. This clarifies the requirement intended in the proposed rule and clarifies agency requirements by mimicking WAC 388-14-415(3); and WAC 388-14-435(5), this section was unclear in that it did not specify what portions of the support obligation were subject to a stay on collections when one of the parties requested a hearing. Changes in the section clarify this situation and conform the section to a similar provision in WAC 388-14-415.

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

April 9, 1991
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3005, filed 2/5/90, effective 3/1/90)

WAC 388-14-385 CONFERENCE BOARD.
((+)) A conference board ~~((is herewith established to))~~ may inquire into, determine facts, and attempt to resolve matters in which a responsible parent, ~~((custodial))~~ residential parent, payee under a court order, or other person feels aggrieved by an action((s)) taken by the office of support enforcement ~~((pursuant to))~~ under chapters 26.23, 74.20, 74.20A RCW, or Title IV-D of the Social Security Act (Title 42 U.S.C.).

(((+))) The intent and purpose of the conference board is to facilitate the informal speedy resolution of

grievances ~~((of responsible parents, custodial parents, or other persons. An applicant for a conference board proceeding shall have made a reasonable attempt and have failed to resolve the grievance or issue with the workers before a conference board may act to attempt to resolve the issue))~~.

(((b))) (1)(a) The director, revenue division, (or director's designee may assemble a conference board on application of ~~((the))~~ an aggrieved person or on the director's own motion ~~((to investigate, find facts, and state or apply policy or law to the end of resolving grievances))~~. The conference board shall dissolve upon issuance of a decision on the matter for which it was appointed.

(b) An applicant for a conference board shall have made a reasonable attempt and have failed to resolve the grievance before a conference board may act to attempt to resolve the issue.

(2) The conference board's jurisdiction shall include, but shall not be limited to, the following areas:

(a) A complaint as to the conduct of individual staff members while acting within the scope of their duties. The decision of the board shall be directed to the first line supervisor for action as appropriate;

(b) Review of a denial of an application for or termination of nonassistance support enforcement services;

(c) Review of an allegation of error as to the distribution of support moneys;

(d) Review of a denial to collect support arrears in nonassistance cases under RCW 74.20.040;

(e) Resolution of the amount of arrears claimed due and rate of repayments;

(f) A request to release or refund money taken under RCW 74.20A.080 or 26.23.060 to provide for the reasonable necessities of a responsible parent and minor children in the responsible parent's home;

(g) A request for deferral of support enforcement action;

(h) A request for partial or total charge-off of support arrears under RCW 74.20A.220;

(i) A request to waive interest under RCW 74.20A.190;

(j) A request to waive or defer the nonassistance support enforcement fee under RCW 74.20.040;

(k) Review of a determination that a support obligation has been satisfied or is no longer legally enforceable;

(l) A specific request for administrative review of cases submitted to the IRS for offset of a tax refund in accordance with federal statutes and regulations; and

(m) Any other matter requiring explanation of or application of policy or law to an issue in a specific case or clarification of facts in said case.

(((c))) (3) When a person requests a conference board, the director or the director's designee may take such action, as deemed appropriate, and may ~~((individually))~~ exercise any of the authority provided for in this regulation, ~~((if))~~ when the:

(((i))) (a) Grievance ~~((or issue presented in an application for conference board))~~ does not involve a factual dispute((:)); or

(((ii))) (b) Disputed fact or facts even if resolved in favor of the ~~((applicant))~~ person would not provide a

basis upon which relief could be granted to the ~~((applicant))~~ person by a conference board ~~((acting in accordance with the standards provided for in this section))~~.

~~((d))~~ (4) When a person requests a conference board and the grievance involves an apparent factual dispute ~~((exists))~~:

~~((f))~~ (a) The director or director's designee shall assemble a conference board composed of the director or director's designee, who shall serve as chairman, and two staff members, if deemed necessary~~((:))~~:

~~((h))~~ (b) The chairman ~~((of the conference board))~~ shall mail a notice~~((:))~~ of conference board to the applicant and any other person or agency who is a party in interest to the proceeding~~((:))~~. The notice of conference board shall state that a conference board has been ~~((convened))~~ scheduled and inform the parties of the time and place of the conference board ~~((at least seven days prior to the date the conference board is scheduled:))~~:

~~((e))~~ (c) Where the department is not providing public assistance to the payee under a court order, and the responsible parent timely requests a conference board to contest the debt stated in a notice of support debt, the conference board shall be scheduled for a date at least thirty days after the notice of conference board is issued, and the notice shall state that:

(i) The payee has twenty days from the date the notice of conference board was given to request that the grievance be addressed in an adjudicative proceeding under WAC 388-14-435;

(ii) If the payee does not timely request an adjudicative proceeding, the department will deem that the payee has elected to have the grievance heard in a conference board and the:

(A) Conference board decision will become the final agency position on the debt claimed under the notice of support debt; and

(B) A payee's late application for an adjudicative proceeding shall be denied unless the payee shows good cause for the late application; and

(iii) If the payee does not appear at either a conference board or an adjudicative proceeding, the resulting decision may be adverse to the payee's interest, including but not limited to, a reduction in the support debt stated in the notice of support debt.

(d) If the payee requests an adjudicative proceeding under WAC 388-14-435, OSE shall inform the:

(i) Responsible parent that the parent's request for conference board is declined, and the responsible parent must appear at the adjudicative proceeding requested by the payee to raise objections to the notice of support debt; and

(ii) Payee that the conference board previously scheduled has been declined due to the payee's application for an adjudicative proceeding.

(5) The chairman of the conference board is ~~((here with))~~ authorized ~~((as a duly appointed officer empowered))~~ to issue ~~((subpoena of witnesses, books, records, etc., as provided for in))~~ subpoenas under RCW 74.04.290 and ~~((shall have power))~~ to ~~((subpoena witnesses,))~~ administer oaths, take testimony, and compel the production of such papers, books, records, and documents

deemed relevant to the resolution of the grievance under consideration. Additional evidence may be taken by affidavit or other written submission when necessary or practicable together with written or oral argument. The ~~((director))~~ chairman may designate persons having specific familiarity with the matter at issue or technical expertise with the subject to advise the board ~~((as required))~~.

~~((f))~~ The conference board's jurisdiction shall include but shall not be limited to the following areas:

~~((i))~~ Complaints as to the conduct of individual staff members while acting in the scope of their duties. The decision of the board shall be directed to the first line supervisor for action as appropriate;

~~((ii))~~ Review of denial of application for or termination of nonassistance support enforcement services;

~~((iii))~~ Review of allegations of error as to the distribution of support moneys;

~~((iv))~~ Resolution of amounts of arrears claimed due and rate of repayments;

~~((v))~~ Requests to release or refund moneys taken pursuant to RCW 74.20A.080 to provide for the reasonable necessities of responsible parent or parents and minor children in their home;

~~((vi))~~ Requests for deferral of support enforcement action;

~~((vii))~~ Requests for partial or total charge-off of support arrears pursuant to RCW 74.20A.220 or declination to collect support arrears pursuant to RCW 74.20.040 on nonassistance cases;

~~((viii))~~ Requests to waive interest pursuant to RCW 74.20A.190;

~~((ix))~~ Requests to waive or defer the nonassistance support enforcement fee pursuant to RCW 74.20.040;

~~((x))~~ Review of determinations that a support obligation has been satisfied or is no longer legally enforceable;

~~((xi))~~ Any other matter requiring explanation of or application of policy or law to an issue in a specific case or clarification of facts in said case.

~~((xii))~~ Requests for administrative review of cases submitted to the IRS for offset of a tax refund in accordance with federal statutes and regulations.

(2) The conference board shall dissolve upon issuance of decisions on matters for which it was appointed.

~~((3))~~ (6)(a) The conference board chairman shall make a written decision stating the facts found, policies applied, and the board's decision.

(b) The board's decision, including a decision to deny a request for a conference board, shall be in accordance with applicable statutes, case law, department ~~((of social and health services))~~ rules and regulations, published office of support enforcement manuals, support enforcement policy bulletins, and the exercise of reasonable administrative discretion. ~~((The decision shall be in writing and shall find the facts, applicable law, policies applied, and clearly state the decision. If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. The director shall vacate decisions inconsistent with the standards in this section and remand them for issuance of a new decision in compliance with the standards.~~

~~(4) The office shall establish a file of pertinent documents for each case and distribute a copy of the decision, signed by the chairman, to:~~

~~(a) The applicant;~~

~~(b) Other parties in interest when requested;~~

~~(c) The appropriate office of support enforcement district field office for action consistent with the decision of the board; and~~

~~(d) The director.~~

~~(5)) (c) The board shall base a decision((s)) under RCW 74.20A.220 to grant partial or total charge-off of arrears owed to the department ((of social and health services)) under RCW 74.20A.030, 74.20A.250, 74.20.320, 74.20.330, or 42 U.S.C. 602 (a)(26)(A) on the following considerations ((and shall state them in the written decision of the conference board fully justifying the action taken)):~~

~~((a)) (i) Error in law or bona fide legal defects that materially diminish chances of collection; or~~

~~((b)) (ii) Substantial hardship to minor children in the household of the responsible parent or other minor children for whom the responsible parent actually provides support which hardship is to be measured against income standards for public assistance and consideration of all available income, property, and resources of the responsible parent and the necessity to apportion the income and resources of the responsible parent on an equitable basis with the children for whom the arrears accrued; or~~

~~((c)) (iii) Costs of collection action in the future that are greater than the amount to be charged off; or~~

~~((d)) (iv) Settlement from lump-sum cash payment that is beneficial to the state considering future costs of collection and likelihood of collection.~~

~~((e)) (d) If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. The director shall vacate decisions inconsistent with the standards in this section and remand them for issuance of a new decision in compliance with the standards.~~

~~(e) The board shall distribute a copy of the decision to the applicant, other parties in interest, the appropriate office of support enforcement field office for action consistent with the decision of the board, and the director.~~

~~(7) A conference board is not an adjudicative proceeding subject to review by the superior court and is not a substitute for any constitutionally or statutorily required hearing. Aggrieved parties may be represented before the board by a person of their choice ((represented before the board by a person of their choice)). The department shall not pay any costs incurred by the aggrieved person in connection with the conference board.~~

AMENDATORY SECTION (Amending Order 3005, filed 2/5/90, effective 3/1/90)

WAC 388-14-415 NOTICE OF SUPPORT OWED. (1) ~~((The))~~ A notice of support owed issued(;) under RCW 26.23.110(;) shall state that:

(a) The office of support enforcement (OSE) is providing support enforcement services on behalf of the responsible parent's dependent children(;;);

(b) Twenty-one days after service of the notice on the responsible parent, ((the office will)) OSE may take action to collect the responsible parent's support obligation((: The office shall take collection action)) without further notice ((if a support payment is more than fifteen days past due in an amount equal to the support payable for one month)) when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice as provided under this section. Collection action includes issuing orders to withhold and deliver and notices of payroll deduction, or taking other income withholding action(;;);

(c) After service of the notice(;) the responsible parent must make all support payments through the Washington state support registry(;;);

(d) The responsible parent will not receive credit for payments made to a person or agency other than the support registry under RCW 26.23.050(7) and 74.20.101(;;);

(e) The current monthly amount for support including medical and day care costs, under a court or administrative order and an initial finding of the current support amount due if there is no fixed dollar amount in the order, and the basis, rationale, or formula used to make the initial finding;

(f) The amount of any support debt, including medical support and day care costs, owed by the responsible parent;

(g) The responsible parent has twenty days after service of the notice to contest the current support or support debt claimed by filing;

(i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) An action in superior court.

(h)(i) The payee under the order has twenty days from the date notice was given to contest:

(A) The support debt or current support amount stated in the notice of support owed; or

(B) A proposed agreement between OSE and the responsible parent regarding the amount of the support debt or current support.

(ii) The payee may contest the support debt, current support, or proposed agreement by filing:

(A) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(B) A action in superior court.

(i) If either party files an application for an adjudicative proceeding both parties shall be notified and allowed to participate in the proceeding as independent parties.

(2) The notice of support owed shall be served on the responsible parent like a summons in a civil action(;) or ((shall be mailed to his or her last known address)) by ((certified)) any form of mail(;) requiring a return receipt ((requested)).

(3) ((The notice of support owed shall contain:

(a) The current monthly amount for support under a court or administrative order;

(b) An initial finding of the current support amount if there is no fixed dollar amount in the order, and the basis, rationale, or formula used to make the initial finding;

~~(c) The amount of any support debt, including medical support, owed by the responsible parent;~~

~~(d) A statement that the responsible parent has twenty days after service of the notice to contest:~~

~~(i) The initial finding for current support under subsection (3)(b) of this section; or~~

~~(ii) The support debt, and/or the current/future support obligation, if the support order contains an escalation clause or adjustment provision for which additional information not contained in the order is needed to determine the amount of the support debt or current support.~~

~~(e) A statement that the responsible parent may contest the notice by either:~~

~~(i) Filing a written application for an adjudicative proceeding under chapter 34.05 RCW; or~~

~~(ii) Filing an action in superior court)) Following service upon the responsible parent, the office shall mail a copy of the notice of support owed to the payee under the order by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support owed as provided under WAC 388-14-440.~~

~~(4) ((The office)) OSE may make the initial finding based upon:~~

~~(a) The factors stated in the order; and~~

~~(b) ((The responsible parent's earnings, if known; or~~

~~(c) The responsible parent's ability to earn if the actual earnings are unknown; or~~

~~(d) The needs of the dependent child(ren) if the responsible parent's earnings and ability to earn are unknown)) Any other information not contained in the order that is needed to determine the amount of the accrued debt or the current support obligation.~~

~~(5) ((If the responsible parent does not file an application for an adjudicative proceeding or start an action in superior court the office shall:~~

~~(a) Enter a default order stating the notice amounts if the notice contained an initial finding of the amount for current support;~~

~~(b) Mail a copy of the order to the last known address of the responsible parent. A copy of the order shall also be mailed to the person to whom support is payable under the support order;~~

~~(c) Collect the amounts stated in the notice without further notice.~~

~~(6)) If either the responsible parent or the payee under the order files an application for an adjudicative proceeding under this section, the department shall ((serve)) issue a notice of hearing ((on the responsible parent or the parent's representative. A copy of the notice of hearing shall also be mailed to the person to whom the support is payable under the support order)).~~

~~The notice shall direct ((the responsible parent)) both parties to appear and show why the current support amount and/or the support debt amount is ((wrong)) incorrect.~~

~~((7)) (6) If the responsible parent requests the hearing, the parent shall:~~

~~(a) List defenses to liability and/or state the reasons why support should not be set as stated in the notice of support owed in the request for a hearing; and~~

~~(b) Attach an office-approved financial affidavit;~~

~~((c) File the application at the office of support enforcement by certified mail, return receipt requested, or like a summons in a civil action.~~

~~(8)) (7) A payee's application for an adjudicative proceeding is governed by WAC 388-14-440.~~

~~(8)(a) If any party appears for the adjudicative proceeding and elects to proceed, absent the granting of a continuance the presiding officer shall hear the matter and enter an initial decision and order based upon the evidence presented.~~

~~(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support owed subject to collection action.~~

~~(c) When a party has advised the presiding officer that they will participate in an adjudicative proceeding by telephone, the presiding officer must attempt to contact that party, on the record, prior to beginning the proceeding or ruling on a motion.~~

~~(d) This rule does not authorize or require the presiding officer to disclose either party's telephone number.~~

~~(9) If ((the responsible)) either parent files ((an)) a timely application for an adjudicative proceeding ((within twenty days of service of the notice of support owed)), ((the office)) OSE shall stay collection action pending the final adjudicative order, except as provided in subsection ((9)) (10) of this section.~~

~~((9) The office)) (10) OSE may take action to collect:~~

~~(a) ((Temporary support if the administrative law judge issues an order for temporary support;~~

~~(b)) Any part of the support debt that ((the responsible parent)) both parties fail((s)) to allege is ((not owed)) incorrect;~~

~~((c)) (b) A fixed or minimum dollar amount for current support stated in the court order; and~~

~~((d)) (c) Any part of a support debt that has been reduced to a sum certain judgment by a proper court or agency.~~

~~((10) The responsible parent shall prove defenses to the initial finding for current support and/or the amount of the support debt.))~~

~~(11) OSE shall collect the amounts stated in the notice without further notice to either party if neither the responsible parent nor the payee under the order:~~

~~(a) Files an application for an adjudicative proceeding under chapter 34.05 RCW; or~~

~~(b) Starts an action in superior court.~~

~~(12)(a) The following sections ((of chapter 388-11 WAC)) are incorporated by reference and made applicable to ((the hearing process)) a proceeding provided for in this section ((to the extent they are consistent and relevant)): WAC 388-11-011, 388-11-015, 388-11-055, 388-11-060, 388-11-065, ((388-11-070,)) 388-11-100, 388-11-115, ((388-11-120, 388-11-130,)) 388-11-135, ((388-11-140,)) 388-11-145, ((388-11-150, 388-11-155, 388-11-170,)) and ((388-11-190)) 388-11-180.~~

~~(b) Hearings held under this section shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), and chapters 10-08, 388-08, and 388-14 WAC.~~

If any provision in this chapter or in a rule incorporated by reference by ~~((11)(a))~~ (12)(a) of this section conflicts with or is inconsistent with chapters 10-08 or 388-08 WAC, the provision in this chapter or a rule incorporated by reference ~~((in (11)(a) of this section))~~ shall govern.

~~((12) The office of support enforcement and the responsible parent each have the right to request a yearly review of the support order))~~ (c) For the purposes of this section, if a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(13) After evidence has been presented at a hearing, the presiding officer shall within twenty days:

(a) Find the amount of current support payable under the order;

(b) Find the amount of the support debt, including medical support and day care costs, accrued prior to the date of service of the notice;

(c) Issue findings of fact, conclusions of law, and an initial decision and order.

(14) The responsible parent or payee shall prove that the amounts stated in the notice of support owed are incorrect.

(15) The ~~((administrative law and review judge's authority))~~ presiding officer in the initial decision, and the secretary or designee in review of the proposed decision, shall be limited to:

(a) Interpretation of the court order for support only. The ~~((administrative law and review judges))~~ presiding officer shall have no authority to change or defer the support amount owed except to:

(i) Find the amount of monthly support as a fixed dollar amount; and

(ii) Find any arrears accrued prior to service of the notice of support owed.

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapter 26.21 or 26.20 RCW shall not be construed as modifications.

~~((14) If the debtor fails to appear at the hearing, the administrative law judge shall, after proof of proper service, enter a decision and order declaring the support debt subject to collection action:~~

~~((15))~~ (16) Adjudicative orders entered under this section shall inform the parties of the right to request a yearly review of the order.

(17) The presiding officer shall file the original initial decision and order with the secretary or the secretary's designee.

(18) The ~~((administrative law and review judges))~~ presiding officer shall mail copies of the decision~~((s))~~ and order~~((s))~~ to:

(a) The office of support enforcement;

(b) The last known address of the responsible parent by certified mail; and

(c) The last known address of the person to whom support is payable under the support order.

~~((16))~~ (19) Informal disposition of any hearing is favored where possible and not precluded by law. ~~((The office))~~ OSE may dispose of cases by an agreed settlement or a consent order. The ~~((administrative law judge))~~ presiding officer shall approve any consent order unless:

(a) It is contrary to law; or

(b) The payee under the order filed a timely objection to the:

(i) Notice of support owed; or

(ii) Notice of proposed settlement.

~~((17))~~ (20) A support order issued under this section shall~~((:~~

~~((a))~~ contain the notice and information listed in RCW ~~((26.23.050(4)), and~~

~~((b))~~ Be filed with the clerk of the court that has jurisdiction over the court order.

~~((18) The responsible parent may file an application for a proceeding under this section if the responsible parent claims credit for payments under WAC 388-14-210(4))~~ 26.23.050(5).

(21) The provisions of this section regarding the payee's right to an adjudicative proceeding shall not apply if the department is providing public assistance to the payee or the child for whom support is being sought.

NEW SECTION

WAC 388-14-435 NOTICE OF SUPPORT DEBT. (1) A notice of support debt issued under RCW 74.20A.040 shall state:

(a) The Office of Support Enforcement (OSE) is providing support enforcement services on behalf of the responsible parent's dependent children.

(b) The amount of any support debt, including medical support and day care costs, owed by the responsible parent.

(c) The current monthly amount for support under a court or administrative order.

(d) Twenty-one days after service of the notice of support debt OSE may take action to collect the responsible parent's support obligation without further notice, when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice of support debt as provided under this section. Collection action includes issuing orders to withhold and deliver, notices of payroll deduction, and/or taking other income withholding action.

(e) After service of the notice of support debt the responsible parent must make all support payments through the Washington state support registry.

(f) The responsible parent will not receive credit for payments made to a person or agency other than the support registry under RCW 26.23.050(7) and 74.20.101.

(g) The responsible parent has twenty days after service of the notice to contest the support debt amount by either:

(i) Making a written request for a conference board to be held under WAC 388-14-385; or

(ii) Filing an action in superior court.

(h) If the payee under the order objects to the support debt stated in the notice of support debt, or to a proposed settlement agreement between OSE and the responsible parent resulting in a reduction of the support debt, the payee may contest the action by:

(i) Filing a written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) Filing an action in superior court.

(i) Both parties shall be notified of any adjudicative proceeding requested by the payee, or conference board requested by the responsible parent, and both parties shall be allowed to participate as independent parties.

(2) The department shall serve the notice of support debt on the responsible parent:

(a) Like a summons in a civil action; or

(b) By any form of mail requiring a return receipt.

(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support debt to the payee under the order, by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support debt as provided under WAC 388-14-440.

(4) If the responsible parent does not request a conference board or start an action in superior court and the payee under the order does not file a timely application for an adjudicative proceeding or start an action in superior court, OSE shall collect the amounts stated in the notice of support debt without further notice to either party.

(5)(a) If the responsible parent requests a conference board the department shall issue a notice of conference board. The notice shall direct the responsible parent to appear and show why the support debt is incorrect. If the conference board request was timely, action to collect the support debt stated in the notice of support debt shall be stayed, except as provided under subsection (c) of this section, pending the outcome of the conference board.

(b) A copy of the notice of conference board shall be mailed to the payee under the court order informing the payee of the payee's right to participate in the conference board.

(i) The payee shall have twenty days from the date the notice of conference board is given to request that the issues be addressed in an adjudicative proceeding under subsection (1)(h) of this section.

(A) If the payee does not file an application for an adjudicative proceeding within twenty days, the payee will be deemed to have made an election of remedies; and

(I) The conference board decision shall become the final agency position; and

(II) The payee's late application for an adjudicative proceeding shall be denied unless the payee shows good cause for the late application.

(B) If the payee files an application for an adjudicative proceeding within twenty days action to collect the support debt stated in the notice of support debt shall be stayed, except as provided under subsection (c) of this section, pending the outcome of the adjudicative proceeding.

(ii) OSE shall notify the responsible parent of the payee's application for an adjudicative proceeding as required under subsection (1)(i) of this section.

(c) OSE may take action to collect:

(i) The current monthly amount of support stated in the court order;

(ii) Any portion of the support debt that both parties fail to allege is not owed; or

(iii) Any portion of the support debt that has been reduced to a sum certain judgment by a proper court or agency.

(6)(a) In any adjudicative proceeding scheduled to contest a notice issued under this section, the following WAC provisions are incorporated by reference. WAC 388-11-011, 388-11-015, 388-11-055, 388-11-060, 388-11-065, 388-11-100, 388-11-115, 388-11-135, 388-11-145, 388-11-180, and chapters 10-08 and 388-08 WAC.

(b) If any provision in this rule or in a rule incorporated by reference in this section conflicts with, or is inconsistent with a provision in chapters 10-08 or 388-08 WAC, the provision in this section or a rule incorporated by reference in this section shall govern.

(c) For the purposes of this section, if a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(7) After evidence has been presented at a hearing, the presiding officer shall, within twenty days:

(a) Find the amount of the support debt, including medical support and day care costs, accrued prior to the date of service of the notice;

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapters 26.21 or 26.20 RCW shall not be construed as modifications; and

(d) Issue findings of fact, conclusions of law, and an initial decision and order.

(8)(a) If any party appears for the adjudicative proceeding, absent the granting of a continuance, the presiding officer shall hear the matter and enter an initial decision and order based upon the evidence presented.

(b) If neither party appears or elects to proceed the presiding officer shall enter a decision and order declaring the amounts stated in the Notice of Support Debt subject to collection.

(c) When a party has advised the presiding officer that they will participate in an adjudicative proceeding by telephone, the presiding officer must attempt to contact that party, on the record, prior to beginning the proceeding or ruling on a motion.

(d) This rule does not authorize or require the presiding officer to disclose either party's telephone number.

(9) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose of cases by an agreed settlement, or consent order. The presiding officer shall approve any consent order unless:

(a) It is contrary to law; or

(b) The payee under the order files a timely objection to the:

- (i) Notice of support debt; or
- (ii) Notice of proposed settlement.

(10) A support order issued under this section shall contain the notice and information listed in RCW 26.23.050(5).

(11) OSE is not required to serve a notice of support debt on the responsible parent prior to collection action if the order contains the requirements under RCW 74.20A.040(5).

(12) The provisions of this section regarding the payee's right to an adjudicative proceeding under chapter 34.05 RCW shall not apply if the department is providing public assistance to the payee or the child for whom support is being enforced.

NEW SECTION

WAC 388-14-440 NOTICE TO PAYEE. (1) The office of support enforcement (OSE) shall mail a notice to the payee under a court order for child support by first class mail to the payee's last known address when the department serves a:

(a) Notice of support debt on the responsible parent under RCW 74.20A.040; or

(b) Notice of support owed on the responsible parent under RCW 26.23.110.

(2) The notice to the payee shall state:

(a) OSE has served a notice of support debt or notice of support owed on the responsible parent;

(b) The amount of support OSE calculated is due at the time the notice is issued and the time period during which the support debt accrued; and

(c) In cases where the department is not providing public assistance to the payee or the child for whom support is being enforced, the notice to the payee shall also state:

(i) The payee under the court order has the right to contest the claimed support debt and/or current support by filing a written application for an adjudicative proceeding under chapter 34.05 RCW within twenty days of the date the notice to the payee was given;

(ii) The payee under the court order may upon request review the information used to calculate the support debt and/or current support claimed in the notice of support debt or the notice of support owed;

(iii) The responsible parent has the right to attend and participate as an independent party in any adjudicative proceeding requested by the payee;

(iv) If the responsible parent files a timely request for a conference board to contest a notice of support debt, the payee will be required to elect between resolving the amount of the debt in the conference board or in an adjudicative proceeding; and

(v) If the payee does not appear for either a conference board or an adjudicative proceeding, the resulting decision may be adverse to the payee's interest, including but not limited to a reduction:

(A) In the amount of the support debt below the amount stated in a notice of support debt; or

(B) Of the support debt and/or the current support below the amount stated in the notice of support owed.

(3) If the payee under the court order does not timely file an application for an adjudicative proceeding, OSE shall collect the amounts stated in the notice of support debt or notice of support owed without further notice to either party unless the responsible parent timely:

(a) Requests a conference board to contest the notice of support debt; or

(b) Files an application for an adjudicative proceeding to contest the notice of support owed.

NEW SECTION

WAC 388-14-445 NOTICE OF PROPOSED SETTLEMENT. (1) Agreed settlements and consent orders entered between the department and the responsible parent to adjust amounts claimed under a notice of support debt or a notice of support owed shall not be final unless:

(a) Approved by the payee under the order; or

(b) The payee is given notice of and does not make a timely written objection to the proposed settlement.

(2) Agreed settlements and consent orders shall contain a statement informing the responsible parent of the conditional nature of the agreement.

(3) When the department and the responsible parent sign an agreed settlement or consent order under this section, the department shall mail a copy of the proposed agreement to the payee and inform the payee of the payee's right to object to the proposed agreement. The department shall inform the payee that:

(a) The payee may object to the agreement by filing a written application for an adjudicative proceeding under chapter 34.05 RCW with the department within twenty days of the date notice of the proposed agreement was given; and

(b) If the payee does not timely file an application for an adjudicative proceeding, the proposed agreement will become effective and shall not be subject to further administrative appeal and if the responsible parent has previously filed a timely request for a conference board or an adjudicative proceeding, the:

(i) Proposed agreement will become final; and

(ii) Scheduled hearing or conference board will be dismissed.

(c) The payee may, at any time, approve a proposed settlement by written notice to the department.

(4) The department or the office of administrative hearings shall give notice to the responsible parent of any adjudicative proceeding requested by the payee to contest a proposed agreement. The responsible parent shall be allowed to appear and participate as an independent party in the proceeding.

(5) The provisions of this section shall not apply if the department is providing public assistance to the children for whom the department enforces support.

NEW SECTION

WAC 388-14-450 DEBT ADJUSTMENT NOTICE. (1) The office of support enforcement (OSE) shall mail a debt adjustment notice to a payee under a court order within thirty days of the date OSE reduces

the amount of the court-ordered support debt the department intends to collect if that reduction was due to:

- (a) A mathematical error in the debt calculation;
- (b) A clerical error in the stated debt;
- (c) Proof the support obligation should have been suspended for all or part of the time period involved in the calculation; or
- (d) Proof the responsible parent made payments that had not previously been credited against the support debt.

(2) The debt adjustment notice shall state:

- (a) The amount of the reduction;
- (b) The reason OSE reduced the support debt, as provided under subsection (1) of this section;
- (c) The payee has the right to contest the proposed adjustment by filing a written application for an adjudicative proceeding under chapter 34.05 RCW within twenty days of the date notice to the payee was given;
- (d) The name of the responsible parent and a statement that the parent may attend and participate as an independent party in an adjudicative proceeding requested by the payee; and
- (e) OSE will continue to provide support enforcement services whether or not the payee objects to the notice.

(3)(a) The payee has the right to contest a reduction under subsection (1) of this section by filing a request for an adjudicative proceeding within twenty days of the date the notice to the payee was given.

(b) If the application for an adjudicative proceeding is untimely filed but is filed within one year of the date notice was given, the payee shall be entitled to an adjudicative proceeding without showing good cause for the untimely request.

(c) If the application for an adjudicative proceeding is filed beyond one year from the date notice was given, the payee must show good cause for the delay in filing the request in order to receive an adjudicative proceeding to contest the reduction.

(4) The provisions of this section shall not apply if the department is providing public assistance to the payee or the child for whom the department enforces support.

WSR 91-09-019
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3134—Filed April 9, 1991, 4:13 p.m.]

Date of Adoption: April 9, 1991.

Purpose: To have the rules regarding the availability of resources and income of the parents of institutional children consistent with the time periods that a spouse is responsible for a spouse.

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 notice filed as WSR 91-05-034 on February 12, 1991.

Changes Other than Editing from Proposed to Adopted Version: In subsection (1), after the first "or" the word "are" is deleted. The words "at least" are added before thirty consecutive days.

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

April 9, 1991

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3020, filed 5/31/90, effective 7/1/90)

WAC 388-95-320 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) ~~((Individuals are considered institutionalized if they reside))~~ The department shall find a person residing in or ((are)) expected to reside in a Medicaid-approved medical facility for at least thirty consecutive days((-)) eligible for institutional care, if the person:

(a) ~~Is Title XVI-related ((individuals in medical facilities shall have their eligibility determined by comparing their))~~ with gross income ((to)) at or below three hundred percent of the SSI federal benefit amount payable under section 1611 (b)(1) of the Social Security Act to ((an individual)) a person residing in ((their)) the person's own home who ((has no)) does not have income or resources ((SSI cap)). ((tb)) If gross income is:

(i) Equal to or less than three hundred percent of SSI federal benefit amount, the department shall determine a person's eligibility under the categorically needy program; and

(ii) Greater than three hundred percent of SSI ((cap)) federal benefit amount, the ((individual's)) department shall determine a person's eligibility ((shall be determined)) under the limited casualty program—medically needy ((in chapter 388-99)) as determined under WAC((-)

(c) Allocation of recipient income is defined in WAC 388-95-360.

(d) Consideration of)) 388-95-400;

(b) Does not have nonexcluded resources ((is described)) under WAC 388-95-380 and ((388-95-390: (c) Transferring)) 388-95-395, greater than the limitations under WAC 388-95-390; and

(c) Is not subject to a period of ineligibility for transferring of resources ((is described)) under WAC 388-95-395.

(2) ((Individuals)) The department shall allocate recipient's income and resources as described under WAC 388-95-360.

(3) When both spouses are institutionalized, the department shall determine eligibility of each spouse individually.

(4) Persons residing or ((are)) expected to reside in a Medicaid-approved medical facility less than thirty consecutive days shall have ((their)) the person's eligibility determined as for a noninstitutionalized person.

~~((3) Individuals 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 available whether income and resources are actually contributed. Absence is considered 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 eighteen through) (5) Effective January 1, 1991, for an institutionalized person twenty years of age ((residing in an approved inpatient psychiatric facility)) or under, the department shall not consider the income and resources of the parents available unless the income and resources are actually contributed.~~

(6) The department shall not consider a person's transfer between institutions as a change in institutional status.

(7) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

WSR 91-09-020
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Registration for Architects)
 [Filed April 10, 1991, 11:15 a.m.]

Original Notice.

Title of Rule: WAC 308-12-326 Architect fees.

Purpose: Clarifies the issuance of 2 year and 3 year licenses during the phase in period of the 3 year license renewal.

Statutory Authority for Adoption: RCW 18.08.340.

Statute Being Implemented: RCW 18.08.370.

Summary: WAC 308-12-326 Architect fees, is amended to add the effective date of January 1, 1991, and to clarify the 2 year and 3 year renewal and late renewal fees.

Reasons Supporting Proposal: To phase in the 3 year registration renewal program, renewals for 1/3 of licensees - 1 year, 1/3 - 2 years and 1/3 - 3 years.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James Hanson, 2424 Bristol Court, 753-6967.

Name of Proponent: Board of Registration for Architects, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This amendment clarifies the 2 year and 3 year renewal fees.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clarifies the 2 year and 3 year fees.

Proposal Changes the Following Existing Rules: This rule changes the renewal period from yearly to every three years.

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

Hearing Location: 3rd Floor Conference Room, 2424 Bristol Court, Olympia, WA, on June 7, 1991, at 9:00 a.m.

Submit Written Comments to: James D. Hanson, Department of Licensing, P.O. Box 9649, Olympia, WA 98504, by May 31, 1991.

Date of Intended Adoption: June 7, 1991.

April 9, 1991
 James D. Hanson
 Program Administrator

AMENDATORY SECTION (Amending WSR 90-03-032, filed 1/12/90, effective 2/12/90)

WAC 308-12-326 ARCHITECT FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	\$100.00
Examination (initial or retake full)	345.00
Reexamination	45.00
Initial registration (effective January 1, 1991)	((45.00))
	135.00
Oral examination	50.00
((Registration renewal	45.00
Late renewal	+5.00))
Registration renewal:	
January-April, 1991 (1 year)	45.00
May-August, 1991 (2 years)	90.00
September-December, 1991 (3 years)	135.00
Late renewal:	
January-April, 1991 (1 year)	15.00
May-August, 1991 (2 years)	30.00
September-December, 1991 (3 years)	45.00
Certificate replacement	15.00
Examination proctor fee	100.00
Reciprocity application	350.00
Exam retake:	
Division A: Predesign	35.00
Division B: Site design (written)	20.00
Division B: Site design (graphic)	55.00
Division C: Building design	85.00
Division D/F: Structural-General and long span	30.00
Division E: Structural-Lateral forces	15.00
Division G: Mechanical, plumbing, and electrical systems	35.00
Division H: Materials and methods	35.00
Division I: Construction documents and services	35.00
Duplicate license	15.00
Certification	25.00
Corporations:	
Certificate of authorization	250.00
Certificate of authorization renewal	125.00

WSR 91-09-021
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION
[Filed April 10, 1991, 1:36 p.m.]

Date of Adoption: March 26, 1991.

Purpose: Amending heading of L-1 registration statement.

Citation of Existing Rules Affected by this Order: Amending WAC 390-20-0101 Forms for lobbyist registration.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 90-23-107 on November 21, 1990; and WSR 91-06-034 on February 26, 1991.

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

April 8, 1991

Graham E. Johnson
Executive Director

AMENDATORY SECTION (Amending Order 87-01, filed 2/5/87)

WAC 390-20-0101 FORMS FOR LOBBYIST REGISTRATION. The official form for lobbyist registration as required by RCW 42.17.150 is designated "L-1," revised ((12/86)) 3/91. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

LOBBYIST REGISTRATION 1989-90

THIS REGISTRATION IS VALID UNTIL JAN. 14, 1991 UNLESS TERMINATED SOONER

THIS SPACE FOR OFFICE USE

L1

1. LOBBYIST NAME

PERMANENT BUSINESS ADDRESS

CITY STATE ZIP

2. TEMPORARY THURSTON COUNTY ADDRESS DURING LEGISLATIVE SESSION TELEPHONE PERMANENT: TEMPORARY:

3. EMPLOYER'S NAME AND ADDRESS (PERSON OR GROUP FOR WHICH YOU LOBBY) EMPLOYER'S OCCUPATION, BUSINESS OR DESCRIPTION OF PURPOSE OF ORGANIZATION

4. NAME AND ADDRESS OF PERSON HAVING CUSTODY OF ACCOUNTS, RECEIPTS, BOOKS OR OTHER DOCUMENTS WHICH SUBSTANTIATE LOBBYIST REPORTS.

5. WHAT IS YOUR PAY (COMPENSATION) FOR LOBBYING? DESCRIPTION OF EMPLOYMENT (CHECK ONE OR MORE BOXES)

\$ _____ PER _____ (Hour, Day, Month, Year)

OTHER: EXPLAIN

FULL TIME EMPLOYEE SOLE DUTY IS LOBBYING

PART TIME OR TEMPORARY EMPLOYEE LOBBYING IS ONLY A PART OF OTHER DUTIES

CONTRACTOR, RETAINER OR SIMILAR AGREEMENT

UNSALARIED OFFICER OR MEMBER OF GROUP

6. ARE YOU REIMBURSED FOR LOBBYING EXPENSES? EXPLAIN WHICH EXPENSES. DOES EMPLOYER PAY ANY OF YOUR LOBBYING EXPENSES DIRECTLY? IF YES, EXPLAIN WHICH ONES.

YES: \$ _____ PER _____

YES: I AM REIMBURSED FOR EXPENSES.

NO: I AM NOT REIMBURSED FOR EXPENSES.

7. HOW LONG DO YOU EXPECT TO LOBBY FOR THIS ORGANIZATION?

PERMANENT LOBBYIST ONLY DURING LEGISLATIVE SESSION OTHER, EXPLAIN:

8. IF ANY PART OF YOUR COMPENSATION IS CONTINGENT ON THE SUCCESS OF AN ATTEMPT TO INFLUENCE LEGISLATION, ATTACH AN EXPLANATION FULLY DESCRIBING THE AGREEMENT, ARRANGEMENT OR UNDERSTANDING.

NO YES, EXPLANATION ATTACHED

9. IS YOUR EMPLOYER A BUSINESS OR TRADE ASSOCIATION OR SIMILAR ORGANIZATION WHICH LOBBIES ON BEHALF OF ITS MEMBERS? IF "YES", ATTACH A LIST SHOWING THE NAME AND ADDRESS OF EACH MEMBER WHO HAS PAID THE ASSOCIATION FEES, DUES OR OTHER PAYMENTS OVER \$500 DURING EITHER OF THE PAST TWO YEARS OR IS EXPECTED TO PAY OVER \$500 THIS YEAR.

NO

YES, THE LIST IS ATTACHED

10. DOES YOUR EMPLOYER HAVE A CONNECTED, RELATED OR CLOSELY AFFILIATED POLITICAL ACTION COMMITTEE WHICH WILL PROVIDE FUNDS FOR YOU TO MAKE POLITICAL CONTRIBUTIONS INCLUDING PURCHASE TICKETS TO FUND RAISING EVENTS? IF SO, LIST THE NAME OF THAT POLITICAL ACTION COMMITTEE.

NO

YES, NAME OF THE COMMITTEE IS: _____

11. IF LOBBYIST IS A COMPANY, PARTNERSHIP OR SIMILAR BUSINESS ENTITY WHICH EMPLOYS OTHERS TO PERFORM ACTUAL LOBBYING DUTIES, LIST NAME OF EACH PERSON WHO WILL LOBBY. (SEE WAC 390-20-143 AND 144 FOR INSTRUCTIONS.)

12. AREAS OF INTEREST. LOBBYING IS MOST FREQUENT BEFORE LEGISLATIVE COMMITTEE MEMBERS OR STATE AGENCIES CONCERNED WITH FOLLOWING SUBJECTS:

CODE	SUBJECT	CODE	SUBJECT
01	<input type="checkbox"/> Agriculture	08	<input type="checkbox"/> Fiscal
02	<input type="checkbox"/> Business and Consumer Affairs	09	<input type="checkbox"/> Higher Education
03	<input type="checkbox"/> Constitutions and Elections	10	<input type="checkbox"/> Human Services
04	<input type="checkbox"/> Education	11	<input type="checkbox"/> Labor
05	<input type="checkbox"/> Energy and Utilities	12	<input type="checkbox"/> Law and Justice
06	<input type="checkbox"/> Environmental Affairs—Natural Resources—Parks	13	<input type="checkbox"/> Local Government
07	<input type="checkbox"/> Financial Institutions and Insurance	14	<input type="checkbox"/> State Government
		15	<input type="checkbox"/> Transportation
		16	<input type="checkbox"/> Other—specify

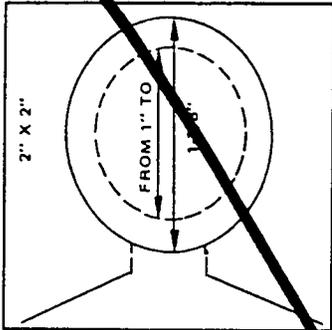
REMARKS

CERTIFICATION: I HEREBY CERTIFY THAT THE ABOVE IS A TRUE, COMPLETE AND CORRECT STATEMENT.

EMPLOYER'S AUTHORIZATION: CONFIRMING THE EMPLOYMENT AUTHORITY TO LOBBY DESCRIBED IN THIS REGISTRATION STATEMENT.

13. LOBBYIST'S SIGNATURE DATE EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED AND TITLE DATE

LOBBYIST IDENTIFICATION FORM



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

INSTRUCTIONS

ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.

ATTACH 2" x 2" PASSPORT TYPE, BLACK AND WHITE PHOTO. PHOTO SHOULD BE HEAD AND SHOULDERS, FULL FACE, AND TAKEN WITHIN LAST 12 MONTHS.

PLEASE WRITE, LIGHTLY IN PENCIL, NAME ON BACK OF PHOTO BEFORE ATTACHING. PHOTOS WILL NOT BE RETURNED.

PLEASE SEE INSTRUCTION BOOKLET FOR EXAMPLE OF BIOGRAPHY. LIST ALL EMPLOYERS ON THIS PAGE IF YOU HAVE MORE THAN ONE EMPLOYER. IF YOU LATER ADD ADDITIONAL EMPLOYERS, PDC WILL INCLUDE THEM FOR YOU.

PLEASE USE TYPEWRITER TO COMPLETE THIS PAGE.



LOBBYIST REGISTRATION

THIS SPACE FOR OFFICE USE

L1

1. LOBBYIST NAME _____

PERMANENT BUSINESS ADDRESS _____

CITY _____ STATE _____ ZIP _____

2. TEMPORARY THURSTON COUNTY ADDRESS DURING LEGISLATIVE SESSION _____

3. EMPLOYER'S NAME AND ADDRESS (PERSON OR GROUP FOR WHICH YOU LOBBY) _____

TELEPHONE PERMANENT: _____ TEMPORARY: _____

EMPLOYER'S OCCUPATION, BUSINESS OR DESCRIPTION OF PURPOSE OF ORGANIZATION _____

4. NAME AND ADDRESS OF PERSON HAVING CUSTODY OF ACCOUNTS, RECEIPTS, BOOKS OR OTHER DOCUMENTS WHICH SUBSTANTIATE LOBBYIST REPORTS. _____

5. WHAT IS YOUR PAY (COMPENSATION) FOR LOBBYING? \$ _____ PER _____ (Hour, Day, Month, Year)

OTHER: EXPLAIN _____

DESCRIPTION OF EMPLOYMENT (CHECK ONE OR MORE BOXES)

FULL TIME EMPLOYEE SOLE DUTY IS LOBBYING

PART TIME OR TEMPORARY EMPLOYEE LOBBYING IS ONLY A PART OF OTHER DUTIES

CONTRACTOR, RETAINER OR SIMILAR AGREEMENT

UNSALARIED OFFICER OR MEMBER OF GROUP

6. ARE YOU REIMBURSED FOR LOBBYING EXPENSES? EXPLAIN WHICH EXPENSES. YES: \$ _____ PER _____

YES: I AM REIMBURSED FOR EXPENSES.

NO: I AM NOT REIMBURSED FOR EXPENSES.

DOES EMPLOYER PAY ANY OF YOUR LOBBYING EXPENSES DIRECTLY? IF YES: EXPLAIN WHICH ONES. _____

7. HOW LONG DO YOU EXPECT TO LOBBY FOR THIS ORGANIZATION?

PERMANENT LOBBYIST ONLY DURING LEGISLATIVE SESSION OTHER, EXPLAIN: _____

8. IF ANY PART OF YOUR COMPENSATION IS CONTINGENT ON THE SUCCESS OF AN ATTEMPT TO INFLUENCE LEGISLATION, ATTACH AN EXPLANATION FULLY DESCRIBING THE AGREEMENT, ARRANGEMENT OR UNDERSTANDING.

NO YES. EXPLANATION ATTACHED

9. IS YOUR EMPLOYER A BUSINESS OR TRADE ASSOCIATION OR SIMILAR ORGANIZATION WHICH LOBBIES ON BEHALF OF ITS MEMBERS? IF "YES", ATTACH A LIST SHOWING THE NAME AND ADDRESS OF EACH MEMBER WHO HAS PAID THE ASSOCIATION FEES, DUES OR OTHER PAYMENTS OVER \$500 DURING EITHER OF THE PAST TWO YEARS OR IS EXPECTED TO PAY OVER \$500 THIS YEAR.

NO YES. THE LIST IS ATTACHED

10. DOES YOUR EMPLOYER HAVE A CONNECTED, RELATED OR CLOSELY AFFILIATED POLITICAL ACTION COMMITTEE WHICH WILL PROVIDE FUNDS FOR YOU TO MAKE POLITICAL CONTRIBUTIONS INCLUDING PURCHASE TICKETS TO FUND RAISING EVENTS? IF SO, LIST THE NAME OF THAT POLITICAL ACTION COMMITTEE.

NO YES. NAME OF THE COMMITTEE IS: _____

11. IF LOBBYIST IS A COMPANY, PARTNERSHIP OR SIMILAR BUSINESS ENTITY WHICH EMPLOYS OTHERS TO PERFORM ACTUAL LOBBYING DUTIES, LIST NAME OF EACH PERSON WHO WILL LOBBY. (SEE WAC 390-20-143 AND 144 FOR INSTRUCTIONS.) _____

2. AREAS OF INTEREST. LOBBYING IS MOST FREQUENT BEFORE LEGISLATIVE COMMITTEE MEMBERS OR STATE AGENCIES CONCERNED WITH FOLLOWING SUBJECTS:

CODE	SUBJECT	CODE	SUBJECT
01	<input type="checkbox"/> Agriculture	08	<input type="checkbox"/> Fiscal
02	<input type="checkbox"/> Business and Consumer Affairs	09	<input type="checkbox"/> Higher Education
03	<input type="checkbox"/> Constitutions and Elections	10	<input type="checkbox"/> Human Services
04	<input type="checkbox"/> Education	11	<input type="checkbox"/> Labor
05	<input type="checkbox"/> Energy and Utilities	12	<input type="checkbox"/> Law and Justice
06	<input type="checkbox"/> Environmental Affairs--Natural Resources--Parks	13	<input type="checkbox"/> Local Government
07	<input type="checkbox"/> Financial Institutions and Insurance	14	<input type="checkbox"/> State Government
		15	<input type="checkbox"/> Transportation
		16	<input type="checkbox"/> Other--specify _____

REMARKS _____

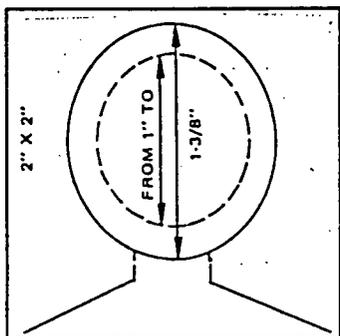
CERTIFICATION: I HEREBY CERTIFY THAT THE ABOVE IS A TRUE, COMPLETE AND CORRECT STATEMENT.

3. LOBBYIST'S SIGNATURE _____ DATE _____

EMPLOYER'S AUTHORIZATION: CONFIRMING THE EMPLOYMENT AUTHORITY TO LOBBY DESCRIBED IN THIS REGISTRATION STATEMENT.

EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED AND TITLE _____ DATE _____

LOBBYIST IDENTIFICATION FORM



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

INSTRUCTIONS

ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.

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PLEASE USE TYPEWRITER TO COMPLETE THIS PAGE.

WSR 91-09-022
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION
 [Memorandum—April 10, 1991]

QUARTERLY MEETING
 April 23, 1991
 1:30 p.m.

The next meeting of the Washington Traffic Safety Commission is scheduled for July 23, 1991, at 1:30 p.m. in the Washington Traffic Safety Commission Conference Room.

WSR 91-09-023
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed April 10, 1991, 2:51 p.m.]

Please withdraw WAC 246-824-050 filed under WSR 91-05-087 on February 20, 1991. The remaining WACs filed under WSR 91-05-087 are being adopted.

Kristine M. Gebbie
 Secretary

WSR 91-09-024
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 155—Filed April 10, 1991, 2:55 p.m.]

Date of Adoption: April 4, 1991.

Purpose: Amends rules to update language and the Department of Health address information; and establishes mandatory continuing education requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 246-824-020 and 246-824-080.

Statutory Authority for Adoption: RCW 43.17.060 and 18.130.070.

Pursuant to notice filed as WSR 91-05-087 on February 20, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-824-050 School approval, was withdrawn, will be proposed at a later date.

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

April 4, 1991
 Pam Campbell Mead
 for Kristine Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-020 REGISTRATION OF APPRENTICES. (1) Registration of an apprentice shall be requested by the physician, optometrist or dispensing optician who intends to provide the training for and direct supervision of the apprentice's work, on a form provided by the ((director)) secretary.

(2) Separate registrations shall be required if an individual receives his or her apprenticeship training from more than one licensee.

(3) In determining whether or not an individual has completed his or her apprenticeship, within the minimum of three years or the maximum of six years, only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the ((director)) secretary will be considered: PROVIDED, That an individual who has been registered in an apprentice-type program by an agency of the state of Washington, which program has been approved by the ((director)) secretary, and who has been trained and directly supervised by a licensed physician, optometrist, or dispensing optician while in such program, may have all such training considered toward fulfillment of his or her apprenticeship, whether such training occurred before or after his or her formal registration with the ((director)) secretary: PROVIDED, FURTHER, That this exemption is not to be construed or applied in any manner which would except any person from any provision of RCW 18.34.030: PROVIDED, FURTHER, That before such training may be considered toward fulfillment of ((his)) an apprenticeship, formal registration of the individual must be requested by the physician, optometrist, or dispensing optician who has trained and supervised the individual, in retrospective accordance with subsections (1), (2) and (4) of this section, on a form provided by the ((director)) secretary.

(4) The licensee initially requesting the registration of an apprentice shall notify the ((director)) secretary whenever he or she terminates the apprenticeship training, unless such termination is concluded by reason of the apprentice becoming licensed as a dispensing optician.

(5) After registration, the apprentice shall notify the ((director)) secretary, in writing and within thirty days, of any name or address change.

NEW SECTION

WAC 246-824-075 CONTINUING EDUCATION REQUIREMENTS FOR DISPENSING OPTICIANS. Purpose and scope. The purpose of these requirements is to ensure the continued high quality of services provided by the licensed dispensing optician. Continuing education consists of educational activities designed to review existing concepts and techniques and conveys information and knowledge about advances in the field of opticianry, so as to keep the licensed dispensing opticians abreast of current and forecasted developments in a rapidly changing field.

(1) Basic requirements. As a prerequisite for license renewal, licensed dispensing opticians are required to have thirty hours of continuing education every three years. The credit hours will be measured as follows: Any single session covering not less than two hours and forty minutes will be assigned three credits; any single session covering not less than one hour and forty minutes will be assigned two credits; any single session covering not less than fifty minutes will be assigned one credit.

Fifteen of the credit hours shall relate to contact lenses.

Continuing education credit hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(2) Effective date of requirement. The effective date of the continuing education requirement will be upon the 1994 license renewal date or three years after initial licensure in Washington state, whichever is later.

(3) Qualification of program for continuing education credit. Courses offered by the organizations and methods listed in this section will be presumed to qualify as continuing education courses. The secretary reserves the authority to refuse to accept credits in any course if the secretary determines that the course did not provide information sufficient in amount or relevancy to opticianry. Qualifying organizations and methods for the purposes of this section shall include in-class training, correspondence courses, video and/or audio tapes offered by any of the following:

- (a) American board of opticianry;
- (b) National academy of opticianry;
- (c) Optical laboratories association;
- (d) National contact lens examiners;
- (e) Pacific coast contact lens society;
- (f) Contact lens society of America;
- (g) Opticians association of Washington;
- (h) Opticianry colleges or universities approved by the secretary;
- (i) Speakers sponsored by any of the above organizations;
- (j) Any state or national opticianry association; and
- (k) Additional qualifying organizations or associations as approved by the secretary.

(4) Certification of compliance. Each licensee shall certify, on forms provided by the department, that the minimum continuing education and training requirements have been met. Each licensee shall be responsible for retaining copies of all records, certificates, or other evidence of continuing education course completion. In said documentation the licensee shall:

- (a) Keep records documenting attendance course title and course content.
- (b) Be prepared to validate, through submission of these records, that attendance has taken place.

The department may, at its discretion, require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements. Failure to comply with the continuing education requirements will be cause for a license to lapse. Any licensee whose license has lapsed shall pay a late penalty fee as established by rule for each year the license has lapsed and submit evidence of continuing education requirement compliance. Any licensee whose license has lapsed for a period of two years or more may reinstate his or her license by paying an examination fee and successfully passing the examination provided in RCW 18.34.070.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-080 GENERAL PROVISIONS.

(1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of (~~licensing~~) health, whose address is:

~~((Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001))~~
Department of Health
Professional Licensing Services
1300 S.E. Quince St.
Olympia, Washington 98504

(5) "Dispensing optician" means a person licensed pursuant to chapter 18.34 RCW.

(6) "Mentally or physically disabled dispensing optician" means a dispensing optician who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dispensing with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

WSR 91-09-025

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 10, 1991, 4:11 p.m.]

Original Notice.

Title of Rule: Chapter 392-117 WAC, Timely reporting.

Purpose: Provide policies and procedures to encourage timely reporting of general apportionment data and year end financial report data by school districts and educational service districts to the superintendent of public instruction.

Statutory Authority for Adoption: RCW 28A.150.290 and 28A.300.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Robert M. Schley, Superintendent of Public Instruction, Old Capitol Building, (206) 753-1717; and Enforcement: David L. Moberly, Superintendent of Public Instruction, Old Capitol Building, (206) 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, Olympia, Washington 98504, on May 24, 1991, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by May 21, 1991.

Date of Intended Adoption: May 29, 1991.

April 10, 1991
Judith A. Billings
Superintendent of
Public Instruction

Chapter 392-117 WAC
TIMELY REPORTING

NEW SECTION

WAC 392-117-005 AUTHORITY. The authority for this chapter is RCW 28A.150.290 which establishes that the superintendent of public instruction shall have the power and duty to make rules and regulations that are necessary for the proper administration of allocations for basic education and other purposes and RCW 28A.300.040 which states that the powers and duties of the superintendent of public instruction shall (1) have supervision over all matters pertaining to the public schools, (2) report to the governor and the legislature such information and data as may be required for the management and improvement of the schools, and (3) print and distribute forms that are necessary to discharge the duties of officials charged with the administration of the laws relating to the common schools.

NEW SECTION

WAC 392-117-010 PURPOSE. The purpose of this chapter is to provide policies and procedures to encourage timely reporting of general apportionment data and year end financial report data by school districts and educational service districts to the superintendent of public instruction.

NEW SECTION

WAC 392-117-015 DEFINITION—EXTENUATING CIRCUMSTANCES. As used in this chapter, extenuating circumstances means a circumstance or set of circumstances that lessens or mitigates the consequences of failure under these rules to report as required in accordance with established due dates. Extenuating circumstances include but are not limited to unusual or infrequent events like an unforeseen natural event, labor dispute, or a computer system failure.

NEW SECTION

WAC 392-117-020 SCHOOL DISTRICT AND EDUCATIONAL SERVICE DISTRICT REPORTING RESPONSIBILITIES. Each school district and educational service district shall provide, upon request of the superintendent of public instruction, such data as the superintendent deems appropriate. These requirements include but are not limited to data for determining the financial condition and results of operation of the school districts and educational service districts of the state, data for substantiating appropriation requests to the state legislature, data for administering state legal requirements, and data for substantiating each district's entitlement to state basic education apportionment.

NEW SECTION

WAC 392-117-025 SUPERINTENDENT OF PUBLIC INSTRUCTION REPORTING RESPONSIBILITIES. The superintendent of public instruction shall provide each district with necessary report formats and shall advise each district of the due dates established by the superintendent for the return of such completed report

forms to the educational service districts or to the superintendent of public instruction.

NEW SECTION

WAC 392-117-030 FAILURE TO SUBMIT TIMELY GENERAL APPORTIONMENT DATA. In the event any school district or educational service district fails to submit data by the due date established or in the form required by the superintendent of public instruction and the data are unavailable for calculations pursuant to this chapter or the biennial Operating Appropriations Act, the superintendent of public instruction shall either:

(1) Perform calculations and make payments as if the school district or educational service district reported zero data; or

(2) Delay calculations and payments to the school district or educational service district until the next monthly apportionment payment or until after data are submitted in the form required.

If a school district or educational service district is unable to report by the due date or in the form required by the superintendent of public instruction due to extenuating circumstances, the district may request to make a tentative report. If the superintendent of public instruction agrees that extenuating circumstances exist and if the tentative report is received in time for the calculations, the superintendent of public instruction may use such tentative report for calculations and payments until such time as the district submits the final required data: PROVIDED, That a tentative report shall not be used for more than one monthly apportionment calculation without consent of the superintendent of public instruction.

NEW SECTION

WAC 392-117-035 FAILURE TO SUBMIT TIMELY ANNUAL FINANCIAL STATEMENTS. A school district's apportionment payments shall be delayed by the superintendent of public instruction if a school district fails to submit its annual financial statements (Report F-196) to the superintendent of public instruction by the established due date. An educational service district's apportionment payments shall be delayed by the superintendent of public instruction if an educational service district fails to submit its annual financial statements (Report F-185) to the superintendent of public instruction by the established due date. The first apportionment payment to be delayed will be for the month in which the annual financial statements are due. The first apportionment payment shall be delayed no less than thirty days. The first apportionment payment and subsequent apportionment payments shall be delayed until the annual financial statements are filed in approvable form.

NEW SECTION

WAC 392-117-040 EXTENSION OF TIME FOR FILING ANNUAL FINANCIAL STATEMENTS. The superintendent of public instruction may grant an extension of the due date of the annual financial statements. The due date may be extended a maximum of thirty days. However, extensions may be granted for a period greater than thirty days when records necessary for the preparation of the annual financial statement have been destroyed as the result of an extenuating circumstance. A school district or educational service district's request for a due date extension must be received by the superintendent of public instruction at least ten days before the due date. The superintendent of public instruction may grant an extension only because of extenuating circumstances.

NEW SECTION

WAC 392-117-045 CORRECTIONS TO DATA REPORTED TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. If at any time prior to the completion of an audit of data by the state auditor a school district or educational service district discovers that data have been reported to the superintendent of public instruction in error, the school district shall submit revised data. After completion of an audit by the state auditor, the school district shall report only revisions pursuant to a finding and recommendation by the state auditor subject to the provisions of chapter 392-115 WAC.

Unless the superintendent of public instruction provides instructions to the contrary, revised data shall be submitted in the same manner as the original report. The revised report shall contain an original signature of the educational service district superintendent or the school district superintendent or the authorized official.

NEW SECTION

WAC 392-117-050 DOCUMENTATION REQUIREMENTS. School districts and educational service districts shall provide upon request by the superintendent of public instruction and for audit purposes, documentation to support all data reported to the superintendent of public instruction pursuant to this chapter.

WSR 91-09-026
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed April 10, 1991, 4:14 p.m.]

Original Notice.

Title of Rule: WAC 392-140-224 Finance—Special allocations—1990-91 Supplies, materials and equipment allocations.

Purpose: To revise the definition of specified objects of expenditure.

Other Identifying Information: See Purpose above.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: Section 503(2), chapter 16, Laws of 1990 1st ex. sess.

Summary: Expenditures of insurance proceeds for replacement of property destroyed by a natural disaster or an unforeseen action are excluded from specified objects of expenditure.

Reasons Supporting Proposal: Expenditures of insurance proceeds for replacement of destroyed property should not be considered part of a school district's current level of expenditure for the purpose of measuring supplanting.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, Olympia, Washington, 753-2298; **Implementation:** Thomas J. 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: If a school district has used insurance proceeds to replace supplies, materials, and equipment destroyed by a natural disaster or unforeseen act, the district may request that these expenditures be excluded from the current level of expenditures used to determine supplanting.

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: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, Olympia, Washington 98504, on May 24, 1991, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by May 21, 1991.

Date of Intended Adoption: May 29, 1991.

April 10, 1991
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 46, filed 11/21/90, effective 12/22/90)

WAC 392-140-224 1990-91 SUPPLIES, MATERIALS, AND EQUIPMENT ALLOCATION—DEFINITION—SPECIFIED OBJECTS OF EXPENDITURE. As used in WAC 392-140-220 through 392-140-234 "specified objects of expenditure" means school district expenditures(:

(+))) for the following program/activity/object combinations as defined in the Accounting Manual for Public School Districts in Washington State revised September 1990:

Program	Activity
01 - Basic Education	27 - Teaching
21 - Handicapped, Basic, State	27 - Teaching
21 - Handicapped, Basic, State	22 - Learning Resources
31 - Vocational, Basic, State	27 - Teaching
31 - Vocational, Basic, State	22 - Learning Resources
45 - Skills Center, Basic, State	27 - Teaching
94 - Instruction Support	22 - Learning Resources

((and

(2) For the following objects as defined in the Accounting Manual for Public School Districts in Washington State revised September 1990:))

Object
5 - Supplies
6 - Instructional materials
9 - Capital outlay(;-)

PROVIDED, That expenditures for the program/activity/object combinations identified in this section shall be excluded from specified objects of expenditures under the following conditions:

(1) Expenditures are for replacement of property destroyed by a natural disaster, such as a fire, flood, storm, or earthquake or by an unforeseen action beyond the control of the school district such as arson, vandalism, riot, or bombing;

(2) Such expenditures are funded by insurance proceeds resulting from the natural disaster or unforeseen action; and

(3) The school district submits a written request to the superintendent of public instruction prior to November 1, 1991, identifying the amount of insurance proceeds received and expenditures qualifying for exclusion each school year.

WSR 91-09-027
PERMANENT RULES
PIERCE COLLEGE

[Order 91-003—Filed April 10, 1991, 4:24 p.m.]

Date of Adoption: April 10, 1991.

Purpose: To protect the welfare of the student population and the college community.

Citation of Existing Rules Affected by this Order: [New] chapter 132K-16 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 91-03-150 on January 23, 1991.

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

April 10, 1991
 Frank B. Brouillet
 President

Chapter 132K-16 WAC
STUDENT RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132K-16-110 INTRODUCTION. Broadly stated, the purpose of Pierce College, District No. 11, is to provide opportunities for all who desire to pursue educational goals. To implement this objective, it is necessary to ensure that an environment is created wherein all students may progress in accordance with their capabilities and intensity of interest. The responsibility to create and maintain such an environment is shared by all members of the college; students, faculty and administration. [Statutory Authority: RCW 28B.50.140.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132K-16-120 DEFINITIONS. As used in this chapter, the following words and phrases shall be defined as follows:

(1) Academic dishonesty. "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar act of academic dishonesty.

(2) Alcoholic beverages. "Alcoholic beverages" shall mean the definition of liquor as contained in RCW 66.04.010(15) as now law or hereafter amended.

(3) Assembly/demonstrations. "Assembly" shall mean any overt activity engaged in by two (2) or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

(4) ASPC. "ASPC" shall mean the Associated Students of Pierce College as defined in the ASPC constitution.

(5) Board. "Board" shall mean the Board of Trustees of Community College District No. 11, State of Washington.

(6) Chief administrative officer. "Chief administrative officer" shall mean the President of Pierce College and President of Community College District No. 11, State of Washington.

(7) College. "College" shall mean Pierce College and any other community college center or facilities established within Community College District No. 11.

(8) College facilities. "College facilities" shall mean and include any and all personal property and real property owned, rented, leased, or operated by the Board of Trustees of Community College District No. 11 and shall include all buildings and appurtenances affixed thereon or attached thereto.

(9) Dean of Students. "Dean of Students" shall mean the Dean of Students at Pierce College or his or her designee(s).

(10) Disciplinary action. "Disciplinary action" shall mean and include the warning, reprimand, probation, suspension, dismissal or expulsion of any student by the Dean of Students or the college disciplinary committee,

issued pursuant to this chapter for the violation of any law or designated rule or regulation of college policy or the rules of conduct for which a student is subject to disciplinary action.

(11) Controlled substance. "Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(12) Faculty. "Faculty" shall mean and include any full-time or part-time academic employee of the district whose assignment is one or a combination of instruction, counseling, or library services.

(13) Rules of conduct. "Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(14) Student. "Student," unless otherwise qualified, shall mean and include any person who is registered for classes with Pierce College.

