

specific ferry capital improvement projects not required by these statutes may be accomplished at the request, and at the expense, of the CRABoard.

An audit of any county ferry capital improvement project shall include, but not be limited to, a review of the county's compliance with: The provisions of the act; and these rules. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the ferry capital improvement project.

In the event that an exception is noted in the audit report the CRABoard shall evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended ferry capital improvement funds as provided in the CRAB/country contract (WAC 136-400-110). Any such funds returned by a county to the CRABoard shall be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-120, filed 10/23/91, effective 11/23/91.]

WAC 136-400-130 Delegation of authority. In order to ensure effective and timely administration of the county ferry capital improvement program, the CRABoard or its executive director may delegate, in writing, its authority under this chapter.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-130, filed 10/23/91, effective 11/23/91.]

Title 137 WAC CORRECTIONS, DEPARTMENT OF

Chapters

- 137-12A** One-time impact funds available to qualifying political subdivisions.
137-48 Inmate mail and communications.

Chapter 137-12A WAC

ONE-TIME IMPACT FUNDS AVAILABLE TO QUALIFYING POLITICAL SUBDIVISIONS

WAC

- 137-12A-010 Purpose.
137-12A-020 Definitions.
137-12A-030 Eligibility.
137-12A-050 Application procedure.
137-12A-060 Department review committee.
137-12A-070 Contracts.
137-12A-090 Limitation of funding.

WAC 137-12A-010 Purpose. The purpose of this chapter is to implement the distribution of funds appropriated by the legislature to mitigate the one-time cost impact associated with locating additional state correctional facilities within their boundaries; with the cost of criminal justice and social/human services associated with inmate families within their boundaries; or the costs associated with the one-time impact of adding beds or increasing population capacity at correctional facilities.

[Statutory Authority: RCW 72.01.090. 91-10-018, § 137-12A-010, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-010, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-010, filed 2/27/84. Formerly chapter 137-12 WAC.]

WAC 137-12A-020 Definitions. As used in this chapter, the following items shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections.

(2) "Department" shall mean the department of corrections.

(3) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred from another state or the federal government.

(4) "Institution" shall mean a facility described in RCW 72.01.050(2), such other similar facility hereafter established and a community residence operated pursuant to chapter 72.65 RCW.

(5) "Political subdivision" shall mean any city, town, county or other unit of local government.

(6) "Additional correctional facility" shall mean (a) a new building constructed at a new location for use in housing or servicing inmates; (b) a new building constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) a preexisting building heretofore not used by the department as a correctional facility which is reopened for use in housing or servicing inmates.

(7) "One-time cost impact" shall mean an economic impact experienced by a political subdivision associated with locating an additional correctional facility within its boundaries or associated with such other event specifically designated by the legislature.

(8) "Inmate family" shall mean the inmate's dependent children, the inmate's spouse or parent and their dependents, or the legal guardian of the inmate's dependent children who were not residents of the local county where the inmate is incarcerated prior to the incarceration of the inmate.

(9) All references to the singular shall include the plural unless noted otherwise.

[Statutory Authority: RCW 72.01.090. 91-10-018, § 137-12A-020, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-020, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-020, filed 2/27/84.]

WAC 137-12A-030 Eligibility. (1) A political subdivision is eligible to apply for mitigating funds under this chapter if it experiences a demonstrable one-time cost impact; or demonstrable costs for criminal justice and social/human services related to inmate families. Provided, however, application must be made prior to the last day of the state fiscal biennium in which the one-time cost impact occurred. Applications made after that date will be considered only if funds appropriated by the legislature are available.

(2) A political subdivision which has been reimbursed for a one-time cost impact is thereafter not eligible to

apply for additional funding under this chapter based on the same event which gave rise to the one-time impact for which reimbursement has been received.

[Statutory Authority: RCW 72.01.090, 91-10-018, § 137-12A-030, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2, 84-14-077 (Order 84-10), § 137-12A-030, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040, 84-06-009 (Order 84-03), § 137-12A-030, filed 2/27/84.]