(15) College Disciplinary Committee. "College Disciplinary Committee" shall mean the judicial body provided in this chapter.

(16) Trespass. "Trespass" shall mean the definition of trespass as contained in chapter 9A.52 RCW as now law or hereafter amended.

NEW SECTION

WAC 132K-16-130 JURISDICTION. (1) These rules shall apply to every student who is present in or upon any college facility, or who is present and/or engaged in any college-sponsored activity held on or in non-college facilities.

(2) Anyone who breaches, or who aids or abets another in breaching, any provision of this chapter shall be subject to:

(a) possible prosecution under the state criminal law;
(b) any other civil or criminal remedies available to the public; and/or

(c) appropriate disciplinary action as set forth in this chapter or in other college policies and regulations.

NEW SECTION

WAC 132K-16-140 STUDENT RIGHTS. As an institution of higher learning, Pierce College is dedicated to maintaining and expressing a spirit of free inquiry. Accordingly, the following enumerated rights are guaranteed to each student within the limits of law and college policy.

(1) Academic freedom.

(a) The right of free inquiry, expression and assembly upon and within college facilities which are generally open and available to the public.

(b) The right to pursue appropriate educational objectives, subject to applicable statutory limits, from among the college's curricula.

(c) The right to freedom from academic evaluation which is prejudiced, or arbitrary and capricious, although students are individually responsible for meeting the standards of academic performance established by each of their instructors.

(d) The right to freedom from unlawful discrimination, inappropriate and disrespectful conduct, racial and/or sexual harassment.

(e) The right to privacy and confidentiality of all student records according to the Family Education Rights and Privacy Act of 1974.

(2) Due process.

(a) The right to be secure in the student's person, quarters, papers and effects against unreasonable searches and seizures.

(b) The right to notice of the nature of any charges against the student prior to imposition of disciplinary sanctions.

(c) The right to procedural due process as described in this chapter, whenever the student is accused of violating any law or a rule or procedure of the college as set forth in the Washington Administrative Code or in other college policies and regulations.

(3) Distribution and posting.

The right to distribute or post printed or published material subject to official procedures printed and available in the office of Student Programs and Activities.

(4) Right to assembly/demonstrate.

(a) Students shall have the right of "assembly" as defined in WAC 132K-16-120 upon college facilities that are generally available to the public. Such assembly shall:

(i) Be conducted in an orderly manner; and

(ii) Not unreasonably interfere with vehicular or pedestrian traffic; or

(iii) Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with educational functions of the college; and

(iv) Not unreasonably interfere with college functions.

(b) A student who conducts or participates in an assembly violative of any provision of this section shall be subject to disciplinary action.

(c) Non-students who participate in or aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college.

(5) Off-campus speakers.

The right of recognized student organizations to invite outside speakers to speak on campus subject to the availability of campus facilities, funding and in compliance with college procedures available for inspection in the office of Student Programs and Activities.

NEW SECTION

WAC 132K-16-150 STUDENT RESPONSIBILITIES. Any student may be subject to disciplinary action as described in this chapter if the student, whether as a principle actor or as an aider, abettor or accomplice as defined in RCW 9A.08.020 as now law or hereafter amended, interferes with the personal rights or privileges of others or with the college's educational process; commits any offenses described in this chapter; or otherwise violates any provision of this chapter. Offenses subject to disciplinary action include but are not limited to:

(1) Assault, reckless endangerment, etc. Any student who commits the offenses of assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 through 9A.36.050 and 9A.36.070, or in RCW 28B.10.570 through 28B.10.572, as now law or hereafter amended.

(2) Disorderly, abusive or bothersome conduct. Any student whose conduct interferes with the rights of others or obstructs or disrupts teaching, research or administrative functions.

(3) Inattentiveness/failure to follow instructions. A student's inattentiveness and/or failure to follow an instructor's instructions, when such behavior infringes upon the rights and privileges of other students.

(4) False complaint. Any student who files a formal complaint, falsely accusing another student or college employee of violating a provision of this chapter.

(5) False alarm. Any student who falsely sets off or otherwise tampers with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or the college.

(6) Sexual harassment. Any student who engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(7) Racial harassment. Any student who engages in racial harassment, which includes ethnic and racial jokes, racial slurs, demeaning comments, looks or gestures or other verbal or physical conduct deliberately designed to humiliate and/or cause discomfort to the recipient or which interferes with job or school performance.

(8) Theft and robbery. Any student who engages in theft or robbery, which is defined as theft of the property of the college or of another as set forth in RCW 9A.56.010 through 9A.56.050 and 9A.56.100, as now law or hereafter amended.

(9) Malicious mischief. Any student who engages in malicious mischief, which is defined as intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(10) Unauthorized use of college equipment and supplies. Any student who converts college equipment or supplies for personal gain or use, without proper authority.

(11) Computer trespass. Any student who, without authorization, intentionally gains access to a computer system or electronic data owned or used by the Washington State Community College District 11 shall be subject both to disciplinary action pursuant to this chapter and to criminal prosecution pursuant to any or all other statutory laws or regulations pertaining thereto.

(12) Cheating and plagiarism. Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required by a college employee as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represented to the college employee as the student's own work product, shall be deemed to have cheated or to

have committed plagiarism. Furthermore, cheating is defined as the production of a product through trickery or fraud.

(13) Forgery or alteration of college records. Forgery or alteration of college records is defined pursuant to RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, and is further defined as forging records or tendering forged records (or instruments of any college record) to any college employee or agent acting in his/her official capacity.

(14) Refusing to provide identification. Any student refusing to provide identification in appropriate circumstances is defined as refusing to provide positive identification (e.g., valid driver's license or state identification card) when requested to do so by any college employee acting in the lawful discharge of his/her duties.

(15) Illegal entry. Illegal entry is defined as entering, in any manner and at any time, any college administrative or employee's office, or any locked or otherwise closed college facility, without permission of the college employee or agent in charge.

(16) Smoking. Smoking in college facilities is prohibited.

(17) Alcohol and controlled substances.

(a) Illicit use of alcohol. Students are prohibited from being under the influence of any form of alcoholic beverage, or from possessing, consuming or distributing any form of alcoholic beverage on college facilities, with the exception of sanctioned events approved by the Dean of Students and in compliance with state law and the college's Alcohol Policy.

(b) Controlled substances. Students are prohibited from using, possessing, being under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use of possession of a drug is specifically prescribed as medication by an authorized medical doctor. For the purpose of this regulation, "sale" shall include the statutory meaning set forth in RCW 69.50-.410 as now law or hereafter amended.

(c) Pierce College policy and program. Pierce College has adopted and implemented a policy and program to prevent the unlawful possession, use or distribution of illicit drugs or alcohol by students. The policy and program statement are on file in the office of the Dean of Students and describe criminal and other sanctions which may be imposed against students and employees for the unlawful possession, use or distribution of illicit drugs or alcohol by students and employees at Pierce College.

(18) Weapons, explosives and dangerous chemicals. Students are prohibited from the illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or damage to real or personal property.

(19) Trespass.

(a) Power and authority of Dean of Students. The Dean of Students has the power and authority to withdraw the license or privilege, or prohibit the entry, of any person(s) to enter into or remain in or upon any college facility.

(b) Power and authority—when exercised. The Dean of Students may exercise his/her power and authority to halt any event which the Dean of Students believes;

(i) is unreasonably disruptive; or

(ii) is impeding or will impede the movement of persons or vehicles; or

(iii) is disrupting or threatening to disrupt the ingress and/or egress of persons from college facilities.

(c) Sanctions. Any individual who disobeys a lawful order of the Dean of Students shall be subject to disciplinary action and/or charges of criminal trespass.

(20) Violation of other laws, rules or regulations. Students are prohibited from violating any federal, state, or local law(s), rule(s) and/or regulation(s) of this institution.

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.

NEW SECTION

WAC 132K-16-160 PURPOSE OF DISCIPLINARY ACTION. Disciplinary action, up to and including dismissal from the college, may be imposed upon a student for failure to abide by the rules of student conduct as described in this chapter. The form of disciplinary action imposed upon the violator will determine whether and under what conditions the violator may continue as a student at the college.

NEW SECTION

WAC 132K-16-170 DELEGATION OF DISCIPLINARY AUTHORITY. (1) The Dean of Students shall have authority to administer the disciplinary action prescribed in this chapter. The College Disciplinary Committee shall have the authority to review actions taken by the Dean of Students as provided in this chapter. Further administrative review may be taken by the college President.

(2) Faculty are responsible for student conduct in the classroom and are authorized to take such steps as are necessary when behavior of the student interrupts the normal classroom procedure(s). When such behavior may be so serious as to result in expulsion from the class, the instructor must report the infraction, in writing, to the office of the Dean of Students within twenty-four (24) hours of the infraction.

(3) The President shall be informed of all student dismissals, suspensions or probation proceedings undertaken by the Dean of Students or by the College Disciplinary Committee.

NEW SECTION

WAC 132K-16-180 DISCIPLINARY ACTION. The following disciplinary actions are hereby established—any of which shall be the sanction imposed upon violators of the rules of student conduct:

(1) Disciplinary warning. Notice to a student, either verbally or in writing, that the student has been in violation of a law and/or the college's established policy or

rules of conduct. Such warnings will imply that continuing or repeated violations, or other misconduct, will result in one or more of the more serious disciplinary actions described in this section. Formal files or records will not be kept on disciplinary warnings.

(2) Disciplinary reprimand. Formal action censuring a student from violation of the rules of student conduct as outlined in this chapter. Reprimands shall be made in writing to the student by the Dean of Students, with copies filed in the office of the Dean of Students for a period of five (5) years. A reprimand shall indicate to the student that continuation or repetition of a specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section.

(3) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of rules of student conduct. Notice shall be made in writing and specify the period of probation and the conditions such as limiting the student participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Copies of the written notifications of disciplinary probation shall be placed in the office of the Dean of Students for a period of five (5) years.

(4) Suspension. Temporary dismissal from the college and termination of the person's student status for violation of the rules of student conduct. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission. Copies of the written notification of suspension shall be placed on file in the office of the Dean of Students.

(5) Expulsion. Indefinite or permanent dismissal from the college and termination of the person's student status for violation of rules of student conduct. Written notice shall be given which will specify any special conditions which must be met before readmission. There shall be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter will be refunded.

(6) Restitution. An individual student may be required to make restitution for damage or loss to college or other property. Failure to make restitution within the time limits established by the Dean of Students or the College Disciplinary Committee will result in suspension for an indefinite period of time as set forth in subsection (4) of this section. Student(s) may be reinstated upon payment.

NEW SECTION

WAC 132K-16-190 INITIATION OF DISCIPLINARY PROCEEDINGS. A request for disciplinary action for violating the rules of student conduct may be referred in writing to the Dean of Students within twenty (20) days of discovery of the facts given rise to the request. Such a request may be made by any member of the administration, faculty, or college personnel or any student. All requests must be in writing and signed by the individual making the request.

NEW SECTION

WAC 132K-16-200 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the Dean of Students. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132K-16-330 and shall be notified according to the provision of WAC 132K-16-340. The Dean of Students shall conduct an initial conference with the student within ten (10) working days after the initial request for disciplinary action has been referred to the Dean of Students.

(2) Initial meeting with the Dean of Students. Any student accused of violating any provision of law, college policy, or rules of conduct may be called for an initial conference with the Dean of Students, and shall be informed of the charges and what appear to be the range of penalties, if any, which might result from disciplinary proceedings.

(3) Action to be taken by the Dean of Students. If the accused student has appeared at the scheduled conference, after interviewing the accused student and considering the evidence in the case, the Dean of Students may take any of the following actions:

- (a) terminate the proceeding, exonerating the student;
- (b) dismiss the case after whatever counseling and advice the Dean of Students deems appropriate;
- (c) impose verbal warning to the student directly, not subject to the student's right of appeal as provided in this chapter;

(d) impose additional sanctions of reprimand, probation, suspension or expulsion, subject to the student's right to appeal as provided in this chapter; or

(e) refer the matter to the College Disciplinary Committee for appropriate action. The student shall be notified, in writing, when such a referral is made.

(4) A student accused of violating any provisions of this chapter shall be given immediate notification of any disciplinary action taken by the Dean of Students.

(5) Initial order and notice of opportunity for review.

(a) Within ten (10) days of the decision taken at the initial disciplinary proceeding, the Dean of Students shall give the parties a brief written statement of reasons for the decision whether the student violated any law or college policy, rules or regulations, and the imposition of applicable penalties. Such written decision shall constitute an initial order.

(b) The initial order shall also advise the student of his/her right to appeal pursuant to WAC 132K-16-220.

(6) No disciplinary action taken by, or at the recommendation of, the Dean of Students is final unless the student fails to exercise his/her right of appeal as provided in WAC 132K-16-220.

(7) Expulsion. If an action is commenced as a lesser disciplinary action in an initial disciplinary proceeding, and it becomes apparent that the recommended discipline will be expulsion from the college, the student shall be entitled to a formal disciplinary hearing before the College Disciplinary Committee. In such case, the Dean of Students shall, pursuant to the requirements of RCW 34.05.410 et seq. and subject to the notice provisions of

WAC 10-08-040 and WAC 132K-16-210, reschedule another hearing before the College Disciplinary Committee for a formal disciplinary hearing.

NEW SECTION

WAC 132K-16-210 NOTICE TO PARTIES. Notice to the parties of disciplinary proceedings, other than verbal warnings or an informal conference with the Dean of Students, shall be served in accord with the requirements of WAC 10-08-040, and not less than seven (7) days before the date set for hearing. Said notice shall contain:

- (1) a statement of the time, place and nature of the disciplinary proceeding;
- (2) a statement of the charges, including reference to the particular sections of the law, college policy, or rules or regulations of student conduct involved;
- (3) to the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the proceeding.

NEW SECTION

WAC 132K-16-220 APPEALS. Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

- (1) Appeals from disciplinary action by faculty may be appealed to the Dean of Students within five (5) working days after the contested action(s), and shall be reviewed de novo and informally by the Dean of Students within five (5) working days after the request is submitted. Depending on the penalty involved, the decision may be further appealed as provided in this chapter.
- (2) Appeals from summary disciplinary action by the Dean of Students. Summary disciplinary actions by the Dean of Students may be appealed, in writing, to the college President within twenty-one (21) calendar days of the initial order, pursuant to WAC 132K-16-370.
- (3) Appeal to the College Disciplinary Committee. Action taken at the disciplinary proceedings by the Dean of Students, except for summary suspensions, may be appealed, in writing, to the College Disciplinary Committee within twenty-one (21) calendar days of service of the initial order.
- (4) Appeals to the college President. Actions taken by the College Disciplinary Committee may be appealed, in writing, to the college President within ten (10) calendar days of the decision of said committee. The President shall review, as soon as reasonably possible, the allegations contained within the notice of appeal, the records of the proceedings which gave rise to the appeal, as well as the recommendations made by the Dean of Students and the College Disciplinary Committee. The President's decision shall be final.
- (5) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:
 - (a) the appeal must be in writing and must clearly state the alleged error or other matters in extenuation or mitigation which justify the appeal; and

(b) the appeal must be filed with the Dean of Students within the time limits pursuant to WAC 132K-16-220, sections 1-4.

(6) All appellant decisions will be sent from the office of the Dean of Students to the President. Written decisions shall include the signature of the Dean of Students, or the College Disciplinary Committee chairperson, or the college President.

NEW SECTION

WAC 132K-16-230 FAILURE TO APPEAR. Students who fail to appear after proper notice before the Dean of Students, or the College Disciplinary Committee, or on appeal to the President, shall be deemed to have pled guilty to the charges pending against them. The Dean of Students shall give written notice of the disciplinary action to be taken to the student at his/her last address of record on file with the college.

NEW SECTION

WAC 132K-16-240 COMPOSITION OF THE COLLEGE DISCIPLINARY COMMITTEE. (1) Membership—how selected. The college shall have a College Disciplinary Committee composed of six (6) members who shall be chosen no later than October 15 of each academic year. Members of the College Disciplinary Committee shall be selected in the following manner:

- (a) two (2) student members and two (2) alternates, each of whom shall be a full-time student who is in good academic standing, appointed by the ASPC Student Senate to serve a one (1) academic year term;
- (b) two (2) faculty members and an alternate chosen by the Faculty Association to serve a two (2) year, non-concurrent term;
- (c) one (1) staff member chosen by the classified staff executive committee to serve a two (2) year term;
- (d) one (a) administrator appointed by the President to serve for a one (1) year term.

(2) Presiding officer. The presiding officer of the College Disciplinary Committee shall be selected from the committee members.

(3) Vacancies. A vacancy in the College Disciplinary Committee membership shall be filled by the group affected by the vacancy.

(4) Voting. Each committee member, excluding the presiding officer, shall cast one vote. In case of a tie, the presiding officer shall cast the deciding vote.

(5) Abstaining. If any member of the College Disciplinary Committee is unable to consider the matters raised in a particular disciplinary proceeding for any reason (including but not limited to conflict of interest and matters of conscience or related reason), such member(s) shall abstain from participation. The presiding officer of the College Disciplinary Committee shall make temporary appointments where members abstain.

(6) Quorum. A quorum consisting of a majority shall be required for all proceedings. For purposes of establishing a quorum, the College Disciplinary Committee shall consist of the presiding officer and at least three (3) committee members.

NEW SECTION

WAC 132K-16-250 REVIEW BY THE COLLEGE DISCIPLINARY COMMITTEE. (1) Voluntary review. A decision of the Dean of Students may be reviewed by the College Disciplinary Committee on the committee's own motion within twenty (20) days of the date of an initial order entered by the Dean of Students. However, the College Disciplinary Committee may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(2) Mandatory review. A decision by the Dean of Students must be reviewed by the College Disciplinary Committee upon the accused student's written request, where such request is received by the committee within twenty-one (21) days after service of the Dean of Students' initial order. The College Disciplinary Committee must conduct a review proceeding and enter a written order on review within twenty (20) days after the request is submitted to the committee, subject to the notice requirements of chapter WAC 10-08-040 and WAC 132K-16-210.

(3) Conduct of review proceedings. Pursuant to the requirements of this chapter and RCW 34.05.491, the presiding officer of the College Disciplinary Committee shall give each party an opportunity to explain the party's view of the matter and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal disciplinary hearing.

NEW SECTION

WAC 132K-16-260 FORMAL HEARING PROCEDURES BEFORE THE COLLEGE DISCIPLINARY COMMITTEE. (1) The College Disciplinary Committee shall hear, de novo, all disciplinary cases appealed after a decision by the Dean of Students in accordance with the provisions of this chapter.

(2) The student has the right to a fair and impartial hearing before this committee. The student's failure to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee.

(3) The student shall be given written notice pursuant to WAC 132K-16-210. In the case of proceedings conducted by the Dean of Students or the College Disciplinary Committee, the time of the hearing may be advanced by the presiding officer, in his/her discretion, at the request of the student, or may be continued for good cause.

(4) Hearings generally will be held in closed session except when a student who is directly involved request that persons other than those directly involved be invited to attend.

(5) The student shall be entitled to hear and examine the evidence to be offered by the college and be informed of the identity of its source; the student shall be entitled

to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters.

(6) The student may be represented by counsel of choice at hearing proceedings. If the student elects to choose a duly licensed attorney admitted to practice in the United States as counsel, the student must tender four (4) working days notice to the Dean of Students prior to the proceeding. The time period begins to run on the day following receipt of such notice by the Dean of Students.

(7) In all disciplinary proceedings, the college may be represented by a designee appointed by the Dean of Students, provided that in those cases in which the student chooses to be represented by a licensed attorney, the Dean of Students may elect to have the college represented by an Assistant Attorney General.

(8) Recording of facts.

(a) The presiding officer shall designate a recorder to take notes during the proceedings and to prepare a written summary of all evidence, facts, and testimony presented to the committee during the hearing. A copy of such summary shall be available at the office of the Dean of Students. The recorder will be a non-voting member.

(b) The disciplinary proceeding shall be tape-recorded.

(c) Any documents considered or prepared by the committee's presiding officer for the disciplinary hearing shall be maintained as a part of the official records of the proceeding.

(d) The records in a formal hearing shall contain:

(i) all documents, motions, and intermediate rulings;

(ii) evidence received and considered;

(iii) a statement of matters officially noticed; and

(iv) questions and offers of proof, objections, and rulings thereon.

(9) Unless otherwise required by a provision of law, the documentary record in disciplinary hearings need not constitute the exclusive basis for action of the Dean of Students or of the College Disciplinary Committee.

(10) Following final disposition of the case and any appeals of the disciplinary proceedings, access to records of the case and hearing files will be limited to persons designated by the President.

(11) Following final disposition of the case and any appeal therefrom, the President may direct the destruction of any records of any disciplinary proceeding, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

NEW SECTION

WAC 132K-16-270 CONDUCT OF HEARINGS.

(1) If at any time during the conduct of any disciplinary proceeding invited guest(s) are disruptive, the Dean of Students or the presiding officer at the College Disciplinary Committee may ask such persons to cease and desist or may exclude any such person from the hearing room.

(2) Any person attending the committee hearing who continues to disrupt said proceedings after the cease and

desist request by the Dean of Students or by the presiding officer of the College Disciplinary Committee, shall be subject to disciplinary action.

NEW SECTION

WAC 132K-16-280 EVIDENCE ADMISSIBLE IN HEARINGS. (1) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the College Disciplinary Committee has sufficient cause to believe that the accused student is guilty of violating the rules the student is charge with having violated.

(2) In determining the existence of reasonable cause, the Dean of Students or the College Disciplinary Committee shall give probative effect to evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

(3) The Dean of Students or the presiding officer of the College Disciplinary Committee, as the case me be, shall make rulings on all evidentiary and procedural matters heard in the course of disciplinary proceedings.

(4) The Dean of Students or the presiding officer of the College Disciplinary Committee shall give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(5) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

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

NEW SECTION

WAC 132K-16-290 DECISION BY THE COLLEGE DISCIPLINARY COMMITTEE. (1) Upon conclusion of the disciplinary hearing, the College Disciplinary Committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

(a) terminate the proceedings, exonerating the student; or

(b) dismiss the case after whatever counseling and advice the committee deems appropriate; or

(c) impose any disciplinary measure as provided in this chapter.

(2) The student will be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate the rule or rules of the code of student conduct. The committee shall also advise the student of the right to present within ten (10) calendar days a written statement to the college President.

NEW SECTION

WAC 132K-16-300 FINAL DECISION REGARDING DISCIPLINARY ACTION. (1) The college President shall, after reviewing the procedure and record before the committee, together with written

arguments filed by the parties, if any, attach either a written concurrence to the recommendations of the disciplinary committee or written directions as to what disciplinary action, if any, shall be taken. Evidence not in the record will not be considered by the President.

(2) All parties will be notified, in writing, of the President's decision.

(3) The decision of the President will be final and not reviewable.

NEW SECTION

WAC 132K-16-310 READMISSION AFTER DISMISSAL. Any student dismissed from the college for disciplinary reasons may be readmitted only on written petition to the office which initiated the action resulting in the dismissal. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. Because the college President participates in all disciplinary actions dismissing students from the college, decisions on such petitions of readmission must be reviewed and approved by the President before admission is granted.

NEW SECTION

WAC 132K-16-320 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. (1) Records of all disciplinary cases shall be kept by the office of the Dean of Students. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five (5) years. No record of proceedings where in the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of the Dean of Students shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the office initiating the action, if special terms and conditions have been met or if other circumstances warrant the removal. The office which initiated the action is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record. A student may petition to that office for removal of such a notation at any time.

NEW SECTION

WAC 132K-16-330 SUMMARY SUSPENSION PROCEEDINGS. (1) The Dean of Students is authorized, in his/her discretion, to summarily suspend any student under the provisions of this chapter when the Dean of Students has reasonable cause to believe that immediate action is required because the student presents an immediate danger to the public health, safety or welfare, including danger to the student personally, to others on the college campus, the college property, or to the educational process. The college may take only such

action as is necessary to prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of the summary suspension.

(2) Permission to enter or remain on campus. During the period of summary suspension, suspended students shall not enter the campus of the college other than to meet with the Dean of Students or to attend the disciplinary hearings. However, the Dean of Students may grant the student special permission to enter for the express purpose of meeting with faculty, staff, or students in preparation for the disciplinary proceedings.

NEW SECTION

WAC 132K-16-340 NOTICE OF SUMMARY PROCEEDINGS. (1) If the Dean of Students desires to exercise the authority to summarily suspend a student, the student should be notified by certified mail at the student's last known address or, if available, shall be personally served with a written notification.

(2) The notice shall be entitled "notice of summary suspension proceeding" constituting a written order and shall state:

(i) a brief statement of charges against the student including reference to the law or a provision of this chapter;

(ii) a brief statement of the evidence in support of the charges;

(iii) a brief statement of policy reasons which justify the determination of an immediate danger;

(iv) a brief statement of the corrective action or punishment which may/will be imposed against the student;

(v) a brief statement of the duration of the suspension and conditions under which the suspension may be terminated.

(3) When effective. The disciplinary sanction(s) is effective when signed by the Dean of Students.

(4) Following summary suspension, the Dean of Students shall give the person required to comply with the order such notice of the order as is practicable. Where possible, the Dean of Students shall provide such person with a copy of the written order.

NEW SECTION

WAC 132K-16-350 PROCEDURES OF SUMMARY SUSPENSION HEARING. (1) The summary suspension hearing shall be considered an informal proceedings. The hearing must be conducted as soon as possible and the Dean of Students will preside.

(2) The record to be considered at the summary suspension hearing shall consist of any documents regarding the matter that were considered or prepared in connection with the notice of summary suspension. These documents shall be maintained as part of an official record of the proceedings. However, such record need not constitute the exclusive basis for action in proceedings or for any review thereof.

(3) The Dean of Students shall, at a summary suspension hearing, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) Within ten (10) days of the decision taken at the summary suspension hearing, the Dean of Students shall give the student(s) a brief written statement of reasons for the decision regarding whether continued suspension is necessary or whether some other disciplinary action is appropriate. Such written decision shall constitute an initial order, which shall become a final order if no review is taken. The initial order shall also advise the student of his/her right to present, within twenty-one (21) calendar days, a written request to the college President appealing the decision of the Dean of Students.

NEW SECTION

WAC 132K-16-360 SUSPENSION FOR FAILURE TO APPEAR. The Dean of Students is authorized to enforce the summary suspension decision pursuant to WAC 132K-16-230.

NEW SECTION

WAC 132K-16-370 APPEALS FROM SUMMARY SUSPENSION. (1) Appeals to college President. Following an order of summary suspension and a subsequent decision taken by the Dean of Students at a summary suspension hearing, any student aggrieved by such decision may appeal to the college President under the provisions of this chapter, provided the following conditions are met:

(a) the student must first have appeared before the Dean of Students at the summary suspension hearing;

(b) the student must have been officially notified of the outcome of the summary suspension hearing;

(c) the Dean of Students must have upheld the initial summary suspension or must have imposed some other disciplinary sanction; and

(d) the appeal conforms to the standards as set forth in WAC 132K-16-220, subsection (5).

(2) The President shall review, as soon as reasonably possible, the allegations contained within the notice of appeal, along with the findings of the Dean of Students, the record of summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Evidence not in the record will not be considered.

(3) After completion of this review, the President shall promptly notify the appealing student, by certified mail, whether the summary suspension shall be maintained, stayed, a lesser sanction imposed, or no sanction imposed. The decision of the President shall be final and not reviewable.

NEW SECTION

WAC 132K-16-380 STUDENT GRIEVANCES—GENERALLY. (1) Statement of purpose. The purpose of this section is to protect each student's freedom of expression in the classroom; to protect each student against improper disclosure of the student's views, beliefs and political associations; to protect each student from improper, arbitrary or capricious academic evaluation as evidenced by the student's final course grade; and

to afford each student reasonable protection against arbitrary or capricious actions taken outside the classroom by other members of the college community.

(2) Prohibition against discrimination. Pierce College is committed to protecting the rights and dignity of each individual in the campus community. Therefore, the college will not tolerate any kind of discrimination which may include but is not limited to: age, culture, gender, mental/physical abilities, race, religious affiliation, and sexual preference.

(3) Prohibition against sexual harassment. It is the policy of Pierce College to provide an environment in which students can work and study free from sexual harassment or sexual intimidation. Sexual harassment occurs in a context of unequal power and is a form of sexual discrimination. As such, it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments. Sexual harassment of or by a student is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

(a) submission to the conduct is either explicitly or implicitly a term or condition of an individual's academic standing;

(b) submission or rejection of such conduct by an individual is used as the basis for academic discussions affecting that individual; and/or

(c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.

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.

NEW SECTION

WAC 132K-16-390 MATTERS NOT GRIEVABLE. (1) Outcome of summary or other disciplinary proceedings. The outcome of summary or other disciplinary proceedings described in earlier sections of this chapter shall not constitute the basis for filing a grievance as described in this chapter.

(7) Federal and state laws and college policies. In addition, the following matters shall not constitute the basis for filing a grievance:

(a) federal, state and local laws, rules and regulations; and

(b) policies, regulations and procedures adopted by the State Board for Community College Education or the Board of Trustees.

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 132K-16-400 ADMINISTRATIVE, FACULTY AND STUDENT GRIEVANCES. Any administrator, faculty member or staff member who is the

subject of a student's grievance and who is dissatisfied with the results of any level of a student grievance proceeding may file a grievance under the appropriate grievance procedure established by Pierce College.

NEW SECTION

WAC 132K-16-410 TYPES OF GRIEVANCES.

(1) If any student believes that he/she has been unfairly treated by an official of the college, the student may pursue the matter on two levels as follows:

(a) First, the student may follow an informal procedure.

(b) Second, if the informal procedure fails to satisfy the grievant, or if the student waives his/her right to have the matter resolved informally, he/she may file an official grievance and request a hearing before the grievance review committee.

(2) In either case, the student must initiate grievance proceedings within twenty-one (21) days of the occurrence which gave rise to the grievance pertaining to grading issues or within one quarter of the occurrence on other student grievance matters.

NEW SECTION

WAC 132K-16-420 STUDENT GRIEVANCE PROCEDURES—INFORMAL. A grievant wishing to pursue an informal resolution shall take the following steps:

(1) First level—direct discussion. As a first step, the student shall:

(a) contact the faculty or staff member with whom the student has a grievance and attempt to resolve the matter through direct discussion; or

(b) at this step, and all subsequent steps in this grievance procedure, the student may elect to utilize the Ombudsman or an advocate to aid in preparing and presenting the grievance.

(2) Second level—mediation by supervisor. If direct discussion does not resolve the grievance to the student's satisfaction, the student shall take the matter to the accused immediate supervisor (director, department head or division chair), who shall serve as a mediator and shall attempt to resolve the matter promptly and fairly.

(3) Third level—decision by division chair or dean. If the efforts of the supervisor also fail to satisfy the grievant, the supervisor shall forward the complaint to the appropriate division chair or dean who shall within three (3) working days, decide how best to resolve the grievance and shall issue a written opinion to all parties involved.

(4) Fourth level—appeal to Grievance Review Committee. The informal grievance procedure shall be completed in fifteen (15) working days unless all parties agree to more time. The student shall be informed of his/her right to file a petition to have the grievance heard before the Grievance Review Committee.

(5) The student must initiate grievance proceedings pursuant to WAC 132K-16-410, section (2).

NEW SECTION

WAC 132K-16-430 STUDENT GRIEVANCE PROCEDURES—INFORMAL. (1) First level—consultation with Affirmative Action Officer or the Dean of Students. Any student alleging sexual harassment, sexual preference, sex, racial and/or handicapped discrimination shall, as a first step in the informal grievance procedure, contact the Dean of Students, the Affirmative Action Officer or his/her designee. If needed, the student may contact the office of the college Ombudsman. The Dean of Students, the Affirmative Action Officer or his/her designee shall:

(a) provide information about informal and formal options within and outside the college; and/or

(b) intervene, if requested by either party, in order to resolve the problem to the satisfaction of all.

(2) Second level—hearing before grievance review committee. If the Affirmative Action Officer or the Dean of Students is unable to resolve the grievance, the student may file an official grievance requesting a hearing before the Grievance Review Committee, and is entitled to appeal the decision of that committee.

NEW SECTION

WAC 132K-16-440 COMPOSITION OF GRIEVANCE REVIEW COMMITTEE. The Executive Dean of Instruction or the Dean of Students shall chair the Grievance Review Committee. Members of the committee shall be chosen as follows:

(1) two (2) faculty members appointed by the Faculty Association; and

(2) two (2) students appointed by the President of the Associated Students of Pierce College;

(3) one (1) administrative staff member appointed by the President.

NEW SECTION

WAC 132K-16-450 HEARING PROCEDURES BEFORE THE GRIEVANCE REVIEW COMMITTEE. (1) Any grievance not resolved informally may be appealed to the Grievance Review Committee for a hearing.

(2) The appeal must be filed within five (5) working days of any appealable decision taken in informal proceedings. The student must initiate the grievance proceeding within twenty-one (21) days pursuant to WAC 132K-16-410, section (2).

(3) The grievant shall present his/her grievance, in writing, to the Executive Dean of Instruction or the Dean of Students and shall include:

(a) a statement specifying the nature of the grievance;

(b) a summary of actions taken by the student to resolve the grievance up to that point; and

(c) any proposed solution to the problem the grievant may wish to offer.

(4) The operational dean conducting the hearing shall distribute a copy of the petition to all members of the Grievance Review Committee.

(5) If the grievance is lodged against the Executive Dean of Instruction or the Dean of Students, the President shall designate another operational administrator as the hearing officer.

(6) The grievance review committee may call any witnesses and hear any testimony needed to reach a prompt, fair resolution of the grievance. The grievance hearing before the committee shall not be considered a formal hearing. However, where requested by the student and approved by the college President, a formal hearing may be granted and conducted by the Grievance Review Committee in accordance with the provision of WAC 132K-16-260.

(7) Decision. Within three (3) working days of the conclusion of the hearing, the Grievance Review Committee shall issue a written recommendation. All parties shall receive a copy of such recommendations.

(8) Closed session. All hearings growing out of a student-initiated grievance, including appeals to the office of the college President, shall remain closed unless all parties to the grievance agree to an open hearing pursuant to WAC 132K-16-270.

(9) Withdrawal of grievance. At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. In addition, a failure by the grievant or appellant to appear for any scheduled hearing, without prior notification or evidence of extenuating circumstances shall constitute withdrawal of the grievance or appeal.

NEW SECTION

WAC 132K-16-460 REVIEW OF COMMITTEE'S DECISION. (1) Review by the college President.

(a) Where the student is not satisfied with the Grievance Review Committee's decision, he/she may appeal that decision to the President of the college, in writing, provided that such appeal is made within five (5) working days of the student's receipt of notice of the decision.

(b) Within ten (10) working days after receiving the written request for appeal, the President shall review the record of the case prepared by the committee, together with any appeal statement, and shall deliver to both the Grievance Review Committee members and the student a written acceptance of the Grievance Review Committee's decision or directions as to what other course of action shall be taken. The President's decision shall constitute final agency action by the college.

(2) Formal investigation of sexual, racial or handicapped discrimination cases. For formal investigation of sexual, racial, or handicapped discrimination cases, the grievant may send appeals or inquiries to:

(a) Regional Director, Office of Civil Rights;

(b) The Equal Opportunity Commission; and/or the

(c) Human Rights Commission.

Grievants are advised to contact the college Personnel Office for the current mailing addresses and phone numbers of these organizations.

NEW SECTION

WAC 132K-16-470 PRIOR RULES. The rules contained in this chapter supersede all former rules relating to student conduct and student grievances.

NEW SECTION

WAC 132K-16-480 SEVERABILITY. If any provision of this chapter is adjudged by a court of law to be unconstitutional, the remaining provisions shall continue in effect.

WSR 91-09-028

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed April 11, 1991, 1:51 p.m.]

Date of Adoption: April 11, 1991.

Purpose: To amend rules that provide standards for organic crop production, and set recordkeeping requirements for organic food producers.

Citation of Existing Rules Affected by this Order: Amending chapters 16-154, 16-156, and 16-158 WAC.

Statutory Authority for Adoption: Chapter 15.86 RCW, Organic food products.

Pursuant to notice filed as WSR 91-05-006 on February 7, 1991.

Changes Other than Editing from Proposed to Adopted Version: Definitions of "approved" and "prohibited" in WAC 16-154-030 were clarified.

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

April 11, 1991

Michael V. Schwisow

Deputy Director

for C. Alan Pettibone

Director

Chapter 16-154 WAC

~~((RULES PERTAINING TO SALE OF ORGANIC FOODS))~~ORGANIC CROP PRODUCTION STANDARDS

AMENDATORY SECTION (Amending Order 1901, filed 8/29/86)

WAC 16-154-010 ~~((FERTILIZATION, SOIL AMENDMENT, WEED AND PEST CONTROL:))~~ PURPOSE. ~~((Producers of food marketed as "organic," may use the following substances in the production of that food:~~

(1) Fertilization and soil amendment:

(a) ~~Micro-organisms;~~(b) ~~Micro-biological products;~~(c) ~~Materials consisting of or derived or extracted solely from plants, animals, or mineral bearing rocks and not otherwise adulterated;~~(d) ~~Gypsum;~~(e) ~~Natural or amino acid chelated trace elements for known deficiencies as determined by soil and/or tissue testing;~~(f) ~~Soluble aquatic plant products;~~~~(g) Unadulterated fish fertilizers;~~~~(h) Treated sludge (provided that it falls within EPA guidelines);~~~~(2) Weed, pest, and disease control, in addition to the above:~~~~(a) Botanicals;~~~~(b) Predatory and parasitic insects;~~~~(c) Host specific bacterial and viral pesticides;~~~~(d) Bordeaux mixture;~~~~(e) Lime sulphur;~~~~(f) Dormant oils;~~~~(g) Summer oils;~~~~(h) Soap and detergents;~~~~(i) Lures and traps.~~~~(3) Veterinary medicines for the treatment of specific livestock or poultry diseases or maladies in no event administered within ninety days of slaughter.~~

~~(4) The application of aromatic petroleum solvents, nicotine sprays, diesel, and other petroleum fractions used as weed or carrot oil is prohibited.)) This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act. This chapter provides standards for organic crop production, and sets recordkeeping requirements for organic crop producers.~~

AMENDATORY SECTION (Amending Order 1901, filed 8/29/86)

WAC 16-154-020 ~~((RECORDS:))~~ PRINCIPLES OF ORGANIC FOOD PRODUCTION. ~~((All producers who sell farm products identified as organic shall keep accurate records of the location of the acreage used for growing such products and the additions, excluding water, made to the soil or applied to the plants or added to irrigation water. Such records shall be retained for two years after date of such sale.))~~ The department recognizes that organic food production involves a holistic approach to farming in which farmers attempt to work in harmony with nature. It also recognizes that the foundation of organic farming lies in the soil, and that by providing a healthy soil ecosystem through encouraging soil tilth and microbiological activity, organic farmers produce healthy plants which are resistant to disease and other pests. Organic farms are those farms which strive to limit inputs, stress preventative pest control, and maintain healthy, vibrant soils. Organic farmers are working to develop a sustainable agricultural system of regional food production which is economically, environmentally, and socially viable.

NEW SECTION

WAC 16-154-030 DEFINITIONS. As used in this chapter:

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Approved" means any material or practice which meets the required criteria or standards for use in organic food production.

(3) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

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

(5) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(6) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(7) "Inert ingredient" means an ingredient which is not an active ingredient.

(8) "Material" means any pesticide, plant regulator, defoliant, desiccant, spray adjuvant, fertilizer, soil amendment, growth regulator, or other substance or mixture of substances which is intended to be used in agricultural production or post-harvest use.

(9) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by regulation.

(10) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculant, or soil amendments.

(11) "Prohibited" means any material or practice which is disallowed in organic food production, handling, or processing.

(12) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

NEW SECTION

WAC 16-154-040 ORGANIC FOOD PRODUCTION GUIDELINES. The following are guidelines for organic food production. Major soil nutrients are listed with suggestions on how these nutrients can be supplied in an organic agroecosystem. Suggestions concerning the management of weeds, insects, disease, and vertebrates are also provided. This list is offered as a reference for growers who are unfamiliar with organic farming or its

underlying principles. This list is not meant to be comprehensive. The department strongly suggests that organic food producers use a variety of resources for information concerning organic food production.

(1) Nitrogen: Green manures and leguminous cover crops; composted animal manures; bacterial inoculant for soil, legumes and compost; soy, cottonseed, and vegetable meal; blood, fish, or feather meal; and foliar sprays in conjunction with a soil building program.

(2) Phosphorus: Composted manures high in phosphorus (poultry, guano); colloidal, soft, and hard rock phosphate; mycorrhizae to activate rock phosphate.

(3) Potassium: Cover crops that activate potassium; mined granite, greensand, basalt, feldspar, langbenite, and potassium sulfate.

(4) Secondary minerals: Kelp and seaweed extracts and powders; dolomite, gypsum, keiserite, langbenite, limestone, potassium sulfate, and rock phosphate from mined sources; oyster, clam, and crab shells; composts made from a variety of materials.

(5) Micronutrients: Liquid or powdered seaweed extract, kelp meal, rock powders, chelates made with natural chelating agents.

(6) Growth promoter, activators and inoculants: Herbal preparations, seaweed extract, rhizobial inoculants, bio-dynamic preparations, cyanobacteria, humates, naturally occurring microbes.

(7) Weed management: Rotations with competitive cover crops, timely mowing or cultivation, mulching with organic materials, living mulches, weeder geese, grazing, careful sanitation to prevent introduction of weed seeds.

(8) Disease management: Removal of diseased tissue from growing areas, control of moisture levels, herbal or plant-derived sprays, mineral sprays, fungicidal soaps, vinegar and other natural substances, lime sulfur, Bordeaux and elemental sulfur.

(9) Insect management: Preventive management such as the use of resistant varieties, timing to avoid cycles of pest emergence, intercropping, rotations, and balanced plant nutrition. Use of herbal sprays, rock powders, diatomaceous earth, dormant oils, parasitic nematodes, introduction of predators, habitat enhancement to encourage beneficial predators, sticky traps, microbial and viral diseases, pheromone trapping and monitoring, and mating disruption.

(10) Vertebrate management: Traps, repellent crops, noise, sanitation, habitat enhancement for bird and mammal predators.

(11) Post-harvest handling: Good sanitation, refrigeration, pheromone trapping.

NEW SECTION

WAC 16-154-050 ORGANIC CROP PRODUCTION STANDARDS. (1) Buffer zones. Crops harvested and marketed as "organic," "organically grown," or "transition to organic" shall be grown, raised, or produced within the meaning of RCW 15.86.030 at least twenty-five feet from the nearest application of prohibited materials.

(2) Soil building.

(a) In order for a crop to be considered "organically grown" a soil building program must be in place for at

least three years, except for those crops grown hydroponically. In order for a crop to be considered "transition to organic" a soil building program must be in place for at least one year, except for those crops grown hydroponically.

(b) Upon request by the department producers of organic crops shall demonstrate their soil building programs and the department shall restrict producers from using the terms "organic," "organically grown," or "transition to organic" on crops grown without adequate soil building programs. An adequate soil building program includes using humic building materials such as manure, compost, cover crops, and rock minerals which build or maintain soil organic matter. Demonstration of soil building programs shall entail documentation of soil inputs and soil testing.

(3) Transplants.

(a) Annuals must be grown in an organic environment from seed through harvest. Annual transplants must be organically grown in order to meet the organic crop production standards.

(b) Nonorganically grown perennial transplants will be considered "organic" after they have been grown in organic soil for one year.

(4) Seeds. Untreated seeds and/or seeds treated with materials approved for organic food production are permitted for organic food production. The use of synthetic insecticides on or in seeds is prohibited. Seeds treated with fungicides may be used if the grower can demonstrate through written documentation that untreated seeds are unavailable. Strawberry crowns and potatoes are considered seeds for the purpose of this section.

NEW SECTION

WAC 16-154-060 RECORDS. All producers who sell farm products identified as organic shall keep accurate records of the location of the acreage used for growing such products and the additions, excluding water, made to the soil or applied to the plant or added to irrigation water. Such records shall be retained for two years after date of such sale.

NEW SECTION

WAC 16-154-070 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION—FERTILIZERS, GROWTH PROMOTERS, AND SOIL AMENDMENTS. (1) Approved materials. The following list of fertilizers, growth promoters, and soil amendments are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Algae.

(b) Animal manure: Excessive use of animal manure can lead to nitrate contamination of ground water. Heavy nitrogen use can also lead to high nitrate levels in leafy greens. Raw manure may be applied to:

(i) Any green manure crop;

(ii) Any perennial crop;

(iii) Any crop not for human consumption; and

(iv) Any crop for human consumption, if such crop is harvested after a reasonable period of time after the most recent application of raw manure, but in no event shall such period be less than sixty days.

(c) Blood meal.

(d) Blue-green algae or cyanobacteria.

(e) Bone meal.

(f) Boron products.

(g) Biodynamic preparations.

(h) Chelates: Chelated micronutrient sprays may be used in conjunction with soil and/or plant tissue tests. Amino acid, ligno-sulphate, citric acid, malic acid, tartaric acid, and other di- and tri- acid chelates are acceptable.

(i) Chilean nitrate (see sodium nitrate).

(j) Cocoa bean hulls: Needs to be tested for pesticide residues.

(k) Compost.

(l) Cottonseed meal: Needs to be tested for pesticide residues.

(m) Cyanobacteria or blue-green algae.

(n) Diatomaceous earth: Use a dust mask when applying to prevent lung irritation.

(o) Dolomite: May cause buildup of magnesium.

(p) Enzymes: Acceptable if derived microbiologically from natural materials and not fortified with synthetic plant nutrients.

(q) Epsom salts or magnesium sulphate.

(r) Fish emulsions: Forms which are "fortified" with urea or other synthetic plant nutrients are prohibited. Phosphoric acid used as a stabilizer in fish emulsion cannot exceed one percent by weight of P₂O₅.

(s) Fish meal.

(t) Gibberellic acid: Acceptable if made without synthetic substances.

(u) Grape, apple, and other pomaces.

(v) Greensand.

(w) Guano, bat, or bird.

(x) Gypsum.

(y) Hoof and horn meal.

(z) Humates: Humates are usually natural deposits which are mined and may contain high trace mineral contents. Acceptable if derived from leonardite, lignite, or coal.

(aa) Humic acid derivatives: These are extracts of humates which may be made with either natural or unnatural processes. These are only acceptable if derived from natural sources and not fortified.

(bb) Iron sulfate.

(cc) Kelp extracts.

(dd) Kelp meal.

(ee) Kieserite.

(ff) K-mag or sul-po-mag.

(gg) Leather meal or tankage: Needs to be tested for heavy metals.

(hh) Limestone.

(ii) Manure: See (b) animal manure.

(jj) Microbial soil inoculants.

(kk) Mined materials.

(ll) Mulches: Plastic mulches must not be incorporated into soil.

(mm) Mushroom compost: Needs to be tested for pesticide residues.

(nn) Peat moss: Unfortified forms only.

(oo) Perlite.

(pp) Phosphate rock.

(qq) Potassium sulfate.

(rr) Rock phosphate.

(ss) Shells, ground: Oyster, clam, lobster, and crab.

(tt) Sodium nitrate: Discouraged because of high sodium content. Cannot be used as the primary source of nitrogen. Sodium nitrate can be used for up to twenty percent of total nitrogen inputs. Total nitrogen is defined as pounds of nitrogen from all sources including, in part, manure, blood meal, compost, green manures, cover crops, and fish meal.

(uu) Spent controlled atmosphere lime.

(vv) Sugar beet lime: Needs to be tested for pesticide residues.

(ww) Sulfur, elemental: Direct application to soil discouraged.

(xx) Sulfates of zinc or iron.

(yy) Sul-po-mag or K-Mag.

(zz) Vermiculite.

(aaa) Wood ashes.

(bbb) Worm castings.

(ccc) Zinc sulfate.

(2) Prohibited materials. The fertilizers, growth promoters, and soil amendments that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Ammonia products.

(b) Calcium nitrate.

(c) Fortified humic acid derivatives.

(d) Growth regulators, synthetic.

(e) Hydrated lime.

(f) Magnesium nitrate.

(g) Mono-ammonium phosphate.

(h) Muriate of potash.

(i) Phosphoric acid.

(j) Potassium nitrate.

(k) Super phosphate.

(l) Triple phosphate.

(m) Urea.

(n) Vitamin B-1.

NEW SECTION

WAC 16-154-080 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION—INSECT PEST CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of pest control materials and practices for insects, mites, and other invertebrates are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) *Bacillus thuringiensis*: Liquid forms containing xylene are prohibited.

(b) Beneficial insects.

(c) Boric acid: Cannot be used on edible plant parts.

(d) Codling moth granulosis virus.

(e) Cryolite or sodium fluoaluminate: The mined material from Greenland is permitted.

(f) Diatomaceous earth: Use a dust mask when applying to prevent lung irritation.

(g) Dormant oils: Use only on woody plants as a dormant spray.

(h) Garlic.

(i) Herbal preparations: May not be extracted with synthetic solvents.

(j) Insect extracts.

(k) Nematodes.

(l) Pheromones.

(m) Piperonyl butoxide (PBO): California and Oregon no longer allow the use of PBO in the production of organic food.

(n) Pyrethrums: Naturally occurring forms are allowed. The pyrethrums are highly unstable in the presence of air, light, and moisture. They have low mammalian toxicity and can cause dermatitis in humans. Use with caution.

(o) Rotenone: Use with caution. Rotenone is highly toxic to fish. Its persistence in the soil is unknown, though it loses its effectiveness within one week. Should not be used on crops nearing harvest time. Commercial rotenone comes from tropical leguminous shrubs in the genera *Lonchocarpus* and *Derris*. The active compounds, rotenoids, are present in a variety of legumes including soybeans.

(p) *Ryania*: Use with caution. The toxicological properties of *ryania* are largely unknown.

(q) *Sabadilla*: Use with caution.

(r) Soaps.

(s) Sulfur, elemental.

(t) Summer oils: May be used on woody plants only, carrot and/or weed oils are prohibited.

(u) Trapping substances.

(v) Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides.

(w) Virus sprays.

(2) Prohibited materials and practices. The insect pest control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Abamectin or avermectin.

(b) Carbamates.

(c) Chlorinated hydrocarbons.

(d) Dimethyl sulfoxide.

(e) Methyl bromide.

(f) Methyl sulfoxide.

(g) Moth balls/crystals.

(h) Nicotine: Nicotine is prohibited because of extreme toxicity.

(i) Organophosphates.

(j) Plant protectants, synthetic.

(k) Pyrethroids, synthetic.

NEW SECTION

WAC 16-154-090 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION—WEED CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of weed control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Flaming: Broadcast and/or field burning is prohibited.

(b) Grazing.

(c) Herbicidal soaps.

(d) Mechanical and cultural controls.

(e) Mulches of organic materials.

(f) Plastics for mulch, row covers, and solarization.

(g) Weeder geese.

(2) Prohibited materials and practices. The weed control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Broadcast and/or field burning.

(b) Carrot oil.

(c) Field burning.

(d) Herbicides.

(e) Synthetic growth regulators.

(f) Weed oils.

NEW SECTION

WAC 16-154-100 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION—DISEASE CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of disease control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Antibiotics: Naturally derived antibiotics are permitted for disease control.

(b) Bordeaux mixes: Use with caution. Excessive use of bordeaux may cause buildup of copper in the soil and limit its continued use.

(c) Copper hydroxide.

(d) Copper sulfate: Use with caution. Excessive use of copper sulfate may cause buildup of copper in the soil and limit its continued use.

(e) Dormant oils: Use only on woody plants as a dormant spray.

(f) Hydrated lime: Foliar application as a fungicide only. Shall not be used as a liming material.

(g) Hydrogen peroxide.

(h) Lime sulfur: Foliar application as a fungicide only.

(i) Soil pasteurization.

(j) Sulfur, elemental.

(k) Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides.

(2) Prohibited materials and practices. The disease control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Broadcast and/or field burning.

(b) Soil fumigants.

(c) Synthetic fungicides, fumigants, sterilizants, and bactericides.

NEW SECTION

WAC 16-154-110 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION—VERTEBRATE CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of vertebrate pest control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Deer and rabbit repellents: Acceptable if derived from a natural source.

(b) Predators: Cats, hawks, coyotes, airborne projectiles.

(c) Rodent traps.

(d) Strychnine: Underground use only.

(e) Synthetic vitamin baits.

(2) Prohibited materials and practices. The vertebrate pest control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Anticoagulant rodent baits

(b) Aluminum phosphide

(c) Alpha-Naphthylthiourea

(d) coumarins

(e) calcium cyanide

(f) indandiones

(g) organochlorines

(h) organo phosphates

(i) pyriminilureas

(j) phosphorus

(k) sodium fluoroacetate

(l) thallium sulfate

(m) zinc phosphide.

NEW SECTION

WAC 16-154-120 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION—POST-HARVEST MATERIALS AND PRACTICES. (1) Approved materials. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

- (a) Beneficial insects.
- (b) Carbon dioxide gas.
- (c) Chlorine dioxide.
- (d) Citric acid, naturally derived.
- (e) Controlled atmosphere.
- (f) Ethylene gas: Ethylene gas may be used on bananas only.
- (g) Fruit waxes: Natural waxes are permitted as long as they do not contain synthetic additives.
- (h) Hydrogen peroxide.
- (i) Lignosulfonates for floating tree fruits.
- (j) Soap, biodegradable.
- (k) Soda ash for floating tree fruits.
- (l) Sodium silicate for floating tree fruits.
- (2) Prohibited materials. The post-harvest materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:
 - (a) Antibiotics.
 - (b) Artificial preservatives.
 - (c) Fumigants.
 - (d) Fungicides.
 - (e) Irradiation.

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-005 STANDARDS FOR CERTIFICATION. Standards for organic producer and transition to organic producer certification shall be as set forth in RCW 15.86.030 and ~~((WAC 16-154-010 and 16-154-020))~~ chapter 16-154 WAC.

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-020 INSPECTION. The department of agriculture shall make at least one announced visit and any unannounced visit deemed necessary to each organic producer and transition to organic producer under the organic food certification program each year for the purpose of inspection for compliance with the standards for certification which are chapter 15.86 RCW (Organic food products) and chapter 16-154 WAC ~~((Rules pertaining to sale of organic foods))~~ (Organic crop production standards).

This inspection may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of this chapter.

It shall be the producer's responsibility to arrange for and bear the costs for any additional inspections which are deemed necessary by the director for certification.

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-035 DECERTIFICATION. Whenever the director finds that a producer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 ~~((and WAC 16-154-010 and 16-154-020))~~ or any rules adopted under chapter 15.86 RCW;

- (2) Has filed an application for certification which is false or misleading in any particular;
- (3) Has violated any of the provisions of this chapter; or
- (4) Has failed to provide records as required by WAC ~~((16-154-020))~~ 16-154-060;

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-060 FEE SCHEDULE. (1) The cost per application shall be based on a sliding scale of gross dollar volume. The fee shall accompany the application.

~~((Information on gross dollar volume shall not be disclosed to unauthorized persons.))~~

Gross Income	Annual Fee
\$ 0 - \$ 12,000	\$ 150
\$ 12,000 - \$ 15,000	\$ 185
\$ 15,000 - \$ 20,000	\$ 200
\$ 20,000 - \$ 25,000	\$ 275
\$ 25,000 - \$ 35,000	\$ 350
\$ 35,000 - \$ 50,000	\$ 500
\$ 50,000 - \$ 65,000	\$ 600
\$ 65,000 - \$ 80,000	\$ 750
\$ 80,000 - \$100,000	\$ 900
\$100,000 - \$150,000	\$ 1,000
\$150,000 - \$200,000	\$ 1,200
\$200,000 - \$280,000	\$ 1,400
\$280,000 - \$375,000	\$ 1,500
\$375,000 - \$500,000	\$ 2,000
\$500,000 and up	\$ 2,500

(2) Additional inspections (in addition to two inspections provided for), if required for certification by the director, shall be at \$20/hr. ~~((+.24¢/mile from the inspector's assigned duty station))~~ plus mileage set at the rate established by the state office of financial management.

(3) Additional samples (in addition to one sample provided for), if required for certification by the director, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at \$20/hr. ~~((+.24¢/mile from the inspector's assigned station))~~ plus mileage set at the rate established by the state office of financial management.



- (3) Has violated any of the provisions of this chapter;
- (4) Has failed to provide records as required by WAC ((16-154-020)) 16-158-050; or
- (5) Has violated any provisions of chapter 69.04 or 69.07 RCW;

The director may issue an order suspending or revoking that processor's certification under this program or he may issue an order directing the organic food processor to take other appropriate action to correct the violation. If the appropriate action is taken, the processor will be returned to its previous status under the program.

Any organic food processor who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

This shall not preclude the department of agriculture from taking whatever action they deem appropriate under chapter 69.04 or 69.07 RCW for violations of those statutes.



WSR 91-09-029
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 575—Filed April 12, 1991, 10:54 a.m.]

Date of Adoption: April 12, 1991.

Purpose: Postponing the starting date of the closed season.

Statutory Authority for Adoption: RCW 76.04.005(2).

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: Current and predicted weather conditions allow for the delay of the start of the closed season, as defined in RCW 76.04.005(2), until May 1, 1991.

Effective Date of Rule: Immediately.

April 11, 1991
 Brian J. Boyle
 Commissioner of
 Public Lands

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-120 DECERTIFICATION. Whenever the director finds that an organic food processor who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 ((and WAC 16-154-010 and 16-154-020)) or any rules adopted under chapter 15.86 RCW;

(2) Has filed an application for certification which is false or misleading in any particular;

NEW SECTION

WAC 332-26-080 CLOSED SEASON. The start of the Closed Season, as defined in RCW 76.04.005(2), for 1991 shall be May 1.

WSR 91-09-030
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed April 12, 1991, 11:33 a.m.]

Date of Adoption: April 12, 1991.

Purpose: To correct the established stumpage values for reporting and payment of the timber excise tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660.

Statutory Authority for Adoption: RCW 84.33.096.

Other Authority: RCW 84.32.300 [82.32.300].

Pursuant to notice filed as WSR 91-06-052 on March 1, 1991.

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

April 12, 1991

John B. Conklin
 Assistant Director
 Forest Tax

AMENDATORY SECTION (Amending WSR 91-02-088, filed 12/31/90, effective 1/31/91)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period January 1 through June 30, 1991:

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$509	\$502	\$495	\$488	\$481
		2	438	431	424	417	410
		3	400	393	386	379	372
		4	379	372	365	358	351
		5	267	260	253	246	239
		6	101	94	87	80	73
Western Redcedar ²	RC	1	675	668	661	654	647
		2	476	469	462	455	448
		3	308	301	294	287	280
		4	252	245	238	231	224
Sitka Spruce	SS	1	585	578	571	564	557
		2	448	441	434	427	420
		3	311	304	297	290	283
		4	290	283	276	269	262
		5	154	147	140	133	126
		6	107	100	93	86	79
Western Hemlock ³	WH	1	459	452	445	438	431
		2	374	367	360	353	346
		3	334	327	320	313	306
		4	297	290	283	276	269
		5	160	153	146	139	132
		6	105	98	91	84	77
Other Conifer	OC	1	459	452	445	438	431
		2	374	367	360	353	346
		3	334	327	320	313	306
		4	297	290	283	276	269
		5	160	153	146	139	132
		6	105	98	91	84	77

TABLE 1—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	167	160	153	146	139
Black Cottonwood	BC	1	108	101	94	87	80
Other Hardwood	OH	1	105	98	91	84	77
Hardwood Utility	HU	5	64	57	50	43	36
Conifer Utility	CU	5	79	72	65	58	51

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1991

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$385	\$378	\$371	\$364	\$357
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	149	142	135	128	121
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$599	\$592	\$585	\$578	\$571
		2	558	551	544	537	530
		3	411	404	397	390	383
		4	334	327	320	313	306
		5	257	250	243	236	229
		6	179	172	165	158	151

**TABLE 3—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ²	RC	1	588	581	574	567	560
		2	484	477	470	463	456
		3	416	409	402	395	388
		4	311	304	297	290	283
Sitka Spruce	SS	1	585	578	571	564	557
		2	448	441	434	427	420
		3	311	304	297	290	283
		4	290	283	276	269	262
		5	154	147	140	133	126
		6	107	100	93	86	79
Western Hemlock ³	WH	1	480	473	466	459	452
		2	362	355	348	341	334
		3	319	312	305	298	291
		4	309	302	295	288	281
		5	282	275	268	261	254
		6	198	191	184	177	170
Other Conifer	OC	1	480	473	466	459	452
		2	362	355	348	341	334
		3	319	312	305	298	291
		4	309	302	295	288	281
		5	282	275	268	261	254
		6	198	191	184	177	170
Red Alder	RA	1	112	105	98	91	84
Black Cottonwood	BC	1	108	101	94	87	80
Other Hardwood	OH	1	105	98	91	84	77
Hardwood Utility	HU	5	64	57	50	43	36
Conifer Utility	CU	5	79	72	65	58	51

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1991**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$385	\$378	\$371	\$364	\$357
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	149	142	135	128	121
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1991**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$654	\$647	\$640	\$633	\$626
		2	480	473	466	459	452
		3	406	399	392	385	378
		4	340	333	326	319	312
		5	210	203	196	189	182
		6	177	170	163	156	149
Western Redcedar ³	RC	1	610	603	596	589	582
		2	490	483	476	469	462
		3	322	315	308	301	294
		4	311	304	297	290	283
Western Hemlock ⁴	WH	1	330	323	316	309	302
		2	321	314	307	300	293
		3	312	305	298	291	284
		4	276	269	262	255	248
		5	231	224	217	210	203
		6	142	135	128	121	114
Other Conifer	OC	1	330	323	316	309	302
		2	321	314	307	300	293
		3	312	305	298	291	284
		4	276	269	262	255	248
		5	231	224	217	210	203
		6	142	135	128	121	114
Red Alder	RA	1	139	132	125	118	111
Black Cottonwood	BC	1	108	101	94	87	80
Other Hardwood	OH	1	105	98	91	84	77
Hardwood Utility	HU	5	64	57	50	43	36
Conifer Utility	CU	5	79	72	65	58	51

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1991**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$385	\$378	\$371	\$364	\$357
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	149	142	135	128	121

TABLE 6—
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$551	\$544	\$537	\$530	\$523
		2	492	485	478	471	464
		3	394	387	380	373	366
		4	354	347	340	333	326
		5	210	203	196	189	182
		4	283	276	269	262	255
5	223	216	209	202	195		
6	177	170	163	156	149		
Western Redcedar ³	RC	1	508	501	494	487	480
		2	438	431	424	417	410
		3	314	307	300	293	286
		4	307	300	293	286	279
Western Hemlock ⁴	WH	1	413	406	399	392	385
		2	345	338	331	324	317
		3	303	296	289	282	275
		4	263	256	249	242	235
		5	159	152	145	138	131
		6	142	135	128	121	114
Other Conifer	OC	1	413	406	399	392	385
		2	345	338	331	324	317
		3	303	296	289	282	275
		4	263	256	249	242	235
		5	159	152	145	138	131
		6	142	135	128	121	114
Red Alder	RA	1	120	113	106	99	92
Black Cottonwood	BC	1	108	101	94	87	80
Other Hardwood	OH	1	105	98	91	84	77
Hardwood Utility	HU	5	64	57	50	43	36
Conifer Utility	CU	5	79	72	65	58	51

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1991

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$385	\$378	\$371	\$364	\$357
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	149	142	135	128	121
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$683	\$676	\$669	\$662	\$655
		2	497	490	483	476	469
		3	410	403	396	389	382
		4	315	308	301	294	287
		5	196	189	182	175	168
		6	177	170	163	156	149
Western Redcedar ³	RC	1	610	603	596	589	582
		2	479	472	465	458	451
		3	401	394	387	380	373
		4	242	235	228	221	214
Western Hemlock ⁴	WH	1	513	506	499	492	485
		2	381	374	367	360	353
		3	304	297	290	283	276
		4	289	282	275	268	261
		5	265	258	251	244	237
		6	142	135	128	121	114
Other Conifer	OC	1	513	506	499	492	485
		2	381	374	367	360	353
		3	304	297	290	283	276
		4	289	282	275	268	261
		5	265	258	251	244	237
		6	142	135	128	121	114
Red Alder	RA	1	149	142	135	128	121
Black Cottonwood	BC	1	108	101	94	87	80
Other Hardwood	OH	1	105	98	91	84	77
Hardwood Utility	HU	5	64	57	50	43	36

TABLE 9—

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	79	72	65	58	51

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1991

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$385	\$378	\$371	\$364	\$357
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	149	142	135	128	121
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1991

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$252	\$246	\$240	\$234	\$228
Engelmann Spruce	ES	1	147	141	135	129	123
Lodgepole Pine	LP	1	92	86	80	74	68
Ponderosa Pine	PP	1	286	280	274	268	262
		2	270	264	258	252	246
Western Redcedar ³	RC	1	232	226	220	214	208
True Firs ⁴	WH	1	178	172	166	160	154
Western White Pine	WP	1	181	175	169	163	157

TABLE 11—

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	42	36	30	24	18

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1991

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$144	\$138	\$132	\$126	\$120
Engelmann Spruce	ES	1	134	128	122	116	110
Lodgepole Pine	LP	1	87	81	75	69	63
Ponderosa Pine	PP	1	287	281	275	269	263
		2	154	148	142	136	130
Western Redcedar ³	RC	1	145	139	133	127	121
True Firs ⁴	WH	1	111	105	99	93	87
Western White Pine	WP	1	295	289	283	277	271

TABLE 13—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	25	19	13	7	1

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1991

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$362	\$356	\$350	\$344	\$338
		2	281	275	269	263	257
		3	200	194	188	182	176
Engelmann Spruce	ES	1	210	204	198	192	186
		2	187	181	175	169	163
		3	164	158	152	146	140
Lodgepole Pine	LP	1	220	214	208	202	196
		2	210	204	198	192	186
		3	200	194	188	182	176
Ponderosa Pine	PP	1	417	411	405	399	393
		2	374	368	362	356	350
		3	255	249	243	237	231

TABLE 15—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	258	252	246	240	234
		2	244	238	232	226	220
		3	193	187	181	175	169
True Firs ⁴	WH	1	240	234	228	222	216
		2	234	228	222	216	210
		3	228	222	216	210	204
Western White Pine	WP	1	417	411	405	399	393
		2	374	368	362	356	350
		3	255	249	243	237	231
Hardwoods	OH	1	61	55	49	43	37
Utility	CU	5	59	53	47	41	35

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

WSR 91-09-031
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed April 12, 1991, 1:08 p.m.]

Original Notice.
 Title of Rule: WAC 388-49-080 Expedited service.
 Purpose: To clearly describe that the department has the option to determine eligibility for expedited service

and determine benefit level using either the standard utility deduction or the actual utilities costs, whichever is a higher deduction.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: This amendatory rule sets clear policy how to determine eligibility for expedited service by choosing the option of utilities deduction that would provide the household the greatest food stamp benefit allotment.

Reasons Supporting Proposal: This rule is necessary to allow the eligible applicant or recipient household the chance to receive highest food stamp benefit allotment. This rule will clarify the option provided within the Code of Federal Regulations at 7 CFR 273.2 (i)(1)(iv).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mick Determan, Income Assistance, 753-4005.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.2 (i)(1)(iv).

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 21, 1991, 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 21, 1991.

Date of Intended Adoption: June 4, 1991.

April 12, 1991
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3097, filed 11/20/90, effective 12/21/90)

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 monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

- (i) Standard utility allowance as set forth in WAC 388-49-505; or
- (ii) Actual utilities costs, whichever is higher; or
- (d) Includes all members who are homeless individuals; or
- (e) Includes a destitute migrant or seasonal farm worker whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited service 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 applicant's identity through readily available documentary evidence, or if this is unavailable, through a collateral contact; or

(b) Verify the identity of the authorized representative who applies on behalf of the household; and

(c) Make a reasonable effort to complete verification as described in WAC 388-49-110 within the expedited processing standards;

(d) Require the applicant to register for work unless exempt or the authorized representative is applying for the household;

(e) Attempt to register other nonexempt household members for work without delaying expedited benefits;

(f) Issue benefits within five calendar days for expedited service; and

(g) 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 is provided; or
- (b) For one month when necessary verification is postponed; or
- (c) For the month of application and the second month when:
 - (i) Verification is postponed; and
 - (ii) The application is received on or after the sixteenth of the month.

(6) The department shall, after postponed verification is received for cases certified under subsection (5)(c), issue the second month's benefits:

- (a) Within five working days from receipt of the verification; or
 - (b) The first working day of the second month, whichever is later.
- (7) There is no 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.

(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 91-09-032
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3158—Filed April 12, 1991, 1:11 p.m., effective April 15, 1991]

Date of Adoption: April 12, 1991.

Purpose: To clearly describe that the department has the option to determine eligibility for expedited service and determine benefit level using either the standard utility deduction or the actual utilities costs, whichever is a higher deduction.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-080.

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 allow the eligible applicant or recipient household the chance to receive highest food stamp benefit allotment. This rule will clarify the option provided within the Code of Federal Regulations at 7 CFR 273.2 (i)(1)(iv).

Effective Date of Rule: April 15, 1991, 12:01 a.m.
 April 12, 1991
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3097, filed 11/20/90, effective 12/21/90)

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 monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utilities costs, whichever is higher, or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farm worker whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited service 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 applicant's identity through readily available documentary evidence, or if this is unavailable, through a collateral contact; or

(b) Verify the identity of the authorized representative who applies on behalf of the household; and

(c) Make a reasonable effort to complete verification as described in WAC 388-49-110 within the expedited processing standards;

(d) Require the applicant to register for work unless exempt or the authorized representative is applying for the household;

(e) Attempt to register other nonexempt household members for work without delaying expedited benefits;

(f) Issue benefits within five calendar days for expedited service; and

(g) 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 is provided; or

(b) For one month when necessary verification is postponed; or

(c) For the month of application and the second month when:

(i) Verification is postponed; and

(ii) The application is received on or after the sixteenth of the month.

(6) The department shall, after postponed verification is received for cases certified under subsection (5)(c), issue the second month's benefits:

(a) Within five working days from receipt of the verification; or

(b) The first working day of the second month, whichever is later.

(7) There is no 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.

(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 91-09-033
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Board of Physical Therapy)

[Order 156B—Filed April 12, 1991, 3:11 p.m.]

Date of Adoption: April 11, 1991.

Purpose: To further clarify acceptable passing examination scores; and to implement treatment options for physical therapists impaired by alcohol or substance abuse.

Citation of Existing Rules Affected by this Order: Amending WAC 246-915-030.

Statutory Authority for Adoption: RCW 18.74.023.

Other Authority: RCW 18.130.175.

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 WAC 246-915-030, to clarify the intent of the rule and eliminate the potential for misinterpretation which may result in patient harm in the licensing of individuals not competent to practice physical therapy; and under WAC 246-915-300 through 246-915-330, to establish a means of providing treatment options for physical therapists whose competency may be impaired due to the abuse of drugs or alcohol. Without treatment and monitoring, potential for patient harm by the impaired therapist exists.

Effective Date of Rule: Immediately.

April 11, 1991
 Christine Larson P.T.
 Chair

AMENDATORY SECTION (Amending Order 144B, filed 2/20/91, effective 3/23/91)

WAC 246-915-030 EXAMINATION. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as approved by the board of physical therapy. A passing score is ~~((not less than 1.0 standard deviation below the national mean.))~~ considered to be one of the following:

(a) not less than 1.0 standard deviation below the national mean for the examination approved by the board beginning February 28, 1991; or

(b) not less than sixty percent raw score on each of the three examination parts for the examination approved by the board prior to February 28, 1991.

(2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake the examination.

(3) Where necessary, applicant's score will be rounded off to the nearest whole number.

NEW SECTION

WAC 246-915-300 PHILOSOPHY GOVERNING VOLUNTARY SUBSTANCE ABUSE MONITORING PROGRAMS. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for physical therapists whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such physical therapists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer physical therapists impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160. [Statutory Authority: RCW 18.74.023, 18.130.175.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 246-915-310 TERMS USED IN WAC 246-915-300 THROUGH 246-915-330. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-915-320 which enters into a contract with physical therapists who have substance abuse problems regarding the required components of the physical therapist's recovery activity and oversees the physical therapist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating physical therapists.

(2) "Contract" is a comprehensive, structured agreement between the recovering physical therapist and the approved monitoring program stipulating the physical

therapist's consent to comply with the monitoring program and its required components of the physical therapist's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a physical therapist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the physical therapist and the physical therapist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Support group" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which physical therapists may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve steps groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer groups association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

(9) "Health care professional" is an individual who is licensed, certified or registered in Washington to engage in the delivery of health care to patients. [Statutory Authority: RCW 18.74.023, and 18.130.175.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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 246-915-320 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program approved will not provide evaluation or treatment to the participating physical therapists.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of physical therapy as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The physical therapy work environment; and
- (f) The ability of the physical therapist to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the physical therapist and the board to oversee the physical therapist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a physical therapist will be prohibited from engaging in the practice of physical therapy for a period of time and restrictions, if any, on the physical therapist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the physical therapist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any physical therapist who fails to comply with the requirement of the monitoring program.

(10) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of physical therapy for those participating in the program. [Statutory Authority: RCW 18.74.023 and 18.130.175.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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 246-915-330 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the physical therapist may accept board referral into the approved substance abuse monitoring program.

(a) The physical therapist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The physical therapist shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The physical therapist will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The physical therapist will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The physical therapist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The physical therapist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The physical therapist will submit to random drug screening as specified by the approved monitoring program.

(vi) The physical therapist will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The physical therapist will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The physical therapist shall sign a waiver allowing the approved monitoring program to release information to the board if the physical therapist does not comply with the requirements of this contract.

(c) The physical therapist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The physical therapist may be subject to disciplinary action under RCW 18.130.160 if the physical therapist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A physical therapist who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The physical therapist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The physical therapist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The physical therapist will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The physical therapist will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The physical therapist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The physical therapist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The physical therapist will submit to random drug screening as specified by the approved monitoring program.

(vi) The physical therapist will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The physical therapist will comply with employment conditions and restrictions as defined by the contract.

(viii) The physical therapist shall sign a waiver allowing the approved monitoring program to release information to the board if the physical therapist does not comply with the requirements of this contract.

(c) The physical therapist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through RCW 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder. [Statutory Authority: RCW 18.74.023 and 18.130.175.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 91-09-034
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed April 12, 1991, 4:14 p.m.]

Date of Adoption: April 12, 1991.

Purpose: General revisions.

Citation of Existing Rules Affected by this Order:

Amending chapter 236-49 WAC.

Statutory Authority for Adoption: Chapter 43.19 RCW.

Pursuant to notice filed as WSR 90-20-142 on October 3, 1990.

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

April 12, 1991

Alan R. Momohara
 for K. Wendy Holden
 Director

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-49-010 DEFINITIONS. As used in this chapter the following terms shall have the following meanings:

(1) Agency. Shall include state of Washington institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Agency does not include the legislature.

(2) Alternate. Goods and services which are not at least a functional equal in features, performance or use of the brand, model, or specification designated as the standard.

(3) Delegated authority. Authority to purchase goods and services delegated to an agency by office of state procurement pursuant to RCW 43.19.190(4) and which is delegated in three forms:

(a) General. Those purchases delegated annually by the office of state procurement which are common to multiple state agencies.

(b) Specific. Those purchases delegated annually to specific agencies for continuing individual commodity requirements.

(c) Limited. Those purchases delegated to a specific agency for one-time commodity requirements.

(4) Director. Except where otherwise specifically noted shall mean the state purchasing and material control director, who is the assistant director of the office of state procurement.

(5) Equal. Goods and services which meet or exceed the quality, performance and use of the brand, model, or specifications in the invitation for bid or request for quotation.

(6) Field order. A standard state form used to make withdrawals from existing state contracts established by the office of state procurement or where an agency has received delegated authority for direct purchase((s have been authorized)).

~~((2) Director. Except where otherwise specifically noted in these regulations, director shall mean the state purchasing and material control director, who is the assistant director of the office of state procurement.~~

~~(3) Purchase order. A standard state form signed by an authorized agent of the office of state procurement which notifies the contractor to provide the stated material, equipment, supplies or services under the terms and conditions set forth thereon.~~

~~(4) Purchase requisition. A standard state form which serves as a procurement request and which authorizes the office of state procurement to provide stated requirements.~~

~~(5) Office of state procurement. The office of state procurement means the division of purchasing of the department of general administration.~~

~~(6)) (7) Goods and/or services. Material, supplies, services, and equipment offered for sale by a supplier(s) and required by a state agency to accomplish continuing and necessary functions and not otherwise statutorily exempted from chapter 43.19 RCW as a personal service under RCW 39.29.006(8); an architectural and engineering service under RCW 39.80.020(5); or data information systems and telecommunications equipment, software, and services under chapter 43.105 RCW.~~

~~(8) Materials management center. That activity managed by the department of general administration office of state procurement whose function is to provide for the:~~

~~(a) Centralized storage and distribution of commonly used supplies and equipment to ensure administrative efficiency and economy in such purchases by state agencies;~~

~~(b) Centralized salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies.~~

~~((7) Delegated authority:~~

~~(a) General. Those purchases delegated annually by the office of state procurement which are common to multiple state agencies.~~

~~(b) Specific. Those purchases delegated to specific agencies for continuing individual commodity requirements.~~

~~(c) Limited. Those purchases delegated to a specific agency for one-time commodity requirements.))~~

~~(9) Office of state procurement. The division of purchasing of the department of general administration in RCW 43.19.180 et seq. Whenever a purchase or sale is made by the office of state procurement on behalf of another agency the office of state procurement is acting in the capacity of agent for such agency.~~

~~(10) Political subdivision. Any agency, political subdivision, or unit of local government of Washington state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of Washington state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state of the United States.~~

~~(11) Purchase. Shall include purchase, lease, renting or lease-purchase of goods and services.~~

~~(12) Purchase order. A standard state form signed by an authorized buyer of the office of state procurement which notifies the contractor to provide the stated material, equipment, supplies, or services under the terms and conditions set forth thereon.~~

~~(13) Purchasing activity. The office of state procurement or an agency authorized by state statute to conduct acquisition of goods and services or delegated that authority by the office of state procurement.~~

~~(14) Requisition. A standard state form which serves as a procurement request and which requests the office of state procurement to purchase stated requirements.~~

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-49-020 WASHINGTON STATE PURCHASING STRUCTURE. The office of state procurement has been charged by the legislature with the responsibility to purchase all ~~((material, supplies,))~~ goods and/or services ~~((except personal services) and equipment (except data processing and telephone equipment/systems))~~ needed for the support, maintenance and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Primary authority for the purchase of specialized equipment, instructional and research material for their own use rests with the colleges, community colleges and universities. Primary authority for the purchase of ~~((materials, supplies and equipment))~~ goods and/or services for resale to other than public agencies rests with the state agency concerned. The legislature has the responsibility of making purchases necessary for the operation of the legislature. ~~((Primary authority for purchase of automatic data processing equipment and telephone equipment/systems rests with the department of information services:))~~

The office of state procurement has authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify types of ~~((material, equipment,))~~ goods and/or services ~~((and supplies))~~: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with RCW 43.19.190 through 43.19.1939, as now or hereafter amended, from chapter 236-48 WAC, or from policies established by the director after consultation with the state supply management advisory board. The delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies, chapter 236-48 WAC or RCW 43.19.190 through 43.19.1939.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-49-030 DELEGATED AUTHORITY. The office of state procurement shall administer ~~((and))~~ the purchase((s)) and sale((s)) of all goods and services for state agencies except those for which the agencies have statutory or delegated authority. Delegated purchases are set forth in: (1) General authorities; (2) specific authorities; and (3) limited purchase authorities. All delegations must be given in writing prior to the purchase or sale.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-49-040 TYPES OF PURCHASING. Acquisition of ~~((purchased))~~ goods and services by the

office of state procurement is divided into three major types:

(1) State contracts: ~~((Term))~~ Contracts for ((material, supplies,)) goods and/or services ((and equipment in common use by state)) administered by office of state procurement on behalf of agencies. The contract document will identify the condition(s) under which usage by ~~((state))~~ agencies is required.

(2) Materials management center: The office of state procurement maintains a materials management center for the storage and distribution of a wide variety of supplies in high common use. Any agency which is in need of such supply items must purchase from the materials management center regardless of whether authority to purchase such supply items has been delegated to it. In addition, the materials management center also handles the maintenance, repair and servicing of office equipment used by state agencies in their servicing areas.

(3) Single acquisitions: ~~((Specific material, supplies, equipment or))~~ Purchase of goods and services ((acquisitions by the office of state procurement)) for which an agency does not have statutory authority nor delegated authority ((has not been delegated,)) and for which there is no existing state contract((;)) or which the materials management center is unable to supply, must be made by submitting a ((purchase)) requisition to the office of state procurement. Such requisition must refer to any applicable Washington state specifications, standards and qualified products lists unless otherwise provided by the director or designee. Requests to use specifications, standards or qualified products which differ from the established Washington state specifications, standards and qualified products must be in writing to the director or designee. ((A purchase requisition must describe the items requisitioned in such detail and in such full and explicit terms as to be easily understood by bidders. Diagrams, specimens, samples and other illustrative material should be included with a requisition, where appropriate.)) If a proprietary item is required, the agency must attach adequate justification. After consultation with the using agency, the office of state procurement ~~((may select equal or alternate items offered by bidders if the equal or alternate items offered will perform the same function as the specified item and if the quality is equal or greater))~~ shall award the contract pursuant to RCW 43.19.1911 and chapter 236-48 WAC. The contract may be awarded to a bidder offering a bid or quote for brands or models other than specified on the requisition and/or invitation for bid or request for quotation if equal to the specifications therein.

WSR 91-09-035
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Office of State Procurement)
[Filed April 12, 1991, 4:19 p.m.]

Date of Adoption: April 12, 1991.

Purpose: General revisions and adoption of weighting factor giving preference to goods with recovered material content.

Citation of Existing Rules Affected by this Order: Amending chapter 236-48 WAC.

Statutory Authority for Adoption: Chapter 43.19 RCW.

Pursuant to notice filed as WSR 90-20-141 on October 3, 1990.

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

April 12, 1991
Alan R. Momohara
for K. Wendy Holden
Director

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-002 PURPOSE. The purpose of this chapter is to set forth rules and regulations applicable to the purchase or sale of ~~((material, equipment,))~~ goods and services ((and supplies)) by, through, or under authority delegated by, the office of state procurement.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-003 DEFINITIONS. As used in this chapter the following terms shall have the following meanings:

(1) Agency. ~~((Agency))~~ Shall include state of Washington institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Agency does not include the legislature.

(2) Alternate. ~~((An alternate is material, supplies, equipment or))~~ Goods and services which ((is)) are not at least a functional equal in features, performance or use of the brand, model or specification designated as the standard.

(3) ~~((Equal. An equal is material, equipment, supplies or services which equal or exceed the quality, performance and use of the brand, model or specifications designated as the standard.~~

~~((4))~~ Bid. ~~((Bid means))~~ A written offer to perform a contract to purchase or supply ((material, equipment,)) goods or services ((or supplies)) in response to ((a formal solicitation. In the case of oral solicitation of bid(s), written confirmation shall constitute the)) an invitation for bid.

~~((5))~~ Bidder. A supplier who submits a bid or quotation.

(5) Bidder's bond. As used in RCW 43.19.1915 shall mean either a bid guarantee or performance guarantee as addressed herein.

(6) Buyer. ~~((Any))~~ An employee of the office of state procurement designated as a buyer, contract administrator, or similar designation by the director, including, where appropriate, the director and other management personnel. Also, ((where applicable, any)) authorized

employee(s) of a purchasing activity (~~with similar duties~~)).

~~(7) ((Competitive formal sealed bid procedure. Procedure by which the buyer solicits written bids or quotations from a sufficient number of prospective bidders to assure adequate price and product competition by means of a written invitation for bid (IFB) setting forth bid requirements. All bids are to be submitted in sealed envelopes to the location indicated in bid documents and must be received by the time indicated therein. No disclosure of bids or bid information is made prior to the public bid opening. After the public bid opening, all bid information shall be referred to the buyer and treated as confidential working papers until after award at which time all bids become public information.~~

~~(8)) Confidential information. Any information meeting the criteria in RCW 42.17.310.~~

~~(8) Contractor. Individual, company, corporation, firm, or combination thereof with whom purchaser develops a contract for the procurement of goods and services.~~

~~(9) ((Description. Description means identifying information distinctly and plainly set forth and sufficiently portrayed and explained to ensure that the product or service under consideration is uniquely identified:)) Delegated authority. Authority to purchase goods and services delegated to an agency by office of state procurement pursuant to RCW 43.19.190(4) and which is delegated in three forms:~~

~~(a) General. Those purchases delegated annually by the office of state procurement which are common to multiple state agencies.~~

~~(b) Specific. Those purchases delegated annually to specific agencies for continuing individual commodity requirements.~~

~~(c) Limited. Those purchases delegated to a specific agency for one-time commodity requirements.~~

~~(10) Direct buy limit. Dollar amount established by the supply management advisory board pursuant to RCW 43.19.1906(2) below which competitive acquisition is not required.~~

~~(11) Director. Except where otherwise specifically noted ((the term "director" as used in these rules;)) shall mean the state purchasing and material control director, who is the assistant director, office of state procurement.~~

~~((+1)) (12) Emergency purchase. ((Emergency purchase means)) A purchase made ((in response to unforeseen circumstances beyond the control of an agency which presents a real, immediate and extreme threat to the proper performance of essential functions and/or which may reasonably be expected to result in excessive loss or damage to property, bodily injury or loss of life)) pursuant to RCW 43.19.200.~~

~~((+2)) (13) Equal. Goods and services which meet or exceed the quality, performance and use of the brand, model, or specifications in the invitation for bid or request for quotation.~~

~~(14) Fair market price. The price determined pursuant to RCW 43.19.530.~~

(15) Formal sealed bid procedure. Procedure by which the buyer solicits written competitive bids from a sufficient number of prospective bidders drawn from established supplier lists and from any other source thought to be of advantage to the state to assure adequate price and product competition by means of a written invitation for bid (IFB) setting forth specifications and all material and objectively measurable criteria for the intended purchase. All bids are to be submitted in sealed envelopes to the location indicated in bid documents and must be received by the time indicated therein. No disclosure of bids or bid information is made prior to the public bid opening. After the public bid opening, all bid information shall be referred to the buyer and treated as confidential working papers until after award at which time all bids become public information. The award is to be made in accordance with RCW 43.19.1911.

(16) Goods and/or services. Material, supplies, services, and equipment offered for sale by a supplier(s) and required by an agency to accomplish continuing and necessary functions and not otherwise statutorily exempted from chapter 43.19 RCW as a personal service under RCW 39.29.006(8); an architectural and engineering service under RCW 39.80.020(5); or data information systems and telecommunications equipment, software, and services under chapter 43.105 RCW.

(17) Informality. An ((informality or irregularity is one which is merely a matter of form or is some)) immaterial variation from the exact requirements of the invitation for bids, having no effect or merely a ((trivial)) minor or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to bidders.

((+3)) (18) Invitation for bid. ((An invitation for bid is)) The form utilized to solicit bids in the ((competitive;)) formal, sealed bid procedure and any amendments thereto issued in writing by the buyer.

((+4) Quotation. An offer to perform a contract to purchase or supply material, equipment, services, or supplies in response to a request for quotation.

(+5)) (19) Office of state procurement. The division of purchasing of the department of general administration in RCW 43.19.180 et seq. Whenever a purchase or sale is made by the office of state procurement on behalf of another agency, the office of state procurement is acting in the capacity of agent for such agency.

(20) Purchase. Shall include purchase, lease, renting or lease-purchase of goods and services.

(21) Purchasing activity. The office of state procurement or an agency authorized by state statute to conduct acquisition of goods and services or delegated that authority by the office of state procurement.

(22) Quotation. An offer to perform a contract to supply goods and services in response to a request for quotation.

(23) Recovered material. Goods containing recovered materials as defined in RCW 43.19.537 et seq. and federal, regional, or state guidelines approved by the director.

~~(24) Request for quotation. ((A request for quotation is)) The form used when purchases are solicited in accordance with RCW 43.19.1906(2). The request and the quote in response may be either written or oral as specified by the buyer.~~

~~((16)) (25) Requisition. A standard state form which serves as a procurement request and which requests the office of state procurement to purchase stated requirements.~~

~~(26) Sealed bid limit. That dollar amount established by RCW 43.19.1906 or pursuant thereto above which the formal sealed bid procedure will be used. Said amount may be lowered by the director to maintain full disclosure or competitive procurement or otherwise achieve overall state efficiency and economy.~~

~~(27) Single source purchase. A ((single source purchase is a)) purchase of goods or services which is clearly and legitimately limited to a single source of supply.~~

~~((17)) (28) Specifications. ((Specifications shall mean)) The explicit requirements furnished with an invitation for bid or request for quotation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the ((equipment, material, supplies or)) goods and services to be purchased or sold so as to enable the bidder or supplier to determine and understand that which is to be supplied or sold. This information may be in the form of ((a)) a description of the physical or performance characteristics((; (b)), a reference brand name((;)) or ((c)) both. It may include a description of any requirement for inspecting, testing, or preparing a material, equipment, supplies, or service for delivery.~~

~~((18) State purchasing division. The state purchasing division is the office of state procurement of the department of general administration. Whenever a purchase or sale is made by an agency other than the office of state procurement, any reference to the office of state procurement in this chapter shall mean such agency. Whenever a purchase or sale is made by the office of state procurement on behalf of another agency, the office of state procurement is acting in the capacity of agent for such agency.~~

~~(19) Supplier. A vendor of purchased goods or services.~~

~~(20) Purchaser. Purchaser shall mean the state of Washington or the agency or agencies purchasing the material, equipment, supplies or services.~~

~~(21) Purchase. Wherever used in this chapter the term purchase shall also include leasing or renting or lease purchase.~~

~~(22) Direct buy limit. That dollar amount established by the supply management advisory board (SMAB) whereby competitive acquisition of equipment, supplies, or service is not required.~~

~~(23) Sealed bid limit. That dollar amount established by RCW 43.19.1906 (2) and (7), or pursuant thereto, by the office of financial management. Said amount may be lowered by the director, taking into consideration any advice of the supply management advisory board, pursuant to and consistent with chapter 43.19 RCW.~~

~~(24) Contractor. An individual, company, corporation, firm, or combination thereof with whom the state of~~

~~Washington develops a contract for the procurement of goods and/or services.~~

~~(25) Bid bond. Financial guarantee submitted by bidder to protect the interest of the state should bidder decide to withdraw said bid.~~

~~(26) Performance guarantee. Financial guarantee submitted by contractor to ensure contractual performance.~~

~~(27) Recovered materials. "Recovered materials" means:~~

~~(a) "Post consumer waste" which is:~~

~~(i) Paper, paperboard, and fibrous wastes from buildings such as retail stores, office buildings, (and) homes, after the wastes have passed through their end-usage as a consumer item, including: Used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage; and~~

~~(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste; and~~

~~(iii) All other items containing plastics, yard waste, metals, glass, rubber, oil, or any other material that is suitable as feedstock in product manufacturing; and~~

~~(b) "Secondary waste" including manufacturing and other wastes such as:~~

~~(i) Dry paper and paperboard waste generated after completion of the papermaking process, that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets including: Envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations. Bag, box, and carton manufacturing wastes, and butt rolls, mill wrappers, and rejected unused stock;~~

~~(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;~~

~~(iii) Wastes generated by the conversion of goods made from fibrous material, that is, waste rope from cordage manufacture, textile mill waste, and cuttings; and~~

~~(iv) Fibers recovered from waste water which otherwise would enter the waste stream.~~

~~((28)) (29) State contract. Contracts for goods and/or services administered by office of state procurement on behalf of agencies. The contract document will identify the conditions under which usage by agencies is required.~~

~~(30) Supplier. A vendor of purchased goods and services.~~

~~(31) Supplier list. List of potential bidders maintained by the office of state procurement from which names may be drawn for solicitation of bids/quotes.~~

~~(32) Used equipment. Goods offered for sale to the state which ((a)) do not have a full factory warranty((;)) and ((b)) which are not being rented, leased, or otherwise in the actual possession of the state agency considering the purchase at the time of the purchase transaction.~~

~~((29) Purchased goods and services. All materials, equipment, supplies, or services offered for sale by a~~

supplier(s) and required by a state agency to accomplish continuing and necessary functions and not otherwise identified as a personal service under RCW 39.29.006(8) or an architectural and engineering service under RCW 39.80.020(5).

(30) Supplier list. List of potential bidders maintained by the office of state procurement from which names may be drawn for solicitation of bids/quotes:))

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-004 PROCEDURE FOLLOWED IN THE SOLICITATION OF BIDS. Whenever practicable the governing standard for ((state)) purchases of goods and services exceeding the sealed bid limit by purchasing activities is ((one of competitive bids in combination with a)) the formal sealed bid procedure((The office of state procurement mails invitations for bid to a sufficient number of prospective bidders to elicit adequate competition, such suppliers being drawn from established supplier lists and from any other source thought to be of advantage to the state)). Invitations to bid may call for bid prices with and without trade-in.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-005 EXCEPTIONS TO ((COMPETITIVE)) FORMAL SEALED BID PROCEDURE. Purchases meeting the following criteria and within an agency's statutory purchase authority or the purchase authority delegated to that agency by office of state procurement need not be purchased by formal sealed bid:

(1) Emergency purchase. ((Emergency purchases need not be procured through a formal sealed bid procedure:)) Unless revoked by the office of state procurement, all agencies have the delegated authority to ((make)) conduct emergency purchases ((if notice of such a purchase and the reason therefor is transmitted to the office of state procurement immediately after the purchase is made, in accordance with)) pursuant to RCW 43.19.200.

(2) Purchases not exceeding ((five thousand dollars. Purchases not exceeding five thousand dollars may be solicited by the state by other than a formal sealed bid procedure)) the sealed bid limit unless the director specifically requires a formal sealed bid.

(3) Single source or special facilities, services or market conditions. Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions may be acquired through direct negotiation with documented source selection.

(4) Used equipment. The purchase of used equipment from private suppliers is generally considered by the office of state procurement to be a purchase falling within the exception set forth in subsection (3) of this section. A state agency desiring to purchase used equipment shall be responsible to determine what used equipment is available on the market and properly record this search. ((In the case of a)) All agencies have delegated authority to purchase ((involving)) used equipment for

less than the sealed bid limit((, the agency need not submit the requirement to the office of state procurement:)) provided that the purchase file located at the state agency shall be fully documented with agency determination as to ((fair market value. In the case of)) market competitiveness of price and source selection. For purchases of used equipment exceeding the sealed bid limit, a purchase requisition is to be submitted to office of state procurement with two written appraisals ((are required to be submitted to the office of state procurement with the purchase request. The purchase request file must contain)) and justification for the acquisition of used equipment ((and include)) including documentation to sufficiently establish ((fair market value)) market competitiveness of pricing and proposed source selection. All appraisals must be from competent firms or persons not associated with the supplier or ((purchaser which)) agency and certify whether a physical inspection of the used equipment was conducted and that the ((agreed upon)) price ((represents a fair market value for the)) is competitive with the market for comparable equipment. The appraisals will normally be made by individuals or firms knowledgeable of a particular market, not just knowledgeable of the equipment. For purchases exceeding the sealed bid limit, the appraisals must include a statement as to the ((fair market value)) price of like goods if purchased new (e.g., with full factory warranty). All equipment with full factory warranty shall be purchased as new equipment.

(5) Purchases from ((institutional)) correctional industries and other suppliers who, under law, receive a preference.

(6) Purchases from sheltered workshops and programs of the department of social and health services ((as required by law:)) based upon fair market ((value will be)) price as determined ((by the office of state procurement)) pursuant to RCW 43.19.520 et seq.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-009 BIDS IN GENERAL. All bids or quotes are subject to the invitation for bid or request for quotations, the specifications and plans, the applicable contract terms and conditions and the rules and regulations ((of the office of state procurement)) set forth in this chapter. In the event of conflict among any of the above the following order shall govern:

- (1) Rules and regulations;
- (2) Specifications and plans; and
- (3) Applicable contract terms and conditions.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-012 BIDDING OR QUOTING TIME. The bidding or quoting time shall be as determined by the buyer involved. All invitations for bid shall provide sufficient time to allow bidders an opportunity to prepare and submit their bid. The buyer shall have the discretion to lengthen or shorten bid or quote times, should special circumstances or needs dictate a shorter or longer time frame. When extending or shortening the

time allowed to submit a bid or quote, the buyer is to issue an addendum notifying bidders of the revised opening/due date. If it is determined that regular mail will not reach bidders in time to respond, the buyer shall attempt to notify each prospective bidder by telephone or other available means of communication. All bids must be received by the time specified for bid opening. No deviations will be allowed. Late bids will be returned unopened unless retention is deemed by the director to be in the best interests of the state. Quotations must be received by close of the normal business day on the date indicated. Late quotations will not be considered or returned to bidders. Time of receipt will be determined by the official time stamp located at the ~~((office of state procurement))~~ purchasing activity.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-013 **AMENDMENT OF INVITATION TO BID.** An invitation for bid may be changed or amended by the buyer involved, provided the change is issued in writing prior to the bid opening date. Any material information provided a prospective bidder with regard to an invitation for bid, shall be furnished in writing by the buyer to all bidders receiving a copy of the original invitation. Oral interpretations of contract terms and conditions shall not be binding on the state unless confirmed in writing by the buyer.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-021 **SUPPLIER LISTS.** Supplier lists are categorized according to specific categories of purchased goods and services and are maintained and updated by the office of state procurement. Such lists are used by buyers to determine suppliers from which to solicit bids. Due to cost considerations not all suppliers are solicited for each bid invitation. In order to be considered for inclusion on a supplier list, suppliers must apply to the office of state procurement. ~~((The office of state procurement))~~ A purchasing activity may deny issuance of a bid to a prospective supplier ((if) until such supplier ((fails to)) registers on a ((given) supplier list when requested. The office of state procurement may deny or limit placement on supplier list(s) for reason(s) outlined under WAC 236-48-024.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-023 **NONACCEPTANCE.** If an application to be placed on a supplier list is refused, the applicant shall be advised in writing as to the reason for nonacceptance ~~((together with suggestions as to))~~ and how the applicant might qualify in the future.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-035 **BID ((BOND)) GUARANTEE.** ~~((The office of state procurement may require))~~ When required in the invitation for bid, all bidders shall

provide with their bid a bid ((bond)) guarantee unilaterally payable to the ((state in such)) purchasing activity. The amount ((and with such surety or sureties as may be)) of the bid guarantee shall be identified in the invitation for bid in dollars and shall be sufficient to redress damages to the state in the event of bidder withdrawal as determined by the buyer. Bid ((bonds)) guarantees may be in the form of a certified check, cashier's check, escrow agreement ((on a form approved by the office of state procurement)), or irrevocable letter of credit drawn on a separate account((s)) in a banking or savings and loan institution((s)) regulated by the state of Washington or federal government, cash or a surety bond ((payable to the state of Washington)) with a surety company. Surety bonds or escrow agreements must be on a form approved by the purchasing activity. Personal or company checks are not acceptable. Failure to submit a bid ((bond)) guarantee in the specified form will be a cause for rejection. Bid ((bonds)) guarantees shall be ((retained by the state until contract(s) is awarded. Surety bonds and letters of credit will be)) returned to bidders after award of contract((; cashier's and certified checks or cash will be returned via a state warrant in the amount of the deposit)). Interest will not be paid on funds deposited directly with the state. Bidders who regularly conduct business with the ((state)) purchasing activity shall be permitted to file an annual bid ((bond)) guarantee in lieu of bid ((bonds)) guarantees for individual contracts in an amount determined by the ((state)) purchasing activity. When a bid ((bond)) guarantee is submitted, the bidder covenants that he/she will accept a contract award. Violation of this covenant will result in forfeiture of the bid ((bond)) guarantee and payment of the same into the Washington state treasury as and for liquidated damages.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-036 **PERFORMANCE GUARANTEES.** When required in the invitation for bid the successful bidder shall post a performance guarantee ~~((in amount(s) specified in the bid))~~ unilaterally payable to the purchasing activity after notice of award. The amount of the performance guarantee shall be identified in the invitation for bid in dollars and/or a percentage of contract worth sufficient to redress damages to the state in the event of breach by the contractor(s). The required performance guarantee shall be in the form of a ((surety bond with a surety company)) certified check, cashier's check, ((cash;)) escrow agreement ((on a form approved by the office of state procurement)), or irrevocable letter of credit ((unilaterally payable to the state of Washington, and)) drawn on a separate account((s)) in a banking or savings and loan institution((s)) regulated by the state((; or other form acceptable to the state of Washington)) or federal government, cash, surety bond with a surety company. Surety bonds or escrow agreements must be on a form approved by the purchasing activity. Personal or company checks are not acceptable. The performance guarantee shall be held by the state or deposited to the state account until contract terms have

been fully executed to the satisfaction of the state. Interest will not be paid on funds deposited directly with the state. Failure to submit a performance bond as required in the invitation for bid shall be grounds for contract termination.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-052 FACSIMILE BIDS. Facsimile bids (~~or quotations~~) will not be accepted under any circumstances. A facsimile withdrawal of a bid or quotation may be accepted, provided that it is received prior to opening of bids or quotations, it meets the approval of the buyer and is immediately (~~followed up~~) confirmed in writing.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-061 HAND CARRIED BIDS. Hand carried bids must be delivered to the bid supervisor at the (~~office of state procurement~~) purchasing activity or placed in (~~the~~) a secure bid depository in the (~~office of state procurement~~) purchasing activity on or before the (~~official~~) bid opening time stipulated on the invitation for bid.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-071 FORM OF BID. To receive consideration, bids and quotes shall be made on the form provided by the (~~office of state procurement~~) purchasing activity, or on a letter containing the information. If a letter is used it must meet the satisfaction of the buyer, be properly headed and signed, properly marked on the outside of the envelope, received by the time specified, and be accompanied by a signed and completed bid form provided by the (~~state~~) purchasing activity.

Bids must be filled out in ink or with typewriter and properly signed by an authorized representative of the bidder. All changes and/or erasures shall be initialed in ink. The buyer may declare that a quotation (not a bid) prepared in pencil is (~~a minor~~) an informality and may accept and consider a clear pencil quotation. Unsigned bids will be rejected on opening. However, the buyer may accept such bids if it is determined that satisfactory evidence was submitted prior to bid opening which clearly indicates the bidder's desire to be bound by his/her bid such as a signed cover letter or bid bond.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-079 STANDARD SPECIFICATIONS. Specifications contained in the invitation for bid will, where practical, be nonrestrictive so as to provide an equal basis for competition and participation by an optimum number of qualified bidders. Unless otherwise specifically provided in the invitation for bid, reference to any equipment, material or supplies by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as

limiting competition. All bids which offer a different trade name, make, or catalog number must state whether the item offered is an equal or an alternate, and literature which describes the item offered must be provided when available. The final decision as to whether an item is an equal or (~~a satisfactory~~) an alternate shall rest with the (~~office of state procurement~~) purchasing activity. In the absence of a bidder's statement of a bid being an "alternate" it shall be evaluated as an "equal."

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-081 INTERPRETATION OF SPECIFICATIONS. In the event of discrepancies or omissions in the bid specifications, or doubt as to their meaning, the supplier shall immediately notify the (~~office of state procurement~~) purchasing activity in writing. In response, written instructions and/or addenda as required shall be sent to suppliers receiving the initial bid document. The (~~office of state procurement~~) purchasing activity will not be responsible for oral interpretations not confirmed in writing by the (~~office of state procurement~~) purchasing activity prior to the time stipulated in the bid opening.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-082 REQUEST FOR SAMPLES, DESCRIPTIVE LITERATURE. (~~The office of state procurement reserves the right to ask for~~) When required in the invitation for bid the buyer may require samples, competitive demonstrations, and/or descriptive literature at the bidder's expense. Unless approved in advance by the buyer, samples must be identified (~~to that bid~~) with the invitation for bid number. If not received within a reasonable period of time, as determined by the buyer, a bid may be rejected. If not destroyed in testing or required for quality control, bidders may request return of samples at their expense. Samples not claimed within ten days after written or verbal notification will be disposed of by the (~~state~~) purchasing activity.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-083 ACCEPTANCE OF ALTERNATE BID/QUOTE. The (~~state~~) buyer shall be under no obligation whatever to accept alternate bids (~~or~~) quotes (~~However, the office of state procurement~~) but shall have the discretion to accept (~~an alternate~~) a bid (~~or~~) or quote if it (~~can be shown that the alternate~~) substantially conforms to the bid specifications. (~~Bidder must submit complete documentation with bid sufficient to establish product comparison~~) Unless (~~identified~~) their bid is clearly identified as an alternate, bidders warrant(s) the (~~product~~) goods and services bid to be at least equal (~~in quality and performance~~) to specifications on the invitation for bid or request for quotation and shall submit with their bid or

quotation complete documentation sufficient to so establish. Bids without sufficient documentation may be rejected. If a bidder misrepresents ((his/her)) their bid as being ((^a))an equal((^a)) when ((in fact)) it is ((^a))an alternate,((^a his/her)) their bid may be rejected and bidder will be liable for damages caused by the misrepresentation.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-084 **PREBID CONFERENCES.** Prebid conferences may be scheduled to address any questions regarding the invitation for bid. Changes to the invitation for bid shall not be binding upon the state unless confirmed in writing by the ((office of state procurement)) purchasing activity prior to bid opening.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-093 **AWARD.** A contract shall be awarded to the lowest responsible and responsive bidder based upon, but not limited to, the following criteria where applicable and only that which can be reasonably determined:

(1) The price and the effect of term discounts (not less than thirty calendar days after receipt of goods or correct invoice, whichever is later). Consideration may be given to business and occupation tax returns from in-state suppliers and local sales and use tax cost differences between in-state suppliers. Price may be determined by life cycle costing if so indicated in the invitation for bid.

(2) The ~~((quality of the articles proposed to be supplied, their))~~ conformity of the goods and/or services bid with invitation for bid or request for quotation specifications depicting the quality and the purposes for which they are required.

(3) The ability, capacity and skill of the bidder to perform the contract or provide the services required.

(4) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(5) Whether the bidder can perform the contract within the time specified.

(6) The quality of performance on previous contracts for purchased goods or services.

(7) The previous and existing compliance by the bidder with the laws relating to the contract for ~~((purchased))~~ goods and/or services.

(8) Servicing resources, capability and capacity.

(9) Lack of uniformity or interchangeability, if such factors are important.

(10) The energy efficiency of the product as projected throughout the anticipated useful life of the product.

(11) The effect of reciprocity assessments, MWBE, ~~((institutional))~~ correctional industries ((preferences)) or other preferences defined by statute or rule.

(12) Such other information as may be secured having a bearing on the decision to award the contract.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-094 **PARTIAL AWARD.** A buyer shall have the discretion to award on an "all or nothing" basis or to accept any portion of the items bid, excluding others unless the bidder stipulates all or nothing on ~~((his))~~ their bid.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-095 **EXCEPTION TO AWARD TO LOWEST RESPONSIBLE BIDDER.** Whenever, in the judgment of the ~~((office of state procurement))~~ purchasing activity, there is a reason to believe that the lowest responsible and responsive bid is not the best bid obtainable, all bids may be rejected and the ~~((office of state procurement))~~ purchasing activity may call for new bids or enter into direct negotiations to achieve the best possible bid.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-096 **BID AWARD PREFERENCE**~~((=INSTITUTIONAL INDUSTRIES))~~. In conducting purchases of goods and/or services preference shall be given to the extent allowed by ((law)) statute:

(1) To those ~~((materials, equipment, supplies,))~~ goods and services provided by industries authorized and approved by the department of corrections in accordance with RCW 43.19.534 and 43.19.535.

(2) To bids ~~((from firms certified as minority or women-owned businesses by the office of minority and women's business enterprises (OMWBE)))~~ responsive to invitations for bid with minority and women's business enterprises (MWBE) goals pursuant to chapter 39.19 RCW and chapter 236-40 WAC.

(3) To ~~((products))~~ goods containing recovered material ((if indicated on the invitation for bid, provided that the bidder warrants those product(s) are functionally equivalent to the bid invitation specifications and provided that bid does not exceed the lowest responsive bid received for products without recovered material content otherwise meeting all bid specifications)) provided that the buyer sets forth in the invitation for bid a minimum percent content of recovered material that must be certified by the bidder and the producer of the goods to qualify for the preference. Bids for goods so certified shall be given a preference of ten percent of the amount of the bid in determining the lowest responsive bid for any item or grouping of items to be awarded to a single bidder. This preference shall be separate from and applied after any other preferences allowed by statute. The minimum content of recovered material shall be not less than fifteen percent provided that for those goods for which the Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. §6901 et seq.), as amended, the minimum content of recovered material shall not be less than specified in the most current adopted issue of those guidelines.

Bidders shall certify the post consumer and recovered or waste material content at the time of submitting bid. To qualify for the preference, the goods shall otherwise be at least functionally equal to all other invitation for bid specifications and use requirements. The preference shall be used for bid evaluation purposes only and the actual dollars bid shall be the contracted amount. In the event of a tie for lowest responsive bid between products otherwise meeting all bid specifications, the buyer shall consider the larger post consumer material content as a factor in determining the award. Should the buyer determine that the use of this preference does not encourage the use of more recovered material for reasons including inadequate competition, economics, environmental constraints, quality or availability, the buyer shall issue, consider and award bids without the preference. For the purpose of meeting Resource Conservation and Recovery Act requirements for state agency purchase of goods complying with Environmental Protection Agency recovered or waste guidelines, the office of state procurement may adopt specifications requiring that only goods meeting these guidelines are responsive and may consider bids for such goods though the cost exceeds ten percent of goods not meeting such guidelines.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-098 REJECTION. No rejection notice will be sent to unsuccessful bidders submitting higher bid/quote pricing than awarded. Bidders whose bids are lower than the lowest responsive bidder will be rejected as nonresponsive and will be notified of the reasons for such rejection.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-099 ACCEPTANCE OF TERMS. Acceptance of bids or quotes shall be expressly limited to the terms and conditions of the ~~((contract/))~~ invitation for bid ((prescribed)) or request for quotation issued by the ((office of state procurement)) purchasing activity. All material alterations, additional or different terms proposed by the bidder shall be and are rejected unless otherwise provided for in writing by the director or ~~((his))~~ their designee.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-101 TIME OF BIDS. All bids and withdrawals must be received on or before the time specified for bid opening at the place designated in the invitation for bid ~~((documents))~~. No deviations will be allowed and late bids or withdrawals will be returned unopened. All bids shall be date and time stamped, prior to opening. Precautions will be taken to ensure security of bids. Bids which are received but which do not identify the invitation for bid or the time for bid opening may be opened but solely for identification purposes, and only by officially designated personnel.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-121 MISTAKES IN BID DETECTED PRIOR TO BID OPENING. Mistakes in bids detected prior to bid opening may be corrected by the bidder by withdrawing the original bid and submitting a corrected bid to the ~~((office of state procurement))~~ purchasing activity before the bid opening. If there is not sufficient time prior to bid opening to withdraw the original bid and submit a corrected bid, the bidder, or an authorized representative, may correct the mistake on the face of the original bid: PROVIDED, That the ~~((official opening time has not yet been reached. A))~~ corrected bid ((must be)) is time stamped by the purchasing activity upon resubmission prior to the time designated in the invitation for bid.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-123 DISCLOSURE OF BID INFORMATION. After award and distribution, the bids and quotes of all bidders shall be open to public inspection at the offices of the ~~((office of state procurement))~~ purchasing activity during normal office hours. Copies of documents subject to public disclosure will be made available upon request in accordance with ~~((department))~~ purchasing activity policy. Bidders must provide a self addressed stamped envelope to obtain invitation for bid or request for quotation results. A copy of awarded purchase order or contract will be provided. Unless noted to the contrary in ~~((a))~~ this invitation for bid ((specification)) or request for quotation, the ~~((office of state procurement))~~ purchasing activity assumes no responsibility for the confidentiality of ~~((submitted))~~ bids after award.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-124 MINOR INFORMALITIES OR IRREGULARITIES IN BIDS OR QUOTES. The ~~((director of the office of state procurement or designee))~~ purchasing activity reserves the right to waive minor informalities or irregularities as defined in WAC 236-48-003.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-131 CANCELLATION OF INVITATION TO BID OR REJECTION OF ALL BIDS. The ~~((office of state procurement))~~ purchasing activity reserves the right to reject all bids or quotations or to cancel an invitation or request for quotation. Examples of reasons for cancellation of an invitation, or request, or rejection of all bids are:

- (1) Inadequate or ambiguous specifications.
- (2) Specifications have been revised.
- (3) Supplies or services being purchased are no longer required.
- (4) Change in agency requirements.

- (5) All bids are deemed unreasonable or sufficient funds are not available.
- (6) Bids were not independently arrived at, or were submitted in bad faith.
- (7) A determination is made that all the necessary requirements of the bid process have not been met.
- (8) Insufficient competition.
- (9) For reasons which indicate that cancellation or rejection of all bids is clearly in the best interest of the state.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-132 NOTICE OF CANCELLATION OR REJECTION OF BIDS. In the event of a cancellation of an invitation for bid or a request for quotation, or in the event all bids are rejected, all (~~participating~~) bidders will be notified by mail.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-141 PROTESTS AND APPEALS—FORM AND SUBSTANCE. All protests and appeals must be in writing and signed by the protestant or appellant or an authorized agent. Such writing must state all facts and arguments on which the protestant or appellant is relying as the basis for its action. Such protestant or appellant shall also attach, or supply on demand by the director, any relevant exhibits referred to in the writing. Copies of all protests, appeals, and exhibits shall be mailed or delivered by the protestant or appellant to the bidder or bidders against whom the protest is made at the same time such protest, appeal, and exhibits are submitted to the (~~office of state procurement~~) purchasing activity.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-151 VIOLATION OF CONTRACT TERMS. If a contractor fails to deliver, or deliver on time, or there is discrepancy in the quality and/or quantity of services or merchandise received, or there is a default in any other contract provision on a state contract, the (~~purchaser~~) agency shall notify the contractor. In the event of an unsatisfactory response from the contractor, the (~~purchaser~~) agency shall file a fully documented complaint with the office of state procurement.

The office of state procurement shall verify the complaint, note the same in the contractor's record and take appropriate action. Where a complaint is justified, the contractor shall be notified that an unsatisfactory condition exists and that the unsatisfactory condition must be cured within a stated time. If the condition is not so cured, the office of state procurement shall have the discretion to do any or all of the following: To remove the contractor from the relevant supplier list; demand performance of the contract; modify or cancel the contract and purchase elsewhere; and pursue any other legal remedies available.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-152 OFFSET AGAINST CONTRACTOR PAYMENTS. In addition to other methods of collection available, the (~~office of state procurement~~) purchasing activity may offset any damages for which the contractor is responsible against payments owing to the contractor from (~~the purchaser or~~) any (~~other~~) agency which may be indebted to the contractor.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-153 DELIVERY DATE. Whenever a specific delivery date has been stated, that date shall be an essential condition of the contract. If a contractor is unable to meet the delivery date, he/she shall notify the (~~purchaser and the office of state procurement~~) buyer at the earliest possible time. The contractor shall include in such notification the projected revised delivery date. The purchaser shall then have the option to (~~cancel~~) accept such revised dates, or cancel and purchase elsewhere.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-165 CHANGE IN PRODUCT OFFERED. A bidder or contractor shall not be allowed to substitute (~~material, supplies, equipment or~~) goods and services from that offered: PROVIDED, HOWEVER, if the (~~material, supplies, equipment~~) goods or services offered are no longer available to the bidder or contractor for reasons beyond its control, the (~~office of state procurement~~) purchasing activity may consider a request by the bidder or contractor for substitution. All such requests must be in writing, must set forth the reasons the product or service is no longer available, and must be accompanied by samples, record of performance, certified copies of tests by impartial and recognized laboratories, and such additional data as the purchaser may request. Samples and data shall be furnished sufficiently in advance to allow for investigation before a decision is made. The bidder or contractor shall warrant that the contracted article is equal or better than the specified article. If the change results in any cost savings to the bidder or contractor, the cost savings shall be reflected in full in a reduction in price to the using agency. State contracts may only be so amended by the office of state procurement.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-166 EXTENSION. If (~~basic~~) contractor provisions allow, a contractor and the (~~office of state procurement~~) purchasing activity may covenant and agree that the contract in question may be extended for predetermined periods by the (~~office of state procurement~~) purchasing activity under the same terms and conditions as comprise the original contract.

The buyer shall have discretion to extend a contract with the justification for extension being documented. The contractor shall be notified in writing of the ~~((state's desire))~~ intent to extend prior to the termination date of the existing or extended contract. If the contractor does not wish to have the contract extended, he/she shall so notify the ~~((office of state procurement))~~ purchasing activity in writing. Extensions, to be effective, must be in writing and signed by authorized representatives of both the contractor and ~~((state))~~ purchasing activity.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-167 ADDITIONS OR DELETIONS TO THE CONTRACT. Within reason, the office of state procurement may increase or decrease the items, quantities, or locations specified in a state contract.

AMENDATORY SECTION (Amending WSR 90-16-075, filed 7/30/90, effective 8/30/90)

WAC 236-48-198 SALE OF SURPLUS PROPERTY TO STATE ELECTED OFFICIALS OR EMPLOYEES. Surplus property available for disposal under the provisions of RCW 43.19.1919 shall not be sold to state elected officials, officers or employees, except at public sale: PROVIDED, HOWEVER, An item valued at less than ~~((\$400))~~ direct buy limit and declared surplus of a personal nature such as a chair, desk or bookcase, which in some way depicts or represents the office in which ~~((he has))~~ they have served, may be sold to an elected official after leaving office at private sale ~~((for its fair market value))~~ as used equipment: PROVIDED FURTHER, That a retiring commissioned officer of the Washington state patrol or other state-wide law enforcement activity may purchase his or her career service handgun at private sale ~~((for its current fair market value))~~ as used equipment.

AMENDATORY SECTION (Amending Order 89-02, filed 8/22/89, effective 9/22/89)

WAC 236-48-230 LEASES. If ~~((an agency, in the exercise of its delegated authority;))~~ a purchasing activity leases ((material, supplies, equipment;)) without option to purchase goods or services, the state standard form lease developed by office of state procurement shall be used. Any deviations therefrom must be approved as to form by the office of state procurement and the attorney general's office. For goods to be leased with an option to purchase or lease-purchased, agencies are responsible for coordinating the finance agreement with state treasurer prior to the purchasing activity conducting the purchase.

WSR 91-09-036

PROPOSED RULES

BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Filed April 15, 1991, 10:05 a.m.]

Original Notice.

Title of Rule: Amendments to rule governing operation of the TIAA/CREF retirement annuity purchase program for certain community college system employees.

Purpose: The rules require updating due to new developments in the plan features and to coordinate plan eligibility with other state retirement plans.

Statutory Authority for Adoption: RCW 28B.10.400.

Statute Being Implemented: RCW 28B.10.400.

Summary: In addition to various editorial revisions of the rules, amendments are proposed that will make permanent a recently adopted emergency rule on plan eligibility and that will allow participant additional options for receiving benefits upon retirement.

Reasons Supporting Proposal: The proposed changes will provide improved benefits for a greater number of participants, in some cases at a lower cost to the state.

Name of Agency Personnel Responsible for Drafting and Implementation: Gilbert J. Carbone, 319 7th Avenue, Olympia, 234-3650 scan; and Enforcement: Earl Hale, 319 7th Avenue, Olympia, 234-7412 scan.

Name of Proponent: State Board for Community College Education, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state board has rule-making authority regarding a retirement annuity purchase plan for community college personnel and is proposing to make certain editorial and substantive changes in the rules, specifically setting a new eligibility standard and allowing participants additional options for receiving benefits at the time of termination of employment and retirement.

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Tacoma Community College, 5900 South 12th, Tacoma, WA, on May 30, 1991, at 10:00 a.m.

Submit Written Comments to: Gilbert J. Carbone, Assistant Director, 319 7th Avenue, FF-11, Olympia, WA 98504, by May 28, 1991.

Date of Intended Adoption: May 30, 1991.

April 12, 1991

Gilbert J. Carbone
Assistant Director

AMENDATORY SECTION (Amending Order 103, Resolution No. 85-25, filed 9/16/85)

WAC 131-16-005 MANDATORY RETIREMENT AGE DEFINED. Except as otherwise prohibited by federal law, the mandatory retirement age for employees of ((community)) college districts or the state board ((for community college education)) shall be ((defined as)) the end of the academic year in which an employee attains age seventy; however, when officially approved by the district board of trustees, or by the state board in the case of its employees, extension of service

beyond the mandatory retirement age may be made pursuant to the provisions of RCW 28B.10.420.

AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

WAC 131-16-010 DESIGNATION OF COMMUNITY COLLEGE SYSTEM RETIREMENT PLAN. There is hereby established for the eligible employees of the community colleges of the state of Washington and the state board, a retirement plan which shall entitle such employees to purchase retirement annuities from the teachers' insurance annuity association (TIAA) and the college retirement equities fund (CREF), hereafter called the TIAA/CREF plan, ~~((in conjunction with the employing community college district as provided in regulations approved pursuant to this policy))~~ subject to the provisions of WAC 131-16-011 through 131-16-066.

AMENDATORY SECTION (Amending Order 111, Resolution No. 86-43, filed 10/30/86)

WAC 131-16-011 DEFINITIONS. For the purpose of WAC 131-16-005 through ~~((131-16-069))~~ 131-16-066, the following definitions shall apply:

(1) "Participant" ~~((shall be defined as))~~ means any individual who is eligible to purchase retirement annuities through the TIAA/CREF plan and whose ~~((basic))~~ required contribution to such plan is matched by the employing college district or the state board ~~((for community college education))~~ pursuant to the provisions of WAC 131-16-050.

(2) "Supplemental retirement benefit" ~~((shall be defined as))~~ means payments, as calculated in accordance with WAC 131-16-061 ~~((and 131-16-062))~~, made by ~~((the community college district or))~~ the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the TIAA/CREF plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" ~~((shall be defined as))~~ means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: PROVIDED, That the participant will receive a pension benefit from such other retirement system: AND PROVIDED FURTHER, That not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" ~~((shall be defined as))~~ means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" ~~((shall be defined as))~~ means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "TIAA/CREF retirement benefit" ~~((shall be defined as))~~ means the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement~~((:))~~: PROVIDED, That~~((:))~~ solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" ~~((shall be defined as))~~ means all remuneration received by the participant from the employing ~~((community))~~ college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" ~~((shall be defined as))~~ means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community college education as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

AMENDATORY SECTION (Amending Order 91, Resolution No. 82-6, filed 5/10/82)

WAC 131-16-015 RETIREMENT BENEFIT GOAL ESTABLISHED. Subject to the provisions of WAC 131-16-061, the retirement benefit goal for participants in the TIAA/CREF plan is to provide participants at age sixty-five having twenty-five years of full-time service a minimum annual retirement income, exclusive of Federal Old Age Survivors Insurance benefits, equivalent to fifty percent of ~~((the))~~ their average annual salary ~~((for the two consecutive highest salaried fiscal years))~~.

NEW SECTION

WAC 131-16-021 EMPLOYEES ELIGIBLE TO PARTICIPATE IN RETIREMENT ANNUITY PURCHASE PLAN. (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who otherwise would be eligible for membership in the Washington state teachers retirement system.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: PROVIDED, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Participation in the plan without matching employer contributions is also permitted for any employee of a college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state-sponsored retirement plan in which the employee participates: PROVIDED, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) Any eligible employee who at the time of initial employment is required to or elects to become a participant in this plan may also select at that time to delay active participation and payment of required contributions for two years following the date of initial employment.

NEW SECTION

WAC 131-16-031 PARTICIPATION IN THE PLAN. (1) Participation in the TIAA/CREF plan is required of all otherwise eligible new employees: PROVIDED, That any such new employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system, may irrevocably elect to retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the TIAA/CREF plan.

(2) College district or state board employees who are members of retirement plans other than the TIAA/CREF plan may participate in the TIAA/CREF plan, without a matching employer contribution, through tax deferred annuity purchase agreements with the employing college district or the state board, to the extent allowed by the applicable United States Internal Revenue Code provisions.

AMENDATORY SECTION (Amending Order 95, Resolution No. 83-25, filed 9/28/83)

WAC 131-16-040 ~~((SPECIAL))~~ DISABILITY RETIREMENT PROVISIONS FOR TIAA/CREF PARTICIPANTS. ~~((The normal retirement age shall be defined as the end of the academic year in which the participant attains age sixty-five. PROVIDED, That any participant may elect to retire at the earliest age specified for retirement by federal Social Security law.~~

~~(2)) The board of trustees of any college district or the state board may approve the retirement of any ((employee under the age of seventy)) participant for reasons of health or permanent disability either upon the request of the ((individual employee)) appointing authority or the ((district president)) participant: PROVIDED, That ((the board of trustees shall first give)) reasonable consideration is first given to the written recommendations ((regarding such requested retirement from)) of the employee's personal physician ((and)) or, if requested by either the employee or the ((district president)) appointing authority, a review of such recommendations by another physician appointed by ((the board of trustees)) mutual agreement for that purpose.~~

AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

WAC 131-16-050 CONTRIBUTION RATES ESTABLISHED.

(1) Each participant in the TIAA/CREF plan shall contribute five percent of salary each pay period until ((the end of the calendar year during which he attains his 35th birthday)) attainment of age thirty-five and seven and one-half percent each pay period thereafter ((of all remuneration he receives from the employing community college district)) and the employing district or state board shall contribute a like sum((, each on a monthly basis)). A participant may further elect to increase the rate to ten percent ((at any time following the calendar year during which he attains his 50th birthday)) of salary each pay period after attaining age fifty and the employing district or state board shall contribute a like sum. ((The sum of the participant's and the community college district's contribution shall be forwarded to TIAA/CREF for the purchase of retirement annuities.)) The combined contribution may be ((divided between)) allocated among the TIAA and CREF ((premium payments)) funds as directed by the participant.

(2) During periods when participants are on leave of absence and are receiving partial compensation ((from a community college district; the employing community college district)), the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

(3) ((Any of the following allocations of the combined contributions may be elected at any time by the participant as the premium basis for purchase of TIAA and CREF annuities:

TIAA	_____	CREF
100%	_____	0%
75%	_____	25%
50%	_____	50%
25%	_____	75%
0%	_____	100%

~~(4)) Any eligible employee may enter into an agreement with the college district to reduce the employee's monthly salary by the amount of the required employee's monthly contribution and any supplemental amount, within the limits prescribed in the Internal Revenue Code((; such amount to be transmitted to TIAA/CREF to purchase retirement annuities in the name of the employee, thereby deferring the federal income tax normally due on that amount until it is received as retirement annuity income)); PROVIDED, That ((after one year from the effective date of the agreement, either party may terminate the agreement. AND PROVIDED FURTHER, That)) no more than one agreement for such salary reduction may be made within any ((taxable)) tax year of the employee, except to the extent otherwise permitted by ((the regulations under Section 403(b) of)) the Internal Revenue Code.~~

NEW SECTION

WAC 131-16-055 OPTIONS FOR SELF-DIRECTED INVESTMENT OF RETIREMENT PLAN CONTRIBUTIONS AND ACCUMULATIONS. While actively employed, participants may exercise any or a combination of the following options for allocation of current premiums or transfer of accumulated TIAA or CREF fund accumulated balances.

(1) Current premiums may be allocated among the TIAA account and the CREF accounts in any whole percentage proportions.

(2) CREF fund accumulations resulting from previously contributed premiums may be transferred in whole or in part among any of the CREF subsidiary accounts or to the TIAA account.

(3) TIAA fund accumulations resulting from previously contributed premiums or from transfers from CREF accounts may be transferred

to any CREF accounts on the basis of an irrevocable ten-year schedule of payments, subject to procedures established by TIAA/CREF.

AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

WAC 131-16-060 REPURCHASE OF ANNUITY CONTRACT UNDER CERTAIN CONDITIONS. In the event a participant ((in TIAA or TIAA/CREF)) leaves the employ of any Washington ((community)) college district or the state board for reasons other than retirement or disability and requests repurchase of his ((annuity)) or her TIAA or CREF accumulation, the state board ((for community college education)) approves such repurchases as are recommended by the appropriate district board of trustees: PROVIDED, That TIAA/CREF agrees to such repurchase: AND PROVIDED FURTHER, That the portion of the repurchase attributable to contributions made by employing ((community)) college district shall be returned to that district by TIAA/CREF.

The state board will agree to the repurchase of contracts only if all the following conditions are met:

- (a) Payments to the annuitant have not begun;
- (b) The annuity has been in force for five years or less;
- (c) The annuitant requests repurchase of all annuities he or she owns;
- (d) The annuitant is neither employed at nor is transferring to an institution having a TIAA/CREF retirement plan;
- (e) All educational institutions that contributed any part of the premiums consent to the repurchase;
- (f) If the annuitant has more than one annuity, the total value of all TIAA/CREF annuities and the longest duration of any of them shall govern in determining whether a repurchase will be made under this rule.

AMENDATORY SECTION (Amending Order 95, Resolution No. 83-25, filed 9/28/83)

WAC 131-16-061 SUPPLEMENTAL RETIREMENT BENEFITS. (1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is age sixty-two or over and has at least ten years of full-time service in the TIAA/CREF plan at a Washington public institution of higher education((;)); PROVIDED, That the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of ((WAC 131-16-062 and)) subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after ((the first day of the calendar year following)) attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The combined retirement benefit from the TIAA/CREF annuity and any other Washington state public retirement system as a result of service while employed by a Washington public higher education institution that the participant would receive in the first month of retirement multiplied by twelve: PROVIDED, That the TIAA/CREF benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to TIAA and fifty percent to the CREF stock fund during each year of full-time service: PROVIDED, That benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA/CREF annuity accumulations, including all dividends payable by TIAA and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA accumulations, including dividends, were settled on an installment refund option and the CREF accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA/CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education TIAA/CREF retirement plan shall be excluded.

(iv) For the purposes of this calculation, the assumptions applied to the TIAA/CREF accumulation settlement shall also apply to settlement of the benefit from any other retirement plan.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five: PROVIDED, That the supplemental retirement benefit for ~~((a))~~ an otherwise qualified participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's TIAA and/or CREF annuity accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's TIAA and/or CREF annuity.

(e) The selection of a TIAA/CREF retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined TIAA/CREF retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ten dollars, such benefit payments may be paid at longer intervals as determined by the ~~((employer))~~ state board.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the ~~((appropriate college district or))~~ state board ((officer)) and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as ~~((the))~~ any TIAA/CREF survivor annuity option potentially payable to and elected by the participant. If a designation of a survivor's option is not made and the participant dies after attaining age sixty-two but prior to retirement, any supplemental benefit payable shall be based on the two-thirds benefit to survivor option.

(c) Prior to making any supplemental benefit payments, the ~~((employing college district or))~~ state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration in any fiscal year. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC ~~((131-16-020))~~ 131-16-021.

NEW SECTION

WAC 131-16-062 BENEFIT OPTIONS AFTER TERMINATION OF EMPLOYMENT. (1) After termination of employment, participants having attained age fifty-five or having completed thirty years of full-time service in this plan or any combination of Washington state sponsored retirement plans may exercise any settlement option for receipt of retirement benefits being made available by TIAA/CREF at that time.

(2) The federal income tax consequences resulting from the exercise of any options of elections provided by this section shall be the sole responsibility of the individual participant, and all federal tax regulations related to the receipt of retirement income benefits shall apply.