WAC 137-12A-050 Application procedure. (1) A political subdivision must request funding under this chapter by submitting a written request to:

Department of Corrections
Office of Contracts and Regulations
P.O. Box 9699
Olympia, WA 98504

(2) Requests must document the one-time cost impact for which reimbursement is requested. Such documentation may include reference to:

- (a) Criminal justice costs.
- (b) Social service or human service costs.
- (c) Transportation, roads and utility costs.
- (d) Other similar costs.

(3) Requests for reimbursement of costs related to inmate families shall be documented by the political subdivision and take into account offsetting revenues from federal, state, or charitable sources. Such documentation shall include, but not be limited to:

- (a) Social service or human service costs within the community related to inmate families.
- (b) Criminal justice costs.
- (c) The relationship of those costs to the offender population.

(d) An affidavit that such costs are not funded or offset from other sources or subject to reimbursement by the recipient of such services.

(4) The burden of demonstrating the impact shall be on the requesting political subdivision. The department may provide technical assistance to the political subdivision and verification of impact requests.

[Statutory Authority: RCW 72.01.090, 91-10-018, § 137-12A-050, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2, 84-14-077 (Order 84-10), § 137-12A-050, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040, 84-06-009 (Order 84-03), § 137-12A-050, filed 2/27/84.]

WAC 137-12A-060 Department review committee.

(1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) The assistant director, siting;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator;
- (e) Chief, facilities management and administrative services;
- (f) Director, division of community corrections; and the
- (g) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove

the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

[Statutory Authority: RCW 72.01.090, 91-10-018, § 137-12A-060, filed 4/23/91, effective 5/24/91; 87-06-045 (Order 87-01), § 137-12A-060, filed 3/4/87. Statutory Authority: RCW 72.02.040 and 72.72.040, 84-06-009 (Order 84-03), § 137-12A-060, filed 2/27/84.]

WAC 137-12A-070 Contracts. Requests approved for funding under this chapter shall be evidenced in a written contract document processed through the office of contracts and regulations and approved by the secretary and submitting jurisdiction. Funding shall be limited to actual costs incurred during the term of the contract.

[Statutory Authority: RCW 72.01.090, 91-10-018, § 137-12A-070, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.02.040 and 72.72.040, 84-06-009 (Order 84-03), § 137-12A-070, filed 2/27/84.]

WAC 137-12A-090 Limitation of funding. Funding under this chapter shall be available only to the maximum appropriated by the legislature for that purpose.

[Statutory Authority: RCW 72.01.090, 91-10-018, § 137-12A-090, filed 4/23/91, effective 5/24/91. Statutory Authority: RCW 72.02.040 and 72.72.040, 84-06-009 (Order 84-03), § 137-12A-090, filed 2/27/84.]

Chapter 137-48 WAC

INMATE MAIL AND COMMUNICATIONS

WAC

137-48-010	Purpose.
137-48-020	Definitions.
137-48-030	Inspection of mail.
137-48-040	Restriction of incoming and/or outgoing mail.
137-48-050	Procedures for restrictions of incoming and/or outgoing mail.
137-48-060	Mail costs.
137-48-070	Mail records.
137-48-080	Telephone usage.

WAC 137-48-010 Purpose. The purpose of these rules is to maintain the safety, security, and discipline of adult prisons and prerelease facilities operated under the jurisdiction of the department of corrections in accordance with Title 72 RCW et al., by establishing guidelines for the development of departmental, division, and institution level policies and rules governing the receipt and sending of mail by inmates to prevent the transmission of illegal items or contraband into or out of an institution. These rules shall not apply to work release facilities under the jurisdiction of the department.

[91-23-103, § 137-48-010, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140, 83-20-036 (Order 83-09), § 137-48-010, filed 9/27/83.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency

filing.