(3) The provisions of this section shall apply only to TIAA and CREF account accumulations attributable to contributions made as a result of employment in institutions or agencies subject to the provisions of WAC 131-16-005 through 131-16-066.

AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

WAC 131-16-065 OPTIONAL RETIREMENT TRANSITION BENEFIT. ~~((Employees participating in TIAA/CREF as identified in WAC 131-16-020))~~ Participants may choose the optional retirement transition benefit that at the time of their retirement permits receipt of not more than ten percent of the accumulated value in each annuity in a lump-sum payment, provided that annuity benefits commence after the participant's fifty-fifth birthday. Benefits from the remainder of the combined annuity value shall be paid in the form of other retirement options then available to the annuitant as now or hereafter permitted by TIAA/CREF. Selection of the option to receive the retirement transition benefit shall be made immediately prior to retirement in such manner as now or hereafter permitted by TIAA/CREF.

AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

WAC 131-16-066 SINGLE SUM DEATH BENEFIT TO SPOUSE BENEFICIARIES. Unless previously indicated to the contrary by the participating employee in writing directly to TIAA/CREF, the surviving spouse or other beneficiary, if applicable, of any TIAA/CREF plan participant who dies before retirement shall be entitled to receive a single sum death benefit in the amount of the then current value of the annuity accumulation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 131-16-020 EMPLOYEES ELIGIBLE TO PARTICIPATE IN RETIREMENT ANNUITY PURCHASE PLAN.

WAC 131-16-030 OPTIONAL PARTICIPATION FOR CERTAIN EMPLOYEES.

WAC 131-16-069 APPLICATION OF RETIREMENT PLAN TO EMPLOYEES OF STATE BOARD.

WSR 91-09-037

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed April 15, 1991, 1:32 p.m.]

The State Personnel Board is withdrawing WAC 356-15-020 Work period designations. The original notice filed was WSR 91-04-046. The continuance filed was WSR 91-07-054.

Dee W. Henderson
Director

WSR 91-09-038

PERMANENT RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-342, Docket No. TV-2322—Filed April 15, 1991, 2:22 p.m.]

In the matter of amending WAC 480-12-030 and 480-12-033 relating to motor carriers.

This action is taken pursuant to Notice No. WSR 91-06-009 filed with the code reviser on February 22, 1991. 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 that 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).

Pursuant to Notice No. WSR 91-06-009 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, April 10, 1991, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A.J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to April 1, 1991, and orally at 9:00 a.m., Wednesday, April 10, 1991, in the commission's hearing room above noted. At the April 10, 1991, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-030 and 480-12-033 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-030 and 480-12-033 will establish a fee of \$50 for application for emergency temporary authority; raise the application fee for permanent authority from \$150 to \$200; and the application fee for temporary authority from \$35 to \$100 and effective January 1, 1992, raise it to \$150. These fees will more correctly cover the processing costs involved.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-030 and 480-12-033 as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2) on July 1, 1991.

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 12th day of April, 1991.

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

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)

WAC 480-12-030 APPLICATIONS. (1) Applications for permits or extensions for permanent or temporary common or contract authority, requests for permanent or temporary authority to transfer outstanding

common or contract carrier permits, and requests for permanent or temporary authority to acquire control of common or contract carriers, shall be made on forms furnished by the commission and, in accordance with any instructions accompanying the forms, shall contain all the information required therein, and shall be accompanied by the documents and exhibits specified in the application form or instructions and the fee of (~~one hundred fifty~~) two hundred dollars for applications for permanent authority including applications for extensions, (~~thirty-five~~) one hundred dollars for applications for temporary authority, fifty dollars for applications for emergency temporary authority, and thirty-five dollars for applications for a change of corporate name. Effective January 1, 1992, the application fee for temporary authority will increase to one hundred fifty dollars. No application will be accepted for filing until all required information is supplied, and in the case of applications for permits or extensions, until the authority sought has been expressed in clear and acceptable permit terminology. In the case of a transfer of a portion of a permit, the applicant must also submit a proposed revision of the balance of the permit which complies with WAC 480-12-050(5), which proposed revision will be docketed along with the transfer application.

(2) Notwithstanding the foregoing, applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty-five dollars for motor carriers who have not previously filed currently effective applications for such registration and the fee of ten dollars for motor carriers who have previously filed currently effective applications for such registration.

(3) All exhibits or papers submitted with application must be plainly written or typed on one side of the paper only, such paper to be of standard letter size, 8 1/2 by 11 inches.

AMENDATORY SECTION (Amending Order R-262, Cause No. TV-1956, filed 6/27/86)

WAC 480-12-033 TEMPORARY PERMITS. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of (~~not to exceed~~) up to one hundred eighty days, but only after it finds that the issuance of (~~such~~) the temporary permit is consistent with the public interest.

(a) In determining whether (~~or not~~) the requested temporary authority is consistent with the public interest the commission will consider evidence of the following factors:

(i) (~~A showing of an~~) Any immediate and urgent need for the requested service;

(ii) (~~The presence of lack of~~) Any available service capable of meeting the need; and

(iii) Any other circumstances indicating that (~~the~~) a grant of (~~such~~) temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers(~~consignees or others~~) setting forth all pertinent facts relating to (~~their~~) need for the (~~applied for~~) service.

~~((c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within ten days from the date of publication, protest the grant of authority by submitting a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing and able and commits to provide service to their satisfaction on demand, or that the granting of temporary authority is not consistent with the public interest.))~~

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers or of the transfer of a permit.

In determining whether ~~((or not))~~ the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in ~~((the destruction of or injury))~~ damage to the motor carrier properties sought to be acquired, or ~~((whether the failure to grant such authority))~~ may interfere with the future usefulness of ~~((such))~~ those properties in the performance of adequate and continuous service to the public. The commission may also consider the reasons for seeking to transfer the permit, whether the permit sought to be acquired has been operated during all of the past twelve months, and the reasons for any break in operations.

(3) ~~((Any temporary permit granted under subsection (1) of this section (except a temporary permit which has been canceled as hereinafter provided) or subsection (2) of this section, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than sixty days after issuance of the temporary permit.))~~

~~((4))~~ In all cases, the commission may consider whether the applicant has been cited for violation of motor carrier law or has been denied authority on the basis of fitness.

(4) The commission will publish notice of the issuance of temporary authority under this section in its weekly application docket. The commission shall also publish the names of the shippers which the applicant may serve under the temporary authority issued pursuant to subsection (1) of this section.

(a) Any interested carrier may, within ten days after the date of publication, file a protest to the grant of authority. A copy of the protest must also be served on the applicant and the applicant's attorney or representative if one is named in the docket. The protest and each copy must include a certificate of service in accordance with WAC 480-09-120.

(b) The protest must be accompanied by a notarized statement that the protestant has contacted the shippers

supporting an application granted under subsection (1) of this section, that the protestant has discussed their shipping problems with them, and is ready, willing, and able and commits to provide service to their satisfaction on demand. A protest to an application should contain a statement of any reasons why the protestant believes the grant of temporary authority is not consistent with the public interest.

(c) A protest filed in substantial compliance with this section will be considered an application for a brief adjudicative proceeding. Procedure thereafter is governed by WAC 480-09-500.

(5) The commission may impose special terms and conditions in connection with ~~((granting))~~ the grant of any temporary permit~~((s))~~. ~~((The commission will impose the following condition in connection with the granting of))~~ A temporary permit~~((s issued pursuant to subsection (1) of this section:~~

~~^This permit is subject to cancellation))~~ may be cancelled any time within ~~((forty-five))~~ sixty days after the date of ~~((issuance))~~ publication, if the commission determines that ~~((no emergency exists or))~~ there is no immediate and urgent need for the service, that another carrier with authority is ready, willing and able to render satisfactory service to the shipper, or ~~((evidence))~~ that ~~((this))~~ the temporary permit was not issued in the public interest.~~((^))~~ A temporary permit may be cancelled at any time if the commission determines that its grant was based on fraud, misrepresentation, or erroneous information from the applicant.

(6) If a valid application for motor carrier authority is filed within thirty days after the grant of a temporary permit, that temporary authority will continue in force until the commission grants or denies the application for motor carrier authority or until the temporary permit is otherwise cancelled pursuant to law, whichever event occurs first.

~~((5))~~ (7) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit ~~((in the usual manner: PROVIDED; That))~~. Emergency temporary authority may also be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.

Emergency temporary authority may be ~~((authorized upon))~~ granted after application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. ~~((Such))~~ Proof of insurance may consist of an insurance policy or a certificate of insurance. Grants of emergency temporary authority are not subject to the provisions of this section regarding protest and cancellation.

~~((6))~~ (8) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.

**WSR 91-09-039
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-343, Docket No. UT-901585—Filed April 15, 1991, 2:25 p.m.]

In the matter of amending WAC 480-120-031 relating to accounting; WAC 480-120-126 relating to plant and facility safety of utilities; WAC 480-120-136 relating to preservation of telephone utility records; and WAC 480-120-137 relating to customer-owner pay telephones.

This action is taken pursuant to Notice No. WSR 91-06-095 filed with the code reviser on March 6, 1991. 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 that 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).

Pursuant to Notice No. WSR 91-06-095 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, April 10, 1991, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to April 1, 1991, and orally at 9:00 a.m., Wednesday, April 10, 1991, in the commission's hearing room above noted. At the April 10, 1991, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-120-031, 480-120-126, 480-120-136, and 480-120-137 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-120-031, 480-120-126, 480-120-136, and 480-120-137 as amended will insert in the rules the effective dates of the Uniform System of Accounts, the National Electric Safety Code, and the Preservation of Records of Communications Common Carriers published by the FCC.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-120-031, 480-120-126, 480-120-136, and 480-120-137 as set forth in Appendix A, be amended as rules 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 12th day of April, 1991.

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

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-311, Docket No. U-89-2864-R, filed 11/13/89, effective 12/14/89)

WAC 480-120-031 ACCOUNTING. (1) Except as provided in this rule, the Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies published by the Federal Communications Commission (FCC) and designated as Part 32, effective January 1, 1988, is hereby prescribed for book and recording purposes for telecommunications companies in the state of Washington.

(2) Telecommunications companies operating within this state shall be classed by access lines as follows:

Class	Number of Access Lines
A	In Excess of 10,000
B	Less than 10,000

Upon authorization by the commission, a company presently classified by the commission as a Class B company but desiring more detailed accounting may adopt the accounts prescribed for Class A companies. Class B companies authorized to adopt the accounts prescribed for Class A companies shall be required to comply with the more detailed accounting specified for Class A companies. Any election to the contrary notwithstanding, the commission reserves the right to require any company to comply with the accounting requirements applicable to Class A companies.

(3) Jurisdictional differences. For Account 7910—Income effect of jurisdictional ratemaking differences—Net; Account 1500—Other jurisdictional assets—Net; Account 4370—Other jurisdictional liabilities and deferred credits—Net, and in a subaccount of Account 4550—Retained earnings, the exchange telecommunications companies operating in this state shall keep subsidiary accounts and records reflecting in separate accounts, subaccounts, and subsidiary records, the Washington intrastate differences in amounts arising from the departure of this commission for booking and/or ratemaking purposes from FCC prescribed accounting. Separate subaccounts shall be kept for each difference. Examples include, but are not limited to, separate accounting for the booking of an allowance for funds used during construction (AFUDC) for short-

term construction work in progress (Account 2003, formerly subdivision (1) of Account 100.2); flow-through accounting of tax timing differences to the extent permitted by tax regulations (unless specific exceptions to the flow-through requirement have been granted or required by the commission); elimination of excess profits for affiliated transactions; or such other company specific ratemaking or accounting treatment ordered by the commission in any case involving the rates of a specific company, or in other accounting directives issued by the commission.

(a) All local exchange telecommunications companies shall account as of January 1, 1988, for any embedded jurisdictional ratemaking differences by incorporating any previous jurisdictional differences side-records accounts, and any other accounting directives made by the commission, into the appropriate jurisdictional differences account.

(b) All companies shall expense currently any costs associated with the implementation of Part 32.

(c) All companies shall keep subsidiary records as may be necessary to report readily the source of Washington intrastate local exchange network services revenues by residential and business class of service.

(d) All telecommunication companies subject to this rule shall keep subsidiary accounts in Account 5084—State access revenue, showing separately the following: Intrastate revenues from end users (subscriber line charges); special access revenues; interLATA and intraLATA switched access revenues, identified as revenue derived from the carrier common line and Universal Service Fund rate elements, and revenue derived from all other switched access rate elements; independent company settlements; and other access revenues.

(e) Any company filing with the FCC reports in compliance with the requirements of Part 32, Paragraph 32.25 of Subpart B, Unusual Items and Contingent Liabilities, relating to extraordinary items, prior period adjustments, or contingent liabilities shall file a copy of such report concurrently with this commission.

(f) As to a leased asset which is or has been used in the provision of utility service, unless an alternate accounting treatment has been specifically approved by the commission, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their original cost or the present value of the minimum lease payments. For purposes of this section "original cost" is defined as the net book value of the leased property to the lessor at the inception of the lease. If all efforts by a company to obtain original cost information fail, and the original cost can not be reasonably estimated, then the companies will file a request with the commission seeking approval to record the asset at the lower of the fair market value of the asset or the present value of the minimum lease payments.

When the asset in question has never been used in the provision of utility service, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their fair market value or the present value of the minimum lease payments.

(g) Unless specific exceptions are granted, or required, all companies shall keep records for ratemaking and/or booking purposes which flow-through tax benefits to the extent permitted by federal tax regulations. Any jurisdictional ratemaking differences, created by this rule, shall be reflected in accounts provided in Part 32 for jurisdictional differences, more specifically Accounts 1500, 4370, and 7910. See sections 3(h) and 3(l) for further exceptions to this rule.

(h) As to compensated absences and sick pay, if payment of nonvesting accumulated sick pay benefits depends on the future illness of an employee, companies shall not accrue a liability for such an expense for purposes of portraying results of operations until such sick pay is actually paid. In addition, if a company accrues expenses for compensated absences before such expenses are actually deductible for federal income tax purposes, then an exception to the flow-through accounting requirement in section 3(g) is required. In such a case, a normalized tax accounting treatment will be required.

(i) No depreciation expense will be allowed for ratemaking purposes on amounts included in Account 2002—Property held for future telecommunications use. If a company records depreciation on amounts in this account, it shall record the jurisdictional difference in a separate subaccount of the designated jurisdictional differences accounts.

(j) Any property which has been used in the provision of utility service, when acquired from a nonaffiliate shall be recorded at its net book value at the time of the transfer. If the company wishes to record the acquisition at its acquisition cost rather than its net book value, it shall first seek approval for such accounting, providing such detail as the commission may require. If there is a jurisdictional difference in recording the cost of an acquisition, any such difference shall be recorded in a separate subaccount of the designated jurisdictional differences accounts. Any other property acquired from a nonaffiliate shall be recorded at its acquisition cost.

(k) Amounts booked to Account 2005—Telecommunications plant adjustment, shall be treated as nonoperating investment, and shall not be included in any rate base account without the expressed permission of the commission. Unless an alternate treatment has been authorized by the commission, any amortization taken on amounts in Account 2005 will be treated as though charged to Account 7360—Other nonoperating income, or other nonoperating accounts as required.

(l) If a company is allowed to convert to a GAAP accounting treatment of an item, or allowed other accounting changes which call for the accrual of expenses before such expenses are deductible for federal income tax purposes, an exception to the flow-through accounting requirement in section 3(g) is required. In such event, a normalized tax accounting treatment will be required.

(4) The annual report form promulgated by the Federal Communications Commission is hereby adopted for purposes of annually reporting to this commission by those Class A telecommunications companies classified by the FCC in CC Docket No. 86-182 as Class A Tier I telecommunications companies. The annual report forms

for all other Class A and Class B telecommunications companies shall be published by the commission. The annual report shall be filed with the commission as soon after the close of each calendar year as possible but in no event later than May 1 of the succeeding year. Those telecommunications companies having multistate operations shall report both total company and Washington results in their annual report. Companies may also be required to include certain supplemental information in the annual report, such as the status of all jurisdictional differences accounts and subaccounts for the period. This supplemental information will be described in the mailing of the annual reports, or in other sections of this rule (see sections (7) and (9)).

(5) The total company results of operations reported by each telecommunications company in its annual report shall agree with the results of operations shown on its books and records.

(6) All telecommunications companies having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.

(7) All telecommunications companies having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, such allocations between states as are requested by the commission from time to time for each utility. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission. In these supplemental reports, adjustments will be made to incorporate Washington intrastate amounts in the jurisdictional differences accounts.

(8)(a) If a company prepares an annual separations cost study and furnishes a copy thereof to the National Exchange Carrier Association, Inc., (NECA), that company shall, upon request by the commission, make available for commission review at a company-designated location in Thurston County a copy of the same study material as has been so furnished to NECA. Such copy shall be made available for such commission review within ten days after the later of:

- (i) The date of the company's receipt of the commission's request therefor; or
- (ii) The date on which NECA's copy of the study is furnished to NECA.

(b) If a company prepares an annual separations cost study and furnishes a copy thereof to the Federal Communications Commission (FCC), that company shall, upon request by the commission, make available for commission review at a company designated location in Thurston County a copy of the same study material as has been so furnished to the FCC. Such copy shall be made available for such commission review within ten days after the later of:

- (i) The date of the company's receipt of the commission's request therefor; or
- (ii) The date on which FCC's copy of the study is furnished to the FCC.

(9) Each telecommunications company shall file with the commission periodic results of operations statements

showing total Washington per books, restating adjustments to per books, total Washington per books restated, and Washington restated intrastate results of operations.

Class A companies shall file periodic results of operations statements quarterly. Each quarterly statement shall show monthly and twelve months ended data for each month of the quarter reported. Class B companies shall show semiannual and twelve months ended results. For Class A companies, periodic results of operations statements shall be due ninety days after the close of the period being reported. Class B companies shall file the June 30 ended and December 31 ended semiannual results of operations statements on October 1 and May 1 of each year, respectively.

The periodic results of operations statements shall be on a "commission basis" and restated for out-of-period items, nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses. By use of notes, an explanation of the restating adjustments shall accompany the results of operations statement.

"Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

The telecommunications companies shall use the allocation factors from their most recent separations cost study to develop the Washington intrastate results of operations.

(10) This rule shall not supersede any reporting requirements specified in a commission order, nor shall it be construed to limit the commission's ability to request additional information on a company specific basis as is deemed necessary.

(11) The annual budget of expenditures form for budgetary reporting for telecommunications companies will be published by this commission in accordance with chapter 480-140 WAC.

(12) The requirements of this section shall not apply to telecommunications companies classified by the commission as competitive, and subject to WAC 480-120-033.

(13) There shall be no departure from the foregoing except as specifically authorized by the commission.

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-126 SAFETY. The plant and all facilities of utilities shall be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the current National Electric Safety Code in effect on January 1, 1991. All instrumentalities and equipment shall be installed and maintained with due consideration to the safety of the subscribers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, shall be expeditiously corrected.

Extreme vigilance shall be exercised to prevent the accumulation of trash and other fire hazards in or upon central office premises.

The storage of flammable and/or combustible materials in central office equipment spaces is prohibited.

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-136 PRESERVATION OF RECORDS. (1) "Volume X, Part 42, Preservation of Records of Communication Common Carriers" adopted and published by the FCC effective January 1, 1991, is hereby prescribed as the preservation of records requirements of telephone utilities in the state of Washington.

(2) All records and reports required by these rules shall be retained on file in the office of the utility or in such other place as may be approved by the commission, for such time as is specifically provided in paragraph (1) and where no time is specified, for a period of three years.

(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs (1) and (2) above, except by prior written permission of this commission.

AMENDATORY SECTION (Amending Order R-239, Cause No. U-85-45, filed 9/20/85)

WAC 480-120-137 CUSTOMER-OWNED PAY TELEPHONES—INTERSTATE. Every telecommunications company operating an exchange within the state of Washington shall allow customer-owned pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for interstate communications. When such service is requested every such telecommunications company shall file tariffs with the commission which shall allow the connection of customer-owned pay telephones to the interstate network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code as those rules, regulations, and codes appear effective January 1, 1991.

(2) The caller will be able to access the operator and 911 where available without the use of a coin.

(3) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

WSR 91-09-040
PERMANENT RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed April 15, 1991, 4:23 p.m.]

Date of Adoption: April 8, 1991.

Purpose: The purpose of WAC 463-42-680 is to establish an initial standard for site restoration of terminated projects.

Statutory Authority for Adoption: RCW 80.50.040.

Pursuant to notice filed as WSR 91-03-132 on January 23, 1991.

Changes Other than Editing from Proposed to Adopted Version: The rule was revised to clarify that site restoration need only be to a reasonable approximation of the original condition in the absence of a different determination of level of restoration.

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

April 8, 1991

C. Robert Wallis
 Vice-Chair

NEW SECTION

WAC 463-42-680 SITE RESTORATION—TERMINATED PROJECTS. In the absence of a council determination as to the level of site restoration, restoration of the site to a reasonable approximation of its original condition prior to construction shall be required.

WSR 91-09-041
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Registration for Architects)
 [Filed April 15, 1991, 4:25 p.m.]

Original Notice.

Title of Rule: WAC 308-12-115 Definitions.

Purpose: Sets forth the definition of the term design-build.

Statutory Authority for Adoption: RCW 18.08.340.

Statute Being Implemented: RCW 18.08.410(7).

Summary: WAC 308-12-115 is amended to add and define the term design-build as used in architect law RCW 18.08.410(7).

Reasons Supporting Proposal: The term design-build is used in the architect law RCW 18.08.410 Application of chapter, without having been defined in law. The board is responsible to develop this definition.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James Hanson, 2424 Bristol Court, 753-6967.

Name of Proponent: Board of Registration for Architects, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This amendment provides clarification of a term stated in the law.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets forth the definition of the term design-build. The term is used in law, but not defined in law. The definition clarifies who may perform design-build services.

Proposal Changes the Following Existing Rules: This rule would add and define the term design-build to WAC 308-12-115 Definitions.

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

Hearing Location: Room 208 J, Department of Architecture, Gould Hall, Second Floor, 3949 15th N.E., Seattle, WA, on May 31, 1991, at 9:30 a.m.

Submit Written Comments to: James D. Hanson, Department of Licensing, P.O. Box 9649, Olympia, WA 98504, by May 24, 1991.

Date of Intended Adoption: May 31, 1991.

April 10, 1991
James D. Hanson
Program Administration

AMENDATORY SECTION (Amending Order PM 676, filed 9/17/87)

WAC 308-12-115 DEFINITIONS. (1) Accredited architectural degree—A professional degree received from the current list of accredited schools of architecture as published by the National Architectural Accrediting Board.

(2) Practical architectural work experience—Practical work experience performing activities involved in the practice of architecture, as defined in RCW 18.08.320, under the direct supervision of an architect. The board may approve similar practical work experience for full or partial credit and will accept intern development program experience as defined in the IDP training guidelines.

(3) Intern development program (IDP)—An internship program designed to provide a formal means of evaluating training, to recognize the intern-architects' professional development by compiling a continuing, comprehensive record of their internship training and to ensure intern-architects of a range of exposures that will help qualify them to take the professional examination.

(4) Supervision—The word "supervision" in RCW 18.08.320 means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations equipment, personnel, maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean an architect who is registered in this state; who is a shareholder, if the practice is through a professional service corporation; or a partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; or the designated architect of a stock corporation; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described.

(6) Direct supervision—The phrase, "under the direct supervision of an architect" as used in connection with architectural work experience for qualification and eligibility for the examination shall refer to any of the following conditions or situations.

(a) The supervising architect is an employer who is knowledgeable of the performance and competence of the applicant.

(b) The supervising architect works for the same employer as the applicant, and is either the direct superior of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

(7) Design-build—A means of providing design and construction services in which a single entity is responsible for both services.

WSR 91-09-042
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed April 16, 1991, 8:50 a.m.]

Continuance of WSR 91-04-076.

Title of Rule: Aquaculture identification requirements.

Purpose: To file a continuance on the above-titled matter.

Statutory Authority for Adoption: RCW 15.85.040 and 15.85.060.

Statute Being Implemented: Chapter 15.85 RCW.

Summary: Requires that any sale or movement of private sector cultured aquatic products made by an aquatic farmer be accompanied by a shipping document and be properly labeled.

Reasons Supporting Proposal: There is a need to identify commercially-caught fisheries products from a farmed product. Wild-caught fish need to be identified from farmed fish.

Name of Agency Personnel Responsible for Drafting and Implementation: John Pitts, 406 General Administration Building, Olympia, 586-2777.

Name of Proponent: Washington State Departments of Agriculture, Fisheries and Wildlife, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule contains no enforcement provisions and will depend on voluntary compliance.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to be able to follow the product from the farm to the marketplace and to have it identified as a farmed product to allow fisheries officers of the Department of Fisheries to identify it and separate it from wild-capture fisheries, which would be identified in another manner. The rule is also necessary in order to identify a farmed fish from a poached fish which may be being transported illegally.

Proposal does not change existing rules.

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

Date of Intended Adoption: June 10, 1991.

April 15, 1991
Arthur C. Scheunemann
Assistant Director

WSR 91-09-043
WITHDRAWAL OF PROPOSED RULES
BOARD OF
FUNERAL DIRECTORS AND EMBALMERS
(By the Code Reviser's Office)

[Filed April 16, 1991, 8:55 a.m.]

WAC 308-48-520, 308-48-580, 308-48-590, 308-48-600, 308-48-601 and 308-48-610, proposed by the Board of Funeral Directors and Embalmers, in WSR 90-20-106, appearing in issue 90-20 of the State Register, which was distributed on October 17, 1990, is

withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 91-09-044

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Massage)
(By the Code Reviser's Office)**
[Filed April 16, 1991, 8:56 a.m.]

WAC 308-51-230, 308-51-240, 308-51-250, 308-51-260, 308-51-270, 308-51-280, 308-51-290, 308-51-300, 308-51-310 and 308-51-320, proposed by the Department of Health, Board of Massage, in WSR 90-20-134, appearing in issue 90-20 of the State Register, which was distributed on October 17, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 91-09-045

**WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION
(By the Code Reviser's Office)**
[Filed April 16, 1991, 8:57 a.m.]

WAC 230-12-200, 230-30-200 and 230-30-220, proposed by the Gambling Commission in WSR 90-20-004, appearing in issue 90-20 of the State Register, which was distributed on October 17, 1990, is withdrawn by the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 91-09-046

**PROPOSED RULES
BOARD OF BOILER RULES**
[Filed April 16, 1991, 10:55 a.m.]

Original Notice.

Title of Rule: WAC 296-104-801 Nuclear repairs/replacement; and 296-104-805 Nuclear repairs—Safety devices.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Statutory Authority for Adoption: RCW 70.79.040.

Statute Being Implemented: Rules and regulations—

Scope.

Summary: WAC 296-104-801, will require ASME Section XI Code compliance for nuclear repairs/replacement; and WAC 296-104-805, will require ASME Section III Code compliance for nuclear repairs/safety devices.

Reasons Supporting Proposal: To comply with actions taken by the Board of Boiler Rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dick Barkdoll, Acting Chief Boiler Inspector, 805 Plum Street, (206) 586-0217.

Name of Proponent: Board of Boiler Rules, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-104-801, will require ASME Section XI [Code] compliance for nuclear repairs and replacement; and WAC 296-104-805, will require ASME Section II Code compliance for nuclear repairs to safety devices.

Proposal does not change existing rules.

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

The Board of Boiler Rules and the department have considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not for the following reasons: These rules affect only the nuclear power industry. No small business[es] are affected. The nuclear power industry presently adheres to the requirement through the NRC. These laws reinforce the requirement.

Hearing Location: 1011 Plum Street S.E., Second Floor Conference Room, Building 5, Olympia, WA, on May 21, 1991, at 10:00 a.m.

Submit Written Comments to: Dick Barkdoll, by May 21, 1991.

Date of Intended Adoption: May 21, 1991.

April 1, 1991
Robert E. Reid
Chairman

NEW SECTION

WAC 296-104-801 NUCLEAR REPAIRS/REPLACEMENT. Repairs/replacement to all nuclear components, appurtenances, and their supports shall conform to the rules contained in the ASME Section XI Code. Where a repair/replacement to a pressure retaining part is performed, an NIS-2 data report, signed by the owner and the authorized nuclear inservice inspector shall be submitted to the jurisdiction, as required by ASME Section XI Code. The ASME Section XI Code year and addenda shall be as specified in the owner inservice inspection program plan.

NEW SECTION

WAC 296-104-805 NUCLEAR REPAIRS—SAFETY DEVICES. All nuclear components shall be safe-guarded by safety devices, as specified in the ASME Section III Code.

The resetting, repair, and restamping of these safety devices shall be performed only by organizations holding a valid certificate of authorization to repair ASME Section III safety devices. Nuclear plant owners, however, with an approved ASME Section XI program, may authorize resetting, repairing, or replacement of their safety devices. Resetting, repairing/replacement activities shall be witnessed and approved by a commissioned inspector. All repaired safety devices shall be resealed showing the identification of the organization making the repair and the date.

WSR 91-09-047
PROPOSED RULES
BOARD OF BOILER RULES
 [Filed April 16, 1991, 10:58 a.m.]

Original Notice.

Title of Rule: WAC 296-104-120 Inspection—Condemned boilers or unfired pressure vessels; 296-104-200 Standards for new construction; and 296-104-015 Board meetings.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Statutory Authority for Adoption: RCW 70.79.040.

Statute Being Implemented: Rules and regulations—Scope.

Summary: WAC 296-104-120, corrects omission and completes condemnation process; WAC 296-104-200 adopts specific editions, addenda and sections of the code; and WAC 296-104-015, to comply with chapter 42.30 RCW, Open Meeting Act, defines duty of chief inspector to the board.

Reasons Supporting Proposal: To comply with actions taken by the Board of Boiler Rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dick Barkdoll, Acting Chief Boiler Inspector, 805 Plum Street, (206) 586-0217.

Name of Proponent: Board of Boiler Rules, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-104-120, corrects an omission from the original rule and completes the condemnation process for boilers and unfired pressure vessels; WAC 296-104-200, existing rule adopts specific editions of code only, change will also adopt specific addenda and sections of the code; and WAC 296-104-015, existing rule did not address chapter 41.30 [42.30] RCW, Open Meeting Act, change will comply with this RCW and define the duty of the chief inspector to the board.

Proposal Changes the Following Existing Rules: WAC 296-104-120, corrects an omission and completes condemnation process; WAC 296-104-200, adds adoption of specific addenda and code sections; and WAC 296-104-015, complies with chapter 41.30 [42.30] RCW, Open Meeting Act, defines duty of chief inspector to the board.

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

The Board of Boiler Rules and the department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not for the following reasons: The changes made in the above rules are for clarification to the existing rule, correction of an omission, compliance with an RCW and defining a duty. These changes in no way affect small business monetarily.

Hearing Location: 1011 Plum Street S.E., Second Floor Conference Room, Building 5, Olympia, WA, on May 21, 1991, at 10:00 a.m.

Submit Written Comments to: Dick Barkdoll, by May 21, 1991.

Date of Intended Adoption: May 21, 1991.

April 1, 1991
 Robert E. Reid
 Chairman

AMENDATORY SECTION (Amending WSR 90-07-082, filed 3/21/90, effective 4/21/90)

WAC 296-104-015 BOARD MEETINGS. The board of boiler rules shall hold its regular meetings in January, March, May, September and November of each year. The time, place, and date of each regular meeting shall be set by the chairman of the board and published annually. Special meetings may be called by the chairman when considered necessary by the board. The chief inspector will serve as secretary to the board without vote.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-120 INSPECTION—CONDEMNED BOILERS OR UNFIRED PRESSURE VESSEL. Any boiler or unfired pressure vessel having been inspected and declared unsafe by the inspector, shall be stamped by the inspector with an arrowhead stamp having an overall length of 1/2 inch and width of 3/8 inch on either side of the letter "X" and the letter "W," as shown by the following facsimile, which will designate a condemned boiler or unfired pressure vessel (——>XW<——). A final inspection shall be filed with the chief inspector with the word "condemned" across the report.

AMENDATORY SECTION (Amending WSR 90-04-009, filed 1/26/90, effective 2/26/90)

WAC 296-104-200 STANDARDS FOR NEW CONSTRUCTION. The standards for new construction are the 1989 edition, with addenda, of ASME Boiler and Pressure Vessel Code, Sections I, III, IV, VIII, and X, the 1987 edition of ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy), the 1987 edition of ANSI B31.3 (Chemical Plant & Petroleum Refinery Piping) for oil and chemical plants, and the 1989 edition of ASME/ANSI B31.1 (Power Piping) for other nonnuclear construction with all addenda as issued and made part of the above referenced ASME/ANSI sections of the codes. These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. Also, in circumstances such as nuclear systems, the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

WSR 91-09-048
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER
 [Filed April 16, 1991, 11:55 a.m.]

Original Notice.

Title of Rule: Amending WAC 284-17-515 defining required insurance precicensing education requirement.

Purpose: To permit persons who have been licensed in another state to have general insurance preclicense education requirement waived.

Other Identifying Information: Insurance Commissioner Matter No. R 91-2.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.17.150.

Summary: Permits general insurance preclicense education requirement to be waived under specified conditions if applicant has been licensed in another state.

Reasons Supporting Proposal: Applicants who have been licensed in another state have already been exposed to concepts contained in the general prelicense education curriculum.

Name of Agency Personnel Responsible for Drafting and Implementation: John E. Hanson, Insurance Building, Olympia, Washington, (206) 586-9152; and **Enforcement:** Roger Polzin, Insurance Building, Olympia, Washington, (206) 753-2403.

Name of Proponent: Insurance Commissioner Dick Marquardt, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule amends the requirement that all persons must complete the entire prelicense education curriculum. It permits recognition of licensed insurance experience in another state. It allows persons with at least two years licensed experience in the same line or lines of insurance, who have been licensed within the preceding 90 days, to request waiver of the general insurance prelicense education requirement. Persons receiving such a waiver will still have to complete Washington's prelicensing curriculum on statutes and regulations and pass appropriate examinations.

Proposal Changes the Following Existing Rules: It permits a waiver of the general insurance prelicense education requirement for persons who have at least two years licensed experience in another state in the same line or lines of insurance, and have been so licensed within the preceding 90 days.

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

Proposed amendment repeals existing rules affecting education of individuals, not businesses.

Hearing Location: Office of Insurance Commissioner, 2nd Floor Conference Room, Insurance Building, Olympia, Washington 98504, on May 22, 1991, at 9:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by May 22, 1991.

Date of Intended Adoption: May 29, 1991.

April 16, 1991
Dick Marquardt
Insurance Commissioner
by Roger Polzin
Deputy Commissioner

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-515 **WAIVER OF THE PRELICENSE EDUCATION REQUIREMENT.** Any person with documented insurance education or licensed experience that meets or exceeds the ((required prelicense education)) requirements of subsections (1) or (2) of this section as applicable, may file a written petition with the commissioner for a waiver of the prelicense education requirement. Any person who believes that a prelicense education course is unavailable to her or him may file a written petition with the commissioner for permission to undertake self-study in accordance with provisions of subsection (3) of this section.

(1) **EQUIVALENT EDUCATION.** A written waiver, based on documentation of equivalent education, may be granted by the commissioner in lieu of the certificate of completion for the purpose of complying with

the prelicense education requirement, provided that the insurance education was completed within the twelve months immediately preceding the petition for waiver; and the petitioner demonstrates that the materials and/or classes required to complete such insurance education meet or exceed the curriculum prescribed by WAC 284-17-552 through 284-17-555 for each applicable line.

(a) An equivalent education in insurance may be demonstrated by a course syllabus and the student's transcript from an accredited college, university, or a course of study recognized as a mark of distinction by the insurance industry and deemed by the commissioner to be fully qualified and competent.

(b) The commissioner retains the discretion to determine whether a petitioner has presented sufficient evidence that her or his "equivalent" education merits a waiver of the prelicense education requirement.

(c) Prior to the petitioner's participation in the insurance agent's license examination, the petition must be submitted and the commissioner's written waiver must be issued.

(d) A waiver is valid for twelve months from the date signed by the commissioner. A waiver of the applicable insurance line curriculum requirement is not a waiver of the insurance statutes and regulations curriculum requirement, or of any other requirement prescribed by the commissioner for insurance license examination eligibility.

(2) **LICENSED EXPERIENCE.** A written waiver from the prelicense education requirement for life, disability, casualty, or property insurance as defined respectively by WAC 284-17-552, 284-17-553, 284-17-554, or 284-17-555 may be granted by the commissioner to any person who can demonstrate that (a) he or she has been licensed within the previous ninety days for the same line or lines of insurance in another state and that (b) he or she was licensed continuously for at least two years. Such waiver is not a waiver of Washington's statutes and regulations curriculum as defined in WAC 284-17-551.

(3) **UNAVAILABILITY.** Any person who believes that a prelicense education course is unavailable to her or him may file a written petition with the commissioner for permission to undertake self-study. Written permission to undertake self-study of the prelicense education curricula, based on a showing of the unavailability of an approved prelicense education course, may be granted by the commissioner provided that the petition shall specify in detail the reasons why a prelicense education course for the identified line of insurance is unavailable, and shall identify with particularity the materials to be used to study the prescribed curricula. The petitioner shall demonstrate that the materials cover the curriculum prescribed for Washington insurance statutes and regulations as well as the curriculum prescribed for that line.

(a) The commissioner retains the discretion to determine whether the petitioner has presented sufficient cause to justify a grant of permission to self-study the prelicense curriculum.

(b) If the commissioner grants permission to self-study, such study must be completed within twelve months of the grant. Upon completion of study, the petitioner shall present to the commissioner a certified statement in which the self-study materials that have been utilized are identified, and in which the amount of time spent in study is clearly recorded by dates and clock times as covering at least the prelicense education hour requirement.

(c) Upon the petitioner's satisfactory completion of the approved program of self-study, the commissioner will issue a certificate of completion of approved self-study.

WSR 91-09-049

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Filed April 16, 1991, 12:02 p.m.]

Original Notice.

Title of Rule: Amending WAC 284-17-551 through 284-17-555 pertaining to insurance prelicense education curriculum.

Purpose: To update the prelicensing core curriculum. Insuring that potential licensees have a broad insurance background in all insurance matters.

Other Identifying Information: Insurance Commissioner Matter No. R 91-3.

Statutory Authority for Adoption: RCW 48.02.060.
Statute Being Implemented: RCW 48.17.150.

Summary: The preclicensing education material periodically needs to be updated and revised to reflect what is happening in the marketplace. Greater emphasis in product development and marketing of products makes it necessary for potential licensees to be exposed and educated in these expanded educational areas.

Reasons Supporting Proposal: Insurance preclicensing education curriculum needs to be changed to reflect current products and practices.

Name of Agency Personnel Responsible for Drafting and Implementation: John E. Hanson, Insurance Building, Olympia, Washington, (206) 586-9152; and Enforcement: Roger Polzin, Insurance Building, Olympia, Washington, (206) 753-2403.

Name of Proponent: Insurance Commissioner Dick Marquardt, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule updates existing rules prescribing preclicensing education curriculum. Its purpose is to ensure that persons receiving insurance preclicensing education are taught subject matter that is relevant to an entrance level agent. Its anticipated effect is to assist in educating entry level agents in order that such agents do not, through lack of knowledge, cause harm to the insurance buying public.

Proposal Changes the Following Existing Rules: It refines existing curriculum that is required to be taught in preclicensing education classes.

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

Proposed rule is a refinement of existing rules; also will affect less than ten percent of insurance sales and service industry.

Hearing Location: Office of Insurance Commissioner, Insurance Building, Olympia, Washington, on May 22, 1991, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by May 22, 1991.

Date of Intended Adoption: May 29, 1991.

April 16, 1991
Dick Marquardt
Insurance Commissioner
by Roger Polzin
Deputy Commissioner

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-551 STATUTES AND REGULATIONS CURRICULUM. Every preclicensing education course shall incorporate study of the:

- (1) Nature of insurance:
 - (a) Definition of insurance; insurance transaction;
 - (b) Insurer;
 - (c) Public interest;
 - ~~((+))~~ (d) Risk management;
 - ~~((+))~~ (e) Law of large numbers;
 - ~~((+))~~ (f) Indemnification.
- (2) Insurance commissioner:
 - (a) Authority and duties;
 - (b) Broad powers;

- (c) Rate and form filings;
- ~~((+))~~ (d) Examination of records;
- (e) Penalties;
- ~~((+))~~ (f) Notice of hearing;
- (g) Examinations:
 - (i) Insurers' financial status;
 - (ii) License applicant's qualifications.
- ~~((+))~~ (h) Hearings and appeals;
- ~~((+))~~ (i) Public access to records.
- (3) Insurers:
 - (a) Definitions:
 - (i) Domestic, foreign, alien;
 - (ii) Life, disability - stock, mutual, fraternal;
 - (iii) Property, casualty, vehicle, surety - stock, mutual, reciprocal, Loyds;
 - (iv) Authorized, unauthorized insurers; certificate of authority.
 - (b) Financial status:
 - (i) Mergers, insider trading;
 - (ii) Rehabilitation, liquidation; Washington Insurance Guaranty Associations.
 - (c) Insuring powers - defining the separate lines;
 - (d) Assets and liabilities:
 - (i) Investments;
 - (ii) Reserves.
 - (e) Fees and taxes.
 - (4) The insurance contract:
 - (a) General provisions;
 - (b) Exclusions and limitations;
 - (c) Insured;
 - (d) Cancellation and nonrenewal;
 - (e) Premium;
 - (f) Binder.
 - (5) Agents, brokers, solicitors, adjusters:
 - (a) Company appointment or affiliation:
 - (i) Purpose, contractual authority, and liability;
 - (ii) Termination.
 - (b) Types of licenses:
 - (i) Exemptions;
 - (ii) Limited lines;
 - (iii) Temporary;
 - (iv) Nonresident;
 - (v) Authority and liability under the regulation:
 - (A) Solicitor;
 - (B) Agent;
 - (C) Broker;
 - (D) Surplus lines broker;
 - (E) Adjuster: Independent, public.
 - ~~((+))~~ (6) Major lines:
 - ~~((+))~~ (a) Life insurance;
 - ~~((+))~~ (b) Disability insurance;
 - ~~((+))~~ (c) Property insurance;
 - ~~((+))~~ (d) Casualty insurance.
 - ~~((+))~~ (7) Other lines:
 - (a) Vehicle insurance;
 - ~~((+))~~ (b) Surety;
 - ~~((+))~~ (c) Credit life and ~~((disability))~~ credit accident/health;
 - ~~((+))~~ (d) Travel insurance.
 - ~~((+))~~ (8) Penalties for noncompliance:
 - (a) Refusal/nonrenewal;
 - (b) Suspension/revocation;
 - (c) Fines;
 - (9) Maintenance and duration of license:
 - (a) Appointments/terminations of appointments;
 - (b) Renewal procedures;
 - (10) Licensing requirements:
 - ~~((+))~~ (a) Purpose;
 - ~~((+))~~ (b) Licensing procedures:
 - ~~((+))~~ (i) Resident;
 - ~~((+))~~ (ii) Nonresident.
 - (iii) Temporary license.
 - (c) Continuing education; renewal procedures((:));
 - ~~((+))~~ (i) Penalties for misconduct;
 - ~~((+))~~ (ii) Exemption from the licensing requirement((:));
 - ~~((+))~~ (iii) Temporary license.
 - ~~((+))~~ (11) Agent responsibilities:
 - ~~((+))~~ (a) Recordkeeping;

- ~~((#))~~ (b) Reply promptly to inquiry by the commissioner; notify the commissioner of a change of address;
- ~~((#))~~ (c) Application completion;
- ~~((#))~~ ~~Delivery of the~~ (d) Policy delivery;
- ~~((#))~~ ~~Fiduciary accountability;~~ (e) Separate account~~(:)~~ requirement;
- ~~((#))~~ (f) Premium accountability;
- (g) Fiduciary accountability.
- (12) Compensation of licensees:
- (a) Sharing commissions;
- (b) Charges for extra services.
- (13) Protection of public interest.
- (14) Unfair practices ~~(and frauds)~~:
- ~~((#))~~ (a) Advertising, comparisons, and defamation;
- ~~((#))~~ (b) Charges, inducements, rebating;
- ~~((#))~~ (c) Misrepresentation~~(-twisting)~~;
- ~~((#))~~ (d) Twisting;
- (e) Illegal dealing in premiums;
- (f) Illegal inducements;
- (g) Failure to issue proper receipts;
- (h) Unfair claims methods and trade practices;
- (i) Broker's fees disclosed;
- (j) Penalties;
- (k) Discrimination.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-552 LIFE INSURANCE CURRICULUM. (1)

Life insurance needs:

- (a) Monetary value of human life;
- (b) Social security:
- (i) Contributions;
- (ii) Qualification and restrictions;
- (iii) Benefit periods;
- (iv) Blackout period.
- (c) Federal government employee/military benefits/railroad retirement benefits;
- (d) Needs analysis:
- (i) Premature death/retirement;
- (ii) Theory of decreasing need;
- (iii) Earnings approach, depletion approach;
- (iv) Capital retention/estate conservation;
- (v) Mortality/life expectancy tables.
- (2) Types ~~(and characteristics)~~ of individual life insurance ~~(policies)~~:

- (a) Term insurance policies:
- (i) General nature;
- (ii) Basic types of term contracts;
- (iii) Special features;
- (iv) Level, decreasing or increasing benefit~~(:)~~;
- ~~((#))~~ Renewable;
- ~~((#))~~ Convertible;
- ~~((#))~~ (A) Renewability;
- (B) Convertibility;
- (C) Reentry.
- (b) Whole life ~~(policy concepts)~~ insurance:
- (i) General nature;
- (ii) Economic values of whole life;
- ~~((#))~~ (c) Basic types of whole life contracts:
- ~~((#))~~ (i) Straight (ordinary) life;
- ~~((#))~~ (ii) Limited pay~~(:)~~ life;
- ~~((#))~~ (iii) Endowment~~(:)~~ insurance.
- (d) Universal life:
- (i) ~~(Fixed premium)~~ General nature;
- (ii) Features and characteristics;
- (iii) Fixed versus variable.
- (e) Single premium whole life:
- (i) Fixed;
- (ii) Variable.
- ~~((#))~~ (3) Premium variations:
- (a) Single;
- (b) Level;
- (c) Adjustable;
- (d) Modified;
- (e) Graded.
- (4) Annuities:
- ~~((#))~~ (a) The annuity principle;

- (b) Nature and purpose;
- ~~((#))~~ Tax-qualified plans; nonqualified plans;
- ~~((#))~~ (c) Premium-payment method~~(s)~~;
- ~~((#))~~ (i) Single;
- ~~((#))~~ (ii) Fixed installment~~(/periodic)~~;
- ~~((#))~~ (iii) Flexible.
- ~~((#))~~ (d) Tax-qualified plans; nonqualified plans;
- (e) Fixed versus variable benefits;
- (f) When benefits begin;
- ~~((#))~~ (g) Number of lives covered;
- (h) Payout options:
- ~~((#))~~ (i) Period certain;
- ~~((#))~~ (ii) Interest only;
- ~~((#))~~ (iii) Fixed/variable~~(:)~~;
- ~~((#))~~ Number of lives covered;
- ~~((#))~~ (i) Guarantee prior to annuity starting date;
- (j) Guarantee of minimum total benefit:
- (i) Straight (pure) life annuity;
- (ii) Annuity with period certain;
- (iii) Cash or installment refund annuity.
- (5) Other life insurance products:
- (a) Keogh (HR-10) plan;
- (b) Individual retirement account (IRA);
- (c) Simplified employee pension plan (SEP);
- (d) Key person;
- (e) Buy-sell;
- (f) Executive bonus;
- (g) Split dollar;
- ~~((#))~~ Executive bonus;
- ~~((#))~~ (h) Tax sheltered annuity.
- (6) Group life insurance:
- (a) Types of contracts:
- (i) Term, including survivorship;
- (ii) Contracts with permanent benefits;
- (iii) Credit or mortgage life.
- (b) Group underwriting principles;
- (c) Master policy and certificates;
- (d) Conversion rights and limitations.
- ~~((#))~~ (7) Combination policies~~(/)~~ and variations in basic forms:
- (a) Double or triple ~~(protection)~~ indemnity;
- (b) Term riders;
- (c) Family policies/riders;
- (d) Family income, family maintenance;
- (e) Retirement income;
- (f) Face amount plus cash value/return of premium;
- (g) Mortgage protection.
- (h) ~~(Credit life insurance;~~
- ~~((#))~~ Joint life;
- ~~((#))~~ (i) Last survivor;
- ~~((#))~~ (j) Juvenile;
- ~~((#))~~ (k) Adjustable life;
- ~~((#))~~ (l) Variable life.
- ~~((#))~~ (8) Policy provisions, options, and other features:
- (a) General provisions and clauses;
- (i) Insuring agreement/consideration;
- (ii) Owner/applicant/insured;
- (iii) Assignment;
- (iv) Entire contract;
- (v) Incontestability;
- (vi) Grace period/reinstatement;
- (vii) Misstatement of age or sex;
- (viii) Suicide;
- (ix) War;
- (x) Aviation;
- (xi) Free look;
- (xii) Representations;
- (xiii) Uniform Simultaneous Death Act;
- (xiv) Settlement on proof of death;
- (xv) Morbidity and mortality tables;
- (xvi) Age, health, marital status, occupation;
- (xvii) Loan provisions: Nature, interest, automatic premium loan.
- (9) Life insurance statutes and regulations:
- (a) Disclosure;
- (b) Fair Credit Reporting Act;
- (c) Replacement;
- (d) Washington Life and Disability Insurance Guaranty Association;

- (e) Fraternal benefit society;
- (f) Standard nonforfeiture law.
- ~~((7)) Regulated life insurance contract provisions:~~
 - ~~(a) Free look;~~
 - ~~(b) Representations;~~
 - ~~(c) Incontestability;~~
 - ~~(d) Misstatement of age or sex;~~
 - ~~(e) Grace period/reinstatement;~~
 - ~~(f) Settlement on proof of death;~~
 - ~~(g) Uniform Simultaneous Death Act;~~
- ~~(8) General provisions and clauses:~~
 - ~~(a) Consideration/premium payment:~~
 - ~~(i) Single;~~
 - ~~(ii) Level;~~
 - ~~(iii) Adjustable;~~
 - ~~(iv) Modified;~~
 - ~~(v) Graded:~~
 - ~~(b) Insuring agreement;~~
 - ~~(c) Owner/applicant/insured;~~
 - ~~(d) Assignment;~~
 - ~~(e) Limitation of liability:~~
 - ~~(i) Act of war;~~
 - ~~(ii) Suicide within two years of issue;~~
 - ~~(iii) Specific aviation conditions;~~
 - ~~(f) Morbidity and mortality tables;~~
 - ~~(g) Age, health, marital status, occupation;~~
 - ~~((10)) (10) Policy riders:~~
 - ~~((i)) (a) Policy loan provision;~~
 - ~~((ii)) (b) Automatic premium loan;~~
 - ~~((iii)) (c) Waiver of premium;~~
 - ~~((iv)) (d) Guaranteed insurability;~~
 - ~~((v)) (e) Dividends/excess interest declarations;~~
 - ~~((vi)) (f) Nonforfeiture values, annuity tables;~~
 - ~~((vii)) (g) Accidental death/dismemberment((:));~~
 - ~~((viii)) (h) Disability income rider;~~
 - ~~(i) Cost of living rider.~~
 - ~~(11) Beneficiary designations:~~
 - ~~((i)) Beneficiary categories:~~
 - ~~((A)) (a) Estate/named party/class;~~
 - ~~((B)) (b) Primary/contingent;~~
 - ~~((C)) (c) Revocable/irrevocable;~~
 - ~~((D)) (d) Trust.~~
 - ~~((ii)) (e) Common disaster, short-term survivorship; Uniform Simultaneous Death Act;~~
 - ~~((iii)) (f) Minor as beneficiary;~~
 - ~~((iv)) (g) Changing the beneficiary.~~
 - ~~((9)) (12) Application process:~~
 - ~~(a) ((Short form/long form)) Application completion;~~
 - ~~(b) Application as part of contract;~~
 - ~~(c) ((When coverage begins:~~
 - ~~((i)) Fair Credit Reporting Act compliance;~~
 - ~~(d) Receipts;~~
 - ~~((ii)) Binder:~~
 - ~~(10) Policy delivery:~~
 - ~~((a)) (e) Modified/issued as requested;~~
 - ~~((b) Explanation of coverage;~~
 - ~~(c) Payment of premium:~~
 - ~~(i) Paid upon application;~~
 - ~~(ii) Paid upon delivery;~~
 - ~~(iii) Mode of payment;~~
 - ~~(iv) Effect of nonpayment.~~
 - ~~((d)) (f) Nonprepaid/prepaid;~~
 - ~~(g) Modes of payment/effect of nonpayment;~~
 - ~~(h) Good health upon delivery;~~
 - ~~((e)) (i) Ten-day free look.~~
 - ~~((11)) (13) Claims process:~~
 - ~~(a) Notice of claim;~~
 - ~~(b) Proof of loss;~~
 - ~~(c) Statute of limitations on claims/defenses;~~
 - ~~(d) Settlement options:~~
 - ~~(i) Right to elect or change((:));~~
 - ~~((A)) (ii) Owner's rights;~~
 - ~~((B)) (iii) Beneficiary's rights.~~
 - ~~((ii)) (e) Types of settlements:~~
 - ~~(i) Lump sum;~~
 - ~~((iii)) (ii) Interest only;~~
 - ~~((iv)) (iii) Period certain, fixed amount.~~

- ~~((12)) (14) Federal taxation:~~
 - ~~(a) Life insurance premiums;~~
 - ~~(b) Proceeds;~~
 - ~~(c) Dividends((:));~~
 - ~~(i) Nature of dividends;~~
 - ~~(ii) Four basic options for the use of dividends;~~
 - ~~(iii) One-year term (fifth) dividend option.~~
 - ~~(d) Policy loans/withdrawals.~~
- ~~(15) Other topics:~~
 - ~~(a) Social Security survivors, death, and retirement benefits;~~
 - ~~(b) Legal concepts:~~
 - ~~(i) Insurable interest;~~
 - ~~(ii) Misrepresentation and concealment;~~
 - ~~(c) Evaluation of life insurance needs:~~
 - ~~(i) Needs approach;~~
 - ~~(ii) Human life value approach.~~
 - ~~(d) Cost comparison methods;~~
 - ~~(i) Interest-adjusted cost;~~
 - ~~(ii) Traditional net cost.~~
 - ~~(e) Credit life.~~
 - ~~(f) Business uses of life insurance:~~
 - ~~(i) Buy and sell agreements;~~
 - ~~(ii) Cross-purchase plan;~~
 - ~~(iii) Entity plan.~~
 - ~~(g) Key person insurance.~~

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-553 DISABILITY INSURANCE CURRICULUM. (1) Nature and purpose:

- (a) Medical expenses;
- (b) Loss of income;
- (c) ~~((Defining disability:~~
 - ~~(i) Temporary/permanent;~~
 - ~~(ii) Partial/total - normal occupation/any occupation;~~
 - ~~(d) Accidental death/dismemberment;~~
 - ~~(e) Needs analysis: Human life value, economic value.~~
- (2) Underwriting considerations:
 - (a) Costs of illness or injury; morbidity tables:
 - (i) Age, sex, height, and weight;
 - (ii) Marital, financial status;
 - (iii) Occupation, avocation;
 - (iv) Current state of health.
 - (b) Rating standards:
 - (i) Reasonable, equitable, adequate;
 - (ii) Class exposures to a degree of risk.
- (3) Disability insurance policy provisions:
 - (a) Mandatory individual policy provisions:
 - (i) Grace period;
 - (ii) Reinstatement;
 - (iii) Misstatement of age or sex;
 - (iv) Change of beneficiary.
 - (b) Optional individual policy provisions and clauses:
 - (i) Unpaid premium;
 - (ii) Cancellation/renewability;
 - (iii) Nonoccupation/full coverage;
 - (iv) Change of occupation;
 - (v) Other insurance with this insurer;
 - (vi) Insurance with other insurer(s):
 - (A) On expense incurred basis;
 - (B) On another basis.
 - (c) Other provisions applicable to group or individual:
 - (i) Consideration/premium payment:
 - (A) Modes of payment;
 - (B) Effect of nonpayment;
 - (ii) Waiver of premium;
 - (iii) Policy continuation:
 - (A) Cancelable;
 - (B) Optionally renewable;
 - (C) Conditionally renewable;
 - (D) Guaranteed renewable;
 - (E) Noncancelable.
 - (iv) Preexisting conditions;
 - (v) Ten-day free look;
 - (vi) Claims control:
 - (A) Second surgical opinion;
 - (B) Precertification;

- (C) Ambulatory treatment;
- (vii) Assignment of benefits;
- (4) Disability income policies:
- (a) Types of coverage:
- (i) Disability benefits in life insurance contract;
- (ii) Group, individual;
- (iii) Credit protection/mortgage protection;
- (iv) Hospital income insurance;
- (v) Business overhead expense:
- (b) Standard policy provisions for income replacement:
- (i) Waiting period;
- (ii) Relation of earnings to insurance;
- (iii) Nonduplication of benefits:
- (A) Other insurers;
- (B) Benefit maximum;
- (c) Special policy provisions:
- (i) Disability buy-out:
- (A) Lump sum;
- (B) Periodic payment;
- (ii) Specified injury or illness;
- (d) Benefit periods:
- (i) Long term/short term;
- (ii) Illness/injury;
- (e) Benefit features, options:
- (i) Cost of living adjustment;
- (ii) Medical expense of accident;
- (iii) Guaranteed insurability;
- (iv) Accidental death or dismemberment;
- (v) Social Security rider;
- (5) Sources of medical (accident and health) benefits:
- (a) Health care service contractors (HCSC);
- (b) May include preferred providers (PPOs);
- (c) Health maintenance organizations (HMOs);
- (d) Health insurance (indemnification) companies;
- (e) Health Insurance Coverage Access Act:
- (i) Nature and purpose;
- (ii) Eligibility;
- (iii) Coverage available;
- (6) Medical expense policies/medical service benefits:
- (a) Insuring agreements and perils covered:
- (i) Hospital expense;
- (ii) Surgical expense;
- (iii) Regular medical expense;
- (iv) Major medical;
- (b) Standard contract provisions:
- (i) Mandated benefits and mandated options;
- (ii) Expenses covered;
- (iii) Exclusions/limitations;
- (iv) Waiting period, preexisting/named conditions;
- (c) Common limitations/exclusions/optional coverages:
- (i) Self-inflicted injury;
- (ii) Injured while engaged in illegal activity or under the influence of a controlled substance;
- (iii) Injury caused by military conflict;
- (iv) Elective cosmetic surgery;
- (v) Optical, dental, audio care;
- (vi) Maternity and childbirth;
- (vii) Prescription drugs;
- (d) Limitations on insurer's expenses:
- (i) Benefit deductibles;
- (ii) Coinsurance, copayment, stop loss;
- (iii) Waiting period;
- (iv) Benefit maximum;
- (v) Standards for coordination of benefits/nonduplication of benefits;
- (vi) Government entitlement programs;
- (7) Other individual disability coverages:
- (a) Long-term care:
- (i) Nature and purpose;
- (ii) Policies and contracts;
- (iii) Skilled/intermediate care;
- (iv) Disclosure;
- (v) Prohibited practices;
- (vi) Free look;
- (b) Medicare supplement:
- (i) Nature and purpose;
- (ii) Minimum standards;
- (iii) Preexisting conditions;
- (iv) Disclosure;
- (v) Renewability;
- (vi) Replacement;
- (c) Specified disease insurance;
- (8) Group policy considerations:
- (a) Group enrollment restrictions:
- (i) Age of applicant;
- (ii) Coverage for dependents;
- (iii) Time period for enrollment;
- (iv) Preexisting condition;
- (b) Types of benefits;
- (c) Group underwriting considerations;
- (d) Master policy and certificates;
- (e) Approaches:
- (i) Franchise coverage;
- (ii) Blanket coverage;
- (f) Mandatory benefits and options;
- (g) Conversion option;
- (h) Consolidated Omnibus Budget Reconciliation Act (COBRA);
- (9) Policy delivery:
- (a) Modified versus issued as requested;
- (b) Explanation of coverage;
- (c) Payment of premium:
- (i) Paid upon application;
- (ii) Paid upon delivery;
- (iii) Mode of payment;
- (iv) Effect of nonpayment;
- (d) Good health upon delivery;
- (e) Ten-day free look;
- (10) Insurance statutes and regulations:
- (a) Applicable to disability insurers only:
- (i) Disability insurance advertising restrictions;
- (ii) Group/blanket disability insurance:
- (A) Extended health;
- (B) Disability insurance loss ratios;
- (iii) Washington Life and Disability Insurance Guaranty Association;
- (iv) Trade practices:
- (A) Trade practice rules;
- (B) Unfair claims practices;
- (b) Applicable to all medical services coverage carriers:
- (i) Standards for group chemical dependency coverage;
- (ii) Rules pertaining to AIDS;
- (iii) Health Care False Claim Act;
- (11) Claims:
- (a) Notice, forms, time limit;
- (b) Proof of claim: Physical examination/autopsy;
- (c) Legal action:
- (i) Statute of limitations;
- (ii) Coordination of benefits;
- (d) Settlement:
- (i) Payment of claims;
- (ii) Time and method of payment;
- (12) Federal taxation:
- (a) Premiums;
- (b) Benefits;)) Insuring agreement and perils covered;
- (d) Definition of total disability:
- (i) Own occupation;
- (ii) Any occupation for which the insured is reasonably suited;
- (iii) Any occupation;
- (iv) Combination definitions;
- (v) Presumptive disability;
- (e) Temporary disability;
- (f) Permanent disability;
- (i) Partial;
- (ii) Total;
- (g) Residual disability;
- (h) Recurrent disability;
- (2) Underwriting considerations:
- (a) Elimination (waiting) period;
- (b) Probationary period;
- (c) Benefit period:
- (i) Short-term versus long-term;
- (ii) Accident versus sickness;
- (d) Nonoccupational versus full coverage;

(e) Costs of illness or injury; morbidity tables:

- (i) Age, sex, height, and weight;
- (ii) Marital, financial status;
- (iii) Occupation, avocation;
- (iv) Current state of health;
- (v) Illegal occupation;
- (f) Rating standards:
 - (i) Reasonable, equitable, adequate;
 - (ii) Class exposures to a degree of risk;
 - (g) Common exclusions;
 - (3) Accidental death/dismemberment;
 - (4) Needs analysis: Human life value, economic value;
 - (5) Disability insurance policy provisions:
 - (a) Mandatory individual policy provisions:
 - (i) Grace period;
 - (ii) Reinstatement;
 - (iii) Misstatement of age or sex;
 - (iv) Change of beneficiary;
 - (v) Entire contract;
 - (vi) Time limit on certain defenses;
 - (vii) Notice of claim;
 - (viii) Claim forms;
 - (ix) Proof of loss;
 - (x) Time of payment of claims;
 - (xi) Payment of claims;
 - (xii) Physical examination and autopsy;
 - (xiii) Legal actions.
 - (b) Optional individual policy provisions and clauses:
 - (i) Unpaid premium;
 - (ii) Cancellation/renewability;
 - (iii) Nonoccupation/full coverage;
 - (iv) Change of occupation;
 - (v) Other insurance with this insurer;
 - (vi) Insurance with other insurer(s):
 - (A) On expense incurred basis;
 - (B) On another basis.
 - (vii) Chemical dependency;
 - (viii) Relation of earnings to insurance;
 - (ix) Unpaid premiums;
 - (x) Cancellation;
 - (xi) Conformity with state statute;
 - (6) Other provisions:
 - (a) Consideration/premium payment;
 - (b) Modes of payment;
 - (c) Effect of nonpayment;
 - (d) Claims control:
 - (i) Second surgical opinion;
 - (ii) Precertification;
 - (iii) Ambulatory treatment.
 - (e) Conversion;
 - (f) Waiver of premium;
 - (g) Assignment;
 - (h) Preexisting conditions;
 - (i) Right to examine;
 - (j) Policy continuation:
 - (i) Cancellable;
 - (ii) Optionally renewable;
 - (iii) Conditionally renewable;
 - (iv) Guaranteed renewable;
 - (v) Noncancellable.
 - (7) Benefit features, options:
 - (a) Cost of living adjustment;
 - (b) Accident medical expense;
 - (c) Guaranteed insurability option;
 - (d) Accidental death and dismemberment;
 - (e) Social Security rider;
 - (f) Lifetime/extended benefit;
 - (g) Assignment of benefits;
 - (h) Benefit periods:
 - (i) Long term/short term;
 - (ii) Illness/injury.
 - (i) Nonduplication of benefits:
 - (i) Other insurers;
 - (ii) Benefit maximum.
 - (i) Special policy provisions:
 - (i) Disability buy-out;
 - (ii) Lump sum;

(iii) Periodic payment;

- (k) Specified injury or illness.
- (8) Disability benefits in life insurance contracts.
- (9) Business overhead expense coverage.
- (10) Hospital income coverage.
- (11) Credit protection/mortgage protection.
- (12) Sources of medical (accident and health) benefits:
 - (a) Insurance companies;
 - (b) Health care service contractors (HCSC);
 - (c) Health maintenance organizations (HMO);
 - (d) Preferred provider organizations (PPO);
 - (e) Health Insurance Coverage Access Act:
 - (i) Nature and purpose;
 - (ii) Eligibility;
 - (iii) Coverage available.
- (13) Basic medical expense insurance:
 - (a) Nature and purpose;
 - (b) Insuring agreements and perils covered;
 - (c) Hospitalization expense;
 - (i) Room and board;
 - (ii) Intensive care;
 - (iii) Ancillary (miscellaneous) charges.
 - (d) Surgical expense:
 - (i) Schedules: Absolute value versus relative value;
 - (ii) Usual and customary.
 - (e) Regular medical expense (other physician charges):
 - (i) Charges covered;
 - (ii) Common limitations on benefits.
 - (f) Common exclusions.
 - (g) Other benefit features, options, or expense coverages:
 - (i) Maternity;
 - (ii) Private duty nursing;
 - (iii) Dental;
 - (iv) Prescription drug;
 - (v) Vision;
 - (vi) Home health care;
 - (vii) Dread disease and limited (e.g., cancer) coverage.
- (14) Major medical expense insurance:
 - (a) Nature and purpose;
 - (b) Covered charges (expenses);
 - (c) Inside (internal) limits;
 - (d) Waiting period, preexisting/named conditions;
 - (e) Common limitations/exclusions/optional coverages:
 - (i) Self-inflicted injury;
 - (ii) Injured while engaged in illegal activity or under the influence of a controlled substance;
 - (iii) Injury caused by military conflict;
 - (iv) Elective cosmetic surgery;
 - (v) Optical, dental, audio care;
 - (vi) Maternity and childbirth;
 - (vii) Prescription drugs.
 - (f) Deductible:
 - (i) Per injury or sickness versus cumulative (e.g., annual);
 - (ii) Corridor;
 - (iii) Common accident/common sickness;
 - (iv) Family maximum;
 - (v) Basic or other plan benefits;
 - (vi) Carryover provision;
 - (vii) Coinsurance, copayment, stop loss;
 - (viii) Waiting periods;
 - (ix) Standards for coordination of benefits/nonduplication of benefits;
 - (x) Maximum limits:
 - (A) Per injury or illness versus lifetime;
 - (B) Unlimited;
 - (C) Restoration of used benefits.
 - (15) Comprehensive coverage:
 - (a) Basic plan plus major medical;
 - (b) Comprehensive major medical.
 - (16) Group insurance and related coverages:
 - (a) Types of benefits;
 - (b) Group underwriting considerations;
 - (c) Group enrollment restrictions:
 - (i) Age of applicant;
 - (ii) Coverage for dependents;
 - (iii) Time period for enrollment;
 - (iv) Preexisting condition.

- (d) Master policy and certificates;
- (e) Conversion;
- (f) Probationary employment period;
- (g) Extended benefits;
- (h) Mandatory benefits and options;
- (i) Nonduplication and coordination of benefits provision;
- (j) Approaches related to group insurance:
- (i) Franchise coverage;
- (ii) Blanket coverage.
- (k) Consolidated Omnibus Budget Reconciliation Act (COBRA).
- (17) Government entitlement programs.
- (18) Medicare:
- (a) Eligibility and enrollment;
- (b) Part A (Hospital):
- (i) Hospital coverage:
- (A) Benefits;
- (B) Diagnostic related groups (DRG's).
- (ii) Skilled nursing facilities;
- (iii) Home health care;
- (iv) Hospice care.
- (c) Part B (Medical):
- Medical coverage:
- (i) Premium requirement;
- (ii) Benefits;
- (iii) Deductibles;
- (iv) Coinsurance;
- (v) Assignment;
- (vi) Allowable charges versus usual and customary.
- (d) Definitions:
- (i) Carrier;
- (ii) Intermediary;
- (iii) Spell of illness;
- (iv) Coverage outside the United States.
- (19) Medicare supplements:
- (a) Nature and purpose;
- (b) Minimum standards;
- (c) Preexisting conditions;
- (d) Disclosure;
- (e) Renewability;
- (f) Replacement.
- (20) Social Security disability and medical expense benefits.
- (21) Long-term care:
- (a) Nature and purpose;
- (b) Policies and contracts;
- (c) Skilled/intermediate care;
- (d) Disclosure;
- (e) Free look;
- (f) Prohibited practices.
- (22) Policy delivery:
- (a) Modified versus issued as requested;
- (b) Explanation of coverage;
- (c) Payment of premium:
- (i) Paid upon application;
- (ii) Paid upon delivery;
- (iii) Mode of payment;
- (iv) Effect of nonpayment.
- (d) Good health upon delivery;
- (e) Ten-day free look;
- (f) Application completion;
- (g) Fair Credit Reporting Act compliance.
- (23) Insurance statutes and regulations:
- (a) Applicable to disability insurers only:
- (i) Disability insurance advertising restrictions;
- (ii) Group/blanket disability insurance:
- (A) Extended health;
- (B) Disability insurance loss ratios.
- (iii) Washington Life and Disability Insurance Guaranty Association;
- (iv) Trade practices:
- (A) Trade practice rules;
- (B) Unfair claims practices.
- (b) Applicable to all medical service coverage carriers:
- (i) Standards for group chemical dependency coverage;
- (ii) Rules pertaining to AIDS;
- (iii) Health Care False Claim Act;
- (c) Misrepresentation and concealment.
- (24) Claims:

- (a) Notice, forms, time limit;
- (b) Proof of claim: Physical examination/autopsy;
- (c) Legal action:
- (i) Statute of limitations;
- (ii) Coordination of benefits.
- (d) Settlement:
- (i) Payment of claims;
- (ii) Time and method of payment.
- (25) Other topics:
- (a) Accidental death and dismemberment coverage:
- (i) Insuring agreements and perils covered;
- (ii) Principle (capital) sum;
- (iii) Beneficiary designations.
- (b) Business uses: The disability buy-out.
- (26) Federal income taxation:
- (a) Disability insurance premium;
- (b) Disability insurance benefits.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-554 CASUALTY INSURANCE CURRICULUM. (1) Defining casualty insurance. Insurable interest; insured's legal liability for:

- (a) Bodily injury, disability or death of any human being;
- (i) Medical, hospital, surgical costs;
- (ii) Funeral benefits.
- (b) Liability for loss of/damage to the property of others;
- (c) Coverage for personal injury:
- (i) Libel, slander, defamation of character;
- (ii) Wrongful eviction.
- (d) Any other kind of loss, damage, or liability which is:
- (i) Properly the subject of insurance;
- (ii) Not within another insurance definition; and
- (iii) Not contrary to law or public policy.
- (2) Legal basis for liability:
- (a) Intentional tort;
- (b) Statutory liability;
- (c) Product/absolute/strict liability;
- (d) Negligence:
- (i) Principles:
- (A) Duty of care;
- (B) Breach of duty was proximate cause of injury;
- (C) Injury in fact.
- (ii) Defenses:
- (A) Contributory negligence;
- (B) Comparative negligence;
- (C) Last clear chance;
- (D) Assumption of risk.
- (iii) Degrees of care owed to:
- (A) Trespasser;
- (B) Licensee;
- (C) Invitee;
- (D) Children.
- (iv) Reasonable person standard applied to:
- (A) Attractive nuisance;
- (B) Extra hazardous operations.
- (e) Sources of liability:
- (i) Direct;
- (ii) Contingent;
- (iii) Contractual;
- (iv) Vicarious.
- (3) Evaluating casualty insurance needs:
- (a) Maximum probable loss:
- (i) Personal injury;
- (ii) Bodily injury;
- (iii) Injury to insured's reputation;
- (iv) Mental distress; insured's lost wages;
- (v) Defense costs;
- (vi) Property damage.
- (b) Factors affecting rates:
- (i) Risks, perils, hazards;
- (ii) Personal, business habits;
- (iii) Blanket/specific coverage;
- (iv) Monoline/package policy;
- (v) Other primary or excess insurance;
- (vi) Experience rating;
- (vii) Deposit premium/audit.

- (c) Liability limits:
 - (i) Per person;
 - (ii) Per occurrence;
 - (iii) Aggregate;
 - (iv) Split/single limit.
- (d) Occurrence policy; claims made policy;
- (e) Application content and binders.
- (4) Major classes of policy provisions:
 - (a) Declarations:
 - (i) First named insured, additional insureds;
 - (ii) Policy period, policy territory, perils;
 - (iii) Liability limits.
 - (b) Insuring agreement;
 - (c) Conditions:
 - (i) Liberalization;
 - (ii) Subrogation;
 - (iii) Assignment.
 - (d) Exclusions;
 - (e) Definitions;
 - (i) Entire contract;
 - (ii) Agency binding authority;
 - (iii) Rating and premium determination.
- (5) Homeowners (section II) coverage – ISO HO-84 and Washington amendatory endorsement HO-300 (01/89):
 - (a) Nature and eligibility;
 - (b) Liability insuring agreement/exclusions;
 - (c) Medical payment insuring agreement/exclusions;
 - (d) Additional coverages and conditions;
 - (e) Common endorsements:
 - (i) Business pursuits;
 - (ii) Permitted incidental occupancy;
 - (iii) Watercraft;
 - (iv) Additional resident premises rented to others.
 - (f) Other personal packages:
 - ((+)) Mobile home owner(;
 - (+ Farmowner)).
 - (g) Miscellaneous personal casualty coverages:
 - (i) Umbrella;
 - (ii) Excess auto liability;
 - (iii) Recreational vehicles;
 - (iv) Watercraft/yacht.
 - (h) Incidental farming.
- (6) Automobile coverage:
 - (a) Financial responsibility:
 - (i) Proof defined;
 - (ii) Persons required to show proof;
 - (iii) Methods of satisfying financial responsibility;
 - (iv) Penalty for noncompliance.
 - (b) Coverages:
 - (i) Bodily injury;
 - (ii) Personal injury protection;
 - (iii) Medical payments;
 - (iv) Property damage;
 - (v) Collision;
 - (vi) Other than collision;
 - (vii) Towing expense, rental reimbursement;
 - (viii) Supplementary payments;
 - (ix) Uninsured motorist;
 - (x) Under-insured motorist.
 - (c) Personal auto:
 - (i) Common policies and endorsements:
 - (A) Personal auto policy;
 - (B) Broad form named operator;
 - (C) Extended nonowned liability;
 - (D) Debt and financing coverage.
 - (ii) Cancellation or nonrenewal:
 - (A) By insured/by insurer;
 - (B) Statutory requirements, notice; return of premium;
 - (C) Trade practice regulations.
 - (d) Business auto:
 - (i) Owned;
 - (ii) Nonowned;
 - (iii) Hired;
 - (iv) Garage liability;
 - (v) Garagekeeper's liability.
 - (7) Commercial casualty:
 - (a) Basic hazards:
 - (i) General liability;
 - (ii) Contractual liability;
 - (iii) Independent contractors;
 - (iv) Pollution/environmental impairment;
 - (v) Premises and operations;
 - (vi) Products and completed operations;
 - (vii) Personal and advertising injury;
 - (viii) Liquor liability.
 - (b) Types of commercial package policies:
 - (i) Commercial package policy;
 - (ii) Businessowner's policy (section II):
 - (A) Nature and purpose;
 - (B) Standard/special form;
 - (C) Coverages, exclusions;
 - (D) Optional coverages.
 - (c) Miscellaneous commercial casualty coverages:
 - (i) Fire legal liability;
 - (ii) Professional liability;
 - (iii) Director's/officer's liability;
 - (iv) Stop-gap;
 - (v) Umbrella;
 - (vi) Excess insurance;
 - (vii) Boiler and machinery;
 - (viii) Motor vehicle mechanical breakdown;
 - (ix) Ocean marine.
 - (8) Crime coverage:
 - (a) Major perils:
 - (i) Forgery/alteration;
 - (ii) Theft/disappearance, destruction/vandalism;
 - (iii) Safe ((robbery)) burglary;
 - (iv) Robbery, burglary.
 - (b) Primary crime coverage forms:
 - (i) Premises burglary;
 - (ii) Robbery and safe burglary;
 - (iii) Theft, disappearance and destruction.
 - (c) Fidelity:
 - (i) Employee dishonesty coverage form:
 - (A) Individual;
 - (B) Scheduled;
 - (C) Blanket.
 - (ii) Financial institution bond.
 - (d) Forgery;
 - (e) Employee Retirement Income Security Act (ERISA);
 - (f) Surety bond:
 - (i) Surety distinguished from insurance;
 - (ii) Parties to the contract;
 - (iii) Promise of the surety;
 - (iv) Major classes of surety bond.
 - (9) Government programs:
 - (a) Worker's compensation;
 - (b) The Jones Act;
 - (c) The Longshore and Harbor Workers' Act;
 - (d) National crime program;
 - (e) Washington automobile insurance plan.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-555 PROPERTY INSURANCE CURRICULUM. (1) Defining property insurance:

- (a) Loss of or damage to real or personal property;
- (b) Loss of interest in real or personal property.
- (2) Evaluation of risk:
 - (a) Maximum probable loss:
 - (i) Direct loss;
 - (ii) Indirect loss;
 - (iii) Concurrent causation.
 - (b) Factors affecting rates:
 - (i) Risks, perils, hazards;
 - (ii) Personal, business habits;
 - (iii) Blanket/specific coverage;
 - (iv) Coinsurance.
- (3) Personal insurance coverages:
 - (a) Dwelling property forms – basic, broad, or special:
 - (i) Nature and eligibility;
 - (ii) Property covered/excluded;
 - (iii) Perils covered/excluded;
 - (iv) Deductibles;

- (v) Limitation on loss settlement;
- (vi) Other conditions and provisions.

(A) Entire contract;
(B) Agency binding authority.

(b) Homeowners (section I) coverage - ISO HO-84 and Washington amendatory endorsement HO-300 (01/89):

- (i) Nature and eligibility;
- (ii) Property covered:
 - (A) Personal dwelling;
 - (B) Other appurtenant private structures;
 - (C) Unscheduled personal property;
 - (D) Additional living expense.
- (iii) Perils covered/excluded;
- (iv) Property limited/excluded;
- (v) Other provisions or conditions;
- (vi) Cancellation or nonrenewal:
 - (A) Statutory requirements, notice; return of premium;
 - (B) Trade practice regulations.
- (vii) Common endorsements:

- (A) Replacement cost on contents;
- (B) Guaranteed replacement cost on dwelling;
- (C) Scheduled personal property;
- (D) Earthquake;
- (E) Inflation guard.

(c) Other personal packages:
 ((+)) Mobile home(+;
 (iii) Farmowners).

(4) Commercial property coverages:

(a) Property covered:

- (i) Building;
- (ii) Insured's business personal property;
- (iii) Personal property of others.

(b) Cause of loss forms:

- (i) Basic;
- (ii) Broad;
- (iii) Special.
- (c) Property limited or excluded;
- (d) Optional coverages;
- (e) Conditions, provisions, and extensions of coverage;
- (f) Types of commercial package policies:

(i) Commercial package policy;

- (ii) Businessowner's policy (section I):
 - (A) Nature and purpose;
 - (B) Standard/special form;
 - (C) Coverages, exclusions;
 - (D) Property limited or excluded.

(g) Miscellaneous commercial property insurance:

(i) Business income:

- (A) General nature;
- (B) Losses covered.
- (ii) Extra expense;
- (iii) Glass;
- (iv) Earthquake;
- (v) Inland marine;
- (vi) Ocean marine/yacht;
- (vii) Farmowner's.

(5) Government programs:

- (a) National flood insurance program;
- (b) Fair access to insurance requirements (FAIR) plan;
- (c) Washington Insurance Guaranty Association;
- (d) Federal crop insurance program.

WSR 91-09-050

NOTICE OF PUBLIC MEETINGS BUILDING CODE COUNCIL

[Memorandum—April 16, 1991]

The State Building Code Council will be holding regular meetings on the following dates in the following locations:

May 9, 3:00 p.m.
 Uniform Codes Committee

Spokane City Hall
 West 808 Spokane Falls Boulevard
 Spokane, WA 99201

May 9, 10:00 a.m.
 Barrier-Free Committee

Spokane City Hall

May 10, 9:00 a.m.
 Building Code Council

Spokane City Council
 Chambers

June 13, 2:30 p.m.
 Uniform Codes Committee

Sea-Tac Legislative Office
 Sea-Tac Tower, Suite 500
 Seattle, Washington 98188

June 13, 10:00 a.m.
 Barrier-Free Committee

Sea-Tac Legislative Office

June 13, 5:00 p.m.
 Energy Committee

Angle Lake Fire Hall
 2929 South 200th Street
 SeaTac, WA 98198

June 14, 9:00 a.m.
 Building Code Council

Angle Lake Fire Hall

July 12, 10:00 a.m.
 Barrier-Free Committee

Sea-Tac area (location to
 be selected)

July 12, 2:30 p.m.
 Uniform Codes Committee

Sea-Tac area (location to
 be selected)

July 12, 5:00 p.m.
 Energy Committee

Sea-Tac area (location to
 be selected)

July 13, 9:00 a.m.
 Building Code Council

Sea-Tac area (location to
 be selected)

September 6, 9:00 a.m.
 Public Hearing

Angle Lake Fire Hall

September 13, 9:30 a.m.
 Public Hearing

Spokane City Council
 Chambers

October 10, 10:00 a.m.
 Barrier-Free Committee

Sea-Tac area (location to
 be selected)

October 10, 2:30 p.m.
 Uniform Codes Committee

Sea-Tac area (location to
 be selected)

October 10, 2:30 p.m.
 Energy Committee

Sea-Tac area (location to
 be selected)

October 11, 9:00 a.m.
 Building Code Council

Sea-Tac area (location to
 be selected)

November 7, 10:00 a.m.
 Barrier-Free Committee

Sea-Tac area (location to
 be selected)

November 7, 2:30 p.m.
 Uniform Codes Committee

Sea-Tac area (location to
 be selected)

November 7, 2:30 p.m.
 Energy Committee

Sea-Tac area (location to
 be selected)

November 8, 9:00 a.m.
 Building Code Council

Sea-Tac area (location to
 be selected)

WSR 91-09-051

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 154—Filed April 16, 1991, 3:09 p.m.]

Date of Adoption: April 12, 1991.

Purpose: To prescribe a new category of fee titled inactive status for nursing home administrators.

Citation of Existing Rules Affected by this Order: Amending WAC 246-843-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 91-05-025 on February 12, 1991.

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

April 12, 1991

Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 138, filed 3/1/91, effective 4/1/91)

WAC 246-843-990 NURSING HOME ADMINISTRATOR FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application (examination and original license)	\$500.00
Reexamination (partial)	300.00
Application—Reciprocity	400.00
Temporary permit	400.00
Renewal	380.00
Inactive license renewal	200.00
Late renewal penalty	160.00
Duplicate license	25.00
Certification	50.00
Administrator-in-training	275.00

WSR 91-09-052
EMERGENCY RULES
REDISTRICTING COMMISSION

[Filed April 16, 1991, 3:17 p.m.]

Date of Adoption: April 10, 1991.

Purpose: The purpose of these rules is to establish administrative rules for the Washington State Redistricting Commission and to implement the provisions of Article 2, Section 43 of the state constitution and chapter 44.05 RCW.

Statutory Authority for Adoption: RCW 44.05.080(1).

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 Redistricting Commission is statutorily required to conduct its proceedings pursuant to rules under RCW 44.05.080. Timely completion of the redistricting plan the commission is required to submit to the legislature requires emergency adoption of rules in order that such process may immediately commence. Therefore, immediate adoption is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice. The commission will consider adopting permanent rules as required under chapter 34.05 RCW and will provide public notice and a public hearing to consider public comment on proposed permanent rules.

Effective Date of Rule: Immediately.

April 10, 1991
Graham H. Fernald
Commission Chair

CHAPTER 417-01 WAC
EMERGENCY RULES
WASHINGTON STATE REDISTRICTING
COMMISSION

WAC

417-01-100	Purpose.
417-01-105	Description of Organization.
417-01-110	Commission Responsibilities and Duties.
417-01-115	Authority.
417-01-120	Definitions.
417-01-125	Offices.
417-01-130	Officers.
417-01-135	Staff.
417-01-140	Professional Advisors.
417-01-145	Political Activities.
417-01-150	Schedule of Meetings.
417-01-155	Conduct of Commission Business.

NEW SECTION

WAC 417-01-100 PURPOSE. The purpose of these rules is to establish administrative rules for the Washington State Redistricting Commission and to implement the provisions of Article 2, Section 43 of the state constitution and Chapter 44.05 RCW.

NEW SECTION

WAC 417-01-105 DESCRIPTION OF ORGANIZATION. The Washington State Redistricting Commission is a five member commission appointed in accordance with Article 2, Section 43 of the state constitution and Chapter 44.05 RCW. The membership consists of four voting members appointed by the leaders of the two largest political caucuses in the Senate and House of Representatives. The Commission Chair is selected by the voting members. The administrative office of the Commission is located at the Washington State Redistricting Commission, Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. The Commission's phone number is (206) 786-7935.

NEW SECTION

WAC 417-01-110 COMMISSION RESPONSIBILITIES AND DUTIES. Pursuant to Article 2, Section 43 of the state constitution and Chapter 44.05 RCW, the Commission's duties are:

- (1) to accomplish state legislative and congressional redistricting;
- (2) to act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;
- (3) to disclose and preserve public records as specified in 40.14 and 42.17 RCW;
- (4) to hold open public meetings pursuant to the open public meetings act;
- (5) to prepare and disclose its minutes pursuant to RCW 42.32.030;
- (6) to prepare and publish a report with a redistricting plan as provided in RCW 44.05.080(7);

(7) to distribute census data to counties for local redistricting as required by Chapter 29.70 RCW.

NEW SECTION

WAC 417-01-115 **AUTHORITY.** These rules are adopted pursuant to the requirements of RCW 44.05.080(1) and the Administrative Procedures Act, chapter 34.05 RCW.

NEW SECTION

WAC 417-01-120 **DEFINITIONS.** The following definitions shall apply throughout this title:

(1) "Commission" shall mean the Washington State Redistricting Commission established pursuant to Article II, Section 43 of the state Constitution and RCW 44.05.030;

(2) "Commissioners" shall mean the four voting commissioners appointed to the Commission pursuant to Article II, Section 43 of the state Constitution and RCW 44.05.030;

(3) "Chair" shall mean the nonvoting chairperson of the Commission, appointed by the voting members pursuant to Article II, Section 43 of the state Constitution and RCW 44.05.030(3);

NEW SECTION

WAC 417-01-125 **OFFICES.** The offices of the Commission, and its mailing address, shall be Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. Office hours for the Commission shall be from 8 a.m. to 5 p.m. on all normal business days. Office hours for inspection and copying of public records shall be as provided in Chapter Two hereof.

NEW SECTION

WAC 417-01-130 **OFFICERS.** (1) There shall be an Executive Director of the Commission who shall be responsible to the Commission for the overall administration of the Commission and its business, and who shall have such other duties and responsibilities as the Commission may from time to time decide.

(2) There shall be a Director of Operations of the Commission who shall be responsible to the Commission for the acquisition, management and use of the Commission's technical equipment, and who shall have such related duties and responsibilities as the Commission may from time to time decide.

(3) The Executive Director and the Director of Operations shall report to the Chair.

NEW SECTION

WAC 417-01-135 **STAFF.** The Executive Director shall appoint such assistants and employees as may be appropriate and necessary to the functions of the Commission, and shall supervise the assistants and employees. The Executive Director shall coordinate the appointment and supervision of technical staff employees with the Director of Operations.

NEW SECTION

WAC 417-01-140 **PROFESSIONAL ADVISORS.** The Commission may, by majority vote, appoint attorneys, advisors and others to assist it in the conduct of its duties, and they shall have such duties and receive such compensation and reimbursement as the Commission may from time to time, by majority vote, determine. The Chair, upon approval by a majority of the Commission's voting members, shall authorize the payment of necessary expenses of a witness incurred in testifying at the invitation of the Commission.

NEW SECTION

WAC 417-01-145 **POLITICAL ACTIVITIES.** Neither the chair, nor any Commissioner shall:

(1) Campaign, as a candidate, for any elective office while a member of the Commission;

(2) Actively participate in or contribute to any political campaign of any candidate for any state or federal elective office while a member of the Commission;

(3) Hold or campaign for a seat in the U.S. Congress or in the legislature of this state until two years have elapsed following the effective date of the 1992 redistricting plan adopted pursuant to RCW 44.05.100.

NEW SECTION

WAC 417-01-150 **SCHEDULE OF MEETINGS.**

(1) **Regular Meetings:** The Commission shall meet monthly during the months of April 1991 through December 1991 on the second Thursday of the month, at the Commission's offices in Olympia, at 4 p.m., unless they shall appoint a different day, time or place.

(2) **Special Meetings:** The Commission shall meet at other times and places, at the call of the Chair or of a majority of the Commissioners. Notice of special meetings shall be given as far in advance as may be practical, to the press and to all others who have requested notice of Commission meetings.

(3) **Agenda:** The Chair, or the Commission majority calling a special meeting, shall proposed an agenda for the meeting, which shall be distributed to Commissioners, to the press, and to others who have requested notice, at the earliest practical date prior to the meeting.

NEW SECTION

WAC 417-01-155 **CONDUCT OF COMMISSION BUSINESS.** (1) Three voting members of the Commission shall constitute a quorum for the conduct of business.

(2) The votes of any three of the Commissioners shall be required for any official action of the Commission: provided, that the Chair shall have the authority on behalf of the Commission to execute contracts and leases, and approve expenditures and reimbursements, related to the business of the Commission. The Chair may, without the prior approval of the Commission, authorize expenditures for equipment and supplies not to exceed \$10,000. Expenditures made pursuant to this section shall be reported as a separate item on the agenda at the next Commission meeting.

(3) *The Chair shall not have a vote at any meeting of the Commission.*

(4) *Commission meetings shall be conducted in accordance with the open meetings act (Chapter 42.30 RCW).*

(5) *The Commission shall not adopt any redistricting plan, or partial redistricting plan, except at a public meeting, notice of which has been given in accordance with these rules.*

(6) *The Commission shall not take any action by secret ballot.*

(7) *When not inconsistent with the state constitution, statute, or these rules, parliamentary matters before the commission shall be governed by Reed's Parliamentary Rules.*

(8) *Motions shall not require a second in order to be placed before the Commission for a vote.*

(9) *All public meetings of the Commission shall be electronically recorded. The minutes and tapes thereof shall be available to the public in accordance with the rules regarding access to public records held by the Commission. The Commission shall provide for presence of a court reporter at Commission meetings for the purpose of recording public testimony regarding a districting plan. A typewritten transcript of such testimony shall be prepared as soon as possible after such hearings and shall be made available to the public in accordance with the rules regarding access to public records held by the Commission. The shorthand transcript of a court reporter prepared pursuant to this section shall become part of the official records of the Commission.*

(10) *Except as provided in this section, the Chair shall preside at all meetings. In the event of the Chair's absence the Commission shall select from among the voting members a temporary chair to preside in the Chair's absence. The position of temporary chair shall alternate between a member of the two parties represented on the Commission.*

WSR 91-09-053

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-30—Filed April 16, 1991, 4:12 p.m.]

Original Notice.

Title of Rule: Chapter 173-300 WAC, Certification of operators of solid waste incinerator and landfill facilities.

Purpose: To amend WAC 173-300-070(2) to read: Inspectors shall be ((subject to the same)) exempt from all certification fees ((as a facility operator)).

Statutory Authority for Adoption: Chapter 70.95D RCW.

Statute Being Implemented: Chapter 70.95D RCW.

Summary: To exempt all local and state government solid waste incinerator and landfill facility inspectors from paying any certification fees.

Reasons Supporting Proposal: To eliminate the personal financial burden that inspectors would have to bear.

Name of Agency Personnel Responsible for Drafting and Implementation: David H. Dubreuil, Rowsix, Lacey, 438-7231; and Enforcement: Tom Eaton, Program Manager, Rowsix, Lacey, 459-6316.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To exempt all local and state governments' solid waste facility inspectors from paying the certification fees. Because of state law, governments cannot pay for personal certification or licenses. This amendment will alleviate a personal financial burden.

Proposal Changes the Following Existing Rules: The proposed changes for WAC 173-300-070(2) are as follows: Inspectors shall be ((subject to the same)) exempt from all certification fees ((as a facility operator)).

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

Regulatory Fairness Act Compliance Document: This rule amendment exempts landfill and incinerator inspectors from certification fees. The State Economic Policy Act (chapter 43.21H RCW) requires that economic values be given appropriate consideration in the promulgation of rules. The Regulatory Fairness Act (chapter 19.85 RCW) requires a small business economic impact statement if rules have an effect on more than 20% of all industry or more than 10% of any three digit SIC industry, and mitigation of rule impacts. This rule has been reviewed and the exemption has no impact on industry. Since there is no impact, no small business economic impact statement is required. Mitigation is neither necessary nor is it required.

Hearing Location: Lacey Timberland Library, 500 College S.E., Lacey, WA 98503, on May 21, 1991, at 7:00-9:00 p.m.

Submit Written Comments to: David H. Dubreuil, Department of Ecology, PV-11, Solid Waste Support Section, Olympia, Washington 98504-8711, by May 21, 1991.

Date of Intended Adoption: June 4, 1991.

April 16, 1991

Fred Olson
Deputy Director

AMENDATORY SECTION (Amending WSR 91-01-093, filed 12/18/90, effective 1/1/91)

WAC 173-300-070 CERTIFICATION OF INSPECTORS. (1) Any person who is employed by a public agency to inspect the operation of a landfill or incinerator described under this chapter to determine the compliance of the facility with state or local laws or rules shall receive, in addition to the successful completion of the training and examination process as an operator under this chapter, training relevant to the inspection procedure.

(2) Inspectors shall be ((subject to the same)) exempt from all certification fees ((as a facility operator)).

WSR 91-09-054**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 91-31—Filed April 16, 1991, 4:17 p.m.]

Original Notice.

Title of Rule: WAC 173-19-220 Grays Harbor 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 1971.

Summary: The amendment revises the shoreline master program for Grays Harbor 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: Peter Skowlund, Ecology, Mailstop PV-11, Olympia, 98504, (206) 459-7430; Implementation and Enforcement: D. Rodney Mack, Ecology, Mailstop PV-11, Olympia, 98504, (206) 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 proposal is an amendment of the Grays Harbor County shoreline master program and Grays Harbor estuary management (GHEMP). New wording is added to the GHEMP planning area guidelines relating to vegetation, recreation, structures and fills for Planning Area 1 and a consideration of a proposal to construct a treatment, rehabilitation and recreation center for the mentally and physically challenged as well as the general public, at a site located on the north shore of the Chehalis River at Katon Road.

Proposal Changes the Following Existing Rules: Amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Hearing Location: Commissioner's Hearing Board, Courthouse Administrative Building, Montesano, Washington, on June 4, 1991, at 7 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 11, 1991.

Date of Intended Adoption: August 6, 1991.

April 16, 1991
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order 89-64, filed 6/19/90)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved

December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. Revision approved April 5, 1988. Revision approved September 6, 1988. Revision approved May 15, 1990. Revision approved August 6, 1991.

WSR 91-09-055**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 91-10—Filed April 16, 1991, 4:27 p.m.]

Date of Adoption: April 16, 1991.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-4205 Tumwater, city of.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 91-04-079 on February 6, 1991.

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

April 16, 1991
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order 90-33, filed 10/2/90)

WAC 173-19-4205 TUMWATER, CITY OF. City of Tumwater master program approved May 21, 1976. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved May 15, 1990. Revision approved October 2, 1990. Revision approved April 17, 1991.

WSR 91-09-056**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 90-64—Filed April 16, 1991, 4:35 p.m.]

Original Notice.

Title of Rule: Repealing chapter 173-201 WAC and replacing it with chapter 173-203 WAC, Water quality standards for surface waters of the state of Washington.

Purpose: To establish water quality standards for surface waters of the state consistent with public health and public enjoyment thereof, and the propagation and protection of fish, shellfish and wildlife, pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof.

Other Identifying Information: To improve the regulation's structural efficiency, it is necessary to change the title to new chapter 173-203 WAC.

Statutory Authority for Adoption: Chapter 90.48 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: The Department of Ecology is proposing revisions to the state's surface water quality standards which will improve their effectiveness in protecting water

quality in accordance with the purpose and authority established by chapter 90.48 RCW, Water Pollution Control Act.

Reasons Supporting Proposal: Authority and mandate to protect water quality as established by chapter 90.48 RCW; state commitments to the USEPA to carry out provisions of the Clean Water Act; and revisions consistent with existing state standards for the protection of surface water quality.

Name of Agency Personnel Responsible for Drafting: Perry Lund, Baran Hall, 493-9405; Implementation and Enforcement: Michael T. Llewelyn, Prudential Building, 438-7090.

Name of Proponent: [Department of Ecology], governmental.

Rule is necessary because of federal law, Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977.

Explanation of Rule, its Purpose, and Anticipated Effects: The Department of Ecology is proposing revisions to the state's surface water quality standards regulation, chapter 173-201 WAC. These revisions are designed to provide improved protection for water quality, in accordance with the purpose and authority established by chapter 90.48 RCW, Water Pollution Control Act.

Proposal Changes the Following Existing Rules: Correction of typographic errors, restructuring of subsections, and minor language clarifications; repealing and replacing the existing rule citation (chapter 173-201 WAC) as chapter 173-203 WAC; establishing wetland water quality criteria and wetlands antidegradation provisions; updating the state's antidegradation policy; adopting aquatic life toxic criteria for four substances; revised language clarifying the applicability of the standards to nonpoint sources and stormwater; establishing criteria on allowing mixing zones for water discharges; upgrading Totten Inlet and Little Skookum Inlet and the Lower Cedar River to class AA; and clarifying the intent to use toxicity testing and biological assessments to ensure aquatic life protection.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

SUMMARY

INTRODUCTION

This document summarizes the small business economic impact statement (SBEIS) written for the amendments to the state surface water quality standards. The full SBEIS may be obtained from ecology's water quality program.

The state Regulatory Fairness Act requires that a SBEIS be written from rules which have an economic impact on more than twenty percent of all industries or more than ten percent of any one industry. The SBEIS must describe the costs of complying with the rule. It must compare the compliance costs of small and large businesses to determine whether the rule disproportionately impacts small business.

A small business is defined as a profit-seeking enterprise, which is independently owned and operated from all other businesses, and which has fifty or fewer employees.

AMENDMENTS TO THE SURFACE WATER QUALITY STANDARDS

The Clean Water Act requires that states review their surface water quality standards at least once every three years. As a result of this review, many amendments have been made to the standards. There are six amendments to the standards that cause economic impacts: WAC 173-203-040 (1)-(4), additional aquatic life criteria; WAC 173-203-040(5), whole effluent toxicity testing and bioassessments for aquatic life protection; WAC 173-203-040(6), human health risk level for establishing criteria for carcinogens; WAC 173-203-100, mixing zones; WAC 173-203-130(6), reclassification of Lower Cedar River; and WAC 173-203-140(25), reclassification of Totten Inlet.

In addition, the amendments add water quality criteria for wetlands to the standards. The wetlands criteria are analyzed in a separate SBEIS.

CONCLUSIONS OF ECONOMIC ANALYSIS

Aquatic life toxic criteria. The amendment to the water quality standards that adds numeric criteria for aluminum (freshwater), ammonia (marine water), and chloride (freshwater) makes no change in the way ecology regulates industrial NPDES permit holders. Most dischargers of these three pollutants have already been required to bring their discharges into compliance with effluent limits. Therefore, this amendment imposes no additional costs on permit holders. Also, nearly all dischargers of these three pollutants are large businesses.

This amendment has no immediate impact on holders of permits for industrial stormwater. The level of BMPs/treatment needed for aluminum, chloride, and ammonia is the same as that presently needed by industrial stormwater dischargers.

This amendment has little impact on agriculture and forestry because these two industries are not significant dischargers of these three pollutants. This amendment has little impact on urban stormwater dischargers. The addition of criteria for the three new toxics does not increase the level of BMPs/treatment needed for urban stormwater.

Whole effluent toxicity testing and bioassessments. Most of the industrial NPDES permit holders that will potentially be required to conduct whole effluent toxicity testing and bioassessments and to comply with whole effluent toxicity limits are large businesses. Only a few chemical companies, woodpreservers, and ore mines might be small. All apple warehouses are small (although only a few of these businesses will have to do this testing). Few of the small businesses that hold NPDES permits will incur costs due to toxicity testing requirements. The economic impact of both testing and compliance costs is primarily on large businesses.

Few holders of industrial stormwater permits will be required to conduct whole effluent toxicity testing or bioassessment.

It is extremely unlikely that whole effluent toxicity testing and bioassessments would be used on a regular basis in regulating nonpoint sources such as agriculture, forestry, and urban stormwater.

Human health risk level for establishing criteria for carcinogens. Nearly all of the industrial NPDES permit holders that discharge carcinogens are large businesses. Only a few chemical companies, woodpreservers, and ore mines might be small. Few if any of the small businesses that hold NPDES permits will incur costs due to carcinogen regulation. The economic impact of these requirements is nearly exclusively on large permit holders.

The amendment has only a minor immediate effect on nonpoint source dischargers. The chief nonpoint source dischargers of carcinogens are agriculture, forestry, and urban stormwater.

Mixing zones. The amendments to the mixing zone provisions of the standards do not significantly alter the cost of complying with water quality-based effluent limits. Fundamentally, these amendments only place departmental guidance into the rule.

Reclassification of Lower Cedar River and Totten Inlet. Few point source dischargers are located on these two waterbodies. No point source dischargers are affected by the reclassifications.

The reclassifications will have little or no impact on nonpoint source pollutants such as agriculture, boating, construction, forestry, septic tanks, and urban stormwater. For these sources, whether a waterbody is Class A or AA is not a significant concern in determining the extent of the pollution problem or in determining the measures needed to solve it.

MITIGATION OF IMPACT ON SMALL BUSINESS

Aquatic life toxic criteria. The addition to the water quality standards of numeric criteria for aluminum (freshwater), ammonia (marine water), and chloride (freshwater) has no impact on any point or nonpoint source dischargers. This amendment does not affect businesses, governments, or individuals. It has no impact on small businesses. Because the amendment has no impact on small businesses, there is no need to mitigate its impact.

Whole effluent toxicity testing and bioassessments. Most of the industrial NPDES permit holders that will potentially be required to conduct whole effluent toxicity testing and bioassessments and to comply with whole effluent toxicity limits are large businesses. Because this amendment chiefly impacts large businesses rather than small businesses, there is no need to mitigate its impact.

Human health risk level for establishing criteria for carcinogens. Nearly all of the industrial dischargers affected by this amendment are large businesses. Because this amendment chiefly impacts large businesses rather than small businesses, there is no need to mitigate its impact.

Mixing zones. In general, the mixing zone amendments have no impact on any point source dischargers. They do not affect businesses, governments, or individuals. They have no impact on small businesses. Because the amendments have no impact on small businesses, there is no need to mitigate their impact.

Mixing zones can be used to mitigate the impact of the water quality standards on businesses and governments—whether they are small or large. Mixing zones are inherently mitigation. Their purpose is to decrease

the impact of the water quality standards on dischargers. By allowing exceedances of the standards within the mixing zone, treatment costs are reduced.

Reclassification of Lower Cedar River and Totten Inlet. The reclassifications of these two waterbodies will have no impact on any point or nonpoint source dischargers. They do not affect businesses, governments, or individuals. They have no impact on small businesses. Because the reclassifications have no impact on small businesses, there is no need to mitigate their impact.

EXECUTIVE SUMMARY

During its review of state water quality standards, the Washington Department of Ecology is incorporating revisions specifically designed to better protect wetlands. The proposed amendments complement the current surface water quality standards by adding wetlands to the definition of surface waters of the state, providing a definition of wetlands, identifying characteristic uses of wetlands, and establishing numeric and narrative criteria for evaluating the water quality of wetlands. In addition, a section that establishes wetlands mitigation procedures also has been provided. These revised standards will apply to national pollutant discharge elimination system permits, Clean Water Act 401 certifications, and all other current applications of the surface water quality standards.

Within the state of Washington, a small business economic impact statement (SBEIS) is required if a regulatory action is found to have an economic impact on 10% of the firms in any three-digit standard industrial classification or 20% of all businesses. The SBEIS is used to determine if the regulatory action will cause disproportionate impacts on small businesses (those with fewer than 50 employees). If disproportionate impacts are identified, they must be mitigated.

Small Business Impacts

The proposed wetlands water quality standards (WQS) have been evaluated and found to have a disproportionate impact on Washington's small businesses.

In summary, the SBEIS determined the following: Most Washington businesses that would incur incremental costs from the wetlands WQS would do so to control storm water runoff into wetlands; capital costs of complying with the proposed regulations will be disproportionately greater for those small businesses that would be required to separate oil from storm water before releasing that water into wetlands; operation and maintenance costs were not found to be disproportionately higher for small businesses, except for small retail businesses required to operate and maintain oil-water separators; a few small businesses would incur disproportionate impacts as a result of the wetlands WQS. These economic impacts, which are associated with installation of best management practices to control storm water runoff, could be mitigated.

Mitigation Measures

Washington's Regulatory Fairness Act (chapter 19.85 RCW) requires that if a rule places a disproportional economic impact on small businesses, then the impact

must be mitigated. For each small business shown to incur a disproportionate share of compliance costs, mitigation measures were identified to reduce those cost impacts.

Promotion of shared treatment facilities is the recommended mitigation measure that would reduce the disproportionate cost impacts on small businesses affected by implementation of the new wetlands WQS. The purchase, operation, and maintenance of storm water treatment facilities should be coordinated between two or more businesses required to install such facilities. The cost of control facilities could be lowered if the cost could be spread over affected businesses. Agencies responsible for enforcing the new standards should identify all businesses within a region or subregion that must conform to the new standards before those standards are enforced. Affected businesses that are adjacent to one another would then be allowed to explore the possibility of sharing the treatment facilities.

For a complete copy of the SBEIS, please contact: Perry Lund, Washington Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 493-9405.

Hearing Location: June 18th, Moses Lake, Washington, PUD Auditorium, at 7 p.m.; and on June 20th, Olympia, Washington, Tyee Hotel, at 3 p.m.

Submit Written Comments to: Mark Hicks, Water Quality Program, Department of Ecology, Mailstop PV-11, by June 28, 1991.

Date of Intended Adoption: August 20, 1991.

April 16, 1991
Fred Olson
Deputy Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-201-010	INTRODUCTION.
WAC 173-201-025	DEFINITIONS.
WAC 173-201-035	GENERAL CONSIDERATIONS.
WAC 173-201-045	GENERAL WATER USE AND CRITERIA CLASSES.
WAC 173-201-047	TOXIC SUBSTANCES.
WAC 173-201-070	GENERAL CLASSIFICATIONS.
WAC 173-201-080	SPECIFIC CLASSIFICATIONS—FRESHWATER.
WAC 173-201-085	SPECIFIC CLASSIFICATIONS—MARINE WATER.
WAC 173-201-090	ACHIEVEMENT CONSIDERATIONS.
WAC 173-201-100	IMPLEMENTATION.
WAC 173-201-110	SURVEILLANCE.
WAC 173-201-120	ENFORCEMENT.

Chapter 173-203 WAC WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON

WAC	
173-203-010	Introduction.
173-203-020	Definitions.
173-203-030	General water use and criteria classes.
173-203-040	Toxic substances.
173-203-050	Radioactive substances.
173-203-060	General considerations.
173-203-070	Antidegradation.
173-203-080	Outstanding resource waters.
173-203-090	Wetlands mitigation.
173-203-100	Mixing zones.

173-203-110	Short-term modification.
173-203-120	General classifications.
173-203-130	Specific classifications—Freshwater.
173-203-140	Specific classifications—Marine water.
173-203-150	Achievement considerations.
173-203-160	Implementation.
173-203-170	Surveillance.
173-203-180	Enforcement.

NEW SECTION

WAC 173-203-010 INTRODUCTION. (1) The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington consistent with public health and public enjoyment thereof, and the propagation and protection of fish, shellfish, and wildlife, pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof.

(2) This chapter shall be reviewed periodically by the department and appropriate revisions shall be undertaken.

(3) The water use and quality criteria set forth in WAC 173-203-030 through 173-203-140 are established in conformance with present and potential water uses of the surface waters of the state of Washington and in consideration of the natural water quality potential and limitations of the same. These shall be the sole criteria for said waters.

NEW SECTION

WAC 173-203-020 DEFINITIONS. The following definitions are intended to facilitate the use of chapter 173-203 WAC:

"Acute toxicity" means any mortality measured by acute toxicity test(s) approved by the department.

"AKART" is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology for preventing, controlling, or abating the pollutants associated with a discharge that can be reasonably required. The concept of AKART applies to both point and nonpoint sources of pollution.

"Background conditions" means the biological, chemical, and physical conditions of a water body, upstream from the point or nonpoint source of any discharge under consideration. Background sampling location in an enforcement action would be upstream from the point of discharge, but not upstream from other inflows. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately upstream from each discharge. When assessing background conditions in the headwaters of a disturbed watershed it may be necessary to use the background conditions of a neighboring or similar watershed as the reference conditions.

"Best management practices (BMP)" means physical, structural, and/or managerial practices approved by the department that, when used singly or in combination, prevent or reduce pollutant discharges.

"Biological assessment" is an evaluation of the biological condition of a water body using surveys of aquatic community structure and function and other direct measurements of resident biota in surface waters.

"Bog" means those wetlands that are acidic, peat forming, and whose primary water source is rainwater.

"Chronic toxicity" means any lethal or sublethal effects as measured by chronic toxicity test(s) approved by the department.

"Constructed wetlands" means those wetlands intentionally constructed on nonwetland sites for the sole purpose of wastewater or storm water treatment and managed as such. Constructed wetlands are normally considered as part of the collection and treatment system.

"Created wetlands" means those wetlands intentionally created from nonwetland sites to produce or replace natural wetland habitat.

"Critical condition" is when the physical, chemical, and biological characteristics of the receiving water environment interact with the effluent to produce the greatest potential impact on aquatic biota and existing and characteristic water uses.

"Damage to the ecosystem" means any demonstrated or predicted stress to aquatic or terrestrial organisms or communities of organisms which the department reasonably concludes may interfere in the health or survival success or natural structure of such populations. This stress may be due to, but is not limited to, alteration in habitat or changes in water temperature, chemistry, or turbidity, and shall consider the potential build up of discharge constituents or temporal increases in habitat alteration which may create such stress in the long-term.

"Department" means the state of Washington department of ecology.

"Director" means the director of the state of Washington department of ecology.

"Drainage ditch" means that portion of a designed and constructed conveyance system that serves the purpose of transporting surplus water.

"Estuary" means tidal wetland and deepwater habitats that are usually semienlosed by land but have open, partial, or sporadic access to the open ocean, and in which ocean water is at least occasionally diluted by fresh water runoff from land.

"Fecal coliform" means that portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within twenty-four hours at 44.5 plus or minus 0.2 degrees Celsius.

"Fen" means those wetlands that are generally acidic, peat forming, and whose primary water source is ground water or surface water, except marl fens.

"Geometric mean" means the nth root of a product of n factors.

"Ground water exchange" means the discharge and recharge of ground water at the wetland. Discharge is inflow to a wetland from an aquifer, seeps or springs that increases the available supply of surface water. Recharge is outflow from a wetland downgradient to an aquifer or downstream to surface water for base flow maintenance. Exchange may include ground water discharge in one season followed by recharge later in the year.

"Hardness" means a measure of the calcium and magnesium salts present in water. For purposes of this chapter, hardness is measured in milligrams per liter as calcium carbonate (CaCO₃).

"Hydrodynamics" means the dynamic energy, force, or motion of fluids as affected by the physical forces acting upon those fluids.

"Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation.

"Irrigation ditch" means that portion of a designed and constructed conveyance facility that serves the purpose of transporting irrigation water from its supply source to its place of use.

"Marl fens" means those wetlands that are alkaline or neutral pH as a result of buffering by calcium compounds in the soil.

"Mean detention time" means the time obtained by dividing a reservoir's mean annual minimum total storage by the thirty-day ten-year low-flow from the reservoir.

"Migration or translocation" means any natural movement of an organism or communities of organisms from one locality to another locality.

"Mitigation" means, in the following order of preference:

Avoiding the impact altogether by not taking a certain action or part of an action;

Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

Compensation for the impact by replacing, enhancing, or providing substitute resources or environments.

Mitigation for individual actions may include a combination of the above measures.

"Mixing zone" means the area of water adjacent to an effluent outfall where mixing results in the dilution of the effluent with the receiving water. As conditioned by WAC 173-203-100, water quality criteria may be exceeded to allow dilution of effluent in a limited volume of receiving water.

"Permit" means a document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

"pH" means the negative logarithm of the hydrogen ion concentration.

"Practicable alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

"Primary contact recreation" means activities where a person would have direct contact with water to the point of complete submergence including, but not limited to, skin diving, swimming, and water skiing.

"Secondary contact recreation" means activities where a person's water contact would be limited (wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory, or digestive systems or urogenital areas would normally be avoided.

"Shoreline stabilization" means the anchoring of soil at the water's edge, or in shallow water, by fibrous plant root complexes; this may include long-term accretion of sediment or peat, along with shoreline progradation in such areas.

"Storm water" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a storm water drainage system into a defined surface water body, or a constructed infiltration facility.

"Storm water attenuation" means the process by which peak flows from precipitation and runoff velocities are slowed as a result of passing through a wetland.

"Storm water drainage system" means constructed features whose primary existing and/or characteristic surface water use is to function as part of a system to collect, convey, channel, filter, hold, inhibit, retain, treat, detain, infiltrate, or direct storm water.

"Surface waters of the state" includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands, and all other surface waters and water courses within the jurisdiction of the state of Washington.

"Temperature" means water temperature expressed in degrees Celsius (°C).

"Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

"Upwelling" means the annual natural phenomenon where the summer prevailing, northerly winds parallel to Washington's coast produce a seaward transport of surface waters. Cold, deeper, more saline waters rich in nutrients and low in dissolved oxygen flow into Puget Sound and other coastal estuaries replacing the deep water. This cold, oxygen deficient water gradually rises to replace the surface water, reaching the surface during late summer and fall.

"USEPA" means the United States Environmental Protection Agency.

"Water-dependent" means a use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations.

"Water quality improvement" means the natural processes in a wetland that either trap, convert, or transform waterborne pollutants entering the wetland from nonpoint sources.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, marshes, bogs, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include the following surface waters of the state intentionally constructed from nonwetland sites: Irrigation and drainage ditches, grass-lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities. This does not include constructed wetlands.

"Wildlife habitat" means waters of the state used by, or that directly or indirectly provide food support to fish, other aquatic life, and wildlife for any life history stage or activity.

NEW SECTION

WAC 173-203-030 GENERAL WATER USE AND CRITERIA CLASSES. The following criteria shall apply to the various classes of surface waters in the state of Washington:

(1) Class AA (extraordinary).

(a) General characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

- (iv) Wildlife habitat.
- (v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).
- (vi) Commerce and navigation.
- (c) Water quality criteria:
 - (i) Fecal coliform organisms:
 - (A) Freshwater – fecal coliform organisms shall not exceed a geometric mean value of 50 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 100 organisms/100 mL.
 - (B) Marine water – fecal coliform organisms shall not exceed a geometric mean value of 14 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 43 organisms/100 mL.
 - (ii) Dissolved oxygen:
 - (A) Freshwater – dissolved oxygen shall exceed 9.5 mg/L.
 - (B) Marine water – dissolved oxygen shall exceed 7.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 7.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by human-caused activities.
 - (iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.
 - (iv) Temperature shall not exceed 16.0°C (freshwater) or 13.0°C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=23/(T+5)$ (freshwater) or $t=8/(T-4)$ (marine water).

When natural conditions exceed 16.0°C (freshwater) and 13.0°C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8°C, and the maximum water temperature shall not exceed 16.3°C (freshwater).
 - (v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a human-caused variation within a range of less than 0.2 units.
 - (vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
 - (vii) Toxic, radioactive, or deleterious material concentrations shall be below those which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-203-040 and 173-203-050).
 - (viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.
- (2) Class A (excellent).
 - (a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.
 - (b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:
 - (i) Water supply (domestic, industrial, agricultural).
 - (ii) Stock watering.
 - (iii) Fish and shellfish:
 - Salmonid migration, rearing, spawning, and harvesting.
 - Other fish migration, rearing, spawning, and harvesting.
 - Clam, oyster, and mussel rearing, spawning, and harvesting.
 - Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.
 - (iv) Wildlife habitat.
 - (v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).
 - (vi) Commerce and navigation.
 - (c) Water quality criteria:
 - (i) Fecal coliform organisms:
 - (A) Freshwater – fecal coliform organisms shall not exceed a geometric mean value of 100 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 200 organisms/100 mL.
 - (B) Marine water – fecal coliform organisms shall not exceed a geometric mean value of 14 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 200 organisms/100 mL.
 - (ii) Dissolved oxygen:
 - (A) Freshwater – dissolved oxygen shall exceed 6.5 mg/L.
 - (B) Marine water – dissolved oxygen shall exceed 5.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 5.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by human-caused activities.
 - (iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.
 - (iv) Temperature shall not exceed 21.0°C (freshwater) or 19.0°C (marine water) due to human activities. Temperature increases shall

percent of all samples obtained for calculating the geometric mean value exceeding 43 organisms/100 mL.

(ii) Dissolved oxygen:

(A) Freshwater – dissolved oxygen shall exceed 8.0 mg/L.

(B) Marine water – dissolved oxygen shall exceed 6.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 6.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by human-caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 18.0°C (freshwater) or 16.0°C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=28/(T+7)$ (freshwater) or $t=12/(T-2)$ (marine water).

When natural conditions exceed 18.0°C (freshwater) and 16.0°C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8°C, and the maximum water temperature shall not exceed 18.3°C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a human-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-203-040 and 173-203-050).

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(3) Class B (good).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (industrial and agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing and spawning.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria:

(i) Fecal coliform organisms:

(A) Freshwater – fecal coliform organisms shall not exceed a geometric mean value of 200 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 400 organisms/100 mL.

(B) Marine water – fecal coliform organisms shall not exceed a geometric mean value of 100 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 200 organisms/100 mL.

(ii) Dissolved oxygen:

(A) Freshwater – dissolved oxygen shall exceed 6.5 mg/L.

(B) Marine water – dissolved oxygen shall exceed 5.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 5.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by human-caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 21.0°C (freshwater) or 19.0°C (marine water) due to human activities. Temperature increases shall

not, at any time, exceed $t=34/(T+9)$ (freshwater) or $t=16/T$ (marine water).

When natural conditions exceed 21.0°C (freshwater) and 19.0°C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8°C, and the maximum water temperature shall not exceed 21.3°C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a human-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-203-040 and 173-203-050).

(viii) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use or taint the flesh of edible species.

(4) Class C (fair).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (industrial).

(ii) Fish (salmonid and other fish migration).

(iii) Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(iv) Commerce and navigation.

(c) Water quality criteria - marine water:

(i) Fecal coliform organisms shall not exceed a geometric mean value of 200 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 400 organisms/100 mL.

(ii) Dissolved oxygen shall exceed 4.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 4.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by human-caused activities.

(iii) Temperature shall not exceed 22.0°C due to human activities. Temperature increases shall not, at any time, exceed $t=20/(T+2)$.

When natural conditions exceed 22.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

(iv) pH shall be within the range of 6.5 to 9.0 with a human-caused variation within a range of less than 0.5 units.

(v) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vi) Toxic, radioactive, or deleterious material concentrations shall be below those which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-203-040 and 173-203-050).

(vii) Aesthetic values shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

(5) Lake class.

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam and mussel rearing, spawning, and harvesting.

Crayfish rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria:

(i) Fecal coliform organisms shall not exceed a geometric mean value of 50 organisms/100 mL, with not more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 100 organisms/100 mL.

(ii) Dissolved oxygen - no measurable decrease from natural conditions.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature - no measurable change from natural conditions.

(v) pH - no measurable change from natural conditions.

(vi) Turbidity shall not exceed 5 NTU over background conditions.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-203-040 and 173-203-050).

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(6) Wetlands class.

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Fish^b and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimps, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iii) Wildlife habitat.

(iv) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(v) Commerce and navigation.

(vi) Aesthetics.

(vii) Ground water exchange.

(viii) Water quality improvement.

(ix) Storm water attenuation.

(x) Shoreline stabilization.

(c) Wetlands shall not be used for the treatment of storm water.

(d) Eradication and control of state listed noxious weeds shall be done in accordance with chapter 17.10 RCW and WAC 173-203-170.

(e) Forest practices shall be conducted using best management practices in accordance with the provisions of chapter 76.09 RCW.

(f) Water quality criteria:

(i) Fecal coliform organisms - no measurable change from natural conditions. Human-influenced activities shall not be allowed to raise fecal coliform concentrations above natural conditions.

(ii) pH - no measurable change from natural conditions.

(iii) Settleable solids shall not be introduced or allowed to accumulate in a wetland such that they directly or indirectly degrade the wetland or interfere with the existing or characteristic uses.

(iv) Toxic, radioactive, or deleterious material concentrations shall be below those which may adversely affect characteristic water uses, cause acute or chronic conditions to aquatic and terrestrial biota, or adversely affect public health or welfare (see WAC 173-203-040 and 173-203-050).

(v) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use, or form nuisances, or taint tissue of edible species.

(vi) Nutrients shall not be introduced to or allowed to accumulate in a wetland such that they directly or indirectly degrade the wetland or interfere with the existing or characteristic uses of the wetland.

(vii) Natural physical and biological characteristics shall be maintained and protected so that there is no significant degradation of characteristic uses, except as provided for in the wetlands mitigation section, WAC 173-203-090. Physical and biological characteristics shall be maintained by:

(A) Maintaining hydrological conditions, including hydroperiod, hydrodynamics, and natural water temperature variations necessary to support vegetation which would be present naturally; and

(B) Maintaining substrate characteristics necessary to support vegetation which would be present naturally.

NEW SECTION

WAC 173-203-040 TOXIC SUBSTANCES. (1) Except where local species occur that may be more sensitive than the species used to develop the following criteria, or where local environmental conditions warrant more restrictive criteria, the following criteria shall apply to all surface waters of the state of Washington for the protection of aquatic life. Criteria more stringent than these aquatic life values may be required by the department to protect human health. Values are ug/L for all substances except Ammonia and Chloride which are mg/L:

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Aldrin/Dieldrin	2.5a	0.0019b	0.71a	0.0019b
Aluminum	750.0c	87.0d	-	-
Ammonia (un-ionized NH3)	f,c	g,d	0.233h,c	0.035h,d
Cadmium	i,c	j,d	43.0c	9.3d
Chlordane	2.4a	0.0043b	0.09a	0.004b
Chloride (Dissolved) k	860.0h,c	230.0h,d	-	-
Chlorine (Total Residual)	19.0c	11.0d	13.0c	7.5d
Chloropyrifos	0.083c	0.041d	0.011c	0.0056d
Chromium (Hex)	16.0c1	11.0d	1,100.0c,1	50.0d
Chromium (Tri)	m,c	n,d	-	-
Copper	o,c	p,d	2.9c	-
Cyanide	22.0c	5.2d	1.0c	-
DDT (and metabolites)	1.1a	0.001b	0.13a	0.001b
Dieldrin/Aldrin e	2.5a	0.0019b	0.71a	0.0019b
Endosulfan	0.22a	0.056b	0.034a	0.0087b
Endrin	0.18a	0.0023b	0.037a	0.0023b
Heptachlor	0.52a	0.0038b	0.053a	0.0036b
Hexachlorocyclohexane (Lindane)	2.0a	0.08b	0.16a	-
Lead	q,c	r,d	140.0c	5.6d
Mercury (II) s	2.4c	0.012d	2.1c	0.025d
Nickel	t,c	u,d	75.0c	8.3d
Parathion	0.065c	0.013d	-	-
Pentachlorophenol (PCP)	w,c	v,d	13.0c	7.9d
Polychlorinated Biphenyls (PCBs)	2.0	0.014b	10.0	0.030b
Selenium	20.0c	5.0d	300.0c	71.0d,x
Silver	y,a	0.12	2.3a	-
Toxaphene	0.73c,z	0.0002d	0.21c,z	0.0002d
Zinc	aa,c	bb,d	95.0c	86.0d

Notes to Table:

- a. An instantaneous concentration not to be exceeded at any time.
- b. A 24-hour average not to be exceeded.
- c. A 1-hour average concentration not to be exceeded more than once every three years on the average.
- d. A 4-day average concentration not to be exceeded more than once every three years on the average.
- e. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- f. Shall not exceed the numerical value given by:

0.52

FT/(FPH/2)

where: FT = $10^{[0.03(20-TCAP)]}$; TCAP ≤ T ≤ 30

FT = $10^{[0.03(20-T)]}$; 0 ≤ T ≤ TCAP

FPH = 1; 8 ≤ pH ≤ 9

FPH = $1 + 10^{(7.4-pH)}$; 6.5 ≤ pH ≤ 8.0

1.25

TCAP = 20°C; Salmonids or other cold water species present.

TCAP = 25°C; Salmonids and other cold water species absent.

g. Shall not exceed the numerical value given by: 0.80

FT/(FPH/RATIO)

where: RATIO = 16; 7.7 ≤ pH ≤ 9

RATIO = $24 \times \frac{10^{(7.7-pH)}}{1 + 10^{(7.4-pH)}}$; 6.5 ≤ pH ≤ 7.7

where: FT and FPH are as shown in (f) above except:

TCAP = 15°C; Salmonids or other cold water species present.

TCAP = 20°C; Salmonids and other cold water species absent.

h. Measured in milligrams per liter rather than micrograms per liter.

i. $\leq e^{(1.128[\ln(\text{hardness})]-3.828)}$

j. $\leq e^{(0.7852[\ln(\text{hardness})]-3.490)}$

k. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.

l. Salinity dependent effects. At low salinity the 1-hour average may not be sufficiently protective.

m. $\leq e^{(0.8190[\ln(\text{hardness})] + 3.688)}$

n. $\leq e^{(0.8190[\ln(\text{hardness})] + 1.561)}$

o. $\leq e^{(0.9422[\ln(\text{hardness})] - 1.464)}$

p. $\leq e^{(0.8545[\ln(\text{hardness})] - 1.465)}$

q. $\leq e^{(1.273[\ln(\text{hardness})] - 1.460)}$

r. $\leq e^{(1.273[\ln(\text{hardness})] - 4.705)}$

s. Criteria for Mercury (II) may not adequately protect Coho Salmon, Rainbow Trout, Bluegill, and Haddock.

t. $\leq e^{(0.8460[\ln(\text{hardness})] + 3.3612)}$

u. $\leq e^{(0.8460[\ln(\text{hardness})] + 1.1645)}$

v. $\leq e^{[1.005(\text{pH}) - 5.290]}$

w. $\leq e^{[1.005(\text{pH}) - 4.830]}$

x. The status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0 ug/l in salt water.

y. $\leq e^{(1.72[\ln(\text{hardness})] - 6.52)}$

z. Channel Catfish may be more acutely sensitive.

aa. $\leq e^{(0.8473[\ln(\text{hardness})] + 0.8604)}$

bb. $\leq e^{(0.8473[\ln(\text{hardness})] + 0.7614)}$

(2) USEPA Quality Criteria for Water, 1986 shall be used in the use and interpretation of the values listed in subsection (1) of this section.

(3) Concentrations of toxic, and other substances with toxic propensities not listed in subsection (1) of this section shall be determined in consideration of USEPA Quality Criteria for Water, 1986, and as revised, and other relevant information as appropriate.

(4) Toxic substances shall not be introduced above natural background levels in waters of the state which may adversely affect characteristic water uses, cause acute or chronic toxicity to the aquatic biota, or adversely affect public health, as determined by the department.

(5) The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (4) of this section and to ensure that aquatic communities and the existing and characteristic beneficial uses of waters are being fully protected.

(6) For calculating criteria for the protection of human health, the department shall utilize a risk level of 1:1,000,000, or one additional cancer case in 1,000,000 exposed. This risk level is intended for establishing specific criteria and shall not be used to estimate acceptable state-wide occurrences of cancer incidence. This risk level applies regardless of the actual size of the subgroup exposed.

NEW SECTION

WAC 173-203-050 RADIOACTIVE SUBSTANCES. (1) Deleterious concentrations of radioactive materials for all classes shall be as

determined by the lowest practicable concentration attainable and in no case shall exceed:

- (a) 1/100 of the values listed in WAC 402-24-220 (Column 2, Table II, Appendix A, rules and regulations for radiation protection); or,
 (b) USEPA Drinking Water Regulations for radionuclides, as published in the Federal Register of July 9, 1976, or subsequent revisions thereto.

(2) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive waters which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States Supreme Court in the cases of Northern States Power Co. v. Minnesota 405 U.S. 1035 (1972) and Train v. Colorado Public Interest Research Group, 426 U.S. 1 (1976).

NEW SECTION

WAC 173-203-060 GENERAL CONSIDERATIONS. The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC 173-203-030 through 173-203-140 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity; except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one part per thousand or greater and for fecal coliform organisms when the salinity is ten parts per thousand or greater.

(3) In determining compliance with the fecal coliform criteria in WAC 173-203-030, averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, shall not be permitted when such averaging would skew the data set so as to mask noncompliance periods.

(4) The water quality criteria herein established for total dissolved gas shall not apply when the stream flow exceeds the seven-day, ten-year frequency flood.

(5) Waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned in such manner as to authorize discharges which meet the water quality standards.

(a) However, persons discharging wastes in compliance with the terms and conditions of permits shall not be subject to civil and criminal penalties on the basis that the discharge violates water quality standards.

(b) Permits shall be subject to modification by the department whenever it appears to the department the discharge violates water quality standards. Modification of permits, as provided herein, shall be subject to review in the same manner as originally issued permits.

(6) No waste discharge permit will be issued which violates established water quality criteria, except as provided for under WAC 173-203-100 or 173-203-110.

(7) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used as well as existing conditions at the time, in the application of the criteria.

(8) The analytical testing methods for these criteria shall be in accordance with the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" (40 C.F.R. Part 136) and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the USEPA.

(9) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with Section 316 of the Federal Clean Water Act (33 U.S.C. 1251 et seq.).

NEW SECTION

WAC 173-203-070 ANTIDegradation. The antidegradation policy of the state of Washington, as generally guided by chapter 90.48 RCW, Water Pollution Control Act, and chapter 90.54 RCW, Water Resources Act of 1971, is stated as follows:

(1) Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses shall be allowed.

(2) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(3) Water quality shall be maintained and protected in waters designated as Outstanding resource waters in WAC 173-203-080.

(4) Whenever waters are of a higher quality than the criteria assigned for said waters, the existing water quality shall be protected and waste and other materials and substances which will reduce the existing quality shall not be allowed to enter such waters, except in those instances where:

(a) It is clear, after satisfactory public participation and intergovernmental coordination, that overriding considerations of the public interest will be served;

(b) All wastes and other materials and substances discharged into said waters shall be provided with all known, available, and reasonable methods of prevention, control, and treatment by new and existing point sources before discharge. All wastes and other materials and substances discharged into said waters from nonpoint sources shall be provided with all known, available, and reasonable best management practices; and

(c) When the lowering of water quality in high quality waters is authorized, the lower water quality shall still be of high enough quality to fully support all existing beneficial uses.

(5) Short-term modification of water quality may be permitted as conditioned by WAC 173-203-110.

NEW SECTION

WAC 173-203-080 OUTSTANDING RESOURCE WATERS. Waters meeting one or more of the following criteria shall be considered for outstanding resource water designation. Designations shall be adopted in accordance with the provisions of chapter 34.05 RCW, Administrative Procedure Act.

(1) Waters in national parks, national monuments, national preserves, national wildlife refuges, national wilderness areas, federal wild and scenic rivers, national seashores, national marine sanctuaries, national recreation areas, national scenic areas, and national estuarine research reserves;

(2) Waters in state parks, state wilderness areas, state wildlife management areas, and state scenic rivers;

(3) Waters that are determined by the department of natural resources to meet the criteria of the Washington natural heritage program as specified in chapter 79.70 RCW;

(4) Mapped occurrences of priority species and their habitats as determined by the department of wildlife;

(5) Documented critical habitat for threatened species of native anadromous fish populations as determined by the department of fisheries;

(6) High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, marl fens, estuarine wetlands, and mature forested swamps; and

(7) Waters of exceptional recreational or ecological significance.

NEW SECTION

WAC 173-203-090 WETLANDS MITIGATION. This section applies to activities which may adversely affect water quality in wetlands. The overall goal of mitigation shall be no net loss of wetlands function and acreage. Where practicable, improvement of wetland quality should be encouraged.

(1) Water quality in Class AA wetlands shall be maintained and protected.

(2) Water quality in Class A wetlands shall be maintained and protected unless it can be shown that the impact is unavoidable and necessary. Avoidance shall be the primary means to achieve the water quality goals of this chapter.

(a) For water-dependent activities, unavoidable and necessary water quality impacts can be demonstrated where there are no practicable alternatives which would:

(i) Not involve a wetland or which would have less adverse water quality impact on a wetland; and

(ii) Not have other more significant adverse consequences to the environment or human health.

(b) Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:

(i) The basic project purpose cannot reasonably be accomplished utilizing alternative sites in the general region that would avoid, or result in less adverse water quality impact on a wetland;

(ii) A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less adverse water quality impact on a wetland will not accomplish the basic purpose of the project; and

(iii) In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.

(3) When it has been determined that lowering the water quality of a wetland is unavoidable and necessary and has been minimized to the maximum extent practicable, wetland losses and degradation shall be offset, where appropriate and practicable, through deliberate restoration, creation, or enhancement of wetlands.

(a) In-kind replacement of functional values shall be provided, unless it is found that in-kind replacement is not feasible or practical due to the characteristics of the existing wetland and a greater benefit can be demonstrated by an alternative. In such cases, substitute resources of equal or greater ecological value shall be provided.

(b) On-site replacement shall be provided, unless it is found that on-site replacement is not feasible or practical due to physical features of the property or a greater benefit can be demonstrated by using an alternative site. In such cases, replacement shall occur within the same watershed and proximity.

(c) A mitigation plan shall be required for proposed mitigation projects.

(d) Restoration, enhancement, or replacement shall be completed prior to wetland degradation, where possible. In all other cases, restoration, enhancement, or replacement shall be completed prior to use or occupancy of the activity or development, or immediately after activities that will temporarily disturb wetlands, except as provided by WAC 173-203-110.

NEW SECTION

WAC 173-203-100 MIXING ZONES. (1) The allowable size and location of a mixing zone and the associated effluent limits shall be established in discharge permits, general permits, or orders, as appropriate, and shall be based on:

(a) The requirement that AKART be fully applied;

(b) Consideration of the chemical and physical interaction of the effluent and the receiving water;

(c) The critical condition for discharge;

(d) The protection of sensitive and important habitats and existing and characteristic uses of the water body; and

(e) Minimization of the area of water quality degradation.

(2) No mixing zone shall be granted unless the supporting information clearly indicates the mixing zone avoids degradation of sensitive or important habitat, does not adversely impact any existing or characteristic uses of the water body outside of the mixing zone, and does not adversely affect public health as determined by the department.

(3) Water quality criteria shall not be violated outside of the boundary of a mixing zone as a result of the discharge for which the mixing zone was authorized.

(4) The maximum size of a mixing zone shall comply with the following:

(a) In rivers and streams, mixing zones, alone or in combination with other mixing zones, shall comply with the most restrictive combination of the following:

(i) Not extend in a downstream direction for a distance from the discharge port(s) greater than three hundred feet plus the depth of water over the diffuser or point of discharge, or extend upstream for a distance of over one hundred feet;

(ii) Not utilize greater than twenty-five percent of the flow; or

(iii) Not occupy greater than twenty-five percent of the cross-sectional width of the water body. This size limitation ((a) of this subsection) may be applied to estuaries having flow characteristics that resemble rivers.

(b) In estuaries, mixing zones, alone or in combination with other mixing zones, shall:

(i) Not extend in any horizontal direction from the discharge port(s) for a distance greater than two hundred feet plus the depth of water over the diffuser or point of discharge; and

(ii) Not occupy greater than twenty-five percent of the cross-sectional width of the water body. For the purpose of this section, areas to the east of a line from Green Point (Fidalgo Island) to Lawrence Point (Orcas Island) are considered estuarine, as are all of the Strait of Georgia and the San Juan Islands north of Orcas Island. To the east of Deception Pass, and to the south and east of Admiralty Head, and

south of Point Wilson on the Quimper Peninsula, is Puget Sound proper, which is considered to be entirely estuarine. All waters existing within bays from Point Wilson westward to Cape Flattery and south to the North Jetty of the Columbia River shall also be categorized as estuarine.

(c) In oceanic waters, mixing zones, alone or in combination with other mixing zones, shall not extend in any horizontal direction from the discharge port(s) for a distance greater than three hundred feet plus the depth of water over the diffuser or point of discharge. For the purpose of this section, all marine waters not classified as estuarine in subsection (3)(b) of this section shall be categorized as oceanic.

(d) In lakes, and in reservoirs having a mean detention time greater than fifteen days, mixing zones shall not be allowed unless it can be demonstrated to the satisfaction of the department that:

(i) Other siting, technological, and managerial options that would avoid the need for a lake mixing zone are not reasonably achievable;

(ii) Overriding considerations of the public interest will be served; and

(iii) All technological and managerial methods available for pollution reduction and removal that are economically achievable would be implemented prior to discharge. Such methods may include, but not be limited to, advanced waste treatment techniques.

(e) In lakes, and in reservoirs having a mean detention time greater than fifteen days, mixing zones shall not, either singly or in combination with other mixing zones, exceed the most restrictive combination of the following:

(i) Exceed ten percent of the volume;

(ii) Exceed ten percent of the surface area (maximum radial extent of the plume regardless of whether it reaches the surface) of a water body; or

(iii) Extend beyond fifteen percent of the width of the water body.

(5) A zone where acute criteria may be exceeded is allowed only if it can be demonstrated to the department's satisfaction that the concentration of, and exposure, duration, and frequency of, the discharge will not create a barrier to the migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem. Acute criteria are based on numeric criteria and toxicity tests approved by the department, as generally guided under WAC 173-203-040 (1) through (5), and shall be met as near to the point of discharge as practicably attainable. Compliance shall be determined by monitoring data or calibrated models approved by the department utilizing representative dilution ratios. In no case shall the zone where acute criteria may be exceeded be greater than the most restrictive of the following:

(a) Ten percent of the distance from the edge of the outfall structure to the furthest horizontal edge of an authorized mixing zone, as applied in any spatial direction;

(b) Fifty times the discharge length scale in any spatial direction from each discharge port; the discharge length scale is the square-root of the cross-sectional area of any discharge outlet. In the case of multipoint diffusers, this requirement must be met for each port using the appropriate discharge length scale of that port; or

(c) Five times the local water depth in any horizontal direction from any discharge outlet. The local water depth is defined as the natural water depth (existing prior to the installation of the discharge outlet) prevailing under critical conditions.

(6) Mixing zones may overlap if it can be demonstrated to the department's satisfaction that:

(a) The request to allow the overlap qualifies for exemption under subsection (10) of this section;

(b) The separate and combined effects of the discharges can be determined; and

(c) The combined effects would not create a barrier to aquatic organism migration or translocation.

(7) Storm water:

(a) Storm water discharge from any "point source" containing "process wastewater" as defined in 40 C.F.R. Part 122.2 shall fully conform to WAC 173-203-100.

(b) Storm water discharges not described by (a) of this subsection may be granted an exemption to the size criteria in this section, provided the discharger clearly demonstrates to the department's satisfaction that:

(i) The exemption complies with the conditions of subsection (10) of this section;

(ii) The area of water quality degradation is minimized;

(iii) The pollutant controls utilized comply with WAC 173-203-160 (2)(d); and

(iv) Any increased capability to substantially comply with the provisions of this section shall be accomplished by the discharger.

(c) Mixing zones for storm water discharges shall be based on a volume of runoff corresponding to a design storm approved by the department. Exceedances from the mixing zone size criteria (subsections (4) through (6) of this section) due to precipitation events greater than the approved design storm may be allowed by the department, if it would not result in adverse impact to existing or characteristic uses of the water body or result in damage to the ecosystem, or adversely affect public health as determined by the department.

(8) Combined sewer overflows employing at-site treatment and having achieved the greatest reasonable reduction in accordance with chapter 173-245 WAC, may be allowed an average once per year exemption to the size criteria in subsections (4) through (6) of this section, provided the discharge would not result in an adverse impact to existing and characteristic uses, result in damage to the ecosystem, or adversely affect public health as determined by the department.

(9) Exceedances from the size criteria (subsections (4) through (6) of this section) may be considered by the department in the following cases:

(a) For discharges existing prior to July 2, 1991, (or for proposed discharges with engineering plans formally approved by the department prior to July 2, 1991);

(b) Where alteration of the size configuration is expected to result in greater protection to aquatic organisms, sensitive or important habitat, or other existing and characteristic uses;

(c) Where the volume of water in the effluent is providing a greater benefit to existing and characteristic uses of the water body due to flow augmentation than the benefit of removing the discharge, if such removal is the remaining feasible option; and

(d) Where the exceedance is clearly necessary to accommodate important economic or social development in the area in which the waters are located.

(10) Before an exceedance from the size criteria may be allowed under subsection (9) of this section, it must clearly be demonstrated to the department's satisfaction that:

(a) AKART is fully applied;

(b) All siting, technological, and managerial options which would result in full or significantly closer compliance that are economically achievable are being utilized; and

(c) The proposed mixing zone shall not have a reasonable potential to result in a loss of sensitive or important habitat, substantially interfere with the recreational use of the water body, result in damage to the ecosystem, or adversely affect public health as determined by the department.

(11) Any exemptions granted to the size criteria shall be reexamined during each permit renewal period for changes in compliance capability. Any increased capability to comply shall be reflected in the renewed discharge permit.

(12) The department may establish permit limits and measures of compliance for human health based criteria (based on lifetime exposure levels), independent of this section.

(13) Sediment impact zones authorized by the department pursuant to chapter 173-204 WAC, Sediment management standards, do not satisfy the requirements of this section.

NEW SECTION

WAC 173-203-110 SHORT-TERM MODIFICATION. (1) The criteria and special conditions established in WAC 173-203-030 through 173-203-140 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest, even though such activities may result in a temporary reduction of water quality conditions below those criteria and classifications established by this regulation. Such modification shall be issued in writing by the director or his/her designee subject to such terms and conditions as he/she may prescribe, and such modification shall not exceed a twelve-month period.

(2) In no case will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses or causes long-term harm to the environment.

(3) Notwithstanding the above, the aquatic application of herbicides which result in water use restrictions shall be considered an activity for which a short-term modification generally may be issued subject to the following conditions:

(a) A request for a short-term modification shall be made to the department on forms supplied by the department. Such request generally shall be made at least thirty days prior to herbicide application;

(b) Such herbicide application shall be in accordance with state of Washington department of agriculture regulations;

(c) Such herbicide application shall be in accordance with label provisions promulgated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136, et seq.);

(d) Notice, including identification of the herbicide, applicator, location where the herbicide will be applied, proposed timing and method of application, and water use restrictions shall be given according to the following requirements:

(i) Appropriate public notice as determined and prescribed by the director or his/her designee shall be given of any water use restrictions specified in USEPA label provisions;

(ii) The appropriate regional offices of the departments of fisheries and wildlife shall be notified twenty-four hours prior to herbicide application; and

(iii) In the event of any fish kills, the departments of ecology, fisheries, and wildlife shall be notified immediately;

(e) The herbicide application shall be made at times so as to:

(i) Minimize public water use restrictions during weekends; and

(ii) Completely avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, July 4 weekend, and Labor Day weekend;

(f) Any additional conditions as may be prescribed by the director or his/her designee.

NEW SECTION

WAC 173-203-120 GENERAL CLASSIFICATIONS. General classifications applying to various surface water bodies not specifically classified under WAC 173-203-130 or 173-203-140 are as follows:

(1) All surface waters lying within national parks, national forests, and/or wilderness areas are classified Class AA or Lake Class.

(2) All lakes and their feeder streams within the state are classified Lake Class and Class AA respectively, except for those feeder streams specifically classified otherwise.

(3) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.

(4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.

(5) All reservoirs established on preexisting lakes are classified as Lake Class.

(6) All wetlands determined by the department to meet one of the following criteria are classified as Class AA wetlands (exceptional wetlands):

(a) Wetlands that are determined by the department of natural resources to meet the criteria of the Washington Natural Heritage Program as specified in chapter 79.70 RCW;

(b) Mapped occurrence of threatened and endangered species and their priority habitats as determined by the department of wildlife;

(c) Documented critical habitat for threatened species of native anadromous fish populations as determined by the department of fisheries;

(d) High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, marl fens, estuarine wetlands and mature forested swamps; and

(e) Designated Outstanding Resource Waters.

(7) All wetlands that are not Class AA wetlands are classified as Class A wetlands.

(8) All unclassified surface waters that are tributaries to Class AA waters are classified Class AA. All other unclassified surface waters within the state are hereby classified Class A.

NEW SECTION

WAC 173-203-130 SPECIFIC CLASSIFICATIONS—FRESHWATER. Specific fresh surface waters of the state of Washington are classified as follows:

- | | |
|--------------------------------------------------------------------------------|----------|
| (1) American River. | Class AA |
| (2) Big Quilcene River and tributaries. | Class AA |
| (3) Bumping River. | Class AA |
| (4) Burnt Bridge Creek. | Class A |
| (5) Cedar River from Lake Washington to the Maplewood Bridge (river mile 4.1). | Class A |

- (6) Cedar River and tributaries from the Maplewood Bridge (river mile 4.1) to Landsburg Dam (river mile 21.6). Class AA
- (7) Cedar River and tributaries from Landsburg Dam (river mile 21.6) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (8) Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45" W) to Scammon Creek (river mile 65.8). Class A
- (9) Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). Special condition - dissolved oxygen shall exceed 5.0 mg/L from June 1 to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria. Class A
- (10) Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7). Class A
- (11) Chehalis River, from Rock Creek (river mile 106.7) to headwaters. Class AA
- (12) Chehalis River, south fork. Class A
- (13) Chewack River. Class AA
- (14) Chiwawa River. Class AA
- (15) Cispus River. Class AA
- (16) Clearwater River. Class A
- (17) Cle Elum River. Class AA
- (18) Cloquallum Creek. Class A
- (19) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom. Class A
- (20) Columbia River from mouth to the Washington-Oregon border (river mile 309.3). Special conditions - temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Class A
- (21) Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). Special condition from Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A
- (22) Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0). Class AA
- (23) Colville River. Class A
- (24) Coweeman River from mouth to Mulholland Creek (river mile 18.4). Class A
- (25) Coweeman River from Mulholland Creek (river mile 18.4) to headwaters. Class AA
- (26) Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0). Class A
- (27) Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters. Class AA
- (28) Crab Creek and tributaries. Class B
- (29) Decker Creek. Class AA
- (30) Deschutes River from mouth to boundary of Snoqualmie National Forest (river mile 48.2). Class A
- (31) Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters. Class AA
- (32) Dickey River. Class A
- (33) Dosewallips River and tributaries. Class AA
- (34) Duckabush River and tributaries. Class AA
- (35) Dungeness River from mouth to Canyon Creek (river mile 10.8). Class A
- (36) Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters. Class AA
- (37) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the Black River (river mile 11.0) (Duwamish River continues as the Green River above the Black River). Class B
- (38) Elochoman River. Class A
- (39) Elwha River and tributaries. Class AA
- (40) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters. Class AA
- (41) Grande Ronde River from mouth to Oregon border (river mile 37). Special condition - temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A
- (42) Grays River from Grays River Falls (river mile 15.8) to headwaters. Class AA
- (43) Green River (Cowlitz County). Class AA
- (44) Green River (King County) from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park at river mile 42.3). Class A
- (45) Green River (King County) from west boundary of Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park, river mile 42.3) to west boundary of Sec. 13-T21N-R7E (river mile 59.1). Class AA
- (46) Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (47) Hamma Hamma River and tributaries. Class AA
- (48) Hanaford Creek from mouth to east boundary of Sec. 25-T15N-R2W (river mile 4.1). Special condition - dissolved oxygen shall exceed 6.5 mg/L. Class A
- (49) Hanaford Creek from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to headwaters. Class A
- (50) Hoh River and tributaries. Class AA
- (51) Hoquiam River (continues as west fork above east fork) from mouth to river mile 9.3 (Dekay Road bridge) (upper limit of tidal influence). Class B
- (52) Humpulips River and tributaries from mouth to Olympic National Forest boundary on east fork (river mile 12.8) and west fork (river mile 40.4) (main stem continues as west fork). Class A
- (53) Humpulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters. Class AA
- (54) Humpulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters. Class AA
- (55) Issaquah Creek. Class A
- (56) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters. Class AA
- (57) Klickitat River from Little Klickitat River (river mile 19.8) to headwaters. Class AA
- (58) Lake Washington Ship Canal from Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). Special condition - salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1). Lake Class
- (59) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters. Class AA
- (60) Little Wenatchee River. Class AA
- (61) Methow River from mouth to Chewack River (river mile 50.1). Class A
- (62) Methow River from Chewack River (river mile 50.1) to headwaters. Class AA
- (63) Mill Creek from mouth to 13th street bridge in Walla Walla (river mile 6.4). Special condition - dissolved oxygen concentration shall exceed 5.0 mg/L. Class B
- (64) Mill Creek from 13th Street bridge in Walla Walla (river mile 6.4) to Walla Walla Waterworks Dam (river mile 25.2). Class A
- (65) Mill Creek and tributaries from city of Walla Walla Waterworks Dam (river mile 25.2) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (66) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters. Class AA
- (67) Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters. Class AA
- (68) Newaukum River. Class A
- (69) Nisqually River from mouth to Alder Dam (river mile 44.2). Class A

(70) Nisqually River from Alder Dam (river mile 44.2) to headwaters.	Class AA	(99) Snohomish River from mouth and east of longitude 122°13'40"W upstream to latitude 47°56'30"N (southern tip of Ebey Island at river mile 8.1). Special condition – fecal coliform organisms shall not exceed a geometric mean value of 200, organisms/100 mL with not more than 10 percent of the samples used in calculating the mean value exceeding 400 organisms/100 mL.	Class A
(71) Nooksack River from mouth to Maple Creek (river mile 49.7).	Class A	(100) Snohomish River upstream from latitude 47°56'30"N (southern tip of Ebey Island river mile 8.1) to confluence with Skykomish and Snoqualmie River (river mile 20.5).	Class A
(72) Nooksack River from Maple Creek (river mile 49.7) to headwaters.	Class AA	(101) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1).	Class A
(73) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3).	Class A	(102) Snoqualmie River, middle fork.	Class AA
(74) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters.	Class AA	(103) Snoqualmie River, north fork.	Class AA
(75) Nooksack River, middle fork.	Class AA	(104) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters.	Class AA
(76) Okanogan River.	Class A	(105) Soleduck River and tributaries.	Class AA
(77) Palouse River from mouth to south fork (Colfax, river mile 89.6).	Class B	(106) Spokane River from mouth to Long Lake Dam (river mile 33.9). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A
(78) Palouse River from south fork (Colfax, river mile 89.6) to Idaho border (river mile 123.4). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A	(107) Spokane River from Long Lake Dam (river mile 33.9) to Nine Mile Bridge (river mile 58.0). Special conditions:	Class A
(79) Pend Oreille River from Canadian border (river mile 16.0) to Idaho border (river mile 87.7). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A	(a) The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25µg/L during the period of June 1 to October 31.	
(80) Pilchuck River from city of Snohomish Waterworks Dam (river mile 26.8) to headwaters.	Class AA	(b) Temperature shall not exceed 20.0°C, due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time exceed $t=34/(T+9)$.	Lake Class
(81) Puyallup River from mouth to river mile 1.0.	Class B	(108) Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time exceed $t=34/(T+9)$.	Class A
(82) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6).	Class A	(109) Stehekin River.	Class AA
(83) Puyallup River from Kings Creek (river mile 31.6) to headwaters.	Class AA	(110) Stillaguamish River from mouth to north and south forks (river mile 17.8).	Class A
(84) Queets River and tributaries.	Class AA	(111) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2).	Class A
(85) Quillayute River.	Class AA	(112) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters.	Class AA
(86) Quinault River and tributaries.	Class AA	(113) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7).	Class A
(87) Salmon Creek (Clark County).	Class A	(114) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to the headwaters.	Class AA
(88) Satsop River from mouth to west fork (river mile 6.4).	Class A	(115) Sulphur Creek.	Class B
(89) Satsop River, east fork.	Class AA	(116) Sultan River from mouth to Chaplain Creek (river mile 5.9).	Class A
(90) Satsop River, middle fork.	Class AA	(117) Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. Special condition – no waste discharge will be permitted above city of Everett Diversion Dam (river mile 9.4).	Class AA
(91) Satsop River, west fork.	Class AA	(118) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23).	Class A
(92) Skagit River from mouth to Skiyou Slough–lower end (river mile 25.6).	Class A	(119) Tieton River.	Class AA
(93) Skagit River and tributaries (includes Baker, Suak, Suiattle, and Cascade rivers) from Skiyou Slough–lower end, (river mile 25.6) to Canadian border (river mile 127.0).	Class AA	(120) Tolt River, south fork and tributaries from mouth to west boundary of Sec. 31–T26N–R9E (river mile 6.9).	Class AA
(94) Skokomish River and tributaries.	Class AA	(121) Tolt River, south fork from west boundary of Sec. 31–T26N–R9E (river mile 6.9) to headwaters. Special condition – no waste discharge will be permitted.	Class AA
(95) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters.	Class AA	(122) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters.	Class AA
(96) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2).	Class A	(123) Toutle River, north fork, from Green River to headwaters.	Class AA
(97) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters.	Class AA	(124) Toutle River from Umatilla National Forest boundary (river mile 38.1) to headwaters.	Class AA
(98) Snake River from mouth to Washington–Idaho–Oregon border (river mile 176.1). Special condition.			
(a) Below Clearwater River (river mile 139.3). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.			
(b) Above Clearwater River (river mile 139.3). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined.	Class A		

- (125) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters. Class AA
- (126) Twisp River. Class AA
- (127) Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (128) Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2). Class B
- (129) Walla Walla River from Lowden (Dry Creek at river mile 27.2) to Oregon border (river mile 40). Special condition - temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A
- (130) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters. Class AA
- (131) White River (Pierce-King counties) from Mud Mountain Dam (river mile 27.1) to headwaters. Class AA
- (132) White River (Chelan County). Class AA
- (133) Wildcat Creek. Class A
- (134) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8). Class A
- (135) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W). Class B
- (136) Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to west fork (river mile 17.7). Class A
- (137) Wishkah River from west fork of Wishkah River (river mile 17.7) to south boundary of Sec. 33-T21N-R8W (river mile 32.0). Class AA
- (138) Wishkah River and tributaries from south boundary of Sec. 33-T21N-R8W (river mile 32.0) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (139) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9). Class A
- (140) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters. Class AA
- (141) Yakima River from mouth to Cle Elum River (river mile 185.6). Special condition - temperature shall not exceed 21.0°C due to human activities. When natural conditions exceed 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A
- (142) Yakima River from Cle Elum River (river mile 185.6) to headwaters. Class AA

NEW SECTION

WAC 173-203-140 SPECIFIC CLASSIFICATIONS—MARINE WATER. Specific marine surface waters of the state of Washington are classified as follows:

- (1) Budd Inlet south of latitude 47°04'N (south of Priest Point Park). Class B
- (2) Coastal waters: Pacific Ocean from Ilwaco to Cape Flattery. Class AA
- (3) Commencement Bay south and east of a line bearing 258° true from "Brown's point" and north and west of line bearing 225° true through the Hylebos waterway light. Class A
- (4) Commencement Bay, inner, south and east of a line bearing 225° true through Hylebos Waterway light except the city waterway south and east of south 11th Street. Class B
- (5) Commencement Bay, city waterway south and east of south 11th Street. Class C
- (6) Drayton Harbor, south of entrance. Class A
- (7) Dyes and Sinclair Inlets west of longitude 122°37'W. Class A
- (8) Elliott Bay east of a line between Pier 91 and Duwamish head. Class A
- (9) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth). Class B
- (10) Grays Harbor west of longitude 123°59'W. Class A

- (11) Grays Harbor east of longitude 123°59'W to longitude 123°45'45"W (Cosmopolis Chehalis River, river mile 3.1). Special condition - dissolved oxygen shall exceed 5.0 mg/L. Class B
- (12) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W and north of latitude 48°27'20"N. Class A
- (13) Hood Canal. Class AA
- (14) Mukilteo and all North Puget Sound west of longitude 122°39' W (Whidbey, Fidalgo, Guemes and Lummi islands and state highway 20 bridge at Deception Pass), except as otherwise noted. Class AA
- (15) Oakland Bay west of longitude 123°05'W (inner Shelton harbor). Class B
- (16) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook. Class A
- (17) Port Gamble south of latitude 47°15'20"N. Class A
- (18) Port Townsend west of a line between Point Hudson and Kala point. Class A
- (19) Possession Sound, south of latitude 47°57'N. Class AA
- (20) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and state highway 20 bridge at Deception Pass between latitude 47°57'N (Mukilteo) and latitude 48°27'20"N (Similk Bay), except as otherwise noted. Class A
- (21) Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30"W (Brisco Point) and longitude 122°51'W (northern tip of Hartstene Island). Class AA
- (22) Sequim Bay southward of entrance. Class AA
- (23) South Puget Sound west of longitude 122°52'30"W (Brisco Point) and longitude 122°51'W (northern tip of Hartstene Island, except as otherwise noted). Class A
- (24) Strait of Juan de Fuca. Class AA
- (25) Totten Inlet and Little Skookum Inlet, west of longitude 122°5'32" (west side of Steamboat Island). Class AA
- (26) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8). Class A

NEW SECTION

WAC 173-203-150 ACHIEVEMENT CONSIDERATIONS. To fully achieve and maintain the foregoing water quality in the state of Washington, it is the intent of the department to apply the various implementation and enforcement authorities at its disposal, including participation in the programs of the Federal Clean Water Act (33 U.S.C. 1251 et seq.) as appropriate. It is also the intent that cognizance will be taken of the need for participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The department's planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act. Further, it shall be required that all activities which discharge wastes into waters within the state, or otherwise adversely affect the quality of said waters, be in compliance with the waste treatment and discharge provisions of state or federal law.

NEW SECTION

WAC 173-203-160 IMPLEMENTATION. (1) Discharges from municipal, commercial, and industrial operations. The primary means to be used for controlling municipal, commercial, and industrial waste discharges shall be through the issuance of waste disposal permits, as provided for in RCW 90.48.160, 90.48.162 and 90.48.260 and following.

(2) Miscellaneous waste discharge or water quality effect sources. The director shall, through the issuance of regulatory permits, directives, and orders, as are appropriate, control miscellaneous waste discharges and water quality effect sources not covered by WAC 173-203-160(1) hereof.

(a) Activities which generate nonpoint source pollution shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate nonpoint source pollution.

(b) Best management practices shall be applied so that when all appropriate combinations of individual best management practices are utilized, violation of water quality criteria shall be prevented. If a discharger is applying all best management practices required by the department and a violation of water quality criteria occurs, the discharger shall modify existing practices or apply further water pollution control measures selected or approved by the department, to achieve compliance with water quality criteria. Best management practices established in permits, orders, rules, or directives of the department shall be reviewed and modified, as appropriate so as to achieve compliance with water quality criteria.

(c) Activities which contribute to nonpoint source pollution shall be conducted utilizing best management practices to prevent violation of water quality criteria. When applicable best management practices are not being implemented, the department may conclude, unless clearly demonstrated otherwise, individual activities are causing pollution in violation of RCW 90.48.080. In these situations, the department may pursue orders, directives, permits, or civil or criminal sanctions to gain compliance with the standards.

(d) Activities which discharge pollutants in storm water shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate storm water pollution. The consideration and control procedures in subsection (2)(b) and (c) of this section apply to the control of pollutants in storm water.

NEW SECTION

WAC 173-203-170 SURVEILLANCE. A continuing surveillance program, to ascertain whether the regulations, waste disposal permits, orders, and directives promulgated and/or issued by the department are being complied with, will be conducted by the department staff as follows:

- (1) Inspecting treatment and control facilities.
- (2) Monitoring and reporting waste discharge characteristics.
- (3) Monitoring receiving water quality.

NEW SECTION

WAC 173-203-180 ENFORCEMENT. To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

- (1) Issuance of notices of violation and regulatory orders as provided for in RCW 90.48.120.
- (2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state, as provided for in RCW 90.48.037.
- (3) Levying of civil penalties as provided for in RCW 90.48.144.
- (4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.
- (5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240.

WSR 91-09-057

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 16, 1991, 4:42 p.m.]

Original Notice.

Title of Rule: Amending WAC 16-532-040 Assessments and collections.

Purpose: To increase the Washington Hop Commission assessments on Washington hops.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: Rule will increase the assessments on hops from one dollar and twenty-five cents to two dollars and fifty cents per affected unit for the crop years of 1991, 1992, 1993, 1994, and 1995. The annual assessment for the crop year 1996 and subsequent years shall be one dollar and twenty-five cents.

Reasons Supporting Proposal: To increase the revenue to the commission as petitioned, as provided for in RCW 15.65.050.

Name of Agency Personnel Responsible for Drafting: Roger Roberts, Washington State Department of Agriculture, 406 General Administration Building, Olympia, WA, (206) 753-5028; Implementation and Enforcement: Washington Hop Commission, 504 North Naches, Yakima, WA 98901, (509) 453-4749.

Name of Proponent: Washington hop producers petition as provided for in RCW 15.65.050, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule would increase the revenue to the commission to provide more funds for research and revenue for additional promotional projects.

Proposal Changes the Following Existing Rules: Increases the assessment for five crop years.

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

Hearing Location: Holiday Inn, 9 North 9th Street, Yakima, WA 98901, on May 23, 1991, at 7:00 p.m.

Submit Written Comments to: Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, by May 22, 1991.

Date of Intended Adoption: June 26, 1991.

April 16, 1991

Arthur C. Scheunemann
Assistant Director

AMENDATORY SECTION (Amending Order 1927, filed 5/6/87, effective 6/8/87)

WAC 16-532-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be ~~((one))~~ two dollars and ((twenty-five)) fifty cents per affected unit for the crop years of 1991, 1992, 1993, 1994, and 1995. The annual assessment for the crop year of 1996 and subsequent years shall be one dollar and twenty-five cents.

(b) For the purpose of collecting assessments the board may:

- (i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or
- (ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 91-09-058
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—April 17, 1991]

Thursday, April 18, 1991
 Lynnwood Hall, Room 424
 4:30-7:15

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 91-09-059
EXECUTIVE ORDER 91-03
OFFICE OF THE GOVERNOR
 [April 9, 1991]

REESTABLISHING THE GOVERNOR'S
COUNCIL ON SUBSTANCE ABUSE
AND SUPERCEDING EO 89-02

WHEREAS, the abuse of alcohol and other drugs continues as a serious problem in Washington State for which there is no simple solution; and

WHEREAS, there is a need to reaffirm our commitment to this critical work; therefore the Governor's Council on Substance Abuse is reestablished. The primary thrust of the Council's efforts will be to emphasize Washington communities working in partnership with government, private industry, education, law enforcement, and treatment, so that each can identify their roles and complement the roles of others, in working to minimize the causes and impacts of substance abuse through coordinated, collaborated and innovative strategies;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me, do hereby reestablish the Governor's Council on Substance Abuse as follows:

- A. The Council will have three primary responsibilities:
1. Advise the Governor on issues and programs relating to substance abuse.

2. Advise and assist the Governor with implementation of strategies to support community efforts to reduce substance abuse.
 3. Promote public awareness and education regarding substance abuse, and actions individuals can take in response to substance abuse.
- B. Members of the Council shall represent community groups, private industry, local government, education, treatment providers, law enforcement and students. The membership shall also include four legislators — two members from the Senate and two members from the House. Legislative members shall be appointed by the respective Caucuses.
- C. The Governor shall serve as the Chair and appoint a Vice-Chair.
- D. A majority of the Council shall constitute a quorum and a majority of those present can approve Council action.
- E. The terms of the Council members will be initially set at one, two or three-year commitments with succeeding Council members appointed in the future for three-year terms.
- F. This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 9th day of April, A.D., nineteen hundred and ninety-one.

Booth Gardner

 Governor of Washington

BY THE GOVERNOR:
 Ralph Munro

 Secretary of State

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

WSR 91-09-060
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 574—Filed April 17, 1991, 1:50 p.m.]

Original Notice.
 Title of Rule: Chapter 332-10 WAC, Public records—Department of Natural Resources and Board of Natural Resources.
 Purpose: To conform the Department of Natural Resources' rules on public records to the Administrative Procedure Act, chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 34.05.220, 34.05.230, 34.05.315, and 34.05.370.

Statute Being Implemented: RCW 42.17.260(4) and chapter 34.05 RCW.

Summary: This proposal conforms the Department of Natural Resources' rules on public records to the Administrative Procedure Act, chapter 34.05 RCW.

Reasons Supporting Proposal: The Department of Natural Resources' current procedural rules and organization definition under the public records, chapter 332-10 WAC are outmoded, do not reflect the current organization and keeping and disclosing of public records. The Department of Natural Resources seeks to conform its procedural rules to current law and to achieve uniformity in the handling of public records.

Name of Agency Personnel Responsible for Drafting: Dave Dietzman, RC, Mailstop LB-13, Airdustrial Building 2, 586-6382; Implementation and Enforcement: Art Stearns, Supervisor, Department of Natural Resources, 201 John A. Cherberg Building, Mailstop QW-21, Olympia, WA 98504.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal would repeal existing rules for describing the organization and procedures of the Board of Natural Resources and adopt rules which include the board in the Department of Natural Resources. The proposal would repeal the current rules for maintaining, indexing, and disclosing of public records and adopt rules to conform with requirements of the Administrative Procedure Act, chapter 34.05 RCW. The proposal would establish a roster of interested parties for notification of department policy and interpretive statements written by the department as defined in RCW 34.05.010 (8) and (14).

Proposal Changes the Following Existing Rules: The exemptions section to public records, WAC 332-10-100(1), would be changed to reflect the list of exemptions established by RCW 42.17.310. Other procedures under the public records, chapter 332-10 WAC, would be updated to reflect current operating practices in the department and to conform to the Administrative Procedure Act, chapter 34.05 RCW.

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

Hearing Location: Large Conference Room, 218 General Administration Building, Capitol Campus, Olympia, WA, on May 23, 1991, at 1:00 p.m.

Submit Written Comments to: Dave Dietzman, Rules Coordinator, Mailstop LB-13, Olympia, Washington 98504, by May 27, 1991.

Date of Intended Adoption: May 28, 1991.

April 16, 1991
Stan Biles
Deputy Supervisor

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-020 DEFINITION. The following definitions shall apply in this chapter:

(1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by ~~((any state or local agency))~~ the department regardless of physical form or characteristics ~~((not otherwise confidential by law))~~.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Board" means the board of natural resources, a policy setting board whose ~~((five))~~ six members serve in an ex officio capacity. The duties of the board are described in RCW 43.30.150.

(4) "Department" means the department of natural resources which is:

(a) A regulatory agency with regard to forestry, outdoor burning and geology activities on state and privately owned land,

(b) A proprietary land management agency for state owned ~~((and administered))~~ land under the jurisdiction of the department,

(c) A service and information repository agency regarding surveys and maps of the state, farm forestry advice and general geology information.

(5) "Commissioner" means the commissioner of public lands who is an elected official and serves as the administrator of the department. The commissioner, in accordance with ~~((the))~~ RCW 43.30.170, has delegated to the supervisor of the department the direct supervision of the department activities.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-030 DESCRIPTION OF ~~((CENTRAL AND FIELD))~~ ORGANIZATION OF DEPARTMENT OF NATURAL RESOURCES. (1) The department ~~((is a regulatory and land management agency))~~ of natural resources consists of a board of natural resources, an administrator, and a supervisor. The administrative office of the department and its staff are located in ~~((the Public Lands Building,))~~ Olympia, Washington 98504. Field offices of the department are located at:

((Area)) Region	Office	Address
Olympic		Rt. 1, Box 1375, Forks, WA 98331
Northwest		((Rt. 4, Box 17)) 919 North Township Street, Sedro Woolley, WA 98284
South Puget Sound		28329 SE 448th St., Enumclaw, WA 98022
Central		((P.O. Box 1004)) 1405 Rush Road, Chehalis, WA 98532
Southwest		((Box 798)) 601 Bond Road, Castle Rock, WA 98611
Southeast		((Rt. 3, Box 1)) 713 East Bowers Road, Box 280, Ellensburg, WA 98926
Northeast		((Box 190)) 225 South Silke Road, Colville, WA 99114

(2) Map.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-040 OPERATIONS AND PROCEDURES OF THE DEPARTMENT OF NATURAL RESOURCES. (1) The legal authority for the department's activities is provided principally by:

(a) The State Enabling Act, Section Nos. 10 through 19;
(b) The state Constitution, Article Nos. III, XV, XVI, XVII and Amendment No. 15;

(c) The ~~((RCW))~~ Revised Code of Washington, Title Nos. 43, 46, 58, 70, 76, 78, 79 and 84;

(d) The ~~((WAC chapter [title] No.))~~ Washington Administrative Code, Title Nos. 222 and 332.

(2) ~~((The board of natural resources at monthly meetings:~~

~~(a) Establishes broad policy for the department;~~

~~(b) Approves lease and sale proposals submitted by department regarding state owned grant and forest board lands;~~

~~(c) Reviews the department's administration of the Surface Mine Reclamation Act;~~

~~(3) In accordance with legal authority, board policy and direction from)) The commissioner(,) and the board acting under their respective legal authorities determine policy for the department. The supervisor of the department:~~

~~(a) Provides direct supervision over the department's activities. ((Such supervision is applied directly and through deputies:~~

~~(a) At the central office staff level through 10 divisions, each responsible for a specific staff specialty;~~

~~(b) At the field level through seven area managers, each responsible for managing the department's governmental and proprietary functions within their specific area working through district managers and local managers;~~

~~(4) Policy and procedure is developed and discussed at all levels of supervision with recommendations passed through the seven area managers and 10 division supervisors to the department supervisor for decision;~~

~~(5) Inquiry for general information regarding department activities may be directed by the public to the central headquarters or any area office;~~

~~(6) Applications for regulatory permits and licenses issued by the department may be directed as follows:~~

~~(a) To the central headquarters in Olympia for conventional seismic exploration permit, oil and gas drilling permits, geothermal permit, log brand registration, log patrol license;~~

~~(b) To the area office (which manages the area where the permit and license will be used) for surface mining permit, forest practices permit, permit for special recreational activity on state land, right to enter state land, easement on state land, state land lease or purchase application, road use permit, woodcutting permit, burning permit, operating permit (logging), all other permits, licenses, or sales;~~

~~(7) Permits, licenses, lease or sale documents are issued or denied by the department based on facts and/or judgment of the department of natural resources officer involving part or all of the following:~~

~~(a) Inspection of the site;~~

~~(b) Compliance with RCW and WAC;~~

~~(c) Receipt of compliance or performance bond;~~

~~(d) Receipt of fee, rent or purchase payment (if any);~~

~~(e) Completion of appraisal packet;~~

~~(f) Board of natural resources approval (when required);~~

~~(g) Environmental impact statement (if required);)~~

~~(b) Implements department policy through a line-functional staff comprised of four deputy supervisors, several divisions, and seven regional offices. The divisions develop operational programs and procedures within their respective specialties of resource management. These programs and procedures are carried out through the seven regional offices.~~

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-050 PUBLIC RECORDS AVAILABLE. All public records of the department ((and the board, as defined in WAC 332-120-020,)) are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310(, WAC 332-120-100)) and other laws.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-060 PUBLIC RECORDS OFFICER FOR THE DEPARTMENT OF NATURAL RESOURCES. (1) The public records officer for the department is designated as the ((office manager)) chief lands recorder located in the department's administrative office. ((In addition, the operations forester, located in each of the area offices is designated as a records officer.)) The public records officer ((shall be in charge of the department's public records and)) shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally insuring cooperation and compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(2) Additional public record officers may be designated for specific offices within the department:

(a) The secretary of the commissioner is designated as the public records officer for the board.

~~(b) The office manager located in each of the regional offices is designated as the public records officer for region office records.~~

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the department. For the purpose of this chapter, the customary office hours shall be from 8:00 a.m. until noon and from 1:00 p.m. until 4:30 p.m., Monday through Friday, excluding legal holidays. Such inspection and copying may be postponed if, in the department's opinion, it would interfere with duties related to an emergency at ((an area)) a regional office or the fire control division in central headquarters.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-080 REQUESTS FOR PUBLIC RECORDS. ((In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency;)) Public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(1) Inquiry for general information regarding department activities may be directed to the administrative office or any regional office.

(2) A request for specific public records shall be made in writing upon a form prescribed by the department ((and the board)) which shall be available at its ((central)) administrative and ((area)) regional offices. The form shall be presented to the public records officer, ((or a designated substitute, if the public records officer is not available, at the central and area offices of the department)) during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record and the organization they represent;

(b) The time of day and calendar date on which the request was made;

(c) A description of the material requested.

((2)) (3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

((3)) (4) The department will also honor requests received by mail for identifiable public records unless exempted.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-100 EXEMPTIONS. (1) The department ((and the board)) reserves the right to determine that a public record requested ((in accordance with the procedures outlined in WAC 332-120-100)) is exempt under the provisions of ((section 31, chapter 1, Laws of 1973. Exemptions shall include, but are not limited to:

(a) Lists of individuals. The lists will include the names and/or addresses of individuals. A request for this inspection requested for commercial purposes shall not be made available unless the department or board is specifically authorized or directed by law to do so;

(b) Personnel files. The contents of these files include data of a personal nature regarding each individual employee such as: Personal references, performance valuations, promotional evaluations, salary, pay roll withholding, disciplinary and warning letters, employment applications, civil service promotional grades;

(c) Civil service examination data. These records contain questions used in civil service examinations (written, oral and performance);

(d) Law enforcement files. These files contain investigation reports, witness statements, permit or license violations and other data related to enforcement of state law, trespass on state land, theft and vandalism of state property and collection of bills. This information shall remain confidential until court action is completed or the case is formally closed by the department;

(e) Income reports or credit reports on applicants applying for proprietary interests. These reports contain confidential data from an individual company which frequently contains income data regarding the entire company operation;

(f) Material obtained by the state with copyright or contract condition prohibiting further distribution by the department;

(g) State land inspection reports and appraisal data. This data constitutes an appraisal of the value of state land and the products therefrom which we use to determine minimum bid level for purchase or rent. This data shall remain confidential until after the sale or lease is

consummated, but in no event shall disclosure be denied for more than three years after the appraisal;

(h) Oil and gas exploration reports, drilling logs and core samples. These files contain confidential information from an individual company regarding an expensive exploration operation. Disclosure would provide an unfair advantage to competitors;

(i) Confidential surveys. This information constitutes confidential production data gathered from individuals and companies for statistical purposes to prepare reports reflecting trends and general production statistics. All data except the final report shall remain confidential;

(j) Data processing discs and tapes. Contains stored data on magnetic discs and tapes, a large part of which includes confidential data. Since the confidential data cannot be deleted, the discs and tapes shall be exempt from review and copying. Printout reports may be available for review and copying;

(k) Valuable formulas, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(l) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action;

(m) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts)) RCW 42.17.310.

(2) In addition, pursuant to ((section 26, chapter 1, Laws of 1973)) RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under the provision of these rules.

(4) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(5) The department recognizes that the preservation of personal rights is of paramount importance. Accordingly, the department policy shall be to conduct the disclosure of public records in such a manner to preserve the personal privacy of all department personnel. The policy shall extend to companies and individuals from outside the department whose records come into possession of the department.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the ((agency)) department, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-120 PROTECTION OF PUBLIC RECORDS. In order to adequately protect the public records in the custody of the department ((and the board)), the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the department.

(5) Access to file cabinets, shelves, vaults, etc., is restricted to the department ((personnel or board members)).

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-130 RECORDS INDEX FOR THE DEPARTMENT. ((The department does not maintain a records index for its own use, and it would be unduly burdensome to develop an index just for public access to the records.)) (1) The department maintains the following methods to index its records:

(a) Tract books. Indicate all significant transactions since statehood concerning the disposition and management of state lands. Is organized by legal description, i.e., section - township - range. The tract book is located in the office of the chief lands recorder.

(b) Commissioner and department orders. Indexed from 1975 to present by year and order number. Commissioner and department orders contain and indicate subject and/or file jacket number.

(c) Board meeting index. Board meetings are tape recorded and written minutes prepared. These are indexed by date and are available for inspection through the public records officer in the commissioner's office.

(d) Administrative rule docket. The department has historically maintained an index of administrative rules adopted by the department. It is formatted by: Date, department rule number, subject, and contact person. Beginning in 1990 the format was expanded to conform with the requirements of RCW 34.05.315. This index is located in the office of the chief lands recorder.

(e) To conform with RCW 42.17.260(4), the following indexes and files are maintained by the chief lands recorder in the department's administrative office:

(i) All records issued before July 1, 1990, for which the department has maintained an index;

(ii) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iii) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iv) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(v) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Copies of all indexes shall be available for public inspection and copying during business hours and in accordance with WAC 332-10-080. The indexes shall be kept current and updated annually. Selected final and declaratory orders that contain an analysis or decision of substantial importance to the agency in carrying out its duties, and interpretive and policy statements will be indexed chronologically by date, applicable program, hearing title, description of subject matter, citation to the law involved, or a selected combination of these, as appropriate.

(f) Rule-making file. To conform with RCW 34.05.370, the department maintains an official rule-making file for each rule that the department proposes by publication in the state register or adopts. Some rules apply to specific programs within the department, while others, such as those adopted under the State Environmental Policy Act and the Administrative Procedure Act, apply department-wide. The administrative offices of divisions that administer specific programs maintain the rule-making files that apply to those programs. The department rules coordinator maintains the rule-making files for rules that apply department-wide.

(g) Department manual. The department maintains a comprehensive policy and procedures manual. The manual describes policy statements and procedures used to implement the department's various responsibilities. It is organized by program activity, i.e., fire control, timber sales, etc. Manuals are available for review at the department's administrative or any regional office.

(h) Bibliography of department publications. It is common practice for the department to publish important policy and management plans as well as reports on specific subjects regarding resource management. The bibliography can be obtained through the department's Photo and Distribution Center, 1065 S. Capitol Way, Olympia, WA 98504, or any regional office.

(2) The department does not use a central filing system. Records are maintained in each of the ((area)) regional offices spread throughout the state and in each of the divisions in the ((central)) administrative office. Each organizational unit maintains a record system to meet its specific needs. The department ((and the board)) can respond to requests for records, by the public describing the type of information they are seeking. General correspondence related to governmental and

regulatory activities and internal services can usually be identified by subject and usually in the division responsible for that activity. Regulatory permits and licenses may be identified by legal description or application number. Correspondence and other data related to proprietary activities are identified by application number and can be cross-referenced by legal description.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

WAC 332-10-140 ADDRESS FOR COMMUNICATION REQUESTS. All communications with the department (~~and the board~~) including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter (~~of Laws of 1973~~) 42.17 RCW, and these rules, requests for copies of the department's decisions and other matters, shall be addressed as follows: Department of Natural Resources, c/o Public Records Officer, Olympia, Washington 98504.

NEW SECTION

WAC 332-10-145 NOTIFICATION ROSTER OF INTERESTED PERSONS. To conform with the requirements of RCW 34.05.230, the department maintains a roster of interested persons who have requested in writing to the department rules coordinator, to be notified of all interpretive and policy statements issued by the department. The roster is kept in the rules coordinator's office and is updated once each year. Persons not indicating a desire to continue on the roster will be eliminated during the yearly update. Whenever the department issues an interpretive or policy statement, a copy of the statement will be sent to each person listed on the roster.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-10-035 DESCRIPTION OF ORGANIZATION OF BOARD OF NATURAL RESOURCES.

WAC 332-10-045 OPERATIONS AND PROCEDURES OF BOARD OF NATURAL RESOURCES.

WAC 332-10-135 RECORDS INDEX FOR THE BOARD.

WSR 91-09-061
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed April 17, 1991, 2:05 p.m.]

Original Notice.

Title of Rule: WAC 250-77-010 through 250-77-050, Athletic gender equity tuition and fee waiver program.

Purpose: Adoption of rules implementing RCW 28B.15.450 through [28B.15].480, and [28B.15].740(3).

Statutory Authority for Adoption: RCW 28B.15.460 and [28B.15].465.

Statute Being Implemented: RCW 28B.15.450 through [28B.15].480, and [28B.15].740(3).

Summary: Rules administering the tuition and fee waiver program intended to achieve gender equity in higher education athletics.

Reasons Supporting Proposal: Implementation of RCW 28B.15.450 through [28B.15].480, and [28B.15].740 (c)[3].

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jane C. Sherman, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, (206) 753-1144.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Conference Room, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, on May 21, 1991, at 10:00 a.m.

Submit Written Comments to: Jane C. Sherman, Policy Associate, Higher Education Coordinating Board, 917 Lakeridge Way, GV-11, Olympia, WA 98504, by May 21, 1991.

Date of Intended Adoption: May 23, 1991.

April 17, 1991

Ann Daley

Executive Director

STATE OF WASHINGTON
ATHLETIC GENDER EQUITY TUITION AND FEE WAIVER
PROGRAM

RULES AND REGULATIONS
CHAPTER 250-77 WAC

WAC 250-77-010	Purpose
WAC 250-77-015	Authority to Administer
WAC 250-77-020	Definitions
WAC 250-77-025	Eligibility for 1991-92
WAC 250-77-030	Eligibility Beginning in 1992-93
WAC 250-77-035	Use of Authorized Waivers
WAC 250-77-040	Use of Waiver Generated Funds
WAC 250-77-045	Reporting
WAC 250-77-050	Fluctuations

NEW SECTION

WAC 250-77-010 PURPOSE. The purpose of this program is to assist the public four-year institutions of higher education to achieve gender equity in their intercollegiate athletics activities, as required by RCW 28B.15.450 through .480, RCW 28B.15.740(3), RCW 28B.110, and other applicable state and federal law.

NEW SECTION

WAC 250-77-015 AUTHORITY TO ADMINISTER. RCW 28B.15.460-465 assigns responsibility to the higher education coordinating board to approve, evaluate, report, and make recommendations in the implementation of RCW 28B.15.455-480 and RCW 28B.15.740(3).

NEW SECTION

WAC 250-77-020 DEFINITIONS. For purposes of assessing institutional compliance with statutory goals for 1994 only, "the rate at which [the underrepresented gender] class participates in high school interscholastic athletics in Washington state" means that neither gender shall comprise less than 39% of the total number of athletes at that institution.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 250-77-025 ELIGIBILITY FOR 1991-92. Any public four-year institution of higher education in the state of Washington shall be eligible to participate in the athletic gender equity tuition and fee waiver program for the academic year 1991-92, provided it has:

(1) submitted to the higher education coordinating board a study of gender equity in its intercollegiate athletics program, and a plan for achieving institutional and legislative gender equity goals, consistent with RCW 28B.15.450-480.

(2) received approval of the plan from the institution's governing board.

NEW SECTION

WAC 250-77-030 ELIGIBILITY BEGINNING IN 1992-93. Any public four-year institution of higher education shall be eligible to participate in the athletic gender equity tuition and fee waiver program for the academic years 1992-93 and following, provided that, in addition to the conditions in WAC 250-77-025, it has received approval for its plan to achieve gender equity in athletics from the higher education coordinating board.

NEW SECTION

WAC 250-77-035 USE OF AUTHORIZED WAIVERS. Tuition and fee waivers generally will be granted only to the underrepresented gender. The exceptions will be if an institution can demonstrate that a waiver to a non-underrepresented gender individual will generate funds that can be applied in an equal amount to enhance the intercollegiate program for the underrepresented gender.

NEW SECTION

WAC 250-77-040 USE OF WAIVER GENERATED FUNDS. Funds generated by this program may be used only to attain or maintain gender equity in intercollegiate athletics.

(1) For any institution having an underrepresented gender in its athletic program,

(a) all funds generated by this program shall be expended to enhance the intercollegiate athletic program for the underrepresented gender, and

(b) any difference between genders in overall expenditures, exclusive of the waiver amount, shall not exceed the 1989-90 difference.

(2) For any institution not having an underrepresented gender in its athletic program,

(a) all funds generated by this program must be expended in such a way that gender equity is maintained, and

(b) reports must demonstrate that gender equity has been maintained throughout the reporting period.

(3) Funds generated by waivers under this section may be used for expanding the program to additional intercollegiate sports and/or enhancing the services, equipment, and coaching in existing sports.

(4) Funds generated by waivers under this section may be used for both operating and capital expenses, provided that they are not used for debt service, and provided further that, if there is an underrepresented gender in its intercollegiate athletics program, the institution is able to demonstrate that the funds were used solely to enhance or expand the intercollegiate athletic program for the underrepresented gender.

NEW SECTION

WAC 250-77-045 REPORTING. Each institution participating in this program will report biennially to the higher education coordinating board on its efforts to achieve equity and its compliance with RCW 28B.15.450.

(1) Reports will be submitted in a common format developed by the higher education coordinating board in consultation with the participating institutions.

(2) Reports will include all of the information items required from the 1990 self-study, as defined in WAC 250-71-010 through -075, inclusive.

(3) Reports will include year to year comparisons, beginning with 1988-89, for expenditures and participation for men's and women's athletic programs.

(4) Reports will include a delineation of waivers granted each year by gender and sport and the value thereof.

(5) Reports will include the amount generated to the intercollegiate athletics program by the waivers, and the application made of such funds.

(6) Reports will be due on August 31 of each even number year.

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 250-77-050 FLUCTUATIONS. Short term deviations from the above standards will be allowed only if due to specific, identifiable, and normal variations, examples of which include the high costs in one year for the start up of a new sport or the higher expenses due to an unusual number of teams of one gender participating in post-season competition. In such cases, a four year rolling average will be applied to comparisons of proportional expenditures.

WSR 91-09-062

PROPOSED RULES

BOARD OF

INDUSTRIAL INSURANCE APPEALS

[Filed April 17, 1991, 2:44 p.m.]

Original Notice.

Title of Rule: Chapter 263-12 WAC, Practice and procedure before the Board of Industrial Insurance Appeals.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-005, 263-12-007, 263-12-010, 263-12-015, 263-12-016, 263-12-017, 263-12-020, 263-12-045, 263-12-050, 263-12-053, 263-12-056, 263-12-060, 263-12-065, 263-12-070, 263-12-075, 263-12-080, 263-12-090, 263-12-093, 263-12-095, 263-12-115, 263-12-125, 263-12-145, 263-12-150, 263-12-160, 263-12-165, and 263-12-170; and adding WAC 263-12-01501, 263-12-051, 263-12-057, 263-12-058, 263-12-091, 263-12-171, and 263-12-195.

Statutory Authority for Adoption: RCW 51.52.020.

Summary: The proposed revisions make a number of housekeeping changes to existing rules. In addition, the revisions address new categories of appeals within the board's jurisdiction (i.e., RCW 49.22.030, 49.26.110(5), 49.70.170(4)); change the address of the headquarters of the board; eliminate the requirement of filing duplicate copies of written communications; clarify the methods of filing communications with the board, including filing by telephone facsimile; modify the manner in which an "appearance" can be made; eliminate the requirement of sending multiple notices to the same firm or organization where more than one individual with such firm or organization has made an appearance on behalf of a party; clarify the procedures for filing and approving notices of withdrawal of representatives; clarify the definition of an industrial appeals judge; permit the delegation of duties by chief judges, industrial appeals judges, and the executive secretary; require appealing parties to identify the date and content of decisions being appealed; require disclosure by employers of the name and address of union representatives in WISHA appeals; require employers to give notice to affected employees in WISHA appeals and allow alternative methods of notification; specify the time within which appeals from various decisions must be filed; change the time within which affidavits of prejudice must be filed; clarify that agreements for final disposition can be made between the parties in attendance at a conference; specify that agreed examinations or evaluations will only be obtained where the parties have agreed that the results of such examinations or

evaluations will be dispositive of the case; provide that scheduling information can be obtained by an industrial appeals judge's designee; provide that prehearing matters can be addressed in any proceeding; specify the burden of going forward with evidence in various cases; specify certain conditions under which depositions allowed for the preservation of testimony will be taken, absent an agreement or ruling to the contrary; clarify the circumstances under which initial and further extensions of time for filing a petition for review may be granted; provide for accelerated service of transcripts, in the event of a court appeal, in all cases which transcripts are provided prior to issuance of a final order; specify the instances in which the board will fix interest following a superior court appeal; clarify the information to be supplied to the board in order to determine if interest is payable; modify the time limitation for filing an application to fix attorney fees; require the prevailing party in an appeal to the courts to provide the board with a copy of the final court judgment, order or decision; and establish a system of indexing "significant decisions" of the board.

Reasons Supporting Proposal: To provide guidance to the parties who appear before the board of the law and procedure applicable to appeals within the board's jurisdiction; to permit greater flexibility in the handling of cases; to conserve paper; to guarantee that interested parties have an opportunity to be heard; and to accommodate changes in technology.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Fairley, Executive Secretary, 410 West Fifth, Olympia, WA, (206) 753-9646.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Since the last revision of the board's rules new categories of appeals have been added to the board's jurisdiction. These include appeals concerning special safety requirements in late night retail establishments (chapter 49.22 RCW); certification decisions involving asbestos projects (chapter 49.26 RCW); and assessments under the Worker and Community Right to Know Act (chapter 49.70 RCW). These revisions establish procedures concerning the filing and litigation of these new types of appeals. The board also plans to relocate its main office in June 1991. These rules advise parties of the board's new location and mailing address. Current rules require the filing of duplicate copies and the service of notice on multiple individuals who represent the same party. The revisions are designed to reduce paper flow by eliminating the need or requirement to send duplicate copies or notices. The various statutes governing the filing of written communications with the board permit filing to be perfected "personally" or by "mail." These revisions define and clarify what is meant by filing "personally" or by "mail." In addition, they permit the filing of written communications by telephone facsimile (the modern day equivalent of filing "personally") subject to special rules on when filing by facsimile is perfected.

Guidelines on the use of and the risk of use of telephone facsimile equipment are also established. The rule recognizes that in most cases time critical documents can be filed just as timely by mail as by telephone facsimile. In addition to clarifying the methods for filing communications with the board the rules delineate the time limitations applicable to the various types of appeals which can be filed with the board. Notices of withdrawal have always been governed by the rules applicable to notices of intent to withdraw in superior court. These revisions make that clear but also indicate that withdrawal is subject to approval by the industrial appeals judge or executive secretary of the board. With the increase in the number of appeals heard by the board, delegation of duties is necessary to the efficient disposition of appeals. The revisions recognize that there may be more than one chief judge to decide interlocutory appeals, that this or other duties normally assigned to a chief judge may be delegated, and that judges themselves may be allowed to delegate certain duties relating to the scheduling of cases. In the latter case, the board contemplates that the addition of paraprofessional staff may be necessary to the timely scheduling of appeals. The change in the time for filing affidavits of prejudice is designed to deal with the fact the hearings judge to whom a case is assigned may not hold the initial scheduling conference in the appeal. Hence, the time for filing an affidavit of prejudice runs from the date of notice of assignment to the judge rather than "prior to the first proceeding before the industrial appeals judge." Compare proposed WAC 263-12-091 with WAC 263-12-125. The employees of an employer cited for a violation of the Washington Industrial Safety and Health Act have a right to appear in board proceedings concerning the citation. Unfortunately, there is no mechanism to insure that affected employees receive notice of board proceedings. These revisions insure such notice is provided and require certification by the employer that notice has been given. During settlement negotiations a party who may have made an appearance in the case may fail to appear at subsequent proceedings. The revisions contemplate that the failure of such a party to appear at a conference will not preclude the other parties from reaching an agreement at such proceeding as to the final disposition of the appeal. There also seems to be some confusion as to what is meant by the "agreed" medical examination or vocational evaluation which forms the basis for many agreements. The revisions make it clear that the board will allow such agreements only where the parties agree to be bound by the results of such examination or evaluation. The revisions contemplate that upon receipt of the expert's report either an order on agreement of parties or a proposed decision and order will normally be entered based on such report. The revisions also contemplate that while scheduling information will be obtained by the hearings judge or his or her designee, prehearing matters generally can be handled at any proceeding. This would include settlement (mediation) conferences as well as other conferences or hearings. Persons who have appeared before the board are no doubt familiar with the customary deposition "stipulation" obtained in advance of any planned

WSR 91-09-063
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Physical Therapy)
 [Filed April 17, 1991, 3:22 p.m.]

Original Notice.

Title of Rule: WAC 246-915-030 Examination—Acceptable passing scores; and 246-915-300 – 246-915-330 Voluntary substance abuse monitoring programs.

Purpose: To further clarify acceptable passing examination scores; and to implement treatment options for physical therapists impaired by alcohol or substance abuse.

Statutory Authority for Adoption: RCW 18.74.023.

Statute Being Implemented: RCW 18.130.175.

Summary: Clarifies acceptable passing score for current and previous examinations; and provides for and defines conditions for impaired therapists to participate in voluntary drug/alcohol monitoring programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, 1300 S.E. Quince Street, Olympia, 98504, 753-3132.

Name of Proponent: Board of Physical Therapy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-915-030, to clarify the intent of the rule and eliminate the potential for misinterpretation which may result in patient harm in the licensing of individuals not competent to practice physical therapy; and WAC 246-915-300 through 246-915-330, to establish a means of providing treatment options for physical therapists whose competency may be impaired due to the abuse of drugs or alcohol. Without treatment and monitoring, a potential for patient harm by the impaired therapist exists.

Proposal Changes the Following Existing Rules: WAC 246-915-030, specifies acceptable passing score of previous examination.

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

Hearing Location: Holiday Inn, Cedar-Spruce Room, 800 Rainier Avenue South, Renton, WA 98057, on May 28, 1991, at 9:30 a.m.

Submit Written Comments to: Department of Health, Physical Therapy Board, 1300 S.E. Quince Street, Olympia, WA 98504, by May 18, 1991.

Date of Intended Adoption: May 28, 1991.

April 11, 1991

Carol Neva

Program Manager

AMENDATORY SECTION (Amending Order 144B, filed 2/20/91, effective 3/23/91)

WAC 246-915-030 EXAMINATION. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74-.035 shall be the examination for physical therapists as approved by the board of physical therapy. A passing score is considered to be one of the following:

deposition for the preservation of testimony. Proposed WAC 263-12-115(10) incorporates this "stipulation" in rule form. Absent a stipulation or ruling to the contrary any deposition is taken subject to these standard conditions. Note, however, that the industrial appeals judge must still decide whether to allow a deposition to be taken. WAC 263-12-115(9). The board may extend the time for filing a petition for review. It may not extend the time for filing a request for an extension of time to file a petition for review. This has been a problem to individuals who file a request for a "second" or further extension on the last day of an extended period. Proposed WAC 263-12-145(2) makes it clear that unless a request for extension is filed within 20 days of communication of the proposed decision and order the board can only grant a further extension if it acts to do so before the initial extension period has expired. RCW 51.52.135(3) provides that the interest to be paid in a qualifying appeal "shall be fixed by the board or the court, as the case may be." Generally, the board has not fixed interest in a case once an appeal has been taken to superior court. The proposed revisions to WAC 263-12-160 recognize two exceptions recognized by the board: When the court directs the board to do so and when the appeal to court is dismissed without a decision on the merits. The revisions clarify the information to be supplied to the board in order for it to determine if interest is payable. The revisions also specify that interest awards are not subject to any claim for attorney's fees. The board is normally not a party to appeals filed in superior court. As a result, it does not always know if the appeal has been concluded. It must rely on the parties to provide that information. Proposed WAC 263-12-171 would require the prevailing party to provide the board with a conformed copy of the final order, judgment or decision of the court. RCW 42.17.260 (4)(b) and (c) require the board to index decisions having an analysis or decision of substantial importance in carrying out its duties. RCW 51.52.160 also requires the board to publish its significant decisions. Proposed WAC 263-12-195 establishes the board's publication "significant decisions" as the primary index of board decisions.

Proposal Changes the Following Existing Rules: See Purpose, Summary and Explanation of Rule above.

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

Hearing Location: Board of Industrial Insurance Appeals, 83 South King Street, Room 401, Seattle, WA 98104-2848, on June 7, 1991, at 1:30 p.m.

Submit Written Comments to: Ms. Isobel Paul, Board of Industrial Insurance Appeals, 410 West Fifth, Mailstop FN-21, Olympia, WA 98504, by June 7, 1991.

Date of Intended Adoption: June 14, 1991.

April 17, 1991

Sara T. Harmon

Chairperson

Reviser's note: The material contained in this filing will appear in the 91-10 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

(a) Not less than 1.0 standard deviation below the national mean for the examination approved by the board beginning February 28, 1991; or

(b) Not less than sixty percent raw score on each of the three examination parts for the examination approved by the board prior to February 28, 1991.

(2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake the examination.

(3) Where necessary, applicant's score will be rounded off to the nearest whole number.

NEW SECTION

WAC 246-915-300 PHILOSOPHY GOVERNING VOLUNTARY SUBSTANCE ABUSE MONITORING PROGRAMS. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for physical therapists whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such physical therapists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer physical therapists impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

WAC 246-915-310 TERMS USED IN WAC 246-915-300 THROUGH 246-915-330. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-915-320 which enters into a contract with physical therapists who have substance abuse problems regarding the required components of the physical therapist's recovery activity and oversees the physical therapist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating physical therapists.

(2) "Contract" is a comprehensive, structured agreement between the recovering physical therapist and the approved monitoring program stipulating the physical therapist's consent to comply with the monitoring program and its required components of the physical therapist's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a physical therapist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the physical therapist and the physical therapist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Support group" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which physical therapists may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve steps groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

(9) "Health care professional" is an individual who is licensed, certified or registered in Washington to engage in the delivery of health care to patients.

NEW SECTION

WAC 246-915-320 APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS. The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating physical therapists.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of physical therapy as defined in this chapter to be able to evaluate:

(a) Clinical laboratories;

(b) Laboratory results;

(c) Providers of substance abuse treatment, both individuals and facilities;

(d) Support groups;

(e) The physical therapy work environment; and

(f) The ability of the physical therapist to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the physical therapist and the board to oversee the physical therapist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a physical therapist will be prohibited from engaging in the practice of physical therapy for a period of time and restrictions, if any, on the physical therapist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the physical therapist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any physical therapist who fails to comply with the requirement of the monitoring program.

(10) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of physical therapy for those participating in the program.

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 246-915-330 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) In lieu of disciplinary action, the physical therapist may accept board referral into the approved substance abuse monitoring program.

(a) The physical therapist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The physical therapist shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The physical therapist will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The physical therapist will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The physical therapist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The physical therapist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The physical therapist will submit to random drug screening as specified by the approved monitoring program.

WSR 91-09-064

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed April 17, 1991, 4:05 p.m.]

(vi) The physical therapist will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The physical therapist will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The physical therapist shall sign a waiver allowing the approved monitoring program to release information to the board if the physical therapist does not comply with the requirements of this contract.

(c) The physical therapist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The physical therapist may be subject to disciplinary action under RCW 18.130.160 if the physical therapist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A physical therapist who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The physical therapist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The physical therapist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The physical therapist will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The physical therapist will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The physical therapist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The physical therapist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The physical therapist will submit to random drug screening as specified by the approved monitoring program.

(vi) The physical therapist will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The physical therapist will comply with employment conditions and restrictions as defined by the contract.

(viii) The physical therapist shall sign a waiver allowing the approved monitoring program to release information to the board if the physical therapist does not comply with the requirements of this contract.

(c) The physical therapist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through RCW 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend marine fish fishing rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-48-011, allows use of 3 inch mesh in the cod end of all pelagic trawl gear. This will allow for pelagic trawl harvest of pollack, which are available for harvest; and provide for a maximum roller trawl disc size of 4 inches. This will reduce harvest of rock fish taken by rock hopper gear, since rock fish are an over-utilized species in Puget Sound; WAC 220-48-015, closes Area 25A to trawl fishing during the period February 1st through April 15th and closes Area 25D at all times. Protects Pacific cod, which are not available in sufficient numbers to allow for commercial harvest in these areas during the periods indicated; WAC 220-48-017, opens Areas 20A and 20B February 16th through April 15th. This will allow for harvest of pollack; WAC 220-48-029, close Quartermaster Harbor. This provides clarification that the harbor, which is contiguous with the closed portion of Area 26D, is closed; and WAC 220-49-056, closes waters within 200 feet of shore at Ross Point to commercial harvest. This allows for sport harvest in this area and provides for an orderly fishery.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Judith Freeman, Mailstop AX-11, Olympia, 753-6772; and Enforcement: Dayna Matthews, Mailstop AX-11, 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: 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.

These proposals do not effect 10 percent of the businesses in any one three-digit industrial classification nor 20 percent of all businesses.

Hearing Location: Building 9, Sandpoint Naval Station, Seattle, Washington, on June 4, 1991, at 10:00 a.m.

Submit Written Comments to: Hearings Officer, Washington Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, by May 29, 1991.

Date of Intended Adoption: June 11, 1991.

April 17, 1991

Gene DiDonato

for Joseph R. Blum

Director

AMENDATORY SECTION (Amending Order 87-03, filed 1/22/87)

WAC 220-48-011 BEAM TRAWL AND OTTER TRAWL—GEAR. (1) Mesh sizes. It is unlawful to use or operate beam trawls or otter trawls having mesh size in the codend section less than 4 1/2 inches in waters of Puget Sound, unless otherwise provided.

(a) It is lawful to use or operate bottom trawl gear having mesh size in the codend section of not less than 3 inches in Marine Fish-Shellfish Catch Reporting Areas 28A, 28B, 28C, and 28D, during December 1 through April 14.

(b) It is lawful to use or operate pelagic trawl gear having mesh size in the codend section of not less than 3 inches (~~while fishing for Pacific whiting during the seasons provided in WAC 220-48-017 (1) and (2)~~).

(2) Chafing gear.

(a) For bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(b) For roller trawls and pelagic trawls chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches.

(3) Roller trawl. It is unlawful to use a roller trawl equipped with rollers, bobbins, or cookie discs (excluding wing tip bobbins) greater than 4 inches in diameter.

AMENDATORY SECTION (Amending Order 89-48, filed 6/22/89)

WAC 220-48-015 BEAM TRAWL AND BOTTOM TRAWL—SEASONS. (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, (~~25D~~), and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) All of Area 25A is closed February 1 through April 15 of each year, and those waters of Area 25A lying southerly and westerly of a line projected from Kiapot Point to Gibson Spit (Sequim Bay) are closed the entire year.

(e) Area 25D is closed from February 1 through April 14 each year.

(2) It is unlawful to take, fish for, or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 25E except on Monday through Thursday from December 1 through February 14 with the following exception: Those waters of Area 25E lying southerly of a line projected from Mill Point due east to the opposite shore, are closed the entire year.

(3) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D the entire year.

(4) It is unlawful to operate bottom trawl or beam trawl in waters less than 60 feet in depth in Marine Fish-Shellfish Management and Catch Reporting Areas 25A, 25B, 25D, or 25E, and it is unlawful to operate bottom trawl or beam trawl in waters less than 30 feet deep in all other waters of Puget Sound east of the mouth of the Sekiu River.

AMENDATORY SECTION (Amending Order 87-03, filed 1/22/87)

WAC 220-48-017 PELAGIC TRAWL—SEASONS. It is unlawful to take, fish for and possess bottomfish taken with pelagic trawl gear except in the Marine Fish-Shellfish Management and Catch Reporting Areas and during the times as follows:

(1) Area 24C south of a line projected due west from the flashing red light northwest of Lowell Point – Open Monday through Thursday, October 1 through January 14 unless otherwise provided.

(2) Area 26A – Open Monday through Thursday, October 1 through January 14.

(3) Areas 24B, that portion of 24C south of a line projected due west from the flashing red light northwest of Lowell Point, and 26A – Open Monday and Wednesday, January 15 until the in-season quota is taken but not beyond May 15 in any case.

(4) Areas 20A and 20B – Open (~~(March-)~~) February 16 through April (~~(+)~~) 15.

(5) In any area at any time so designated by a permit issued by the director of the department of fisheries.

AMENDATORY SECTION (Amending Order 89-48, filed 6/22/89)

WAC 220-48-029 SET NET—DOGFISH—SEASONS. It is lawful to take, fish for and possess dogfish and other species of bottomfish, except halibut, salmon and shellfish, taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 20A and 20B – November 1 through June 15.

(2) Area 21A – March 1 through June 15.

(3) Areas 21B, 22A, 22B, 23A, and 23B – Closed all year.

(4) Areas 23C and 23D – Open all year.

(5) Areas 24A, 24B, and 24D – Open all year.

(6) Area 24C – Open all year, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.

(7) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack – Open all year.

(8) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack – Closed all year.

(9) Area 25E – Closed all year except by permit issued by the director.

(10) Area 26A – Open all year, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(11) Area 26B – Open all year except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(12) Area 26C – Open April 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(13) Area 26D – Open all year, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

(14) Areas 27A, 27B, and 27C – Open all year.

(15) Area 28A – Open all year, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(16) Areas 28B, 28C, and 28D – Open all year except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

(17) Area 29 – Open all year.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-49-056 SMELT FISHING—SEASONS. It shall be unlawful during any open season to take, fish for or possess smelt for commercial purposes in Puget Sound except during the following seasons:

(1) Area 21A – July 1 to April 14.

(2) Area 22B – December 1 to April 14.

(3) Areas 24A, 24B, 24C, and 24D – July 1 to April 14.

(4) Areas 25A and 25E – November 1 to April 14.

(5) Areas 26C, 27B, 27C, 28B, 28C, and 28D – October 1 to April 14 except those waters within 200 feet of shore adjacent to department property at Ross Point in Area 26C are closed to commercial smelt harvest.

(6) Area 28A – September 1 to April 14.

(7) All other areas open the entire year.

WSR 91-09-065
PROPOSED RULES
REAL ESTATE COMMISSION
 [Filed April 17, 1991, 4:11 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-124H-520 Approval of instructors.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.040.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Mitchell, 2424 Bristol Court, Mailstop PB-01, Olympia, WA, (206) 586-4681.

Name of Proponent: Real Estate Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Westwater Inn, 2300 Evergreen Park Drive, Room 252, Olympia, WA, on May 21, 1991, at 1:30 p.m.

Submit Written Comments to: Robert Mitchell, 2424 Bristol Court, Mailstop PB-01, Olympia, WA 98504, by 5:00 p.m., May 17, 1991.

Date of Intended Adoption: May 21, 1991.

April 17, 1991
 Linda M. Moran
 Assistant Attorney General

WSR 91-09-066
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 17, 1991, 4:46 p.m.]

Original Notice.

Title of Rule: Chapter 388-96 WAC, Nursing home—Accounting—Reimbursement.

Purpose: WAC 388-96-221, update time period to request review of a preliminary settlement; WAC 388-96-722, provide authority to exclude certain nursing services costs in lid calculation and limit nursing services costs increase measurement to two bases; total and per patient day and use basis most favorable to contractor; WAC 388-96-760, clarify average rate cannot exceed average customary charges for nursing home care; WAC 388-96-901, update time period to request administrative review of "errors or omissions" rate action, remove obsolete reference to contract provisions as a basis for rate challenge and clarify Boren Amendment challenges cannot be pursued in administrative review and fair hearing but can be pursued only in court; and WAC 388-96-904, clarify issues to be heard and decided in fair hearing must be raised and addressed in prior administrative review conference and require hearings to be heard or settled within one year after request of be dismissed automatically by operation of law.

Statutory Authority for Adoption: RCW 74.46.800 and 74.09.120.

Statute Being Implemented: RCW 74.46.800 and 74.09.120.

Summary: WAC 388-96-221, changes the time to request an administrative review of a preliminary settlement from 30 to 28 days after it is issued; WAC 388-96-722, authorizes exclusion of costs equal to rate revisions granted under WAC 388-96-774 from allowable costs for each cost report year used for comparison in calculating the cost increase lid and provides for a total and per-patient day cost increase measurement only with the most favorable to the contractor to be used; WAC 388-96-760, provides that the average Medicaid rate for nursing services in a cost report period shall not exceed the average facility customary charge to the public for the same services in the same time period; WAC 388-96-901, changes the time in which a review of an "errors and omissions" rate action may be requested from 30 to 28 days, removes obsolete reference to contract provisions as a basis for an administrative appeal and Boren Amendment challenges are restricted to courts of proper jurisdiction rather than the administrative review and fair hearing process; and WAC 388-96-904, clarifies only issues raised at prior administrative review conference and addressed in administrative review decision letter shall be litigated at fair hearing and provides that fair hearings not held or settled within one year after they are requested shall be dismissed automatically by operation of law without possibility of reinstatement.

Reasons Supporting Proposal: WAC 388-96-221, remove obsolete reference to 30-day period and replace

AMENDATORY SECTION (Amending WSR 90-23-039, filed 11/15/90)

WAC 308-124H-520 APPROVAL OF INSTRUCTORS. (1) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department. The most recent application form shall be obtained from the department prior to submission.

(2) The director or designee shall approve, disapprove, or conditionally approve instructor applications based upon criteria established by the commission. The director or designee shall approve only complete applications which meet the requirements of this chapter.

(3) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval or conditional approval shall include the reasons therefor.

(4) Approval shall expire two years after effective date of approval. If an application for renewal of approval is submitted at least thirty days prior to the expiration date, approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

(5) No instructor for whom approval is required shall supervise a course for clock hour credit prior to approval of the instructor.

(6) Applicants shall identify on the application form the specific ~~(course)~~ subject matter topic area or areas he or she proposes to teach.

with 20-day period for preliminary settlement review; WAC 388-96-722, provide for removal of costs equal to rate revisions in comparative report years in order to get measure of inflationary cost increase and set a reasonable limit on the ways cost increases in nursing services are to be measured for the purpose of calculating the cost increase lid; WAC 388-96-760, make clear yearly average Medicaid rates cannot exceed yearly average customary charges to members of the public for nursing care; WAC 388-96-901, correct time for requesting review of errors or omissions rate action from 30 to 28 days, remove obsolete reference to contract provisions and clarify that challenges under federal Boren Amendment standard are mpt wotjom tje scp½e pf ad,omstrative [standard are not within the scope of administrative] review of Medicaid rate, preliminary or final settlement, and audit actions; and WAC 388-96-904, limit issues to be heard in fair hearing to those raised and addressed in prior administrative review conference and require automatic dismissal after one year to ensure prompt review and enable the department to comply with 42 CFR 447.253(c) requiring prompt administrative review of payment issues and 42 CFR 447.253(a) requiring the department to assure the federal government of this in its state plan for Medicaid.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Montgomery, Aging and Adult Services, 493-2587.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 42 CFR Ch. IV (10/1/89 Edition).

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 21, 1991, 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 21, 1991.

Date of Intended Adoption: May 31, 1991.

April 17, 1991
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 2799, filed 5/24/89)

WAC 388-96-221 PRELIMINARY SETTLEMENT. (1) In the proposed preliminary settlement submitted under WAC 388-96-220(2), a contractor shall compare the prospective rates at which the contractor was paid during the report period, weighted by the number of patient days reported for the period each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis.

(2) Within one hundred twenty days after a proposed preliminary settlement is received, the department shall:

- (a) Review proposed preliminary settlement for accuracy, and

(b) Either accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement shall become the preliminary settlement report. If rejected, the department shall issue, by cost center, a preliminary settlement report fully substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(3) A contractor shall have (~~(thirty)~~) twenty-eight days after receipt of a preliminary settlement report to contest such report under WAC 388-96-901 and 388-96-904. Upon expiration of the (~~(thirty-day)~~) twenty-eight-day period, the department shall not review or audit a preliminary settlement report.

(4) If no audit is scheduled by the department or if a scheduled audit is not performed within two years of the scheduled date, the department shall perform the preliminary settlement review described in this section with the following exceptions:

(a) For cost centers, the department shall use desk-reviewed costs as the contractor allowable costs for the reporting period;

(b) The department shall calculate the variable portion of return on investment as calculated in the prospective rate;

(c) The department shall base the financing allowance portion of return on investment on audited costs in compliance with provisions contained in this chapter. If audited costs are not available, the department shall use the financing allowance used for rate setting. If an audited financing allowance is later determined, the department shall revise the final settlement to reflect audited financing allowance if payment is changed by \$1,000 or more; and

(d) When a complete audit was not performed and audited information is needed for purposes of calculating return on investment, the department may do a partial audit of current or prior year cost report.

(5) Beginning with preliminary settlements for report year 1988, if the department intends to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon reported costs. If the department does not intend to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon desk-reviewed costs utilizing the procedure under subsection (4) of this section.

(6) If the facility prevents, hinders, or otherwise delays completion of a full field audit, that facility's preliminary settlement issued on reported costs may be reopened to substitute desk-reviewed costs.

AMENDATORY SECTION (Amending Order 2742, filed 12/21/88)

WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The department shall pay the nursing services cost area reimbursement rate for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care shall include care provided by qualified therapists and their employees only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) The department shall subject nursing service costs to two reasonableness tests:

(a) A test for nursing staff hours; and

(b) A test for cost increases between the current and preceding report period.

(3) The test for nursing staff hours referenced in subsection (2)(a) of this section shall use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' assistants, including:

(a) Purchased and allocated nursing and assistant staff time((:)); and

(b) The average Battelle patient debility score for the corresponding facilities as computed by the department. The department shall take data for the regression from:

(i) Correctly completed cost reports((:)); and

(ii) Patient assessments completed by the department for the corresponding calendar report year and available at the time the regression equation is computed. Effective January 1, 1988, the department shall not include the hours associated with off-site or class room training of nursing assistants and the supervision of such training for nursing assistants in the test for nursing staff hours. The department shall calculate and set for each facility a limit on nursing and nursing assistant staffing hours at predicted staffing hours plus 1.75 standard errors, utilizing the regression equation calculated by the department. The department shall reduce costs for facilities with reported hours exceeding the limit by an amount equivalent to:

(A) The hours exceeding the limit;

(B) Times the average wage rate for nurses and assistants indicated on cost reports for the year in question, including benefits and payroll

taxes allocated to such staff. The department shall provide contractors' reporting hours exceeding the limit the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(4) The test for cost increases referenced in subsection (2)(b) of this section shall compare:

(a) The percentage change in allowable nursing services cost for the facility between the most recent cost report period and the next prior cost report period, excluding actual cost incurred relating to, but not to exceed an amount equal to, any prospective rate revision granted under WAC 388-96-774 in each cost report year;

(b) Against the percentage change in the medical care component of the consumer price index for all urban consumers between July of the most recent cost report period and July of the next prior cost report period. The department shall limit facilities reporting increases greater than the medical care component of the consumer price index to a rate determined by their adjusted patient care costs for the period immediately preceding the most recent cost report period, inflated by the medical care component of the consumer price index.

(5) In calculating and applying the test for cost increases, the department shall measure the allowable nursing services cost increase between the most recent and the next prior cost report periods on a total cost basis and on a per-patient-day cost basis only. The department shall utilize for each contractor the basis showing the lesser increase.

AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

WAC 388-96-760 UPPER LIMITS TO REIMBURSEMENT RATE. The average reimbursement rate for the cost report year shall not exceed the contractor's average customary charges to the general public for the services covered by the rate for the same time period, except that public facilities rendering such services free of charge or at a nominal charge will be reimbursed according to the methods and standards set out in this chapter. The contractor shall provide as part of the annual cost report a statement of the average charges for the cost report year for services covered by the rate and supporting computations and documentation. The contractor shall immediately inform the department if its reimbursement rate does exceed customary charges for comparable services. If necessary, the rate will be adjusted in accordance with WAC 388-96-769.

AMENDATORY SECTION (Amending Order 1892, filed 10/13/82)

WAC 388-96-901 DISPUTES. (1) If a reimbursement rate issued to a contractor is believed to be incorrect because it is based on errors or omissions by the contractor or department, the contractor may request an adjustment pursuant to WAC 388-96-769. Pursuant to WAC 388-96-904(1) a contractor may within ~~((thirty))~~ twenty-eight days request an administrative review after notification of an adjustment or refusal to adjust.

(2) If a contractor wishes to contest the way in which a department reimbursement rule, ((contract provision)) or policy statement relating to the prospective cost-related reimbursement system was applied to the contractor by the department, e.g., in setting a reimbursement rate or determining a disallowance at audit, it shall first pursue the administrative review process set out in WAC 388-96-904.

(3) The administrative review and fair hearing process set out in WAC 388-96-904 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, contract provision or policy statement.

(4) The department's administrative review and fair hearing process, set out in WAC 388-96-904, shall not be used to challenge the adequacy of prospective or settlement reimbursement rates or rate components, whether preliminary or final, either individually or collectively, or to challenge audit actions or adjustments, under the federal Boren Amendment payment standard found at 42 USC 1396a (a)(13)(A) and contained in federal regulation. Further, the administrative review and fair hearing process shall not be used to challenge the department's procedural compliance with this standard. Only in courts of proper jurisdiction shall contractors challenge the department's substantive and/or procedural compliance with the Boren Amendment standard.

AMENDATORY SECTION (Amending Order 3003, filed 2/5/90, effective 3/1/90)

WAC 388-96-904 ADMINISTRATIVE REVIEW—ADJUDICATIVE PROCEEDING. (1) Within twenty-eight days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request, in writing, the appropriate director or the director's designee review such determination. The contractor shall send the request to the office of contracts management if the challenge pertains to audit findings (adjusting journal entries or AJEs) or other audit matters. For other matters (such as rates, desk reviews, and settlements), the contractor shall send the request to the manager, residential rates program. The contractor or the licensed administrator of the facility shall:

(a) Sign the request;
(b) Identify the challenged determination and the date thereof;
(c) State as specifically as practicable the issues and regulations involved and the grounds for contending the determination is erroneous; and

(d) Attach to the request copies of any documentation the contractor intends to rely on to support the contractor's position.

(2) After receiving a timely request meeting the criteria of this section, the department shall contact the contractor to schedule a conference for the earliest mutually convenient time. The department shall schedule the conference for no earlier than fourteen days after the contractor was notified of the conference and no later than ninety days after a properly completed request is received, unless both parties agree, in writing, to a specific later date. The department may conduct the conference by telephone unless either the department or the contractor requests, in writing, the conference be held in person.

(3) The contractor and appropriate representatives of the department shall participate in the conference. In addition, representatives selected by the contractor may participate. The contractor shall bring to the conference, or provide to the department in advance of the conference:

(a) Any documentation requested by the department which the contractor is required to maintain for audit purposes under WAC 388-96-113; and

(b) Any documentation the contractor intends to rely on to support the contractor's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, the parties shall schedule a second session of the conference for not later than thirty days after the initial session unless both parties agree, in writing, to a specific later date.

(4) Regardless of whether agreement has been reached at the conference, the director of residential rates and licensure services or designee or the director of the office of nursing home audit or designee shall furnish the contractor a written decision within sixty days after the conclusion of the conference.

(5) A contractor has the right to an adjudicative proceeding to contest only issues raised in the administrative review conference and addressed in the director's administrative review decision.

(a) A contractor contesting the director's decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding with the office of appeals;

(ii) Sign the application or have the licensed administrator of the facility sign it;

(iii) State as specifically as practicable the issues and law involved;

(iv) State the grounds for contesting the director's decision; and

(v) Attach to the application a copy of the director's decision being contested and copies of any documentation the contractor intends to rely on to support its position.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

(6) Adjudicative proceedings timely requested under subsection (5) of this section shall be dismissed automatically by operation of law without right of reinstatement unless within one calendar year after the department receives the request:

(a) The contested hearing has been held and the evidentiary record has been closed; or

(b) All issues have been resolved by a written, signed settlement agreement between the contractor and the department.

WSR 91-09-067
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed April 17, 1991, 4:50 p.m.]

Original Notice.

Title of Rule: WAC 388-49-520 Prospective income budgeting; 388-49-530 Retrospective income budgeting; and 388-49-535 Special circumstances—Income budgeting.

Purpose: To conform with 7 CFR 723.21(b) [273.21(b)] and (j)(1)(vii)(B) and make necessary editorial changes for clarity.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: WAC 388-49-520 clarifies that the department prospectively budgets all types of income for the first two beginning months for food stamp purposes and that the department prospectively budgets income for households in which all adults are homeless individuals; WAC 388-49-530 expands the disregard of discontinued income to include households that are ongoing recipients of public assistance and makes necessary editorial changes for clarity; and WAC 388-49-535 makes editorial changes for clarity in the areas of contract income and income exclusions and deductions for retrospectively budgeted households.

Reasons Supporting Proposal: These rules are necessary to be amended: WAC 388-49-520, to specifically add homeless individuals to the list of those who have their income budgeted prospectively; WAC 388-49-530, add ongoing public assistance recipients to the list of those who can have discontinued income disregarded; and WAC 388-49-535, make necessary editorial changes for clarity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Charles Henderson, Income Assistance, 753-4912.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 723.21(b) [273.21(b)] and (j)(1)(vii)(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 21, 1991, 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 21, 1991.

Date of Intended Adoption: May 31, 1991.

April 17, 1991
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3051, filed 8/21/90, effective 9/21/90)

WAC 388-49-520 PROSPECTIVE INCOME BUDGETING. (1) The department shall budget income prospectively for the first two beginning months.

(2) The department shall budget income prospectively for the entire certification period for:

(a) Households in which all adult members are elderly or disabled and do not have:

(i) Earned income; or

(ii) Recent work history as defined in WAC 388-49-020(65);

(b) Migrant households;

~~((b))~~ (c) Seasonal farmworker households; and

~~((c))~~ (d) Households in which all ((adult)) members ((have no earned income and)) are((:

(i) Elderly; or

(ii) Disabled)) homeless individuals.

~~((2))~~ (3) The department shall budget the following income prospectively:

(a) Monthly student financial aid, except for work study;

(b) Public assistance;

(c) Supplemental security income (SSI); and

(d) Income from a new household member for the first two months of participation when the:

(i) Household timely reports the new member; and

(ii) New member has not received benefits within the last calendar month.

~~((3))~~ (4) The department shall consider income exclusions and deductions prospectively when budgeting income ((prospectively)) for households defined in subsections (1) and (2) of this section.

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 2663, filed 8/2/88)

WAC 388-49-530 RETROSPECTIVE INCOME BUDGETING. The department shall:

(1) Budget income retrospectively in months other than beginning months for all:

(a) ((AH)) Households except those described in WAC ((388-49-520(1))) 388-49-520(2); and

(b) Types of income except those described in WAC ((388-49-520(2))) 388-49-520(3).

(2) Consider income exclusions and deductions retrospectively when budgeting income ((retrospectively)) for households described in subsection (1) of this section.

(3) Use the household composition as of the last day of the budget month unless a member leaves or enters the household during the process month. ~~((Sec WAC 388-49-610 for rules when deleting or adding a member:))~~

(4) Disregard income received:

(a) In a beginning month if the income was:

~~((a))~~ (i) From a source no longer providing income to the household; and

~~((b))~~ (ii) Included in the household's prospective budget.

~~((5) Disregard income received))~~ (b) From a discontinued source ((by a nonassistance)) when the household ((member if that member)) reports the discontinuance of that income at least ten days before the start of the payment month for:

~~((a))~~ (i) A nonassistance household member who applies for and begins to receive a public assistance grant; ((and

(b) Reported the discontinued income at least ten days prior to the start of the payment month)) or

(ii) A household receiving both public assistance and food stamps.

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 2663, filed 8/2/88)

WAC 388-49-535 SPECIAL CIRCUMSTANCES—INCOME BUDGETING. The department shall:

- (1) Budget additional public assistance payments either prospectively or retrospectively, using only the amount authorized for the month the income is received.
- (2) Annualize and then prorate the following income to determine eligibility and benefit levels in the beginning months if:
- (a) Self-employment income is received other than monthly; ~~((and))~~ or
- (b) Contract income is received ~~((by contract is))~~ in less than one year.
- (c) After the first beginning months, the department shall use actual income received in the corresponding budget month.
- (3) When a participating household member establishes a new household(~~;~~):
- (a) Remove that member from the prior household; and
- (b) Use the method of income budgeting that was in effect in the prior household.
- (4) Consider either prospectively or retrospectively over the period the expense is intended to cover, expenses that have been averaged if the household:
- (a) Has expenses that fluctuate or are billed less often than monthly; and
- (b) Chooses to have the expenses averaged.
- (5) When adding or deleting a household member, add or delete that person's income, following change of circumstance rules in WAC 388-49-610.
- (6) Consider income exclusions and deductions retrospectively in households having income budgeted both prospectively and retrospectively.

WSR 91-09-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed April 17, 1991, 4:52 p.m.]

Original Notice.

Title of Rule: WAC 388-24-050 Aid to families with dependent children—Assistance unit.

Purpose: Deleted the requirement that siblings and nonsiblings be included in a single assistance unit. Excludes children receiving Title IV-E state and/or local foster care maintenance payments from the assistance unit. Excludes children receiving Title IV-E, state and/or local adoption support payments from the assistance unit, unless including the child in the assistance unit will result in the family receiving higher benefits. Changes "OPPORTUNITIES" to "Job Opportunities and Basic Skills Training (JOBS)." JOBS program replaces OPPORTUNITIES program effective October 1, 1990.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Deletes the requirement that nonsiblings be included in same assistance unit as siblings. WAC 388-24-050(3) deleted because the requirement that siblings and half-siblings be included in a single assistance unit is stated in WAC 388-24-050 (1)(b). Excludes children receiving Title IV-E state and/or local foster care maintenance payments from the assistance unit. WAC 388-24-050(3) (formerly (4)) revised. Excludes children receiving Title IV-E, state and/or local adoption support payments from the assistance unit, unless including the child in the assistance unit will result in the family receiving higher benefits. WAC 388-24-050(3) (formerly (4)) revised to list circumstance when adoptive children excluded from assistance unit. Inclusion of all other

adoptive children in the assistance unit is stated in WAC 388-24-050 (1)(b). Changes reference to work program from "OPPORTUNITIES" to "JOBS."

Reasons Supporting Proposal: Comply with U.S. Court of Appeals 9th circuit, decision in *Beaton v. Thompson*. The court ruled WAC 388-24-050(3) violates federal regulations. Incorporate a provision of the Omnibus Budget Reconciliation Act (OBRA) 1990. "OPPORTUNITIES" changed to "JOBS" so WAC references current program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sandy Jsames, Income Assistance, 753-3177.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, U.S. Court of Appeals, 9th Circuit, decision in *Beaton v. Thompson*, Omnibus Budget Reconciliation Act (OBRA 1990).

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 21, 1991, 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 21, 1991.

Date of Intended Adoption: June 4, 1991.

April 17, 1991
 Rosemary Carr
 Acting Director
 Administrative Services

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))~~ (3) 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, or adopted brothers and sisters of such a child(ren); and
- (c) The parent(s), adoptive 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:

- (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))~~ (3) 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 those persons 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) Adopted children receiving Title IVE, state or local adoption assistance if inclusion of such children and their income will result in a decrease in benefits to the assistance unit;
- (d) Children who receive Title IVE, state and local foster care maintenance payments; and
- (e) A person under sanction for noncooperation with:
 - (i) The ~~((OPPORTUNITIES))~~ Job Opportunities Basic Skills Training (JOBS) program (see WAC 388-24-107); or
 - (ii) The department's office of support enforcement (see WAC 388-24-108 and 388-24-109).

WSR 91-09-069
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3159—Filed April 17, 1991, 4:54 p.m., effective May 1, 1991]

Date of Adoption: April 17, 1991.

Purpose: Deleted the requirement that siblings and nonsiblings be included in a single assistance unit. Excludes children receiving Title IV-E state and/or local foster care maintenance payments from the assistance unit. Excludes children receiving Title IV-E, state and/or local adoption unit will result in the family receiving higher benefits. Changes " OPPORTUNITIES " to "Job Opportunities and Basic Skills Training (JOBS)." JOBS program replaces OPPORTUNITIES program effective October 1, 1990.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-050 Aid to families with dependent children—Assistance unit.

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: Comply with U.S. Court of Appeals, 9th circuit, decision in *Beaton v. Thompson*. The court rule [ruled] WAC 388-24-050(3) violates federal regulations. Incorporate a provision of the Omnibus Budget Reconciliation Act (OBRA) 1990. " OPPORTUNITIES " changed to " JOBS " so WAC references current program.

Effective Date of Rule: May 1, 1991.

April 17, 1991
 Rosemary Carr
 Acting Director
 Administrative Services

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))~~ (3) 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, or adopted brothers and sisters of such a child(ren); and
- (c) The parent(s), adoptive 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:
 - (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))~~ (3) 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 those persons 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) Adopted children receiving Title IVE, state or local adoption assistance if inclusion of such children and their income will result in a decrease in benefits to the assistance unit;

(d) Children who receive Title IVE, state and local foster care maintenance payments; and

(e) A person under sanction for noncooperation with:

(i) The ~~((OPPORTUNITIES))~~ Job Opportunities Basic Skills Training (JOBS) program (see WAC 388-24-107); or

(ii) The department's office of support enforcement (see WAC 388-24-108 and 388-24-109).

WSR 91-09-070
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3160—Filed April 17, 1991, 4:55 p.m.]

Date of Adoption: April 17, 1991.

Purpose: The wording currently allows for deductions not to exceed five percent for unintentional overpayments. It is being revised to reflect that five percent is to be collected for all unintentional overpayments.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-44-145 Involuntary repayment of
overpayment—Mandatory grant reduction.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 91-06-055 on March
1, 1991.

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

April 17, 1991

Rosemary Carr

Acting Director

Administrative Services

~~the amount of assistance that the individual was ineligible to receive))~~ The department's mandatory deduction from public assistance grants shall not recoup more than one hundred percent of the amount of assistance the individual was ineligible to receive.

AMENDATORY SECTION (Amending Order 2335,
filed 1/24/86)

WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1) The department shall recoup an overpayment ((shall be recouped)) by mandatory deduction from future continuing assistance grants except as modified by WAC 388-44-125 and 388-44-127.

(2) The department shall recover an intentional overpayment ((is subject to recovery)) by a mandatory grant deduction of ten percent of the payment standard unless the recipient has cash, bank accounts, or marketable securities ~~((he or she))~~ the recipient refuses to use in full or partial satisfaction of an overpayment. In such cases, a monthly deduction of up to one hundred percent of future grant or grants shall be established until such time as the amount of the grant or grants the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities withheld. The amount of income and resources remaining available to the assistance unit shall not be less than ninety percent of the grant payment standard defined in WAC 388-44-010(7).

(3) The department shall ~~((limit the amount of the monthly deduction for unintentional overpayments so the deduction shall not exceed))~~ deduct five percent of the recipient's total monthly grant payment standard for unintentional overpayments unless the recipient voluntarily requests a larger deduction in writing.

(a) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.

(b) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.

(4) ~~((Prior to the initial grant deduction, the client))~~ The department shall ((be informed)) inform the client in writing of the amount of the monthly deduction prior to the initial grant deduction. The notification shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.

(5) ~~((Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of~~

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an 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
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of 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.

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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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16-230-450	AMD	91-06-019	16-231-620	AMD-P	91-02-106	16-333-235	NEW-P	91-04-068
16-230-460	AMD-P	91-02-106	16-231-620	AMD	91-06-019	16-333-235	NEW	91-08-015
16-230-460	AMD	91-06-019	16-231-700	AMD-P	91-02-106	16-333-240	NEW-P	91-04-068
16-230-470	AMD-P	91-02-106	16-231-700	AMD	91-06-019	16-333-240	NEW	91-08-015
16-230-470	AMD	91-06-019	16-231-705	AMD-P	91-02-106	16-333-245	NEW-P	91-04-068
16-230-475	REP-P	91-02-106	16-231-705	AMD	91-06-019	16-333-245	NEW	91-08-015
16-230-475	REP	91-06-019	16-231-715	AMD-P	91-02-106	16-354-005	AMD-P	91-04-067
16-230-605	AMD-P	91-02-106	16-231-715	AMD	91-06-019	16-354-005	AMD	91-08-016
16-230-605	AMD	91-06-019	16-231-720	AMD-P	91-02-106	16-354-010	AMD-P	91-04-067
16-230-610	AMD-P	91-02-106	16-231-720	AMD	91-06-019	16-354-010	AMD	91-08-016
16-230-610	AMD	91-06-019	16-231-720	AMD	91-06-019	16-354-020	AMD-P	91-04-067
16-230-615	AMD-P	91-02-106	16-231-800	AMD-P	91-02-106	16-354-020	AMD	91-08-016
16-230-615	AMD	91-06-019	16-231-800	AMD	91-06-019	16-354-030	AMD-P	91-04-067
16-230-625	AMD-P	91-02-106	16-231-805	AMD-P	91-02-106	16-354-030	AMD	91-08-016
16-230-625	AMD	91-06-019	16-231-805	AMD	91-06-019	16-354-040	AMD-P	91-04-067
16-230-670	AMD-P	91-02-106	16-231-825	AMD-P	91-02-106	16-354-040	AMD	91-08-016
16-230-670	AMD	91-06-019	16-231-825	AMD	91-06-019	16-354-040	AMD-P	91-04-067
16-230-675	AMD-P	91-02-106	16-231-840	AMD-P	91-02-106	16-354-070	AMD	91-08-016
16-230-675	AMD	91-06-019	16-231-840	AMD	91-06-019	16-354-070	AMD	91-04-067
16-231-001	AMD-P	91-02-106	16-231-900	AMD-P	91-02-106	16-354-100	AMD-P	91-04-067
16-231-001	AMD	91-06-019	16-231-900	AMD	91-06-019	16-354-100	AMD	91-08-016
16-231-033	REP-P	91-02-106	16-231-905	AMD-P	91-02-106	16-403-141	AMD-P	91-03-093
16-231-033	REP	91-06-019	16-231-905	AMD	91-06-019	16-403-141	AMD-W	91-07-015
16-231-100	AMD-P	91-02-106	16-231-935	AMD-P	91-02-106	16-470-100	AMD	91-03-115
16-231-100	AMD	91-06-019	16-231-935	AMD	91-06-019	16-471-010	NEW	91-03-046
16-231-148	REP-P	91-02-106	16-231-938	REP-P	91-02-106	16-471-015	NEW	91-03-046
16-231-148	REP	91-06-019	16-231-938	REP	91-06-019	16-471-020	NEW	91-03-046
16-231-200	AMD-P	91-02-106	16-231-950	REP-P	91-02-106	16-471-030	NEW	91-03-046
16-231-200	AMD	91-06-019	16-231-950	REP	91-06-019	16-471-040	NEW	91-03-046
16-231-205	AMD-P	91-02-106	16-232-001	AMD-P	91-02-106	16-471-050	NEW	91-03-046
16-231-205	AMD	91-06-019	16-232-001	AMD	91-06-019	16-471-060	NEW	91-03-046
16-231-210	AMD-P	91-02-106	16-232-100	AMD-P	91-02-106	16-471-070	NEW	91-03-046
16-231-210	AMD	91-06-019	16-232-100	AMD	91-06-019	16-471-080	NEW	91-03-046
16-231-235	AMD-P	91-02-106	16-232-105	AMD-P	91-02-106	16-482-001	AMD-P	91-03-105
16-231-235	AMD	91-06-019	16-232-105	AMD	91-06-019	16-482-001	AMD	91-07-016
16-231-238	REP-P	91-02-106	16-232-110	AMD-P	91-02-106	16-482-005	NEW-P	91-03-105
16-231-238	REP	91-06-019	16-232-110	AMD	91-06-019	16-482-005	NEW	91-07-016
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16-231-300	AMD	91-06-019	16-232-120	AMD	91-06-019	16-482-006	NEW	91-07-016
16-231-305	AMD-P	91-02-106	16-232-200	AMD-P	91-02-106	16-482-007	NEW-P	91-03-105
16-231-305	AMD	91-06-019	16-232-200	AMD	91-06-019	16-482-007	NEW	91-07-016
16-231-310	AMD-P	91-02-106	16-232-205	AMD-P	91-02-106	16-482-010	AMD-P	91-03-105
16-231-310	AMD	91-06-019	16-232-205	AMD	91-06-019	16-482-010	AMD	91-07-016
16-231-330	AMD-P	91-02-106	16-232-220	AMD-P	91-02-106	16-482-015	NEW-P	91-03-105
16-231-330	AMD	91-06-019	16-232-220	AMD	91-06-019	16-482-015	NEW	91-07-016
16-231-340	AMD-P	91-02-106	16-232-225	AMD-P	91-02-106	16-482-016	NEW-P	91-03-105
16-231-340	AMD	91-06-019	16-232-225	AMD	91-06-019	16-482-016	NEW	91-07-016
16-231-343	REP-P	91-02-106	16-232-300	AMD-P	91-02-106	16-482-017	NEW-P	91-03-105
16-231-343	REP	91-06-019	16-232-300	AMD	91-06-019	16-482-017	NEW	91-07-016
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16-231-400	AMD	91-06-019	16-232-305	AMD	91-06-019	16-482-020	AMD	91-07-016
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16-231-405	AMD	91-06-019	16-232-315	AMD	91-06-019	16-482-030	REP	91-07-016
16-231-410	AMD-P	91-02-106	16-232-950	REP-P	91-02-106	16-482-040	REP-P	91-03-105
16-231-410	AMD	91-06-019	16-232-950	REP	91-06-019	16-482-040	REP	91-07-016
16-231-420	AMD-P	91-02-106	16-316-280	AMD-P	91-04-066	16-484-020	REP-P	91-07-037
16-231-420	AMD	91-06-019	16-316-280	AMD	91-08-017	16-484-022	REP-P	91-07-037
16-231-425	AMD-P	91-02-106	16-316-285	AMD-P	91-04-066	16-484-030	REP-P	91-07-037
16-231-425	AMD	91-06-019	16-316-285	AMD	91-08-017	16-484-040	REP-P	91-07-037
16-231-500	AMD-P	91-02-106	16-316-290	AMD-P	91-04-066	16-484-050	REP-P	91-07-037
16-231-500	AMD	91-06-019	16-316-290	AMD	91-08-017	16-484-080	REP-P	91-07-037
16-231-505	AMD-P	91-02-106	16-324-375	AMD-P	91-06-061	16-484-090	REP-P	91-07-037
16-231-505	AMD	91-06-019	16-324-380	AMD-P	91-06-061	16-484-100	REP-P	91-07-037
16-231-510	AMD-P	91-02-106	16-324-605	AMD-P	91-06-061	16-484-200	NEW-E	91-06-035
16-231-510	AMD	91-06-019	16-333-200	NEW-P	91-04-068	16-484-205	NEW-E	91-06-035
16-231-525	AMD-P	91-02-106	16-333-200	NEW	91-08-015	16-484-210	NEW-E	91-06-035
16-231-525	AMD	91-06-019	16-333-205	NEW-P	91-04-068	16-484-220	NEW-E	91-06-035
16-231-530	AMD-P	91-02-106	16-333-205	NEW	91-08-015	16-484-230	NEW-E	91-06-035
16-231-530	AMD	91-06-019	16-333-210	NEW-P	91-04-068	16-484-240	NEW-E	91-06-035
16-231-600	AMD-P	91-02-106	16-333-210	NEW	91-08-015	16-484-250	NEW-E	91-06-035
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16-486-025	REP-P	91-07-036	16-752-305	AMD	91-03-045	113-10-020	DECOD	91-05-095
16-486-030	REP-P	91-07-036	16-752-310	RE-AD	91-03-045	113-10-030	DECOD	91-05-095
16-486-035	REP-P	91-07-036	16-752-315	AMD	91-03-045	113-10-040	DECOD	91-05-095
16-486-040	REP-P	91-07-036	16-752-320	RE-AD	91-03-045	113-10-050	DECOD	91-05-095
16-486-045	REP-P	91-07-036	16-752-325	REP	91-03-045	113-10-060	DECOD	91-05-095
16-494-001	AMD-P	91-04-066	16-752-330	AMD	91-03-045	113-10-070	DECOD	91-05-095
16-494-001	AMD	91-08-017	36-12	AMD-P	91-05-032	113-10-090	DECOD	91-05-095
16-494-010	AMD-P	91-04-066	36-12-010	AMD-P	91-05-032	113-10-100	DECOD	91-05-095
16-494-010	AMD	91-08-017	36-12-011	AMD-P	91-05-032	113-10-110	DECOD	91-05-095
16-494-012	NEW-P	91-04-066	36-12-020	AMD-P	91-05-032	113-12-010	DECOD	91-05-095
16-494-012	NEW	91-08-017	36-12-030	AMD-P	91-05-032	113-12-075	DECOD	91-05-095
16-494-013	NEW-P	91-04-066	36-12-040	AMD-P	91-05-032	113-12-080	DECOD	91-05-095
16-494-013	NEW	91-08-017	36-12-050	AMD-P	91-05-032	113-12-085	DECOD	91-05-095
16-494-015	REP-P	91-04-066	36-12-060	AMD-P	91-05-032	113-12-087	DECOD	91-05-095
16-494-015	REP	91-08-017	36-12-070	AMD-P	91-05-032	113-12-101	DECOD	91-05-095
16-494-020	AMD-P	91-04-066	36-12-080	AMD-P	91-05-032	113-12-101	REP-P	91-06-090
16-494-020	AMD	91-08-017	36-12-090	REP-P	91-05-032	113-12-103	DECOD	91-05-095
16-494-030	AMD-P	91-04-066	36-12-100	AMD-P	91-05-032	113-12-104	DECOD	91-05-095
16-494-030	AMD	91-08-017	36-12-110	AMD-P	91-05-032	113-12-115	DECOD	91-05-095
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16-494-042	AMD	91-08-017	36-12-130	AMD-P	91-05-032	113-12-150	DECOD	91-05-095
16-494-043	NEW-P	91-04-066	36-12-150	AMD-P	91-05-032	113-12-165	DECOD	91-05-095
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16-494-046	NEW-P	91-04-066	36-12-200	AMD-P	91-05-032	113-12-197	DECOD	91-05-095
16-494-046	NEW	91-08-017	36-12-220	AMD-P	91-05-032	113-12-200	DECOD	91-05-095
16-494-047	NEW-P	91-04-066	36-12-230	REP-P	91-05-032	113-12-210	DECOD	91-05-095
16-494-047	NEW	91-08-017	36-12-240	AMD-P	91-05-032	113-12-220	DECOD	91-05-095
16-494-062	AMD-P	91-04-066	36-12-250	AMD-P	91-05-032	113-12-230	DECOD	91-05-095
16-494-062	AMD	91-08-017	36-12-260	AMD-P	91-05-032	113-12-300	DECOD	91-05-095
16-494-063	NEW-P	91-04-066	36-12-270	AMD-P	91-05-032	113-12-310	DECOD	91-05-095
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16-494-064	NEW-P	91-04-066	36-12-290	AMD-P	91-05-032	113-12-330	DECOD	91-05-095
16-494-064	NEW	91-08-017	36-12-300	AMD-P	91-05-032	113-12-340	DECOD	91-05-095
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16-497-005	NEW-P	91-04-067	36-12-330	AMD-P	91-05-032	114-12-021	DECOD	91-05-026
16-497-005	NEW	91-08-016	36-12-340	AMD-P	91-05-032	114-12-031	DECOD	91-05-026
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16-497-040	AMD-P	91-04-067	36-12-370	AMD-P	91-05-032	114-12-136	DECOD	91-05-031
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16-497-060	AMD-P	91-04-067	36-12-400	AMD-P	91-05-032	114-12-170	DECOD	91-05-026
16-497-060	AMD	91-08-016	36-12-410	AMD-P	91-05-032	114-12-180	DECOD	91-05-026
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132B-120-100	AMD-P	91-05-033	132K-16-340	NEW-P	91-03-150	154-300-040	NEW	91-05-084
132B-120-120	AMD-P	91-05-033	132K-16-340	NEW	91-09-027	154-300-050	NEW-P	91-02-098
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132B-120-160	AMD-P	91-05-033	132K-16-350	NEW-P	91-03-150	154-300-060	NEW-P	91-02-098
132B-120-170	AMD-P	91-05-033	132K-16-350	NEW	91-09-027	154-300-060	NEW	91-05-084
132B-120-180	AMD-P	91-05-033	132K-16-360	NEW-E	91-03-084	154-300-070	NEW-P	91-02-098
132B-120-190	AMD-P	91-05-033	132K-16-360	NEW-P	91-03-150	154-300-070	NEW	91-05-084
132K-16-110	NEW-E	91-03-084	132K-16-360	NEW	91-09-027	154-300-080	NEW-P	91-02-098
132K-16-110	NEW-P	91-03-150	132K-16-370	NEW-E	91-03-084	154-300-080	NEW	91-05-084
132K-16-110	NEW	91-09-027	132K-16-370	NEW-P	91-03-150	154-300-090	NEW-P	91-02-098
132K-16-120	NEW-E	91-03-084	132K-16-370	NEW	91-09-027	154-300-090	NEW	91-05-084
132K-16-120	NEW-P	91-03-150	132K-16-380	NEW-E	91-03-084	154-300-100	NEW-P	91-02-098
132K-16-120	NEW	91-09-027	132K-16-380	NEW-P	91-03-150	154-300-100	NEW	91-05-084
132K-16-130	NEW-E	91-03-084	132K-16-380	NEW	91-09-027	154-300-110	NEW-P	91-02-098
132K-16-130	NEW-P	91-03-150	132K-16-390	NEW-E	91-03-084	154-300-110	NEW	91-05-084
132K-16-130	NEW	91-09-027	132K-16-390	NEW-P	91-03-150	154-300-120	NEW-P	91-02-098
132K-16-140	NEW-E	91-03-084	132K-16-390	NEW	91-09-027	154-300-120	NEW	91-05-084
132K-16-140	NEW-P	91-03-150	132K-16-400	NEW-E	91-03-084	173-16-064	NEW-P	91-04-069
132K-16-140	NEW	91-09-027	132K-16-400	NEW-P	91-03-150	173-16-064	NEW-W	91-05-042
132K-16-150	NEW-E	91-03-084	132K-16-400	NEW	91-09-027	173-19-120	AMD-W	91-02-112
132K-16-150	NEW-P	91-03-150	132K-16-410	NEW-E	91-03-084	173-19-220	AMD-P	91-09-054
132K-16-150	NEW	91-09-027	132K-16-410	NEW-P	91-03-150	173-19-2207	AMD-P	91-03-144
132K-16-160	NEW-E	91-03-084	132K-16-410	NEW	91-09-027	173-19-230	AMD	91-03-145
132K-16-160	NEW-P	91-03-150	132K-16-420	NEW-E	91-03-084	173-19-250	AMD	91-03-149
132K-16-160	NEW	91-09-027	132K-16-420	NEW-P	91-03-150	173-19-280	AMD-P	91-03-141
132K-16-170	NEW-E	91-03-084	132K-16-420	NEW	91-09-027	173-19-3203	AMD	91-03-147
132K-16-170	NEW-P	91-03-150	132K-16-430	NEW-E	91-03-084	173-19-3205	AMD	91-03-146
132K-16-170	NEW	91-09-027	132K-16-430	NEW-P	91-03-150	173-19-3208	AMD	91-03-148
132K-16-180	NEW-E	91-03-084	132K-16-430	NEW	91-09-027	173-19-3209	AMD	91-04-070
132K-16-180	NEW-P	91-03-150	132K-16-440	NEW-E	91-03-084	173-19-3210	AMD	91-04-071
132K-16-180	NEW	91-09-027	132K-16-440	NEW-P	91-03-150	173-19-350	AMD-P	91-03-143
132K-16-190	NEW-E	91-03-084	132K-16-440	NEW	91-09-027	173-19-360	AMD	91-04-072
132K-16-190	NEW-P	91-03-150	132K-16-450	NEW-E	91-03-084	173-19-360	AMD-P	91-05-063
132K-16-190	NEW	91-09-027	132K-16-450	NEW-P	91-03-150	173-19-360	AMD-C	91-06-094
132K-16-200	NEW-E	91-03-084	132K-16-450	NEW	91-09-027	173-19-4205	AMD-P	91-04-079
132K-16-200	NEW-P	91-03-150	132K-16-460	NEW-E	91-03-084	173-19-4205	AMD	91-09-055
132K-16-200	NEW	91-09-027	132K-16-460	NEW-P	91-03-150	173-160-040	AMD-E	91-04-073
132K-16-210	NEW-E	91-03-084	132K-16-460	NEW	91-09-027	173-166	AMD-C	91-02-099
132K-16-210	NEW-P	91-03-150	132K-16-470	NEW-E	91-03-084	173-166	AMD	91-03-081
132K-16-210	NEW	91-09-027	132K-16-470	NEW-P	91-03-150	173-166-010	AMD	91-03-081
132K-16-220	NEW-E	91-03-084	132K-16-470	NEW	91-09-027	173-166-020	AMD	91-03-081
132K-16-220	NEW-P	91-03-150	132K-16-480	NEW-E	91-03-084	173-166-030	AMD	91-03-081
132K-16-220	NEW	91-09-027	132K-16-480	NEW-P	91-03-150	173-166-040	AMD	91-03-081
132K-16-230	NEW-E	91-03-084	132K-16-480	NEW	91-09-027	173-166-050	AMD	91-03-081
132K-16-230	NEW-P	91-03-150	132K-16-490	NEW-E	91-03-084	173-166-060	AMD	91-03-081
132K-16-230	NEW	91-09-027	132K-16-490	NEW-P	91-03-150	173-166-070	AMD	91-03-081
132K-16-240	NEW-E	91-03-084	132K-16-500	NEW-E	91-03-084	173-166-080	NEW	91-03-081
132K-16-240	NEW-P	91-03-150	132K-16-500	NEW-P	91-03-150	173-166-090	NEW	91-03-081
132K-16-240	NEW	91-09-027	132K-16-510	NEW-E	91-03-084	173-166-100	NEW	91-03-081
132K-16-250	NEW-E	91-03-084	132K-16-510	NEW-P	91-03-150	173-166-110	NEW	91-03-081
132K-16-250	NEW-P	91-03-150	132K-16-520	NEW-E	91-03-084	173-166-120	NEW	91-03-081
132K-16-250	NEW	91-09-027	132K-16-520	NEW-P	91-03-150	173-166-130	NEW	91-03-081
132K-16-260	NEW-E	91-03-084	132K-16-530	NEW-E	91-03-084	173-166-140	NEW	91-03-081
132K-16-260	NEW-P	91-03-150	132K-16-530	NEW-P	91-03-150	173-201-010	REP-P	91-09-056
132K-16-260	NEW	91-09-027	132K-16-540	NEW-E	91-03-084	173-201-025	REP-P	91-09-056
132K-16-270	NEW-E	91-03-084	132K-16-540	NEW-P	91-03-150	173-201-035	REP-P	91-09-056
132K-16-270	NEW-P	91-03-150	132K-16-550	NEW-E	91-03-084	173-201-045	REP-P	91-09-056
132K-16-270	NEW	91-09-027	132K-16-550	NEW-P	91-03-150	173-201-047	REP-P	91-09-056
132K-16-280	NEW-E	91-03-084	132K-16-560	NEW-E	91-03-084	173-201-070	REP-P	91-09-056
132K-16-280	NEW-P	91-03-150	132K-16-560	NEW-P	91-03-150	173-201-080	REP-P	91-09-056
132K-16-280	NEW	91-09-027	132S-30-036	AMD-P	91-02-101	173-201-085	REP-P	91-09-056
132K-16-290	NEW-E	91-03-084	132S-30-036	AMD	91-08-001	173-201-090	REP-P	91-09-056
132K-16-290	NEW-P	91-03-150	132Y-400-010	NEW	91-05-012	173-201-100	REP-P	91-09-056
132K-16-290	NEW	91-09-027	132Y-400-020	NEW	91-05-012	173-201-110	REP-P	91-09-056
132K-16-300	NEW-E	91-03-084	132Y-400-030	NEW	91-05-012	173-201-120	REP-P	91-09-056
132K-16-300	NEW-P	91-03-150	132Y-400-040	NEW	91-05-012	173-203-010	NEW-P	91-09-056
132K-16-300	NEW	91-09-027	143-06-130	AMD-P	91-04-090	173-203-020	NEW-P	91-09-056
132K-16-310	NEW-E	91-03-084	143-06-130	AMD	91-07-033	173-203-030	NEW-P	91-09-056
132K-16-310	NEW-P	91-03-150	154-300-005	NEW-P	91-02-098	173-203-040	NEW-P	91-09-056
132K-16-310	NEW	91-09-027	154-300-005	NEW	91-05-084	173-203-050	NEW-P	91-09-056
132K-16-320	NEW-E	91-03-084	154-300-010	NEW-P	91-02-098	173-203-060	NEW-P	91-09-056
132K-16-320	NEW-P	91-03-150	154-300-010	NEW	91-05-084	173-203-070	NEW-P	91-09-056
132K-16-320	NEW	91-09-027	154-300-020	NEW-P	91-02-098	173-203-080	NEW-P	91-09-056
132K-16-330	NEW-E	91-03-084	154-300-020	NEW	91-05-084	173-203-090	NEW-P	91-09-056

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173-203-110	NEW-P 91-09-056	173-303-380	AMD 91-07-005	173-331-200	NEW 91-05-020
173-203-120	NEW-P 91-09-056	173-303-390	AMD 91-07-005	173-331-210	NEW 91-05-020
173-203-130	NEW-P 91-09-056	173-303-400	AMD 91-07-005	173-331-220	NEW 91-05-020
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173-203-150	NEW-P 91-09-056	173-303-510	RE-AD 91-07-005	173-331-400	NEW 91-05-020
173-203-160	NEW-P 91-09-056	173-303-515	RE-AD 91-07-005	173-331-410	NEW 91-05-020
173-203-170	NEW-P 91-09-056	173-303-520	RE-AD 91-07-005	173-331-500	NEW 91-05-020
173-203-180	NEW-P 91-09-056	173-303-525	AMD 91-07-005	173-331-600	NEW 91-05-020
173-204	NEW-C 91-03-094	173-303-550	AMD 91-07-005	173-340-120	AMD 91-04-019
173-204	NEW-C 91-06-098	173-303-560	RE-AD 91-07-005	173-340-200	AMD 91-04-019
173-204-100	NEW 91-08-019	173-303-600	AMD 91-07-005	173-340-210	AMD 91-04-019
173-204-110	NEW 91-08-019	173-303-610	AMD 91-07-005	173-340-300	AMD 91-04-019
173-204-120	NEW 91-08-019	173-303-620	AMD 91-07-005	173-340-350	AMD 91-04-019
173-204-130	NEW 91-08-019	173-303-630	AMD 91-07-005	173-340-360	AMD 91-04-019
173-204-200	NEW 91-08-019	173-303-645	AMD 91-07-005	173-340-420	AMD 91-04-019
173-204-300	NEW 91-08-019	173-303-650	RE-AD 91-07-005	173-340-430	AMD 91-04-019
173-204-310	NEW 91-08-019	173-303-680	NEW 91-07-005	173-340-440	NEW 91-04-019
173-204-315	NEW 91-08-019	173-303-800	AMD 91-07-005	173-340-450	NEW 91-04-019
173-204-320	NEW 91-08-019	173-303-802	AMD 91-07-005	173-340-700	AMD 91-04-019
173-204-330	NEW 91-08-019	173-303-805	AMD 91-07-005	173-340-702	NEW 91-04-019
173-204-340	NEW 91-08-019	173-303-806	AMD 91-07-005	173-340-704	NEW 91-04-019
173-204-350	NEW 91-08-019	173-303-807	AMD 91-07-005	173-340-705	NEW 91-04-019
173-204-400	NEW 91-08-019	173-303-808	AMD 91-07-005	173-340-706	NEW 91-04-019
173-204-410	NEW 91-08-019	173-303-810	AMD 91-07-005	173-340-707	NEW 91-04-019
173-204-415	NEW 91-08-019	173-303-830	AMD 91-07-005	173-340-708	NEW 91-04-019
173-204-420	NEW 91-08-019	173-303-902	PREP 91-08-018	173-340-710	NEW 91-04-019
173-204-500	NEW 91-08-019	173-303-9903	AMD 91-07-005	173-340-720	NEW 91-04-019
173-204-510	NEW 91-08-019	173-303-9904	AMD 91-07-005	173-340-730	NEW 91-04-019
173-204-520	NEW 91-08-019	173-303-9906	AMD 91-07-005	173-340-740	NEW 91-04-019
173-204-530	NEW 91-08-019	173-303-9907	AMD 91-07-005	173-340-745	NEW 91-04-019
173-204-540	NEW 91-08-019	173-305-010	REP-E 91-03-139	173-340-750	NEW 91-04-019
173-204-550	NEW 91-08-019	173-305-010	AMD 91-08-040	173-340-760	NEW 91-04-019
173-204-560	NEW 91-08-019	173-305-01001	NEW-E 91-03-139	173-340-830	AMD 91-04-019
173-204-570	NEW 91-08-019	173-305-015	REP-E 91-03-139	173-360-220	NEW-W 91-04-022
173-204-580	NEW 91-08-019	173-305-015	AMD 91-08-040	173-360-230	NEW-W 91-04-022
173-204-590	NEW 91-08-019	173-305-01501	NEW-E 91-03-139	173-360-620	NEW-W 91-04-022
173-204-600	NEW 91-08-019	173-305-020	REP-E 91-03-139	173-400-010	AMD 91-05-064
173-204-610	NEW 91-08-019	173-305-020	AMD 91-08-040	173-400-020	AMD 91-05-064
173-204-620	NEW 91-08-019	173-305-02001	NEW-E 91-03-139	173-400-030	AMD 91-05-064
173-224-015	AMD-P 91-03-080	173-305-030	REP-E 91-03-139	173-400-040	AMD 91-05-064
173-224-030	AMD-P 91-03-080	173-305-030	AMD 91-08-040	173-400-050	AMD 91-05-064
173-224-040	AMD-P 91-03-080	173-305-03001	NEW-E 91-03-139	173-400-060	AMD 91-05-064
173-224-050	AMD-P 91-03-080	173-305-040	REP-E 91-03-139	173-400-070	AMD 91-05-064
173-224-090	AMD-P 91-03-080	173-305-040	AMD 91-08-040	173-400-075	AMD 91-05-064
173-270-010	NEW-P 91-04-091	173-305-04001	NEW-E 91-03-139	173-400-100	AMD 91-05-064
173-270-020	NEW-P 91-04-091	173-305-050	REP-E 91-03-139	173-400-105	AMD 91-05-064
173-270-030	NEW-P 91-04-091	173-305-050	AMD 91-08-040	173-400-110	AMD 91-05-064
173-270-040	NEW-P 91-04-091	173-305-05001	NEW-E 91-03-139	173-400-115	AMD 91-05-064
173-270-050	NEW-P 91-04-091	173-305-060	REP-E 91-03-139	173-400-120	AMD 91-05-064
173-270-060	NEW-P 91-04-091	173-305-06001	NEW-E 91-03-139	173-400-131	NEW 91-05-064
173-270-070	NEW-P 91-04-091	173-305-070	REP-E 91-03-139	173-400-136	NEW 91-05-064
173-270-080	NEW-P 91-04-091	173-305-07001	NEW-E 91-03-139	173-400-141	NEW 91-05-064
173-270-090	NEW-P 91-04-091	173-305-080	REP-E 91-03-139	173-400-151	NEW 91-05-064
173-270-100	NEW-P 91-04-091	173-305-090	REP-E 91-03-139	173-400-161	NEW 91-05-064
173-300-070	AMD-P 91-09-053	173-305-110	NEW 91-08-040	173-400-171	NEW 91-05-064
173-303-016	AMD 91-07-005	173-305-120	NEW 91-08-040	173-400-180	NEW 91-05-064
173-303-017	AMD 91-07-005	173-305-210	NEW 91-08-040	173-400-190	NEW 91-05-064
173-303-040	AMD 91-07-005	173-305-220	NEW 91-08-040	173-400-200	NEW 91-05-064
173-303-045	AMD 91-07-005	173-305-230	NEW 91-08-040	173-400-205	NEW 91-05-064
173-303-070	AMD 91-07-005	173-305-240	NEW 91-08-040	173-400-210	NEW 91-05-064
173-303-071	AMD 91-07-005	173-307-010	NEW 91-08-041	173-400-220	NEW 91-05-064
173-303-072	AMD 91-07-005	173-307-015	NEW 91-08-041	173-400-230	NEW 91-05-064
173-303-081	AMD 91-07-005	173-307-020	NEW 91-08-041	173-400-240	NEW 91-05-064
173-303-084	AMD 91-07-005	173-307-030	NEW 91-08-041	173-400-250	NEW 91-05-064
173-303-090	AMD 91-07-005	173-307-040	NEW 91-08-041	173-400-260	NEW 91-05-064
173-303-103	AMD 91-07-005	173-307-050	NEW 91-08-041	173-403-010	REP 91-05-064
173-303-110	AMD 91-07-005	173-307-060	NEW 91-08-041	173-403-020	REP 91-05-064
173-303-120	AMD 91-07-005	173-307-070	NEW 91-08-041	173-403-030	REP 91-05-064
173-303-145	AMD 91-07-005	173-307-080	NEW 91-08-041	173-403-050	REP 91-05-064
173-303-160	AMD 91-07-005	173-307-090	NEW 91-08-041	173-403-060	REP 91-05-064
173-303-200	AMD 91-07-005	173-307-100	NEW 91-08-041	173-403-070	REP 91-05-064
173-303-201	AMD 91-07-005	173-307-110	NEW 91-08-041	173-403-075	REP 91-05-064
173-303-210	AMD 91-07-005	173-307-120	NEW 91-08-041	173-403-080	REP 91-05-064
173-303-220	AMD 91-07-005	173-307-130	NEW 91-08-041	173-403-090	REP 91-05-064
173-303-230	AMD 91-07-005	173-307-140	NEW 91-08-041	173-403-100	REP 91-05-064
173-303-320	AMD 91-07-005	173-331-010	NEW 91-05-020	173-403-110	REP 91-05-064

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173-403-130	REP 91-05-064	173-491-015	NEW-P 91-02-107	212-54-005	REP-E 91-06-021
173-403-141	REP 91-05-064	173-491-020	NEW-P 91-02-107	212-54-010	REP-P 91-06-020
173-403-145	REP 91-05-064	173-491-030	NEW-P 91-02-107	212-54-010	REP-E 91-06-021
173-403-150	REP 91-05-064	173-491-040	NEW-P 91-02-107	212-54-015	REP-P 91-06-020
173-403-160	REP 91-05-064	173-491-050	NEW-P 91-02-107	212-54-015	REP-E 91-06-021
173-403-170	REP 91-05-064	173-500-080	NEW-E 91-04-080	212-54-020	REP-P 91-06-020
173-403-180	REP 91-05-064	173-548-050	AMD-E 91-04-073	212-54-020	REP-E 91-06-021
173-403-190	REP 91-05-064	180-25-025	AMD-P 91-08-070	212-54-025	REP-P 91-06-020
173-405-012	AMD 91-05-064	180-26-020	AMD-P 91-08-071	212-54-025	REP-E 91-06-021
173-405-021	AMD 91-05-064	180-26-060	AMD-P 91-08-067	212-54-030	REP-P 91-06-020
173-405-033	AMD 91-05-064	180-27-018	AMD-P 91-08-068	212-54-030	REP-E 91-06-021
173-405-035	AMD 91-05-064	180-27-032	NEW-P 91-08-069	212-54-035	REP-P 91-06-020
173-405-040	AMD 91-05-064	180-27-058	AMD-P 91-08-068	212-54-035	REP-E 91-06-021
173-405-041	REP 91-05-064	180-27-115	AMD-P 91-08-068	212-54-040	REP-P 91-06-020
173-405-045	AMD 91-05-064	180-29-107	AMD-P 91-08-067	212-54-040	REP-E 91-06-021
173-405-061	AMD 91-05-064	180-33-013	NEW-P 91-08-070	212-54-045	REP-P 91-06-020
173-405-072	AMD 91-05-064	180-33-015	AMD-P 91-08-070	212-54-045	REP-E 91-06-021
173-405-077	AMD 91-05-064	180-33-020	AMD-P 91-08-070	212-54-050	REP-P 91-06-020
173-405-078	AMD 91-05-064	180-33-023	NEW-P 91-08-070	212-54-050	REP-E 91-06-021
173-405-086	AMD 91-05-064	180-33-035	AMD-P 91-08-070	212-54-055	REP-P 91-06-020
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173-410-012	AMD 91-05-064	180-55-005	AMD 91-04-015	212-54-060	REP-E 91-06-021
173-410-021	AMD 91-05-064	180-55-015	AMD 91-04-015	212-54-065	REP-P 91-06-020
173-410-035	AMD 91-05-064	180-79-003	AMD 91-04-016	212-54-065	REP-E 91-06-021
173-410-040	AMD 91-05-064	180-79-080	AMD 91-04-016	212-54-070	REP-P 91-06-020
173-410-042	REP 91-05-064	180-79-230	AMD 91-05-056	212-54-070	REP-E 91-06-021
173-410-045	AMD 91-05-064	180-79-236	NEW 91-05-056	212-54-075	REP-P 91-06-020
173-410-062	AMD 91-05-064	180-79-241	NEW 91-05-056	212-54-075	REP-E 91-06-021
173-410-067	AMD 91-05-064	180-85-005	AMD 91-04-016	212-54-080	REP-P 91-06-020
173-410-071	AMD 91-05-064	180-85-045	AMD 91-04-016	212-54-080	REP-E 91-06-021
173-410-086	AMD 91-05-064	180-86-100	AMD-P 91-05-024	212-54-085	REP-P 91-06-020
173-410-087	AMD 91-05-064	180-86-100	AMD 91-08-056	212-54-085	REP-E 91-06-021
173-410-100	NEW 91-05-064	182-12-127	REP-P 91-04-086	212-54-090	REP-P 91-06-020
173-415-010	AMD 91-05-064	182-12-210	REP-P 91-04-086	212-54-090	REP-E 91-06-021
173-415-020	AMD 91-05-064	182-12-215	NEW-P 91-04-086	212-54-095	REP-P 91-06-020
173-415-030	AMD 91-05-064	182-16-010	NEW-P 91-04-087	212-54-095	REP-E 91-06-021
173-415-040	AMD 91-05-064	182-16-020	NEW-P 91-04-087	212-54-100	REP-P 91-06-020
173-415-041	REP 91-05-064	182-16-030	NEW-P 91-04-087	212-54-100	REP-E 91-06-021
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173-415-051	AMD 91-05-064	182-18-005	NEW-P 91-05-079	212-55-005	REP-P 91-06-020
173-415-060	AMD 91-05-064	182-18-010	NEW-P 91-05-079	212-55-005	REP-E 91-06-021
173-415-070	AMD 91-05-064	182-18-020	NEW-P 91-05-079	212-55-010	REP-P 91-06-020
173-415-080	AMD 91-05-064	182-18-030	NEW-P 91-05-079	212-55-010	REP-E 91-06-021
173-433	AMD 91-07-066	182-18-040	NEW-P 91-05-079	212-55-015	REP-P 91-06-020
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173-490-205	AMD 91-05-064	212-12-010	AMD-W 91-05-043	212-55-085	REP-P 91-06-020
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308-50-250	DECOD-P	91-07-058	308-52-530	DECOD	91-06-030	308-54-170	DECOD	91-06-060

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-54-180	DECOD	91-06-060	308-120-166	DECOD	91-07-049
308-54-200	DECOD	91-06-060	308-120-168	AMD	91-07-032
308-54-205	DECOD	91-06-060	308-120-168	DECOD	91-07-049
308-54-220	DECOD	91-06-060	308-120-170	DECOD	91-07-049
308-54-225	DECOD	91-06-060	308-120-180	DECOD	91-07-049
308-54-230	DECOD	91-06-060	308-120-185	DECOD	91-07-049
308-54-240	DECOD	91-06-060	308-120-186	DECOD	91-07-049
308-54-250	DECOD	91-06-060	308-120-270	DECOD	91-07-049
308-54-315	AMD-P	91-05-025	308-120-275	DECOD	91-07-048
308-54-315	DECOD	91-06-058	308-120-300	DECOD	91-07-049
308-54-320	DECOD	91-06-060	308-120-305	DECOD	91-07-049
308-56A-090	NEW	91-03-088	308-120-315	DECOD	91-07-049
308-56A-150	AMD	91-04-024	308-120-325	DECOD	91-07-049
308-56A-460	AMD	91-04-025	308-120-335	DECOD	91-07-049
308-57-005	NEW	91-04-026	308-120-338	DECOD	91-07-049
308-57-010	NEW	91-04-026	308-120-345	DECOD	91-07-049
308-57-020	NEW	91-04-026	308-120-360	DECOD	91-07-049
308-57-030	NEW	91-04-026	308-120-365	REP	91-07-049
308-57-110	NEW	91-04-026	308-120-400	DECOD	91-07-049
308-57-120	NEW	91-04-026	308-120-410	DECOD	91-07-049
308-57-130	NEW	91-04-026	308-120-420	DECOD	91-07-049
308-57-140	NEW	91-04-026	308-120-430	DECOD	91-07-049
308-57-210	NEW	91-04-026	308-120-440	DECOD	91-07-049
308-57-220	NEW	91-04-026	308-120-450	DECOD	91-07-049
308-57-230	NEW	91-04-026	308-120-505	DECOD	91-07-049
308-57-240	NEW	91-04-026	308-120-506	DECOD	91-07-049
308-57-310	NEW	91-04-026	308-120-525	DECOD	91-07-049
308-57-320	NEW	91-04-026	308-120-530	DECOD	91-07-049
308-57-410	NEW	91-04-026	308-120-535	DECOD	91-07-049
308-57-420	NEW	91-04-026	308-120-540	DECOD	91-07-049
308-57-430	NEW	91-04-026	308-120-545	DECOD	91-07-049
308-57-440	NEW	91-04-026	308-120-550	DECOD	91-07-049
308-58-010	AMD	91-04-025	308-120-555	DECOD	91-07-049
308-58-020	AMD	91-04-025	308-120-560	DECOD	91-07-049
308-66-152	AMD	91-03-019	308-120-565	DECOD	91-07-049
308-66-156	NEW	91-03-092	308-120-565	AMD	91-07-067
308-77-080	REP	91-03-018	308-120-570	DECOD	91-07-049
308-77-100	AMD	91-03-018	308-120-575	DECOD	91-07-049
308-77-250	AMD	91-03-017	308-120-610	AMD	91-07-032
308-91-030	AMD-E	91-02-109	308-120-620	DECOD	91-07-049
308-91-030	AMD-P	91-02-110	308-120-700	DECOD	91-07-049
308-91-030	AMD	91-06-093	308-120-710	DECOD	91-07-049
308-91-090	AMD-E	91-02-109	308-120-720	DECOD	91-07-049
308-91-090	AMD-P	91-02-110	308-120-730	DECOD	91-07-049
308-91-090	AMD	91-06-093	308-120-740	DECOD	91-07-049
308-91-095	NEW-E	91-02-109	308-120-750	DECOD	91-07-049
308-91-095	NEW-P	91-02-110	308-120-760	DECOD	91-07-049
308-91-095	NEW	91-06-093	308-120-770	DECOD	91-07-049
308-91-150	AMD-E	91-02-109	308-120-780	DECOD	91-07-049
308-91-150	AMD-P	91-02-110	308-120-800	DECOD	91-07-049
308-91-150	AMD	91-06-093	308-120-810	DECOD	91-07-049
308-93-670	NEW	91-03-089	308-121-110	DECOD	91-07-049
308-94-035	AMD-P	91-03-142	308-121-120	DECOD	91-07-049
308-94-035	AMD	91-09-001	308-121-130	DECOD	91-07-049
308-96A-046	AMD	91-04-025	308-121-140	DECOD	91-07-049
308-96A-056	AMD	91-04-025	308-121-145	DECOD	91-07-049
308-96A-070	AMD	91-04-025	308-121-150	DECOD	91-07-049
308-96A-073	NEW	91-04-025	308-121-155	DECOD	91-07-049
308-96A-074	NEW	91-04-025	308-121-160	DECOD	91-07-049
308-96A-075	AMD	91-04-025	308-121-165	DECOD	91-07-049
308-96A-345	AMD	91-04-024	308-121-170	DECOD	91-07-049
308-96A-350	AMD	91-04-024	308-121-175	DECOD	91-07-049
308-96A-380	AMD	91-04-024	308-121-180	DECOD	91-07-049
308-96A-505	NEW	91-03-091	308-122-001	DECOD	91-04-020
308-96A-510	NEW	91-03-091	308-122-005	DECOD	91-04-020
308-96A-520	NEW	91-03-091	308-122-006	DECOD	91-04-020
308-96A-530	NEW	91-03-091	308-122-060	DECOD	91-04-020
308-96A-540	NEW	91-03-091	308-122-200	DECOD	91-04-020
308-96A-550	NEW	91-03-091	308-122-200	AMD	91-04-021
308-96A-560	NEW	91-03-091	308-122-211	DECOD	91-04-020
308-120-100	DECOD	91-07-049	308-122-215	DECOD	91-04-020
308-120-100	AMD	91-07-067	308-122-220	DECOD	91-04-020
308-120-161	DECOD	91-07-049	308-122-225	DECOD	91-04-020
308-120-162	DECOD	91-07-049	308-122-230	DECOD	91-04-020
308-120-163	DECOD	91-07-049	308-122-235	DECOD	91-04-020
308-120-164	DECOD	91-07-049	308-122-275	DECOD	91-05-028
308-120-165	DECOD	91-07-049	308-122-280	DECOD	91-04-020
308-122-350	DECOD	91-04-020			
308-122-360	DECOD	91-04-020			
308-122-360	AMD	91-04-021			
308-122-370	DECOD	91-04-020			
308-122-380	REP	91-04-021			
308-122-390	REP	91-04-021			
308-122-400	REP	91-04-021			
308-122-410	REP	91-04-021			
308-122-420	REP	91-04-021			
308-122-430	DECOD	91-04-020			
308-122-440	DECOD	91-04-020			
308-122-450	DECOD	91-04-020			
308-122-500	REP	91-04-021			
308-122-505	DECOD	91-04-020			
308-122-510	DECOD	91-04-020			
308-122-515	DECOD	91-04-020			
308-122-515	AMD	91-04-021			
308-122-520	DECOD	91-04-020			
308-122-520	AMD	91-04-021			
308-122-525	DECOD	91-04-020			
308-122-530	DECOD	91-04-020			
308-122-535	DECOD	91-04-020			
308-122-540	DECOD	91-04-020			
308-122-545	DECOD	91-04-020			
308-122-600	DECOD	91-04-020			
308-122-610	DECOD	91-04-020			
308-122-620	DECOD	91-04-020			
308-122-630	DECOD	91-04-020			
308-122-640	DECOD	91-04-020			
308-122-650	DECOD	91-04-020			
308-122-660	DECOD	91-04-020			
308-122-660	AMD	91-04-021			
308-122-670	DECOD	91-04-020			
308-122-670	AMD	91-04-021			
308-122-680	DECOD	91-04-020			
308-122-690	DECOD	91-04-020			
308-122-695	DECOD	91-04-020			
308-122-700	DECOD	91-04-020			
308-122-710	DECOD	91-04-020			
308-122-720	DECOD	91-04-020			
308-124A-430	AMD-P	91-03-047			
308-124A-430	AMD	91-07-029			
308-124E-012	AMD-P	91-09-013			
308-124H-010	AMD-P	91-03-047			
308-124H-010	AMD	91-07-029			
308-124H-025	AMD-P	91-03-047			
308-124H-025	AMD	91-07-029			
308-124H-520	AMD-P	91-09-065			
308-124H-540	AMD-P	91-03-047			
308-124H-540	AMD	91-07-029			
308-124H-800	NEW-P	91-09-013			
308-125-010	NEW	91-04-074			
308-125-020	NEW	91-04-074			
308-125-030	NEW	91-04-074			
308-125-040	NEW	91-04-074			
308-125-050	NEW	91-04-074			
308-125-060	NEW	91-04-074			
308-125-070	NEW	91-04-074			
308-125-080	NEW	91-04-074			
308-125-090	NEW	91-04-074			
308-125-100	NEW	91-04-074			
308-125-110	NEW	91-04-074			
308-125-120	NEW	91-04-074			
308-125-130	NEW	91-04-074			
308-125-140	NEW	91-04-074			
308-125-150	NEW	91-04-074			
308-125-160	NEW	91-04-074			
308-125-170	NEW	91-04-074			
308-125-180	NEW	91-04-074			
308-125-190	NEW	91-04-074			
308-125-200	NEW	91-04-074			
308-125-210	NEW	91-04-074			
308-128B-080	AMD-P	91-08-049			
308-138-055	REP-P	91-03-117			
308-171-001	DECOD	91-05-027			
308-171-001	AMD-P	91-05-088			
308-171-002	DECOD	91-05-027			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-171-003	DECOD	91-05-027	315-11-310	REP	91-03-034	332-08-160	REP-P	91-08-066
308-171-010	DECOD	91-05-027	315-11-311	REP	91-03-034	332-08-170	REP-P	91-08-066
308-171-010	AMD-P	91-05-088	315-11-312	REP	91-03-034	332-08-180	REP-P	91-08-066
308-171-020	DECOD	91-05-027	315-11-320	REP	91-03-034	332-08-190	REP-P	91-08-066
308-171-020	AMD-P	91-05-088	315-11-321	REP	91-03-034	332-08-200	REP-P	91-08-066
308-171-040	DECOD	91-05-027	315-11-322	REP	91-03-034	332-08-210	REP-P	91-08-066
308-171-041	DECOD	91-05-027	315-11-330	REP	91-03-034	332-08-220	REP-P	91-08-066
308-171-041	AMD-P	91-05-088	315-11-331	REP	91-03-034	332-08-230	REP-P	91-08-066
308-171-045	DECOD	91-05-027	315-11-332	REP	91-03-034	332-08-240	REP-P	91-08-066
308-171-100	DECOD	91-05-027	315-11-340	REP	91-03-034	332-08-250	REP-P	91-08-066
308-171-101	DECOD	91-05-027	315-11-341	REP	91-03-034	332-08-260	REP-P	91-08-066
308-171-102	DECOD	91-05-027	315-11-342	REP	91-03-034	332-08-270	REP-P	91-08-066
308-171-103	DECOD	91-05-027	315-11-350	REP	91-03-034	332-08-280	REP-P	91-08-066
308-171-103	AMD-P	91-05-088	315-11-351	REP	91-03-034	332-08-290	REP-P	91-08-066
308-171-104	DECOD	91-05-027	315-11-352	REP	91-03-034	332-08-300	REP-P	91-08-066
308-171-200	DECOD	91-05-027	315-11-360	REP	91-03-034	332-08-305	NEW-P	91-08-066
308-171-201	DECOD	91-05-027	315-11-361	REP	91-03-034	332-08-310	REP-P	91-08-066
308-171-202	DECOD	91-05-027	315-11-362	REP	91-03-034	332-08-315	NEW-P	91-08-066
308-171-300	DECOD	91-05-027	315-11-370	REP	91-03-034	332-08-320	REP-P	91-08-066
308-171-301	DECOD	91-05-027	315-11-371	REP	91-03-034	332-08-330	REP-P	91-08-066
308-171-302	DECOD	91-05-027	315-11-372	REP	91-03-034	332-08-340	REP-P	91-08-066
308-171-310	DECOD	91-05-030	315-11-380	REP	91-03-034	332-08-350	REP-P	91-08-066
308-171-320	DECOD	91-05-027	315-11-381	REP	91-03-034	332-08-360	REP-P	91-08-066
308-171-330	DECOD	91-05-027	315-11-382	REP	91-03-034	332-08-370	REP-P	91-08-066
308-173-210	DECOD	91-07-049	315-11-390	REP	91-03-034	332-08-380	REP-P	91-08-066
308-173-220	DECOD	91-07-049	315-11-391	REP	91-03-034	332-08-390	REP-P	91-08-066
308-173-230	DECOD	91-07-049	315-11-392	REP	91-03-034	332-08-400	REP-P	91-08-066
308-173-240	DECOD	91-07-049	315-11-590	AMD	91-03-036	332-08-405	NEW-P	91-08-066
308-173-245	DECOD	91-07-049	315-11-591	AMD	91-03-036	332-08-410	REP-P	91-08-066
308-173-250	DECOD	91-07-049	315-11-610	NEW	91-03-036	332-08-420	REP-P	91-08-066
308-173-255	DECOD	91-07-049	315-11-611	NEW	91-03-036	332-08-430	REP-P	91-08-066
308-173-260	DECOD	91-07-049	315-11-611	AMD-P	91-03-112	332-08-440	REP-P	91-08-066
308-173-265	DECOD	91-07-049	315-11-611	AMD	91-06-074	332-08-450	REP-P	91-08-066
308-173-270	DECOD	91-07-049	315-11-612	NEW	91-03-036	332-08-460	REP-P	91-08-066
308-173-275	DECOD	91-07-049	315-11-620	NEW-P	91-03-112	332-08-470	REP-P	91-08-066
308-173-280	DECOD	91-07-049	315-11-620	NEW	91-06-074	332-08-480	REP-P	91-08-066
314-16-125	AMD-P	91-05-085	315-11-621	NEW-P	91-03-112	332-08-500	REP-P	91-08-066
314-16-125	AMD-C	91-09-005	315-11-621	NEW	91-06-074	332-08-505	NEW-P	91-08-066
314-20-020	AMD-P	91-05-086	315-11-622	NEW-P	91-03-112	332-08-510	REP-P	91-08-066
314-20-020	AMD	91-08-022	315-11-622	NEW	91-06-074	332-08-515	NEW-P	91-08-066
314-52-015	AMD-C	91-03-007	315-11-622	NEW-P	91-03-112	332-08-520	REP-P	91-08-066
314-52-015	AMD-W	91-04-085	315-11-630	NEW	91-06-074	332-08-525	NEW-P	91-08-066
315-04-205	NEW-P	91-07-070	315-11-631	NEW-P	91-03-112	332-08-530	REP-P	91-08-066
315-06-120	AMD	91-03-036	315-11-631	NEW	91-06-074	332-08-535	NEW-P	91-08-066
315-11-200	REP	91-03-034	315-11-632	NEW-P	91-03-112	332-08-540	REP-P	91-08-066
315-11-201	REP	91-03-034	315-11-632	NEW	91-06-074	332-08-545	NEW-P	91-08-066
315-11-202	REP	91-03-034	315-11-640	NEW-P	91-07-070	332-08-550	REP-P	91-08-066
315-11-210	REP	91-03-034	315-11-641	NEW-P	91-07-070	332-08-560	REP-P	91-08-066
315-11-211	REP	91-03-034	315-11-642	NEW-P	91-07-070	332-08-570	REP-P	91-08-066
315-11-212	REP	91-03-034	315-11-650	NEW-P	91-07-070	332-08-580	REP-P	91-08-066
315-11-220	REP	91-03-034	315-11-651	NEW-P	91-07-070	332-08-590	REP-P	91-08-066
315-11-221	REP	91-03-034	315-11-652	NEW-P	91-07-070	332-10-020	AMD-P	91-09-060
315-11-222	REP	91-03-034	315-11-660	NEW-P	91-07-070	332-10-030	AMD-P	91-09-060
315-11-230	REP	91-03-034	315-11-661	NEW-P	91-07-070	332-10-035	REP-P	91-09-060
315-11-231	REP	91-03-034	315-11-662	NEW-P	91-07-070	332-10-040	AMD-P	91-09-060
315-11-232	REP	91-03-034	315-12-140	REP	91-03-035	332-10-045	REP-P	91-09-060
315-11-240	REP	91-03-034	315-12-145	NEW	91-03-036	332-10-050	AMD-P	91-09-060
315-11-241	REP	91-03-034	332-08-005	NEW-P	91-08-066	332-10-060	AMD-P	91-09-060
315-11-242	REP	91-03-034	332-08-010	REP-P	91-08-066	332-10-070	AMD-P	91-09-060
315-11-250	REP	91-03-034	332-08-015	NEW-P	91-08-066	332-10-080	AMD-P	91-09-060
315-11-251	REP	91-03-034	332-08-020	REP-P	91-08-066	332-10-100	AMD-P	91-09-060
315-11-252	REP	91-03-034	332-08-025	NEW-P	91-08-066	332-10-120	AMD-P	91-09-060
315-11-260	REP	91-03-034	332-08-040	REP-P	91-08-066	332-10-130	AMD-P	91-09-060
315-11-261	REP	91-03-034	332-08-050	REP-P	91-08-066	332-10-135	REP-P	91-09-060
315-11-262	REP	91-03-034	332-08-060	REP-P	91-08-066	332-10-140	AMD-P	91-09-060
315-11-270	REP	91-03-034	332-08-070	REP-P	91-08-066	332-10-145	NEW-P	91-09-060
315-11-271	REP	91-03-034	332-08-080	REP-P	91-08-066	332-26-080	NEW-E	91-09-029
315-11-272	REP	91-03-034	332-08-090	REP-P	91-08-066	352-12-010	AMD-P	91-03-142
315-11-280	REP	91-03-034	332-08-100	REP-P	91-08-066	352-12-020	AMD-P	91-03-142
315-11-281	REP	91-03-034	332-08-105	NEW-P	91-08-066	352-12-020	AMD	91-09-001
315-11-282	REP	91-03-034	332-08-110	REP-P	91-08-066	352-12-030	AMD-P	91-03-142
315-11-290	REP	91-03-034	332-08-115	NEW-P	91-08-066	352-12-030	AMD	91-09-001
315-11-291	REP	91-03-034	332-08-120	REP-P	91-08-066	352-32-010	AMD-P	91-03-142
315-11-292	REP	91-03-034	332-08-125	NEW-P	91-08-066	352-32-010	AMD	91-09-001
315-11-300	REP	91-03-034	332-08-130	REP-P	91-08-066	352-32-035	AMD-P	91-03-142
315-11-301	REP	91-03-034	332-08-140	REP-P	91-08-066	352-32-035	AMD	91-09-001
315-11-302	REP	91-03-034	332-08-150	REP-P	91-08-066	352-32-045	AMD-P	91-03-142

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352-32-045	AMD 91-09-001	360-52-120	NEW-P 91-05-092	371-08-210	REP 91-03-028
352-32-200	AMD-P 91-03-140	360-54	DECOD-W 91-06-037	371-08-215	AMD 91-03-028
352-32-200	AMD 91-07-014	360-60	DECOD-W 91-06-037	371-08-220	AMD 91-03-028
352-32-210	AMD-P 91-03-140	365-90-010	AMD 91-04-017	371-08-230	AMD 91-03-028
352-32-210	AMD 91-07-014	365-90-020	AMD 91-04-017	371-08-240	AMD 91-03-028
352-32-250	AMD-P 91-03-142	365-90-030	REP 91-04-017	371-08-245	REP 91-03-028
352-32-250	AMD 91-09-001	365-90-040	AMD 91-04-017	371-12	REP-C 91-03-027
352-32-252	AMD-P 91-03-142	365-90-050	REP 91-04-017	371-12-010	REP 91-03-028
352-32-252	AMD 91-09-001	365-90-070	AMD 91-04-017	371-12-020	REP 91-03-028
352-32-270	AMD-P 91-03-142	365-90-080	AMD 91-04-017	371-12-030	REP 91-03-028
352-32-270	AMD 91-09-001	365-90-090	AMD 91-04-017	371-12-040	REP 91-03-028
356-06-040	AMD-C 91-03-068	365-190-010	NEW 91-07-041	371-12-050	REP 91-03-028
356-06-040	AMD-W 91-05-081	365-190-020	NEW 91-07-041	371-12-060	REP 91-03-028
356-10-050	AMD 91-03-070	365-190-030	NEW 91-07-041	371-12-070	REP 91-03-028
356-15-020	AMD-P 91-04-046	365-190-040	NEW 91-07-041	371-12-080	REP 91-03-028
356-15-020	AMD-C 91-07-054	365-190-050	NEW 91-07-041	371-12-090	REP 91-03-028
356-15-020	AMD-W 91-09-037	365-190-060	NEW 91-07-041	371-12-100	REP 91-03-028
356-15-080	AMD 91-03-069	365-190-070	NEW 91-07-041	371-12-110	REP 91-03-028
356-15-130	AMD 91-05-083	365-190-080	NEW 91-07-041	371-12-120	REP 91-03-028
356-18-112	AMD-C 91-05-082	371-08	AMD-C 91-03-027	371-12-130	REP 91-03-028
356-18-112	AMD 91-07-055	371-08-001	NEW 91-03-028	374-50-010	NEW-P 91-08-033
356-22-130	AMD 91-03-071	371-08-002	NEW 91-03-028	374-50-020	NEW-P 91-08-033
356-22-230	AMD-C 91-03-068	371-08-005	AMD 91-03-028	374-50-030	NEW-P 91-08-033
356-22-230	AMD-W 91-05-081	371-08-010	AMD 91-03-028	374-50-040	NEW-P 91-08-033
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360-08	DECOD-W 91-06-037	371-08-032	AMD 91-03-028	374-50-090	NEW-P 91-08-033
360-10	DECOD-W 91-06-037	371-08-033	NEW 91-03-028	388-11-220	AMD-P 91-06-040
360-10-030	AMD-P 91-05-091	371-08-035	AMD 91-03-028	388-11-220	AMD-E 91-06-048
360-10-050	AMD-P 91-05-091	371-08-040	AMD 91-03-028	388-14-275	AMD-P 91-06-097
360-10-060	AMD-P 91-05-091	371-08-045	REP 91-03-028	388-14-385	AMD-P 91-04-002
360-11	DECOD-W 91-06-037	371-08-065	AMD 91-03-028	388-14-385	AMD-E 91-04-003
360-12	DECOD-W 91-06-037	371-08-071	AMD 91-03-028	388-14-385	AMD 91-09-018
360-12-128	AMD-P 91-08-078	371-08-075	AMD 91-03-028	388-14-415	AMD-P 91-04-002
360-13	DECOD-W 91-06-037	371-08-080	AMD 91-03-028	388-14-415	AMD-E 91-04-003
360-15	DECOD-W 91-06-037	371-08-085	AMD 91-03-028	388-14-415	AMD 91-09-018
360-16	DECOD-W 91-06-037	371-08-095	REP 91-03-028	388-14-435	NEW-P 91-04-002
360-16A	DECOD-W 91-06-037	371-08-100	AMD 91-03-028	388-14-435	NEW-E 91-04-003
360-17	DECOD-W 91-06-037	371-08-102	REP 91-03-028	388-14-435	NEW 91-09-018
360-17-010	AMD-W 91-05-049	371-08-104	AMD 91-03-028	388-14-440	NEW-P 91-04-002
360-17-040	AMD-W 91-05-049	371-08-105	REP 91-03-028	388-14-440	NEW-E 91-04-003
360-17-070	AMD-W 91-05-049	371-08-106	NEW 91-03-028	388-14-440	NEW 91-09-018
360-17-075	NEW-W 91-05-049	371-08-110	REP 91-03-028	388-14-445	NEW-P 91-04-002
360-17-095	NEW-W 91-05-049	371-08-115	REP 91-03-028	388-14-445	NEW-E 91-04-003
360-17-100	AMD-W 91-05-049	371-08-120	REP 91-03-028	388-14-445	NEW 91-09-018
360-18	DECOD-W 91-06-037	371-08-125	AMD 91-03-028	388-14-450	NEW-P 91-04-002
360-18-020	AMD-P 91-08-078	371-08-130	AMD 91-03-028	388-14-450	NEW-E 91-04-003
360-19	DECOD-W 91-06-037	371-08-131	REP 91-03-028	388-14-450	NEW 91-09-018
360-20	DECOD-W 91-06-037	371-08-132	REP 91-03-028	388-15-208	AMD-S 91-04-039
360-20-220	NEW-P 91-07-056	371-08-135	REP 91-03-028	388-15-208	AMD 91-08-011
360-21	DECOD-W 91-06-037	371-08-140	AMD 91-03-028	388-15-209	AMD-S 91-04-039
360-23	DECOD-W 91-06-037	371-08-144	AMD 91-03-028	388-15-212	AMD 91-08-011
360-22	DECOD-W 91-06-037	371-08-146	NEW 91-03-028	388-15-212	AMD-S 91-04-039
360-32	DECOD-W 91-06-037	371-08-147	NEW 91-03-028	388-15-215	AMD 91-08-011
360-33	DECOD-W 91-06-037	371-08-148	NEW 91-03-028	388-15-215	AMD-S 91-04-039
360-35-010	NEW 91-04-056	371-08-155	AMD 91-03-028	388-15-216	AMD 91-08-011
360-35-020	NEW 91-04-056	371-08-156	AMD 91-03-028	388-15-216	AMD-S 91-04-039
360-35-030	NEW 91-04-056	371-08-160	REP 91-03-028	388-15-216	AMD 91-08-011
360-35-040	NEW 91-04-056	371-08-162	NEW 91-03-028	388-24-050	AMD-E 91-04-042
360-35-050	NEW 91-04-056	371-08-163	REP 91-03-028	388-24-050	AMD-P 91-04-043
360-35-060	NEW 91-04-056	371-08-165	AMD 91-03-028	388-24-050	AMD-C 91-08-010
360-35-070	NEW 91-04-056	371-08-175	REP 91-03-028	388-24-050	AMD-W 91-08-063
360-35-080	NEW 91-04-056	371-08-180	AMD 91-03-028	388-24-050	AMD-P 91-09-068
360-35-090	NEW 91-04-056	371-08-183	AMD 91-03-028	388-24-050	AMD-E 91-09-069
360-35-100	NEW 91-04-056	371-08-184	NEW 91-03-028	388-28-575	AMD 91-06-007
360-35-110	NEW 91-04-056	371-08-186	AMD 91-03-028	388-29-125	AMD-P 91-06-041
360-36	DECOD-W 91-06-037	371-08-187	AMD 91-03-028	388-29-125	AMD-E 91-06-045
360-38	DECOD-W 91-06-037	371-08-188	AMD 91-03-028	388-33-376	AMD-P 91-07-068
360-40	DECOD-W 91-06-037	371-08-189	AMD 91-03-028	388-42-150	AMD 91-06-005
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360-46	DECOD-W 91-06-037	371-08-195	AMD 91-03-028	388-44-145	AMD-C 91-04-047
360-47	DECOD-W 91-06-037	371-08-196	AMD 91-03-028	388-44-145	AMD-C 91-06-055
360-48	DECOD-W 91-06-037	371-08-200	AMD 91-03-028	388-44-145	AMD 91-09-070
360-49	DECOD-W 91-06-037	371-08-201	REP 91-03-028	388-49-020	AMD-P 91-05-074
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388-49-310	AMD-P 91-07-069	388-83-041	NEW-P 91-05-008	388-155-190	NEW 91-04-048
388-49-330	AMD-P 91-05-075	388-83-041	NEW-E 91-05-009	388-155-200	NEW 91-04-048
388-49-410	AMD-P 91-05-071	388-83-041	NEW 91-09-017	388-155-210	NEW 91-04-048
388-49-420	AMD-P 91-05-071	388-83-130	AMD-P 91-06-043	388-155-220	NEW 91-04-048
388-49-470	AMD 91-06-004	388-83-130	AMD-E 91-06-047	388-155-230	NEW 91-04-048
388-49-480	AMD-P 91-05-072	388-84-105	AMD 91-05-011	388-155-240	NEW 91-04-048
388-49-505	AMD-P 91-04-035	388-86-00901	AMD-P 91-04-040	388-155-250	NEW 91-04-048
388-49-505	AMD-E 91-04-036	388-86-00901	AMD-E 91-04-044	388-155-260	NEW 91-04-048
388-49-505	AMD 91-08-013	388-86-00901	AMD 91-08-012	388-155-270	NEW 91-04-048
388-49-520	AMD-P 91-09-067	388-87-010	AMD 91-07-011	388-155-280	NEW 91-04-048
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388-53-010	AMD 91-06-006	388-87-072	AMD-E 91-06-049	388-155-330	NEW 91-04-048
388-53-050	AMD 91-06-006	388-87-072	RESCIND 91-06-056	388-155-340	NEW 91-04-048
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388-76-030	AMD 91-09-016	388-92-045	AMD-E 91-05-009	388-155-360	NEW 91-04-048
388-76-040	AMD-P 91-05-070	388-92-045	AMD 91-09-017	388-155-370	NEW 91-04-048
388-76-040	AMD 91-09-016	388-95-320	AMD-P 91-05-034	388-155-380	NEW 91-04-048
388-76-087	AMD-P 91-05-070	388-95-320	AMD-E 91-05-035	388-155-390	NEW 91-04-048
388-76-087	AMD 91-09-016	388-95-320	AMD 91-09-019	388-155-400	NEW 91-04-048
388-77-010	AMD 91-04-041	388-95-337	AMD 91-07-011	388-155-410	NEW 91-04-048
388-77-010	AMD 91-05-010	388-95-360	AMD 91-07-011	388-155-420	NEW 91-04-048
388-77-010	AMD 91-05-058	388-95-380	AMD-P 91-05-008	388-155-430	NEW 91-04-048
388-77-010	AMD 91-08-050	388-95-380	AMD-E 91-05-009	388-155-440	NEW 91-04-048
388-77-230	REP 91-04-041	388-95-380	AMD 91-09-017	388-155-450	NEW 91-04-048
388-77-230	REP 91-05-010	388-96-221	AMD-P 91-09-066	388-155-460	NEW 91-04-048
388-77-230	REP 91-05-058	388-96-722	AMD-P 91-09-066	388-155-470	NEW 91-04-048
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388-77-320	AMD 91-05-058	388-99-020	AMD 91-07-011	390-20-0101	AMD-C 91-06-034
388-77-320	AMD 91-08-050	388-99-040	AMD-P 91-05-008	390-20-0101	AMD 91-09-021
388-77-500	AMD 91-04-041	388-99-040	AMD-E 91-05-009	390-24-031	NEW-P 91-07-027
388-77-500	AMD 91-05-010	388-99-040	AMD 91-09-017	391-101-015	NEW 91-02-095
388-77-500	AMD 91-05-058	388-150-005	AMD-P 91-03-127	392-115-005	NEW-P 91-03-001
388-77-500	AMD 91-08-050	388-150-005	AMD-E 91-03-128	392-115-005	NEW 91-07-007
388-77-515	AMD 91-04-041	388-150-005	AMD 91-07-013	392-115-010	NEW-P 91-03-001
388-77-515	AMD 91-05-010	388-150-100	AMD-P 91-03-127	392-115-010	NEW 91-07-007
388-77-515	AMD 91-05-058	388-150-100	AMD-E 91-03-128	392-115-015	NEW-P 91-03-001
388-77-515	AMD 91-08-050	388-150-100	AMD 91-07-013	392-115-015	NEW 91-07-007
388-77-520	AMD 91-04-041	388-150-180	AMD-P 91-03-127	392-115-020	NEW-P 91-03-001
388-77-520	AMD 91-05-010	388-150-180	AMD-E 91-03-128	392-115-020	NEW 91-07-007
388-77-520	AMD 91-05-058	388-150-180	AMD 91-07-013	392-115-025	NEW-P 91-03-001
388-77-520	AMD 91-08-050	388-150-210	AMD-P 91-03-127	392-115-025	NEW 91-07-007
388-77-530	REP 91-04-041	388-150-210	AMD-E 91-03-128	392-115-030	NEW-P 91-03-001
388-77-530	REP 91-05-010	388-150-210	AMD 91-07-013	392-115-030	NEW 91-07-007
388-77-530	REP 91-05-058	388-150-280	AMD-P 91-03-127	392-115-035	NEW-P 91-03-001
388-77-530	REP 91-08-050	388-150-280	AMD-E 91-03-128	392-115-035	NEW 91-07-007
388-77-555	AMD 91-04-041	388-150-280	AMD 91-07-013	392-115-040	NEW-P 91-03-001
388-77-555	AMD 91-05-010	388-150-390	AMD-P 91-03-127	392-115-040	NEW 91-07-007
388-77-555	AMD 91-05-058	388-150-390	AMD-E 91-03-128	392-115-045	NEW-P 91-03-001
388-77-555	AMD 91-08-050	388-150-390	AMD 91-07-013	392-115-045	NEW 91-07-007
388-77-600	AMD 91-04-041	388-150-450	AMD-P 91-03-127	392-115-050	NEW-P 91-03-001
388-77-600	AMD 91-05-010	388-150-450	AMD-E 91-03-128	392-115-050	NEW 91-07-007
388-77-600	AMD 91-05-058	388-150-450	AMD 91-07-013	392-115-055	NEW-P 91-03-001
388-77-600	AMD 91-08-050	388-155	NEW-C 91-03-038	392-115-055	NEW 91-07-007
388-77-610	AMD 91-04-041	388-155-005	NEW 91-04-048	392-115-060	NEW-P 91-03-001
388-77-610	AMD 91-05-010	388-155-010	NEW 91-04-048	392-115-060	NEW 91-07-007
388-77-610	AMD 91-05-058	388-155-020	NEW 91-04-048	392-115-065	NEW-P 91-03-001
388-77-610	AMD 91-08-050	388-155-040	NEW 91-04-048	392-115-065	NEW 91-07-007
388-77-615	AMD 91-04-041	388-155-050	NEW 91-04-048	392-115-070	NEW-P 91-03-001
388-77-615	AMD 91-05-010	388-155-060	NEW 91-04-048	392-115-070	NEW 91-07-007
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388-77-615	AMD 91-08-050	388-155-080	NEW 91-04-048	392-115-075	NEW 91-07-007
388-81-030	AMD 91-07-011	388-155-090	NEW 91-04-048	392-115-080	NEW-P 91-03-001
388-82-010	AMD 91-06-003	388-155-100	NEW 91-04-048	392-115-080	NEW 91-07-007
388-82-140	AMD 91-07-011	388-155-110	NEW 91-04-048	392-115-085	NEW-P 91-03-001
388-82-160	AMD-P 91-08-035	388-155-120	NEW 91-04-048	392-115-085	NEW 91-07-007
388-82-160	AMD-E 91-08-036	388-155-130	NEW 91-04-048	392-115-090	NEW-P 91-03-001
388-83-013	AMD-P 91-06-042	388-155-140	NEW 91-04-048	392-115-090	NEW 91-07-007
388-83-013	AMD-E 91-06-046	388-155-150	NEW 91-04-048	392-115-095	NEW-P 91-03-001
388-83-032	AMD-P 91-06-043	388-155-160	NEW 91-04-048	392-115-095	NEW 91-07-007
388-83-032	AMD-E 91-06-047	388-155-165	NEW 91-04-048	392-115-100	NEW-P 91-03-001

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392-115-110	NEW-P 91-03-001	392-122-610	AMD 91-03-118	392-140-366	NEW 91-02-094
392-115-110	NEW 91-07-007	392-122-700	AMD 91-03-118	392-140-367	NEW 91-02-094
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392-115-115	NEW 91-07-007	392-122-805	AMD 91-03-118	392-140-369	NEW 91-02-094
392-115-120	NEW-P 91-03-001	392-122-910	NEW 91-03-118	392-140-370	NEW 91-02-094
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392-115-125	NEW-P 91-03-001	392-125-014	NEW 91-07-063	392-140-372	NEW 91-02-094
392-115-125	NEW 91-07-007	392-125-015	AMD-P 91-03-050	392-140-373	NEW 91-02-094
392-115-130	NEW-P 91-03-001	392-125-015	AMD 91-07-063	392-140-374	NEW 91-02-094
392-115-130	NEW 91-07-007	392-125-020	AMD-P 91-03-050	392-140-375	NEW 91-02-094
392-115-135	NEW-P 91-03-001	392-125-020	AMD 91-07-063	392-140-376	NEW 91-02-094
392-115-135	NEW 91-07-007	392-125-025	AMD-P 91-03-050	392-140-377	NEW 91-02-094
392-115-140	NEW-P 91-03-001	392-125-025	AMD 91-07-063	392-140-378	NEW 91-02-094
392-115-140	NEW 91-07-007	392-125-026	NEW-P 91-03-050	392-140-379	NEW 91-02-094
392-115-145	NEW-P 91-03-001	392-125-026	NEW 91-07-063	392-140-380	NEW 91-02-094
392-115-145	NEW 91-07-007	392-125-027	NEW-P 91-03-050	392-140-381	NEW 91-02-094
392-115-150	NEW-P 91-03-001	392-125-027	NEW 91-07-063	392-140-390	NEW 91-02-094
392-115-150	NEW 91-07-007	392-125-030	AMD-P 91-03-050	392-140-391	NEW 91-02-094
392-115-155	NEW-P 91-03-001	392-125-030	AMD 91-07-063	392-140-392	NEW 91-02-094
392-115-155	NEW 91-07-007	392-125-085	AMD-P 91-03-050	392-140-393	NEW 91-02-094
392-117-005	NEW-P 91-09-025	392-125-085	AMD 91-07-063	392-145-015	AMD-P 91-03-074
392-117-010	NEW-P 91-09-025	392-127-700	NEW 91-03-129	392-145-015	AMD 91-06-032
392-117-015	NEW-P 91-09-025	392-127-703	NEW 91-03-129	392-145-030	AMD-P 91-03-074
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392-117-030	NEW-P 91-09-025	392-127-715	NEW 91-03-129	392-160-020	AMD-P 91-07-062
392-117-035	NEW-P 91-09-025	392-127-720	NEW 91-03-129	392-160-040	AMD-P 91-07-062
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392-117-045	NEW-P 91-09-025	392-127-730	NEW 91-03-129	400-12	PREP 91-05-066
392-117-050	NEW-P 91-09-025	392-127-735	NEW 91-03-129	402-70-010	AMD-W 91-08-059
392-121-108	AMD 91-02-096	392-127-740	NEW 91-03-129	402-70-020	AMD-W 91-08-059
392-121-133	AMD 91-02-096	392-127-745	NEW 91-03-129	402-70-030	AMD-W 91-08-059
392-121-136	AMD 91-02-096	392-127-750	NEW 91-03-129	402-70-040	NEW-W 91-08-059
392-121-182	AMD 91-02-096	392-127-755	NEW 91-03-129	402-70-045	NEW-W 91-08-059
392-121-184	NEW-P 91-04-088	392-127-760	NEW 91-03-129	402-70-050	AMD-W 91-08-059
392-121-184	NEW 91-08-038	392-127-765	NEW 91-03-129	402-70-055	NEW-W 91-08-059
392-121-265	AMD 91-02-097	392-127-770	NEW 91-03-129	402-70-060	NEW-W 91-08-059
392-121-268	AMD 91-02-097	392-127-775	NEW 91-03-129	402-70-062	NEW-W 91-08-059
392-121-269	NEW 91-02-097	392-127-780	NEW 91-03-129	402-70-064	NEW-W 91-08-059
392-121-270	AMD 91-02-097	392-127-785	NEW 91-03-129	402-70-066	NEW-W 91-08-059
392-121-272	AMD 91-02-097	392-127-790	NEW 91-03-129	402-70-068	NEW-W 91-08-059
392-121-280	AMD 91-02-097	392-127-795	NEW 91-03-129	402-70-070	AMD-W 91-08-059
392-121-295	AMD 91-02-097	392-127-800	NEW 91-03-129	402-70-077	NEW-W 91-08-059
392-121-297	REP 91-02-097	392-127-805	NEW 91-03-129	402-70-080	AMD-W 91-08-059
392-121-299	AMD 91-02-097	392-127-810	NEW 91-03-129	402-70-085	NEW-W 91-08-059
392-121-500	NEW 91-07-006	392-127-815	NEW 91-03-129	402-70-090	AMD-W 91-08-059
392-121-505	NEW 91-07-006	392-127-820	NEW 91-03-129	415-100-041	NEW 91-03-013
392-121-510	NEW 91-07-006	392-127-825	NEW 91-03-129	415-100-045	NEW 91-03-013
392-121-515	NEW 91-07-006	392-127-830	NEW 91-03-129	415-100-051	NEW 91-03-013
392-121-520	NEW 91-07-006	392-140-224	AMD-P 91-09-026	415-100-055	NEW 91-03-013
392-121-525	NEW 91-07-006	392-140-257	AMD-P 91-04-089	415-104-201	NEW 91-03-014
392-121-530	NEW 91-07-006	392-140-257	AMD 91-08-039	415-104-205	NEW 91-03-014
392-121-535	NEW 91-07-006	392-140-340	NEW 91-02-094	415-104-211	NEW 91-03-014
392-121-540	NEW 91-07-006	392-140-341	NEW 91-02-094	415-104-215	NEW 91-03-014
392-121-545	NEW 91-07-006	392-140-342	NEW 91-02-094	415-108-320	NEW 91-03-015
392-122-010	AMD 91-03-118	392-140-343	NEW 91-02-094	415-108-322	NEW 91-03-015
392-122-100	AMD 91-03-118	392-140-345	NEW 91-02-094	415-108-324	NEW 91-03-015
392-122-106	AMD 91-03-118	392-140-346	NEW 91-02-094	415-108-326	NEW 91-03-015
392-122-107	AMD 91-03-118	392-140-347	NEW 91-02-094	415-112-720	NEW 91-03-016
392-122-110	AMD 91-03-118	392-140-348	NEW 91-02-094	415-112-722	NEW 91-03-016
392-122-115	REP 91-03-118	392-140-349	NEW 91-02-094	415-112-725	NEW 91-03-016
392-122-120	AMD 91-03-118	392-140-350	NEW 91-02-094	415-112-727	NEW 91-03-016
392-122-125	REP 91-03-118	392-140-351	NEW 91-02-094	415-114-010	NEW-P 91-06-089
392-122-145	AMD 91-03-118	392-140-352	NEW 91-02-094	415-114-020	NEW-P 91-06-089
392-122-165	NEW 91-03-118	392-140-353	NEW 91-02-094	415-114-030	NEW-P 91-06-089
392-122-200	AMD 91-03-118	392-140-354	NEW 91-02-094	415-114-040	NEW-P 91-06-089
392-122-206	NEW 91-03-118	392-140-355	NEW 91-02-094	415-114-050	NEW-P 91-06-089
392-122-210	AMD 91-03-118	392-140-356	NEW 91-02-094	415-114-060	NEW-P 91-06-089
392-122-215	REP 91-03-118	392-140-357	NEW 91-02-094	417-01-100	NEW-E 91-09-052
392-122-230	AMD 91-03-118	392-140-358	NEW 91-02-094	417-01-105	NEW-E 91-09-052
392-122-235	AMD 91-03-118	392-140-359	NEW 91-02-094	417-01-110	NEW-E 91-09-052
392-122-240	REP 91-03-118	392-140-360	NEW 91-02-094	417-01-115	NEW-E 91-09-052
392-122-245	REP 91-03-118	392-140-361	NEW 91-02-094	417-01-120	NEW-E 91-09-052
392-122-250	REP 91-03-118	392-140-362	NEW 91-02-094	417-01-125	NEW-E 91-09-052

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417-01-130	NEW-E	91-09-052	434-42-960	NEW-W	91-07-003	448-12-220	REP-S	91-03-123
417-01-135	NEW-E	91-09-052	434-42-965	NEW-P	91-03-125	448-12-220	REP	91-06-022
417-01-140	NEW-E	91-09-052	434-42-965	NEW-E	91-03-126	448-12-230	REP-S	91-03-123
417-01-145	NEW-E	91-09-052	434-42-965	REP-E	91-07-002	448-12-230	REP	91-06-022
417-01-150	NEW-E	91-09-052	434-42-965	NEW-W	91-07-003	448-12-240	REP-S	91-03-123
417-01-155	NEW-E	91-09-052	434-42-970	NEW-P	91-03-125	448-12-240	REP	91-06-022
419-14-030	AMD-P	91-03-107	434-42-970	NEW-E	91-03-126	448-12-250	REP-S	91-03-123
419-14-030	AMD	91-06-063	434-42-970	REP-E	91-07-002	448-12-250	REP	91-06-022
419-14-040	AMD-P	91-03-107	434-42-970	NEW-W	91-07-003	448-12-260	REP-S	91-03-123
419-14-040	AMD	91-06-063	434-42-975	NEW-P	91-03-125	448-12-260	REP	91-06-022
419-14-090	AMD-P	91-03-107	434-42-975	NEW-E	91-03-126	448-12-270	REP-S	91-03-123
419-14-090	AMD	91-06-063	434-42-975	REP-E	91-07-002	448-12-270	REP	91-06-022
419-14-100	AMD-P	91-03-107	434-42-975	NEW-W	91-07-003	448-12-280	REP-S	91-03-123
419-14-100	AMD	91-06-063	434-42-980	NEW-P	91-03-125	448-12-280	REP	91-06-022
419-14-110	AMD-P	91-03-107	434-42-980	NEW-E	91-03-126	448-12-290	REP-S	91-03-123
419-14-110	AMD	91-06-063	434-42-980	REP-E	91-07-002	448-12-290	REP	91-06-022
419-18-030	AMD-P	91-03-106	434-42-980	NEW-W	91-07-003	448-12-300	REP-S	91-03-123
419-18-030	AMD	91-06-062	434-42-985	NEW-P	91-03-125	448-12-300	REP	91-06-022
419-18-040	AMD-P	91-03-106	434-42-985	NEW-E	91-03-126	448-12-320	REP-S	91-03-123
419-18-040	AMD	91-06-062	434-42-985	REP-E	91-07-002	448-12-320	REP	91-06-022
419-18-050	AMD-P	91-03-106	434-42-985	NEW-W	91-07-003	448-12-330	REP-S	91-03-123
419-18-050	AMD	91-06-062	440-44-050	REP-W	91-08-059	448-12-330	REP	91-06-022
419-18-060	AMD-P	91-03-106	440-44-057	REP-W	91-08-059	448-12-340	REP-S	91-03-123
419-18-060	AMD	91-06-062	440-44-058	REP-W	91-08-059	448-12-340	REP	91-06-022
419-18-070	AMD-P	91-03-106	440-44-059	REP-W	91-08-059	448-13-010	NEW-S	91-03-123
419-18-070	AMD	91-06-062	440-44-060	REP-W	91-08-059	448-13-010	NEW	91-06-022
434-42-900	NEW-P	91-03-125	440-44-062	REP-W	91-08-059	448-13-020	NEW-S	91-03-123
434-42-900	NEW-E	91-03-126	446-65-005	NEW-E	91-06-050	448-13-020	NEW	91-06-022
434-42-900	REP-E	91-07-002	446-65-005	NEW	91-06-066	448-13-030	NEW-S	91-03-123
434-42-900	NEW-W	91-07-003	446-65-010	NEW-E	91-06-050	448-13-030	NEW	91-06-022
434-42-905	NEW-P	91-03-125	446-65-010	NEW	91-06-066	448-13-040	NEW-S	91-03-123
434-42-905	NEW-E	91-03-126	446-75-010	NEW-P	91-07-045	448-13-040	NEW	91-06-022
434-42-905	REP-E	91-07-002	446-75-010	NEW-E	91-07-046	448-13-050	NEW-S	91-03-123
434-42-905	NEW-W	91-07-003	446-75-020	NEW-P	91-07-045	448-13-050	NEW	91-06-022
434-42-910	NEW-P	91-03-125	446-75-020	NEW-E	91-07-046	448-13-060	NEW-S	91-03-123
434-42-910	NEW-E	91-03-126	446-75-030	NEW-P	91-07-045	448-13-060	NEW	91-06-022
434-42-910	REP-E	91-07-002	446-75-030	NEW-E	91-07-046	448-13-070	NEW-S	91-03-123
434-42-910	NEW-W	91-07-003	446-75-040	NEW-P	91-07-045	448-13-070	NEW	91-06-022
434-42-915	NEW-P	91-03-125	446-75-040	NEW-E	91-07-046	448-13-080	NEW-S	91-03-123
434-42-915	NEW-E	91-03-126	446-75-050	NEW-P	91-07-045	448-13-080	NEW	91-06-022
434-42-915	REP-E	91-07-002	446-75-050	NEW-E	91-07-046	448-13-090	NEW-S	91-03-123
434-42-915	NEW-W	91-07-003	446-75-060	NEW-P	91-07-045	448-13-090	NEW	91-06-022
434-42-920	NEW-P	91-03-125	446-75-060	NEW-E	91-07-046	448-13-100	NEW-S	91-03-123
434-42-920	NEW-E	91-03-126	446-75-070	NEW-P	91-07-045	448-13-100	NEW	91-06-022
434-42-920	REP-E	91-07-002	446-75-070	NEW-E	91-07-046	448-13-110	NEW-S	91-03-123
434-42-920	NEW-W	91-07-003	446-75-080	NEW-P	91-07-045	448-13-110	NEW	91-06-022
434-42-925	NEW-P	91-03-125	446-75-080	NEW-E	91-07-046	448-13-120	NEW-S	91-03-123
434-42-925	NEW-E	91-03-126	448-12-010	REP-S	91-03-123	448-13-120	NEW	91-06-022
434-42-925	REP-E	91-07-002	448-12-010	REP	91-06-022	448-13-130	NEW-S	91-03-123
434-42-925	NEW-W	91-07-003	448-12-015	REP-S	91-03-123	448-13-130	NEW	91-06-022
434-42-930	NEW-P	91-03-125	448-12-015	REP	91-06-022	448-13-140	NEW-S	91-03-123
434-42-930	NEW-E	91-03-126	448-12-016	REP-S	91-03-123	448-13-140	NEW	91-06-022
434-42-930	REP-E	91-07-002	448-12-016	REP	91-06-022	448-13-150	NEW-S	91-03-123
434-42-930	NEW-W	91-07-003	448-12-020	REP-S	91-03-123	448-13-150	NEW	91-06-022
434-42-935	NEW-P	91-03-125	448-12-020	REP	91-06-022	448-13-160	NEW-S	91-03-123
434-42-935	NEW-E	91-03-126	448-12-030	REP-S	91-03-123	448-13-160	NEW	91-06-022
434-42-935	REP-E	91-07-002	448-12-030	REP	91-06-022	448-13-170	NEW-S	91-03-123
434-42-935	NEW-W	91-07-003	448-12-040	REP-S	91-03-123	448-13-170	NEW	91-06-022
434-42-940	NEW-P	91-03-125	448-12-040	REP	91-06-022	448-13-180	NEW-S	91-03-123
434-42-940	NEW-E	91-03-126	448-12-050	REP-S	91-03-123	448-13-180	NEW	91-06-022
434-42-940	REP-E	91-07-002	448-12-050	REP	91-06-022	448-13-190	NEW-S	91-03-123
434-42-940	NEW-W	91-07-003	448-12-055	REP-S	91-03-123	448-13-190	NEW	91-06-022
434-42-945	NEW-P	91-03-125	448-12-055	REP	91-06-022	448-13-200	NEW-S	91-03-123
434-42-945	NEW-E	91-03-126	448-12-060	REP-S	91-03-123	448-13-200	NEW	91-06-022
434-42-945	REP-E	91-07-002	448-12-060	REP	91-06-022	448-13-210	NEW-S	91-03-123
434-42-945	NEW-W	91-07-003	448-12-070	REP-S	91-03-123	448-13-210	NEW	91-06-022
434-42-950	NEW-P	91-03-125	448-12-070	REP	91-06-022	448-13-220	NEW-S	91-03-123
434-42-950	NEW-E	91-03-126	448-12-075	REP-S	91-03-123	448-13-220	NEW	91-06-022
434-42-950	REP-E	91-07-002	448-12-075	REP	91-06-022	448-14-010	REP-P	91-03-124
434-42-950	NEW-W	91-07-003	448-12-080	REP-S	91-03-123	448-14-020	REP-P	91-03-124
434-42-955	NEW-P	91-03-125	448-12-080	REP	91-06-022	448-14-030	REP-P	91-03-124
434-42-955	NEW-E	91-03-126	448-12-090	REP-S	91-03-123	448-15-010	NEW-P	91-03-124
434-42-955	REP-E	91-07-002	448-12-090	REP	91-06-022	448-15-020	NEW-P	91-03-124
434-42-955	NEW-W	91-07-003	448-12-100	REP-S	91-03-123	448-15-030	NEW-P	91-03-124
434-42-960	NEW-P	91-03-125	448-12-100	REP	91-06-022	448-15-040	NEW-P	91-03-124
434-42-960	NEW-E	91-03-126	448-12-210	REP-S	91-03-123	448-15-050	NEW-P	91-03-124
434-42-960	REP-E	91-07-002	448-12-210	REP	91-06-022	448-15-060	NEW-P	91-03-124

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468-16-190	NEW	91-04-014	480-12-033	AMD-P	91-06-009	490-100-060	AMD	91-08-029
468-16-200	NEW	91-04-014	480-12-033	AMD	91-09-038	490-100-070	AMD-E	91-03-037
468-16-210	NEW	91-04-014	480-12-315	REP	91-06-071	490-100-070	AMD-P	91-05-077
468-38-035	REP-P	91-06-078	480-12-322	REP-W	91-08-060	490-100-070	AMD	91-08-029
468-38-050	AMD-P	91-06-078	480-12-500	NEW	91-03-101	490-100-080	AMD-E	91-03-037
468-38-190	AMD-P	91-06-079	480-12-510	NEW	91-03-101	490-100-080	AMD-P	91-05-077
468-38-260	AMD-P	91-06-078	480-12-520	NEW	91-03-101	490-100-080	AMD	91-08-029
468-38-370	REP-P	91-06-078	480-70-050	AMD	91-03-053	490-100-090	AMD-E	91-03-037
468-38-400	REP-P	91-06-078	480-70-060	AMD	91-03-053	490-100-090	AMD-P	91-05-077
468-38-410	REP-P	91-06-078	480-70-070	AMD	91-03-053	490-100-090	AMD	91-08-029
478-116-020	AMD-P	91-06-092	480-70-100	AMD	91-03-053	490-100-100	AMD-E	91-03-037
478-116-055	AMD-P	91-06-092	480-70-130	AMD	91-03-053	490-100-100	AMD-P	91-05-077
478-116-080	AMD-P	91-06-092	480-70-130	AMD-P	91-09-015	490-100-100	AMD	91-08-029
478-116-085	REP-P	91-06-092	480-70-150	AMD	91-03-053	490-100-105	AMD-E	91-03-037
478-116-088	NEW-P	91-06-092	480-70-230	AMD	91-03-053	490-100-105	AMD-P	91-05-077
478-116-090	AMD-P	91-06-092	480-70-260	AMD	91-03-053	490-100-105	AMD	91-08-029
478-116-110	AMD-P	91-06-092	480-70-280	AMD	91-03-053	490-100-110	AMD-E	91-03-037
478-116-130	AMD-P	91-06-092	480-70-330	AMD	91-03-053	490-100-110	AMD-P	91-05-077
478-116-160	AMD-P	91-06-092	480-70-340	AMD	91-03-053	490-100-110	AMD	91-08-029
478-116-210	AMD-P	91-06-092	480-70-350	AMD	91-03-053	490-100-120	AMD-E	91-03-037
478-116-230	AMD-P	91-06-092	480-70-360	AMD	91-03-053	490-100-120	AMD-P	91-05-077
478-116-240	AMD-P	91-06-092	480-70-390	AMD	91-03-053	490-100-120	AMD	91-08-029
478-116-250	AMD-P	91-06-092	480-70-400	AMD	91-03-053	490-100-130	AMD-E	91-03-037
478-116-260	AMD-P	91-06-092	480-70-405	AMD	91-03-053	490-100-130	AMD-P	91-05-077
478-116-300	AMD-P	91-06-092	480-70-420	AMD	91-03-053	490-100-130	AMD	91-08-029
478-116-360	AMD-P	91-06-092	480-70-440	AMD	91-03-053	490-100-135	NEW-E	91-03-037
478-116-390	AMD-P	91-06-092	480-70-500	AMD	91-03-053	490-100-135	NEW-P	91-05-077
478-116-450	AMD-P	91-06-092	480-70-570	AMD	91-03-053	490-100-135	NEW	91-08-029
478-116-455	NEW-P	91-06-092	480-80-047	NEW-P	91-03-051	490-100-140	AMD-E	91-03-037
478-116-463	NEW-P	91-06-092	480-80-047	NEW-W	91-03-120	490-100-140	AMD-P	91-05-077
478-116-470	AMD-P	91-06-092	480-80-047	NEW-P	91-03-121	490-100-140	AMD	91-08-029
478-116-520	AMD-P	91-06-092	480-80-390	AMD-P	91-03-096	490-100-150	AMD-E	91-03-037
478-116-540	AMD-P	91-06-092	480-80-390	AMD-W	91-07-023	490-100-150	AMD-P	91-05-077
478-116-584	AMD-P	91-06-092	480-120-021	AMD-S	91-03-122	490-100-150	AMD	91-08-029
478-116-586	AMD-P	91-06-092	480-120-031	AMD-P	91-06-095	490-100-160	AMD-E	91-03-037
478-116-588	AMD-P	91-06-092	480-120-031	AMD	91-09-039	490-100-160	AMD-P	91-05-077
478-116-600	REP-P	91-06-092	480-120-106	AMD-S	91-03-122	490-100-160	AMD	91-08-029
478-116-601	AMD-P	91-06-092	480-120-126	AMD-P	91-06-095	490-100-170	AMD-E	91-03-037
478-124	AMD-C	91-09-012	480-120-126	AMD	91-09-039	490-100-170	AMD-P	91-05-077
478-124-020	AMD-P	91-05-069	480-120-136	AMD-P	91-06-095	490-100-170	AMD	91-08-029
478-124-030	AMD-P	91-05-069	480-120-136	AMD	91-09-039	490-100-180	AMD-E	91-03-037
478-250-010	NEW-P	91-04-058	480-120-137	AMD-P	91-06-095	490-100-180	AMD-P	91-05-077
478-250-020	NEW-P	91-04-058	480-120-137	AMD	91-09-039	490-100-180	AMD	91-08-029
478-250-050	NEW-P	91-04-058	480-120-138	AMD-S	91-03-122	490-100-200	AMD-E	91-03-037
478-250-060	NEW-P	91-04-058	480-120-141	AMD-S	91-03-122	490-100-200	AMD-P	91-05-077
478-250-070	NEW-P	91-04-058	480-120-400	NEW	91-03-052	490-100-200	AMD	91-08-029
478-276-010	AMD-P	91-04-058	480-120-405	NEW	91-03-052	490-100-205	AMD-E	91-03-037
478-276-040	AMD-P	91-04-058	480-120-410	NEW	91-03-052	490-100-205	AMD-P	91-05-077
478-276-060	AMD-P	91-04-058	480-120-415	NEW	91-03-052	490-100-205	AMD	91-08-029
478-276-080	AMD-P	91-04-058	480-120-420	NEW	91-03-052	490-100-208	AMD-E	91-03-037
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478-276-110	AMD-P	91-04-058	480-120-430	NEW	91-03-052	490-100-208	AMD	91-08-029
478-276-130	REP-P	91-04-058	480-120-435	NEW	91-03-052	490-100-210	AMD-E	91-03-037
480-04-100	AMD-P	91-03-098	480-140-020	AMD-P	91-03-099	490-100-210	AMD-P	91-05-077
480-04-100	AMD	91-07-025	480-140-020	AMD	91-08-026	490-100-210	AMD	91-08-029
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480-09-015	AMD	91-06-010	480-140-040	AMD	91-08-026	490-100-220	AMD-P	91-05-077
480-09-100	AMD-P	91-02-105	490-100-010	AMD-E	91-03-037	490-100-220	AMD	91-08-029
480-09-100	AMD	91-06-010	490-100-010	AMD-P	91-05-077	490-100-250	AMD-E	91-03-037
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480-09-120	AMD	91-06-010	490-100-012	REP-E	91-03-037	490-100-250	AMD	91-08-029
480-09-125	NEW-P	91-03-100	490-100-012	REP-P	91-05-077	516-13-030	AMD-W	91-04-082
480-09-125	NEW	91-07-026	490-100-012	REP	91-08-029	516-13-080	AMD-W	91-04-082
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480-09-440	AMD	91-06-010	490-100-030	AMD-P	91-05-077			
480-09-500	AMD-P	91-02-105	490-100-030	AMD	91-08-029			
480-09-500	AMD	91-06-010	490-100-035	AMD-E	91-03-037			
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