WAC 137-48-020 Definitions. (1) "Contraband" consists of all illegal items, explosives, instruments which if used may cause bodily harm to the person of another, weapons, deadly weapons, alcoholic beverages, and drugs, or controlled substances as defined by chapter 69.50 RCW. Contraband also includes any item that is controlled, limited, or prohibited on the grounds or within the secure perimeter of a correctional facility as defined by departmental, division, or institutional regulation and approved by the secretary of the department, or the division director/designee.

(2) "Disposable income" funds in an inmate's trust account from any source, which are not frozen or debited by application of (LFO) legal financial obligations or disciplinary/administrative restitution mandates.

(3) "Division director" the director of community corrections or prisons or his/her designee(s).

(4) "Emergency situations" are critical illnesses, deaths, or similar situations experienced by members of the inmate's family or the inmate.

(5) "Illegal items" are controlled substances as defined and listed in chapter 69.50 RCW or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another.

(6) "Indigent inmate" an inmate who has less than a ten-dollar balance of disposable income in his/her trust fund account on the day of the postage request and during the seven days preceding the postage request; except that:

(a) An inmate who has received at least twenty dollars cumulative from any source(s) shall not be considered indigent for thirty days following the accumulation of the twenty dollars unless the disposable income account balance is reduced to less than ten dollars by mandatory LFO, disciplinary sanction, or other mandatory administrative process; or

(b) An inmate who receives a lump sum of five hundred dollars or more from any source shall not be considered indigent for a period of six months from the date of receipt of the five hundred dollars unless the disposable income account balance is reduced to less than ten dollars by application of LFO obligations, a disciplinary sanction, or any legislative or administratively mandated requirements.

(7) "Inspection of mail" the physical act of opening, touching, smelling, and/or reading of mail, the use of mechanical or chemical systems and/or the use of animals to determine the presence of contraband or illegal items.

(8) "Legal mail" is correspondence to or from courts and court staff (judges, clerks of the court, judicial law clerks, etc.), attorneys and persons working for attorneys and to established groups involved in the representation of inmates in judicial proceedings (ACLU, legal services groups, etc.). Legal mail may also be mail to or from any local, county, state, or national, or foreign governmental agency, executive or legislative body, and/or any person representing such agency or body in an official capacity.

Note: To be considered and therefore handled as "legal mail" the correspondence must be clearly marked "legal mail" on the outside front of the envelope.

(9) "Letters" consist of handwritten/typed communications and/or written/pictorial enclosures to and from inmates. A standard first class, one ounce letter shall be consistent with the dimensions, weight, and thickness as prescribed by the United States Postal Service. A properly addressed and stamped post card or greeting card shall be processed with the same standards as described above for a first class one ounce letter. Nonstandard first class mail requires a surcharge as established by the United States Postal Service.

(10) "Mail" consists of letters, publications, or packages delivered by the United States Post Office or by other established and authorized carriers.

(11) "Packages" a wrapped or boxed object; a parcel or bundle containing one or more objects, a container in which something is packed for storage or transport or mailing.

(12) "Publications" consists of reproduced handwritten or typed/printed or pictorial materials including books, periodicals, newspapers, and pamphlets.

(13) "Return address" for an inmate this includes the full committed name, and may include any other legal name, DOC number, housing assignment, and the full name of the correctional facility from which the correspondence is mailed. For a free citizen this includes a reasonable return address as recognized by the United States Postal Service.

(14) "Secretary" is the secretary of the department of corrections or his/her designee(s).

(15) "Superintendent" means the superintendent of a correctional facility or his/her designee(s).

[91-23-103, § 137-48-020, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040. 84-08-011 (Order 84-04), § 137-48-020, filed 3/26/84. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-020, filed 9/27/83. Formerly WAC 275-96-005.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing.

WAC 137-48-030 Inspection of mail. (1) All mail intended for or to be sent by an inmate, excluding legal mail discussed in subsection (3) of this section, may be inspected at any time by the superintendent or his/her designee(s). Mail may be disapproved for receipt or transmittal in accordance with WAC 137-48-040.

(2) No person who inspects, or participates in the inspection, of an inmate's mail, shall disclose the contents except in the cause of his/her official duties.

(3) Mail (incoming or outgoing) which is clearly identified on the outside of the envelope as legal mail, as defined in WAC 137-48-020, shall be inspected only in the presence of the inmate. Legal mail shall not be read without a search warrant but may be visually scanned in the presence of the inmate to verify legal mail status.

(4) Mail containing illegal items or contraband shall

be held and disposed of in accordance with the procedures set forth in chapter 137-36 WAC or as otherwise stated in this chapter.

[91-23-103, § 137-48-030, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-030, filed 9/27/83.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing.

WAC 137-48-040 Restriction of incoming and/or outgoing mail. (1) Incoming mail to inmates may be disapproved for receipt for any one of the following reasons:

(a) The mail contains threats of physical harm against any person or threats of criminal activity.

(b) The mail threatens blackmail or extortion.

(c) The mail concerns sending contraband in or out of the institution.

(d) The mail contains plans to escape.

(e) The mail contains plans for activities in violation of institutional rules, such as riots.

(f) The mail concerns plans for criminal activity.

(g) The mail is in code.

(h) The mail is in a foreign language, its contents are not understood by the reader, and attempts to have the letter interpreted have been unsuccessful.

(i) The mail contains information which, if communicated, would create a risk of violence and/or physical harm.

(j) The mail contains contraband.

(k) The mail contains obscene or sexually explicit materials as defined in department policy and/or division directives.

(l) Any mail or publication that is deemed to be a threat to legitimate penological objectives.

(m) The mail advocates that any ethnic, racial, or religious group is inferior for any reason and makes such group an object of ridicule and scorn, and it may reasonably be thought to precipitate a violent confrontation between the recipient and a member or members of the target group.

(2) Outgoing mail from inmates of institutions may be disapproved for mailing for any one of the following reasons:

(a) For any one of the reasons set forth in WAC 137-48-040(1).

(b) The mail is addressed to a minor whose parents or guardian have objected in writing to such correspondence.

(c) An individual or their guardian who previously has been sent obscene or threatening mail by the inmate has complained or has asked that such mail not be received.

(d) The mail solicits money or goods from a person or organization other than the immediate family of the inmate without the permission of the superintendent. The above provisions may not be construed to preclude the purchase of noncontraband goods or payment for such goods which have been approved by the superintendent

or his/her designee.

(e) The outside of the mail (envelope or package) does not contain a return address as defined in WAC 137-48-020.

(3) No mail is to be restricted for the reason that it appeals to a particular ethnic, racial, or religious group, or that it contains critical opinions of departmental policy or departmental employees, unless the mail is also judged to be a threat to legitimate penological objectives.

(4) In addition to those reasons cited in this section, packages sent either to or from an inmate are subject to the following restrictions:

(a) An inmate may receive one gift package not to exceed fifteen pounds in weight on a quarterly basis. Quarterly periods shall consist of December through February, March through May, June through August, and September through November. Rules governing the contents of quarterly packages shall be developed specifically by each institutional superintendent and approved by the division director. The superintendent may allow exceptions from the one gift package limitation and weight limitation provided that appropriate contraband controls are maintained.

(b) The contents of the quarterly package shall be restricted to those items that are otherwise not available to the inmate through the institutional store or other purchasing outlet provided by the institution. A replacement package may be sent during the same quarter for damaged packages that are returned to the sender by the inmate. Packages containing contraband shall be refused delivery to the inmate and will be counted as the package for that quarter.

(c) Prepaid merchandise approved by the superintendent and ordered by the inmate from any wholesaler or retailer shall not be considered one of the quarterly packages.

(d) Inmates may mail packages containing materials which have been sent to him or her in the institution or gifts consisting of his or her own hobby craft or curio work. Packages must be made and mailed at the inmate's expense.

(e) Newly admitted inmates at any department of corrections operated reception center will not receive packages while assigned to the reception center.

[91-23-103, § 137-48-040, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.01.090, 86-21-058 (Order 86-06), § 137-48-040, filed 10/14/86. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-040, filed 9/27/83. Formerly WAC 275-96-021 and 275-96-022.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing.

WAC 137-48-050 Procedures for restrictions of incoming and/or outgoing mail. (1) If an inmate's incoming or outgoing mail is restricted, written notification will be provided to the inmate by the mailroom staff. This notification shall be provided to the inmate and the

sender of the specific publication, letter, or package which has been restricted and the reason for this action. The notice shall contain notification to the inmate that the restriction becomes final within ten days of the initial notice. The superintendent or his/her designee shall review the restriction within the ten-day period of time and shall either uphold the restriction, or allow for the delivery of the mail.

(2) The inmate and sender shall be advised in writing of his/her right to seek review of the decision to restrict his/her mail. The review shall be sought by writing directly to the director, division of community corrections or prisons within ten calendar days.

(3) Upon receipt of an inmate's and/or sender's appeal, the director of community corrections or prisons or his/her designee shall affirm or reverse the action taken at the institution level and shall advise the inmate and sender in writing of this action within ten working days from the receipt of the inmate's or sender's written request.

(4) When a decision is rendered regarding a particular issue of a publication, that decision shall be binding for all facilities in the respective correctional division. A division-wide notification shall be promptly issued from the office of the director when the decision is rendered.

(5) If a package contains contraband and is subject to criminal prosecution, the entire package will be turned over to the appropriate law enforcement agency. Items of contraband not subject to criminal prosecution will be disposed of in accordance with procedures set forth in departmental, division, and facility regulations as authorized by chapter 137-36 WAC.

[91-23-103, § 137-48-050, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-050, filed 9/27/83. Formerly WAC 275-96-070.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing.

WAC 137-48-060 Mail costs. (1) Except as otherwise stated in this section, mail costs shall be the responsibility of the inmate.

(2) Mail which arrives at the institution with postage due may, at the option of the superintendent, be delivered to the inmate. The institution may pay the postage due in accordance with subsection (3) of this section, or hold the mail for a reasonable period of time so as to allow the inmate to arrange for payment of the postage due. If such arrangements are not made within the time provided, the package/mail may be donated to charity or discarded.

(3) Indigent inmates shall be authorized to receive postage equivalent to the mailing cost of ten standard, one ounce, first class letters per week. This indigent postage provision shall cover both legal and/or regular

letters regardless of the number of letters identified as legal mail.

(4) Any expenditures made by the institution for postage due on incoming mail and/or indigent postage for letters, (as identified in subsection (3) of this section) may be recouped by the institution whenever such indigent inmate has ten dollars or more of disposable income in his/her trust fund account.

[91-23-103, § 137-48-060, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040. 84-08-011 (Order 84-04), § 137-48-060, filed 3/26/84. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-060, filed 9/27/83. Formerly WAC 275-96-060.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing.

WAC 137-48-070 Mail records. The institution superintendent or his/her designee(s) shall be responsible for the maintenance of a continuous record showing the source and destination of legal mail, packages and items of monetary value mailed by or mailed to an inmate. The secretary shall establish procedures for each institution governing the written mail record.

[91-23-103, § 137-48-070, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-070, filed 9/27/83.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing.

WAC 137-48-080 Telephone usage. (1) Telephone facilities shall be provided in appropriate numbers and locations to permit reasonable and equitable access to all inmates, except inmates of the reception center and those inmates in disciplinary segregation.

(2) The superintendent shall promulgate written regulations providing for access of inmates to additional telephone facilities in emergency situations.

(3) The superintendent shall promulgate written regulations outlining the hours of telephone availability, maximum length of calls (not less than five minutes), limitations on telephone use, and provisions for monitoring, recording, and operator-announced calls as provided for in RCW 9.73.145.

[91-23-103, § 137-48-080, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-080, filed 9/27/83. Formerly WAC 275-96-065.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing.