

# Washington State Register

February 20, 2002

OLYMPIA, WASHINGTON

ISSUE 02-04



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This issue contains documents officially  
filed not later than February 6, 2002

## 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 (360) 786-6697.

## 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

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of February 2002 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.

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# 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

## ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

## 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 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.

## MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

## EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one 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.

## 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].

## DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Rule making <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
01 - 13	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 5, 01	Jul 25, 01	N/A
01 - 14	Jun 7, 01	Jun 21, 01	Jul 5, 01	Jul 19, 01	Aug 8, 01	N/A
01 - 15	Jun 20, 01	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 15, 01	Sep 4, 01	Oct 2, 01
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	Oct 23, 01
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	Nov 6, 01
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	Nov 20, 01
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	Dec 4, 01
01 - 21	Sep 26, 01	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 27, 01	Dec 26, 01
01 - 22	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 11, 01	Jan 8, 02
01 - 23	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 25, 01	Jan 23, 02
01 - 24	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 8, 02	Feb 5, 02
02 - 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 22, 02	Feb 20, 02
02 - 02	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 16, 02	Feb 5, 02	Mar 5, 02
02 - 03	Dec 26, 01	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 26, 02	Mar 26, 02
02 - 04	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 12, 02	Apr 9, 02
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02 - 14	Jun 5, 02	Jun 19, 02	Jul 3, 02	Jul 17, 02	Aug 6, 02	Sep 4, 02
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02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
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02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
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02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 21, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03

<sup>1</sup> All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 1.12.040 and 34.05.353.

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

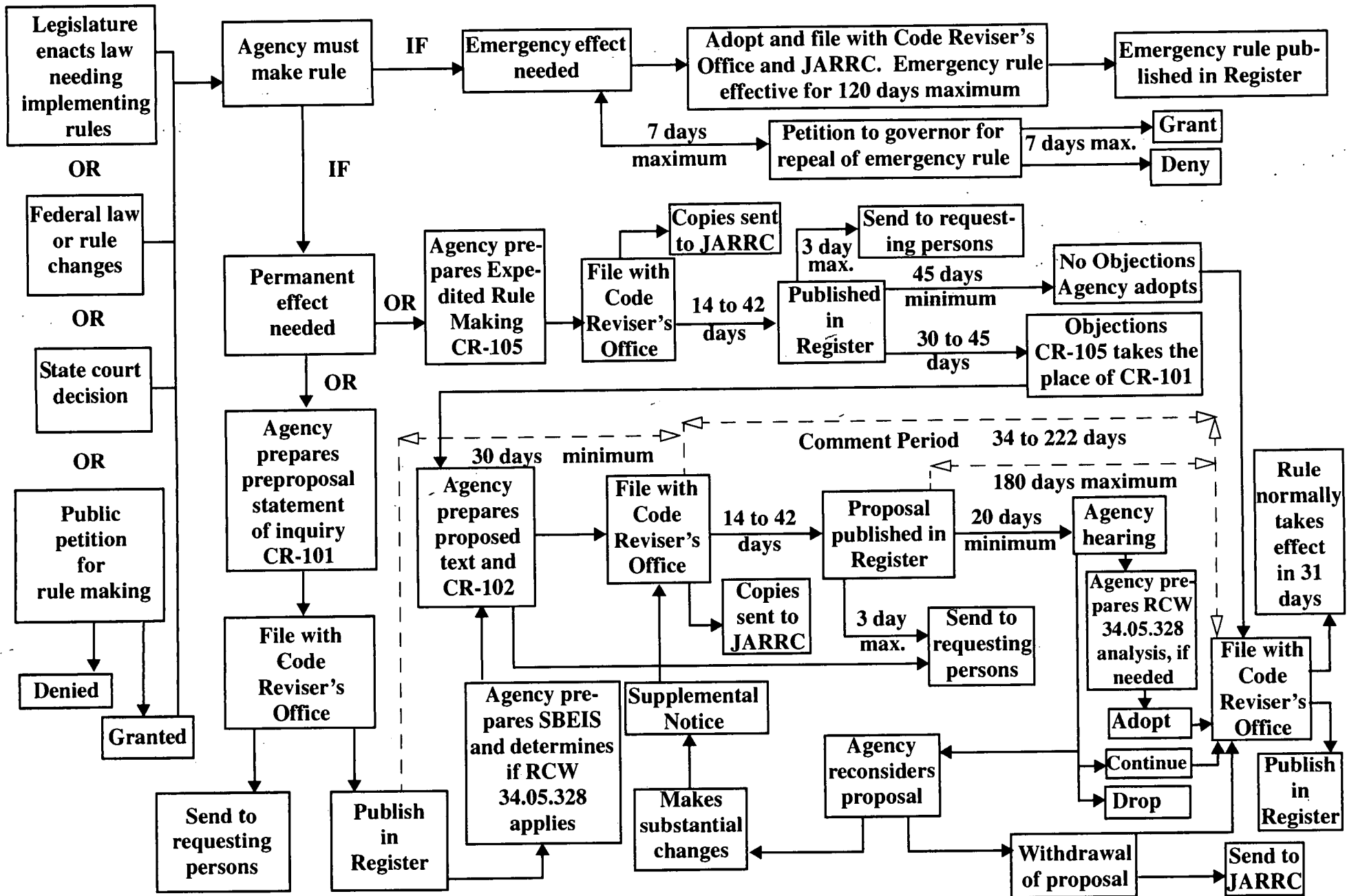
There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS



**WSR 02-04-024****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF HEALTH**

[Filed January 24, 2002, 4:42 p.m.]

WITHDRAWAL OF STATEMENT OF INQUIRY, WSR 01-08-089

The Board of Health is withdrawing the CR-101 for chapter 246-650 WAC, Newborn screening, which was filed August 7, 2001, as WSR 01-17-028. The board will file a new CR-101 that more accurately reflects the board's work on the issue of newborn screening. If you have questions please contact Don Sloma or Doreen Garcia at 236-4101.

Don Sloma  
Executive Director

**WSR 02-04-031****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed January 25, 2002, 3:29 p.m.]

Subject of Possible Rule Making: WAC 246-840-080 Licensure of graduates of foreign schools of nursing and 246-840-090 Licensure by interstate endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the current nursing shortage it has been noted that there are some requirements listed in these two rules that make application more difficult than is necessary. The requirements should be revised to include only the requirements that are absolutely necessary for minimal licensure background information to assure the public of nursing skills that meet the entry-level requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: A public rule-writing workshop will be held with interested members of the public. An invitation will be mailed to all persons who have asked to be on the interested persons mailing list. In addition, other individuals will be added to the e-mail list serve mailing and all will receive an invitation to participate in rule writing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Health Administrator, P.O. Box 47864, Olympia, WA 98504, phone (360) 236-4712, fax (360) 236-4738, e-mail terry.west@doh.wa.gov.

January 2, 2002  
Paula Q. Meyer, RN, MSN  
Executive Director

**WSR 02-04-032****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Counselor Programs)

[Filed January 25, 2002, 3:29 p.m.]

Subject of Possible Rule Making: Establish confidential communications for licensed mental health counselors, marriage and family therapists, and social workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.225 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new statute, chapter 18.225 RCW, for licensed mental health counselors, marriage and family therapists, and social workers requires licensed counselors to establish confidential communications. The confidential communications will identify what and when client information can be released without the client's authorization to ensure protection of their health and safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shellie Pierce, Program Manager, Department of Health, Counselor Programs, 1300 S.E. Quince Street, Olympia, 98504, (360) 236-4907, fax (360) 236-4909.

Mary C. Selecky  
Secretary

**WSR 02-04-033****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed January 25, 2002, 3:30 p.m.]

Subject of Possible Rule Making: Nursing licensing rules, WAC 246-840-020 Documents issued to nurses in Washington, 246-840-030 Examination and licensure, 246-840-040 Filing of application for licensing examination, 246-840-050 Licensing examination, 246-840-060 Release of results of examination and 246-840-070 Failures—Repeat examination.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: All of the rules outlining the licensing and examination processes were written many years ago and include language that is difficult to understand, requirements that no longer are necessary, and groupings of requirements that make finding the appropriate requirements for RNs or LPNs difficult to locate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: A public rule-writing workshop will be held with interested members of the public. An invitation will be mailed to all persons who have asked to be on the interested persons mailing list. In addition, other identified individuals will be added to the e-mail list serve mailing and all will receive an invitation to participate in rule writing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Health Administrator, P.O. Box 47864, Olympia, WA 98504, phone (360) 236-4712, fax (360) 236-4738, e-mail terry.west@doh.wa.gov.

January 2, 2002

Paula Q. Meyer, RN, MSN  
Executive Director

**WSR 02-04-037**

**PREPROPOSAL STATEMENT OF INQUIRY  
UNIVERSITY OF WASHINGTON**

[Filed January 28, 2002, 11:32 a.m.]

Subject of Possible Rule Making: New chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.560 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Separate parking and traffic rules are needed for the University of Washington, Tacoma campus for the safety and general welfare of the University of Washington, Tacoma students, faculty, staff, and guests. Existing parking and traffic rules for the University of Washington, Seattle campus (chapter 478-116 WAC) do not apply to the University of Washington, Tacoma campus location.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director, Administrative Procedures Office by one of the following routes: United States Mail: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; campus mail Box 355509; e-mail adminpro@u.washington.edu; or fax (206) 616-6294.

January 24, 2002

Rebecca Goodwin Deardorff  
Director, Administrative Procedures

**WSR 02-04-042**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Counselor Programs)

[Filed January 29, 2002, 2:44 p.m.]

Subject of Possible Rule Making: Establish boundary requirements for licensed mental health counselors, marriage and family therapists, and social workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.225 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new statute, chapter 18.225 RCW, for licensed mental health counselors, marriage and family therapists, and social workers allows licensed counselors to establish boundary requirements. The boundary requirements will establish guidelines for licensed counselors to separate counselor/client relationships and will establish clear boundaries that could reduce or eliminate disciplinary action against the counselor and protect the client from harm.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shellie Pierce, Program Manager, Department of Health, Counselor Programs, 1300 S.E. Quince Street, Olympia, 98504, (360) 236-4907, fax (360) 236-4909.

January 28, 2002

Nancy Ellison  
for Mary C. Selecky  
Secretary

**WSR 02-04-043**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Counselor Programs)

[Filed January 29, 2002, 2:47 p.m.]

Subject of Possible Rule Making: Establish disclosure information for licensed mental health counselors, marriage and family therapists, and social workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.225 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new statute, chapter 18.225 RCW, for licensed mental health counselors, marriage and family therapists, and social workers requires licensed counselors to provide clients with disclosure information. The disclosure information would provide clients with information concerning their licensed counselor to ensure protection of their health and safety.



Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shellie Pierce, Program Manager, Department of Health, Counselor Programs, 1300 S.E. Quince Street, Olympia, 98504, (360) 236-4907, fax (360) 236-4909.

January 28, 2002

Nancy Ellison

for Mary C. Selecky  
Secretary

#### WSR 02-04-049

#### PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed January 29, 2002, 3:28 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to independent expenditures, last minute contributions, exempt activities, sample ballots and slate cards, definition of caucus of the state legislature and reports for nonreporting committees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider new rules and rule amendments to implement chapter 42.17 RCW, case law interpreting chapter 42.17 RCW and to simplify and streamline the campaign reporting process for candidates and committees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: At its meeting on March 25, 2002, the commission is expected to discuss whether to move forward with new and amended rules covering the aforementioned topics. Public comment will be welcome at this meeting.

Interested persons are invited to submit written comments by March 23, 2002, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, March 18, 2002, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach, Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@

pd.c.wa.gov. A public hearing on these matters may occur on April 23, 2002.

January 29, 2002

Vicki Rippie

Executive Director

#### WSR 02-04-054

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed January 30, 2002, 1:37 p.m.]

Subject of Possible Rule Making: WAC 458-20-151 Dentists, dental laboratories and physicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-151 (Rule 151) provides tax-reporting information for dentists, dental laboratories, and physicians. This rule needs to be amended to reflect a change in the tax reporting responsibilities of dental laboratories and dental technicians as a result of chapter 168, Laws of 1998. That legislation amended the term "manufacturer" in RCW 82.04.120 to include the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician. Chapter 168, Laws of 1998 also provided sales and use tax exemptions for dental appliances, devices, restorations, and substitutes, and the components thereof, including but not limited to full and partial dentures, crowns, inlays, fillings, braces, and retainers. This information will also be incorporated into Rule 151. The department is also considering expanding the scope of the rule to include health care providers licensed under Title 18 RCW. As a result, Rule 151 would provide guidance to more taxpayers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Mark Mullin, Tax Policy Specialist, Legislation and Policy Division, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6112, fax (360) 664-0693, e-mail MarkM@dor.wa.gov.

Location and Date of Public Meeting: 1:30 p.m. on March 12, 2002, Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TDD 1-800-451-7985 or (360) 570-6182.

January 30, 2002  
Claire Hesselholt, Rules Manager  
Legislation and Policy Division

**WSR 02-04-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed January 31, 2002, 9:10 a.m.]

Subject of Possible Rule Making: Chapter 308-66 WAC, Motor vehicle dealers and manufacturers, second review in accordance with Governor Gary Locke's Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Second review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Cal Sanders, Dealer and Manufacturer Services, Department of Licensing, 2000 West 4th Avenue, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6459, fax (360) 586-6703, e-mail csanders@dol.wa.gov.

January 23, 2002  
Fred Stephens  
Director

**WSR 02-04-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF ACCOUNTANCY**

[Filed January 31, 2002, 12:35 p.m.]

Subject of Possible Rule Making: (1) WAC 4-25-710 What are the education requirements to qualify to apply for the CPA examination?; (2) use of the title "enrolled agent" or the designation "EA"; and (3) WAC 4-25-640 Client's confidential information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: (1) RCW 18.04.055(5) and 18.04.105(1); (2) RCW 18.04.350(9); and (3) RCW 18.04.055(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) In November 1995 the board expanded the education requirements for licensure to

include one hundred fifty semester hours (a fifth year) and requiring fifteen semester hours in upper division courses. The expanded education requirements became effective on July 1, 2000. Given the magnitude of the impact of these requirements on applicants, institutions of higher education, community colleges, and the public, the board believes a review is appropriate to consider:

- Whether the intended results (from elevating the education) were achieved,
- If unanticipated results occurred and the impact of those results (if any),
- Whether elevation of the education requirements erected an inappropriate barrier to entry,
- The impact on Washington's CPA and candidates from having the education requirements align with national standards (the Uniform Accountancy Act),
- Whether the 1.5 multiplier for upper division courses should be reestablished, and
- Other relevant factors identified during the research phase.

**To accomplish:** Ensure that candidates will have the necessary foundation and obtain acceptable competence in an increasingly complex business environment to eventually become a licensed CPA.

(2) The board considered new statutory language effective July 1, 2001, and believes public input and discussion on the merits of rule making in the area of enrolled agents is appropriate. **To accomplish:** Clarification on the board's role in assuring that enrolled agents are authorized to use the title by the United States Department of Treasury to ensure that the public is not misled.

(3) The rule needs to include firm owners in the confidentiality requirements and, while requiring CPAs to maintain information as confidential, ensure a client relationship is not established by way of preengagement discussions with prospective clients. **To accomplish:** Public protection by ensuring privacy and record accessibility.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dana M. McInturff, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov. The board plans to distribute the CR-101 to key stakeholders asking for preliminary comments/input by June 15, 2002. The board will discuss initial comments at its regular board meeting scheduled for July 26, 2002.

January 31, 2002  
Dana M. McInturff, CPA  
Executive Director

## WSR 02-04-096

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)  
[Filed February 5, 2002, 12:42 p.m.]

Subject of Possible Rule Making: Amend language within WAC 388-15-202, 388-15-203, 388-71-0430, and 388-71-0450.

Update references within WAC 388-71-0410, 388-71-0435, 388-71-0440, 388-71-0445, 388-71-0500, 388-71-0515, 388-71-0600, 388-71-0820, 388-76-540, 388-110-020, and other WAC as needed.

Repeal WAC 388-15-204, 388-110-210, and 388-110-230.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 74.39A.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- Clarify that the requirement of an in-home assessment applies to all recipients of services through the COPES, MPC, and Chore programs.
- Move WAC sections within chapter 388-15 to 388-71 WAC to comply with the Governor's Executive Order 97-02 and amend necessary references.
- Repeal obsolete language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Centers for Medicare and Medicaid Services (CMS).

Process for Developing New Rule: Aging and Adult Services Administration (AASA) will provide draft language before publishing rules and encourages stakeholders to submit written or verbal comments. When AASA files a notice of proposed rule making, we will notify interested parties of the scheduled hearing to adopt rules and how to submit comments. Draft material and information about how to participate are available by contacting the DSHS representatives identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brooke Buckingham, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2530, fax (360) 438-8633, e-mail buckibe@dshs.wa.gov.

February 1, 2002  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## WSR 02-04-097

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 5, 2002, 12:43 p.m.]

Subject of Possible Rule Making: Working connections child care.

WAC 388-290-0125, 388-290-0190, 388-290-0200, 388-290-0225, and 388-290-0245. Division of Child Care and Early Learning is considering including seasonal day camps that are accredited by the American Camping Association as a type of provider that the department will pay subsidies to.

WAC 388-290-0010, 388-290-0015, 388-290-0020, 388-290-0035, 388-290-0040, 388-290-0045, 388-290-0050, 388-290-0055, 388-290-0080, 388-290-0085, 388-290-0095, 388-290-0105, 388-290-0120, 388-290-0130, 388-290-0135, 388-290-0205, 388-290-0230, 388-290-0240, and 388-290-0270. These WAC are being amended to clarify language and correct typographical errors.

WAC 388-290-0145, 388-290-0150, 388-290-0155, 388-290-0160, 388-290-0165, and 388-290-0180. These WAC are being amended to clarify the background inquiry process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.13.085.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Seasonal day camps offer unique educational and recreational outdoor activities to children. These amended rules would give increased accessibility to these activities to the children of low-income families.

This filing will also correct language and typographical errors in the current WAC.

The background inquiry process must be clarified.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, Street Address: 1009 College S.E., Lacey, WA 98503, phone (360) 413-3268, fax (360) 413-3482, e-mail giracg@dshs.wa.gov.

January 20, 2002  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**PREPROPOSAL**

**WSR 02-04-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 6, 2002, 9:36 a.m.]

Subject of Possible Rule Making: Review the current fees that exist in the Board of Boiler Rules (chapter 296-104 WAC) for possible increases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 2.79% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2002, may be necessary to help offset inflation and to maintain the operational effectiveness of the boiler program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The Board of Boiler Rules will review and approve all rule changes. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

February 6, 2002

Craig Hopkins  
 Chair, Board of Boilers

**WSR 02-04-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 6, 2002, 9:38 a.m.]

Subject of Possible Rule Making: Review the current fees that exist in the rules for electrical (chapters 296-46A and 296-401B WAC), plumber certification (chapter 296-400A WAC), contractor registration (chapter 296-200A WAC), elevators (chapter 296-96 WAC) and factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, and 296-150V WAC) for possible increases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.27, 18.106, 19.28, 43.22, 70.87 RCW, and chapter 7, Laws of 2001 (ESSB 6153).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 2.79% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2002, may be necessary to help offset inflation and maintain the operational effectiveness of the contractor registration, factory assembled

structures, plumber certification, electrical and elevator programs. In addition, elevator inspection fees will be reviewed for possible increases in excess of the fiscal growth factor in response to the passage of the 2001 operating budget (chapter 7, Laws of 2001 - ESSB 6153) to ensure the fees fully fund the cost of the elevator program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is the sole agency charged with setting plumbing, contractor registration, elevator, electrical and factory assembled structures fees.

Process for Developing New Rule: The department will solicit input from the director's FAS Advisory Board, the Elevator Advisory Committee and the Electrical Board. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

February 6, 2002

Gary Moore  
 Director

**WSR 02-04-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 6, 2002, 9:39 a.m.]

Subject of Possible Rule Making: Chapter 296-800 WAC, Safety and health core rules; chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; chapter 296-307 WAC, Safety standards for agriculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule amendments are the result of comments being made about chapter 296-800 WAC, the safety and health core rules which were adopted in May 2001. These suggestions are being proposed to help clarify the rules as they are now written. The proposed amendments may affect other chapters which is why they are listed in this preproposal.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known that regulate this subject.

Process for Developing New Rule: Questions, suggestions or comments should be addressed to the project manager, identified below. All interested parties may provide written comments, or oral testimony, during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Grace Giorgio, Department of Labor and Industries, Standards/Information, P.O. Box 44620, Olympia, WA 98504-4650, phone (360) 902-5589, fax (360) 902-5529; or Cindy Ireland, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5529.

February 6, 2002  
Gary Moore  
Director

**WSR 02-04-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed February 6, 2002, 9:40 a.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, General safety and health standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is proposing to clarify and amend requirements relating to late night retail worker crime protection. We propose to rewrite and reorganize the rule for clarity, while eliminating unnecessary requirements and outdated terminology.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known that regulate this subject.

Process for Developing New Rule: The department is rewriting the rules relating to late night retail for clarity and ease of use. The new rules will be at-least-as-effective-as OSHA. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Rhoads, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5008, fax (360) 902-5529.

February 6, 2002  
Gary Moore  
Director



**WSR 02-03-118**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed January 22, 2002, 4:09 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-17-054.

Title of Rule: Chapter 388-15 WAC, Child protective services.

Purpose: To rewrite current rules in a clear writing format, to comply with Executive Order 97-02 and to repeal outdated rules.

Statutory Authority for Adoption: RCW 74.13.031.

Statute Being Implemented: Chapters 26.44 and 74.13 RCW.

Summary: Rewrite rules in clear format, to update requirements, to include client right of review, and repeal outdated rules.

Reasons Supporting Proposal: The rules are updated to reflect current federal and state law and regulation and to comply with Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephanie J. Sarber, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7563.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules recodify existing rules in new sections, restate the rules in clear writing format and update existing rules to reflect current state and federal law and regulation. The adopted rules will provide clear, concise answers to persons seeking information regarding child protective services.

Proposal Changes the Following Existing Rules: New rules outline the child protective services (CPS) notification process for alleged perpetrators of child abuse or neglect investigative findings. New rules will also outline the procedures, review process, and administrative hearings process regarding the appeal of substantiated CPS investigative findings of child abuse or neglect.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Children's Administration has analyzed the proposed WAC changes and concludes that no new costs will be imposed on the small businesses impacted by these WACs. Preparation of a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The proposal clarifies language of existing rules without changing effect. See RCW 34.05.328 (5)(b)(iv).

Hearing Location: Office Building 2 (OB-2), 14th and Jefferson, Olympia, Washington 98504, on March 12, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by March 8, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., March 12, 2002.

Date of Intended Adoption: Not earlier than March 13, 2002.

January 17, 2002  
 Bonnie H. Jacques  
 for Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**Chapter 388-15 WAC**

~~((SOCIAL))~~ **CHILD PROTECTIVE SERVICES** ~~((FOR FAMILIES, CHILDREN AND ADULTS))~~

**PART A—PROGRAM DESCRIPTION**

NEW SECTION

**WAC 388-15-001 What is the child protective services program?** (1) Child protective services (CPS) means those services provided by the department of social and health services designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports (see RCW 26.44.020 (12) and (16)).

(2) CPS may include the following:

(a) Investigation of reports of alleged child abuse or neglect.

(b) Assessment of risk of abuse or neglect to children.

(c) Provision of and/or referral to services to remedy conditions that endanger the health, safety, and welfare of children.

(d) Referral to law enforcement when there are allegations that a crime against a child (RCW 26.44.030(4) and 74.13.031(3)) might have been committed.

(e) Out of home placement and petitions to courts when necessary to ensure the safety of children.

NEW SECTION

**WAC 388-15-005 What definitions apply to these rules?** The following definitions apply to this chapter.

"**Abuse or neglect**" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child as defined in RCW 26.44.020 and this chapter.

"**Administrative hearing**" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 388-02 WAC.

"**Administrative law judge (ALJ)**" is an attorney and an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency, employs the ALJs.

"**Alleged perpetrator**" means the person identified in a CPS referral as being responsible for the alleged child abuse or neglect.

**"Alternative response system"** means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.

**"Appellant"** means a person who requests an administrative hearing to appeal a CPS finding.

**"Child protection team (CPT)"** means a multi-disciplinary group of persons with at least four persons from professions that provide services to abused or neglected children and/or parents of such children. The CPT provides confidential case staffing and consultation to children's administration.

**"Child protective services (CPS)"** means the section of the children's administration responsible for responding to allegations of child abuse or neglect.

**"Children's administration (CA)"** means the cluster of programs within DSHS that is responsible for the provision of child protective, child welfare, foster care licensing, group care licensing, and other services to children and their families.

**"Department"** or **"DSHS"** means the Washington state department of social and health services.

**"Divisions of child care and early learning (DCCEL)"** means the division of economic services responsible for licensing child care homes and child care facilities.

**"Division of children and family services (DCFS)"** means the division of children's administration that provides child protective, child welfare, and support services to children and their families.

**"Division of licensed resources (DLR)"** means the division of children's administration responsible for licensing group care and foster care facilities, and responding to allegations of abuse or neglect in such facilities.

**"Finding"** means the final decision made by a CPS social worker after an investigation regarding alleged child abuse or neglect.

**"Founded"** means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur.

**"Inconclusive"** means the determination following an investigation by CPS that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

**"Mandated reporter"** means a person required to report alleged child abuse or neglect as defined in RCW 26.44.030.

**"Preponderance of evidence"** means the evidence presented in a hearing indicates more likely than not child abuse or neglect did occur.

**"Unfounded"** means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur.

## NEW SECTION

**WAC 388-15-009 What is child abuse or neglect?**  
Child abuse or neglect means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child

under circumstances which indicate that the child's health, welfare, and safety is harmed. An abused child is a child who has been subjected to child abuse or abuse as defined in this section.

(1) Physical abuse means the nonaccidental infliction of physical injury or physical mistreatment on a child. Physical abuse includes, but is not limited to, such actions as:

- (a) Throwing, kicking, burning, or cutting a child;
- (b) Striking a child with a closed fist;
- (c) Shaking a child under age three;
- (d) Interfering with a child's breathing;
- (e) Threatening a child with a deadly weapon;

(f) Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks or which is injurious to the child's health, welfare and safety.

(2) Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child. The age, size, and condition of the child, and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.

(3) Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide child-care for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.

(4) Sexual exploitation includes, but is not limited to, such actions as allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in:

- (a) Prostitution;
- (b) Sexually explicit, obscene or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or

(c) Sexually explicit, obscene or pornographic activity as part of a live performance, or for the benefit or sexual gratification of another person.

(5) Negligent treatment or maltreatment means an act, a failure to act, or a pattern of behavior on the part of a child's parent or guardian that shows a serious disregard of the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, and safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare,



and safety. Negligent treatment or maltreatment includes, but is not limited, to:

(a) Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, and safety. Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves;

(b) Actions, failures to act or omissions, or patterns of behavior that result in injury to or which create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or

(c) The cumulative effects of consistent inaction or behavior by a parent or guardian in providing for the physical, emotional and developmental needs of a child's, or the effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, and duties, when the result is to cause injury or create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child.

#### NEW SECTION

**WAC 388-15-011 What is child abandonment?** (1) A Parent or guardian abandons a child when the parent or guardian is responsible for the care, education, or support of a child and:

(a) Deserts the child in any manner whatever with the intent to abandon the child;

(b) Leaves a child without the means or ability to obtain one or more of the basic necessities of life such as food, water, shelter, clothing, hygiene, and medically necessary health care; or

(c) Forgoes for an extended period of time parental rights, functions, duties and obligations despite an ability to exercise such rights, duties, and obligations.

(2) Abandonment of a child by a parent may be established by conduct on the part of a parent or guardian that demonstrates a substantial lack of regard for the rights, duties, and obligations of the parent or guardian or for the health, welfare, and safety of the child. Criminal activity or incarceration of a parent or guardian does not constitute abandonment in and of themselves, but a pattern of criminal activity or repeated or long-term incarceration may constitute abandonment of a child.

#### NEW SECTION

**WAC 388-15-013 Who may receive child protective services?** Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

(1) By a parent, legal custodian, or guardian of the child; or

(2) In a DSHS licensed, certified, or state-operated facility; or

(3) By persons or agencies subject to licensing under chapter 74.15 RCW, including individuals employed by or volunteers of such facilities.

#### NEW SECTION

**WAC 388-15-017 What is the responsibility of CPS regarding reports of abuse or neglect?** (1) CPS must record a report from any source alleging child abuse or neglect.

(2) CPS must determine whether alleged incidents or conditions meet the definitions of child abuse or neglect in this chapter or in chapter 26.44 RCW.

(3) CPS must conduct an investigation or assessment of all reports of alleged child abuse or neglect that meet the definitions of child abuse or neglect contained in this chapter or in chapter 26.44 RCW.

(4) CPS must investigate anonymous reports only as provided in RCW 26.44.030(15).

(5) CPS must maintain a record of reports received that are not investigated because they do not meet the definitions of child abuse or neglect as defined in RCW or this chapter.

(6) CPS must report to law enforcement per RCW 26.44.030(4) and 74.13.031.

#### NEW SECTION

**WAC 388-15-021 How does CPS respond to reports of alleged child abuse or neglect?** (1) CPS must assess all reports that meet the definition of child abuse or neglect using a risk assessment process to determine level of risk and response time.

(2) CPS must begin an investigation within twenty-four hours of receipt of a report alleging child abuse or neglect in which a child is alleged to be at risk of serious and immediate harm. Based upon information contained in the report and any collateral contacts the children's administration intake worker makes the assessment of risk of serious and immediate harm.

(3) CPS must provide an in-person response to alleged victims and must attempt an in-person response to the alleged perpetrator of child abuse and neglect in referrals assessed at moderate to high risk.

(4) CPS may refer reports assessed at low to moderately low risk to an alternative response system.

(5) CPS may interview a child, outside the presence of the parent, without prior parental notification or consent as outlined under RCW 26.44.030(10).

(6) Unless the child objects, CPS must make reasonable efforts to have a third party present at the interview so long as the third party does not jeopardize the investigation (see RCW 26.44.030).

(7) CPS may photograph the alleged child victim to document the physical condition of the child (see RCW 26.44.-050).

(8) CPS must establish in procedure, timelines for the completion of investigations and standards for written findings.

#### NEW SECTION

**WAC 388-15-025 What special requirements must CPS follow for Indian children?** (1) These special requirements apply to children defined as Indians in WAC 388-70-091.

(2) The DCFS social worker shall document in case records efforts to keep Indian families together and to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage as per RCW 26.44.010 and WAC 388-70-093.

(3) In alleged child abuse and neglect situations, the DCFS social worker shall document in case records, efforts to utilize staff and services particularly capable of meeting the special needs of Indian children and their families, in consultation with the child's tribe and/or local Indian child welfare advisory committee per WAC 388-70-600 through 388-70-640.

(4) The DCFS social worker shall promptly advise the tribal council and the local Indian child welfare advisory committee that a child affiliated with the tribe is the victim of substantiated child abuse or neglect. The provisions of RCW 26.44.070, WAC 377-70-640, limiting who has access to confidential information, shall be followed in all cases.

#### NEW SECTION

**WAC 388-15-029 What information may CPS share with mandated reporters?** (1) CPS in the conduct of ongoing case planning and consultation with those persons or agencies required to report alleged child abuse or neglect under RCW 26.44.030 and with consultants designated by CPS, may share otherwise confidential information with such persons, agencies, and consultants if the confidential information is pertinent to cases currently receiving child protective services.

(2) When CPS receives a report of alleged child abuse or neglect, mandated reporters, as identified in RCW 26.44.030, and their employees must provide upon request by CPS, all relevant records in their possession related to the child (see RCW 26.44.030).

#### NEW SECTION

**WAC 388-15-033 When will CPS involve local community resources?** (1) CPS may use local community resources to respond to reports of abuse or neglect when the department's assessment of risk determines that a community response is in the best interest of the child and family.

(2) CPS may involve local community resources in the planning and provision of services to help remedy conditions that contribute to the abuse or neglect of children.

(3) CPS must have community based child protective teams (CPT) available for staffing and consultation regarding cases of child abuse or neglect. CPS must present cases for staffing with the CPT in accordance with executive order 95-04 and department procedures.

(4) There are special requirements for staffing Indian children cases with the local Indian child welfare advisory committee (see WAC 388-70-600).

#### NEW SECTION

**WAC 388-15-037 Under what circumstances may CPS place a child in out-of-home care?** (1) When CPS determines that a child is at risk of serious harm in the care of

the parent, legal custodian, or guardian CPS may seek an out-of-home placement for the child. Before placing a child in out-of-home care one of the following must be in place:

(a) A court order directing that the child be placed in out-of-home care (RCW 13.34.050); or

(b) A law enforcement officer placing the child in protective custody (RCW 26.44.050); or

(c) A physician or hospital administrator detaining a child and CPS assuming custody until a court hearing is held (RCW 26.44.056); or

(d) A voluntary placement agreement signed by the child's parent, guardian, or legal custodian. Voluntary placements of Indian children must comply with RCW 13.34.245.

(2) CPS must attempt to place the child with a relative willing and available to care for the child, unless there is reasonable cause to believe that the health, safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered (see RCW 13.34.060). If a relative appears suitable and competent with good character to provide adequate care, the background check and home study of a relative may be completed as soon as possible after the child is placed (see RCW 74.15.030).

#### NEW SECTION

**WAC 388-15-041 When will CPS involve the juvenile court?** CPS may file a dependency petition with the juvenile court when CPS determines that court intervention is necessary for protection of the child.

(1) CPS must file a dependency petition with the juvenile court when a child is to remain in out of home care beyond seventy-two hours (excluding Saturdays, Sundays, and holidays) unless the child's parent or legal custodian signs a voluntary placement agreement.

(2) CPS must make reasonable efforts to notify both parents, guardians, and any legal custodian(s) that a dependency petition has been filed. The notice must inform these parties of the date, time, and location of the initial shelter care hearing and of the parent(s) and any legal custodian's legal rights. If the court has entered an order for the out-of-home placement of the child, a hearing shall be held within seventy-two hours, excluding Saturdays, Sundays, and holidays.

(3) Whenever CPS assumes custody of a child from law enforcement, and places the child in out of home care, a court hearing must be held within seventy-two hours from the time the child is taken into protective custody, excluding Saturdays, Sundays and holidays.

(4) Whenever CPS assumes custody from a physician or a hospital administrator and places the child in out-of-home care, a court hearing must be held within seventy-two hours from the time CPS assumes custody of the child, excluding Saturdays, Sundays, and holidays.

#### NEW SECTION

**WAC 388-15-045 What are the department's responsibilities regarding notification of the parent or legal custodian in child protective services cases?** CPS must notify the parent, guardian, or legal custodian of a child at the earli-

est possible point that will not jeopardize the investigation or the safety or protection of the child when:

- (1) CPS is investigating a report alleging an act or acts of child abuse or neglect, and:
  - (a) The child is alleged to be the victim; and/or
  - (b) CPS interviews a child in relation to an alleged act of child abuse or neglect.
- (2) CPS takes a child into custody pursuant to a court order issued under RCW 13.34.050.
- (3) CPS receives custody of a child from law enforcement pursuant to RCW 26.44.050.
- (4) CPS files a dependency petition.

#### NEW SECTION

**WAC 388-15-049 When must the department notify the alleged perpetrator of allegations of child abuse or neglect?** CPS must attempt to notify the alleged perpetrator of the allegations of child abuse or neglect at the earliest point in the investigation that will not jeopardize the safety and protection of the child or the investigation process.

#### NEW SECTION

**WAC 388-15-053 What steps must the department take to provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information?** To provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information, CPS must:

- (1) Notify the person or persons legally responsible for the child of the address of the office where the case record information will be on file; and
- (2) Give the person or persons legally responsible for the child the opportunity to read or obtain relevant parts of the case record, provided the person or persons have requested access to the information and the law does not otherwise prohibit such access (RCW 13.40.100).

#### NEW SECTION

**WAC 388-15-057 What limitations does the department have on the disclosure of case information?** Information obtained by CPS is confidential pursuant to federal and state law. The department may only disclose case record information as permitted by applicable statutes and the provisions of chapter 388-01 WAC.

### **PART B—NOTIFICATION AND APPEAL OF FINDINGS**

#### NEW SECTION

**WAC 388-15-061 What is the purpose of these rules?** The purpose of these rules is to describe:

- (1) The procedures for notifying the alleged perpetrator of any findings made by a CPS social worker in an investigation of suspected child abuse or neglect; and

- (2) The process for challenging a founded CPS finding of child abuse or neglect (see RCW 26.44.100 and 26.44.125).

#### NEW SECTION

**WAC 388-15-065 Does CPS have to notify the alleged perpetrator of the results of CPS investigation?** CPS must make a reasonable and good faith effort to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.

#### NEW SECTION

**WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding?** (1) CPS notifies the alleged perpetrator of the finding by sending the CPS finding notice via certified mail, return receipt requested, to the last known address. CPS must make a reasonable, good faith effort to determine the last known address or location of the alleged perpetrator.

- (2) In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver the CPS finding notice to the alleged perpetrator.

#### NEW SECTION

**WAC 388-15-073 What information must be in the CPS finding notice?** The CPS finding notice must inform the alleged perpetrator of the following:

- (1) The alleged perpetrator may submit to CPS a written response regarding the CPS finding. If a response is submitted, CPS must file this response in the department's records.
- (2) Information in the department's records may be considered in later investigations or proceedings relating to child protection or child custody.
- (3) Founded CPS findings may be considered in determining:
  - (a) If an alleged perpetrator is qualified to be licensed to care for children or vulnerable adults;
  - (b) If an alleged perpetrator is qualified to be employed by a child care agency;
  - (c) If an alleged perpetrator may be authorized or funded by the department to provide care or services to children or vulnerable adults.
- (4) The alleged perpetrator's right to challenge a founded CPS finding.

#### NEW SECTION

**WAC 388-15-077 What happens to unfounded CPS findings?** (1) According to RCW 74.15.130 (2)(b), no unfounded CPS finding of child abuse or neglect may be used to deny employment in a child care facility or to deny a license to care for children.

- (2) According to RCW 26.44.020(19) no unfounded allegation of child abuse or neglect may be disclosed to a child placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(3) According to RCW 26.44.031, at the end of six years from the date of the report, the department must remove the unfounded finding from the department's records unless an additional child abuse and/or neglect report has been received regarding the same perpetrator or same family during those six years.

#### NEW SECTION

**WAC 388-15-081 Can an alleged perpetrator challenge a CPS finding of child abuse or neglect?** A person named as an alleged perpetrator in a founded CPS report made on or after October 1, 1998, may challenge that finding.

#### NEW SECTION

**WAC 388-15-085 How does an alleged perpetrator challenge a founded CPS finding?** (1) In order to challenge a founded CPS finding, the alleged perpetrator must make a written request for CPS to review the founded CPS finding of child abuse or neglect. The CPS finding notice must provide the information regarding all steps necessary to request a review.

(2) The request must be provided to the same CPS office that sent the CPS finding notice within twenty calendar days from the date the alleged perpetrator receives the CPS finding notice.

#### NEW SECTION

**WAC 388-15-089 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within twenty days?** (1) If the alleged perpetrator does not submit a written request within twenty days for CPS to review the founded CPS finding, no further review or challenge of the finding may occur.

(2) If an alleged perpetrator is unavailable to receive notice of the CPS finding when CPS sends the notice by certified mail to the alleged perpetrator's last known address, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice is sent.

#### NEW SECTION

**WAC 388-15-093 What happens after the alleged perpetrator requests CPS to review the founded CPS finding of child abuse or neglect?** (1) CPS management level staff or their designees who were not involved in the decision making process will review the founded CPS finding of child abuse or neglect. The management staff will consider the following information:

- (a) CPS records;
- (b) CPS summary reports; and
- (c) Any written information the alleged perpetrator may have submitted regarding the founded CPS finding of abuse and/or neglect.

(2) Management staff may also meet with the CPS social worker and/or CPS supervisor to discuss the investiga-

tion/finding. After review of all this information, management staff decides if the founded CPS finding is correct or if it should be changed.

(3) Management staff must complete their review of the founded CPS finding within sixty calendar days from the date CPS received the written request for review.

#### NEW SECTION

**WAC 388-15-097 How does CPS notify the alleged perpetrator of the results of the CPS management review?** CPS will notify the alleged perpetrator in writing of the results of the CPS management review. CPS will send this notice to the last known address of the alleged perpetrator by certified mail, return receipt requested.

#### NEW SECTION

**WAC 388-15-101 What happens if CPS management staff changes the founded CPS finding?** If CPS management staff changes the founded CPS finding, CPS notifies the alleged perpetrator that the department has changed the finding to either inconclusive or unfounded. CPS management staff or their designee must correct the department's records to show the changed finding.

#### NEW SECTION

**WAC 388-15-105 What happens if CPS management staff does not change the founded CPS finding?** (1) If CPS management staff does not change the founded CPS finding, the alleged perpetrator has the right to further challenge that finding by requesting an administrative hearing.

(2) The request for a hearing must be in writing and sent to the following address:

Office of Administrative Hearings  
P.O. Box 2465  
Olympia, WA 98504

(3) The office of administrative hearings must receive the written request for a hearing within thirty days from the date that the person requesting the hearing receives the CPS management review decision. The notice of the CPS management review decision will also contain information regarding how to request a hearing.

#### NEW SECTION

**WAC 388-15-109 What laws and rules will control the administrative hearings held regarding the founded CPS findings?** Chapter 34.05 RCW, RCW 26.44.100 and 26.44.125, chapter 388-02 WAC, and the provisions of this chapter govern any administrative hearing regarding a founded CPS finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter must prevail.

NEW SECTION

**WAC 388-15-113 What effect does a petition for dependency have on an administrative hearing?** (1) If a dependency petition, based on chapter 13.34 RCW, regarding the alleged abuse or neglect has been filed, the administrative hearing must be stayed (postponed) until the superior court has entered an order and findings regarding the dependency petition.

(2) The ALJ must consider any superior court dependency findings and order relating to the alleged abuse or neglect.

(3) If the superior court has entered findings that the alleged perpetrator was the person responsible for the alleged child abuse or neglect, the ALJ must uphold the CPS finding. The ALJ must reiterate the court ruling and incorporate that ruling in the decision issued by the ALJ.

NEW SECTION

**WAC 388-15-117 What factors must the ALJ consider in order for the alleged abused and/or neglected child to testify at the administrative hearing?** (1) The ALJ must give special consideration to any request by a party for the alleged abused or neglected child to testify in order to protect the physical and emotional well being of the child. For the protection of the child, the ALJ must determine:

(a) If compelling reasons exist to have the child testify. If compelling reasons do exist, the ALJ must consider alternative methods to in-person testimony by the child. Such methods may include, but are not limited to, having the child testify by telephone or videotape; or

(b) If the rights of a party (either the appellant or DSHS) would be prejudiced by not having the child testify in person. If a party's rights would be prejudiced, the ALJ must consider other methods to hear the child's testimony without having the child directly confront the alleged perpetrator.

(2) If the child does testify at the hearing, the ALJ must include a written finding in the administrative hearing decision regarding the compelling reasons for the child's testimony and what alternative methods to in-person testimony the ALJ considered.

NEW SECTION

**WAC 388-15-121 Are there issues the ALJ may not consider during your administrative hearing regarding a founded CPS finding?** In any administrative hearing regarding a founded CPS finding, an ALJ may not consider the following:

(1) Decisions regarding the placement of the alleged abused or neglected child;

(2) Risk assessments in making placement decisions regarding the alleged abused and/or neglected child; or

(3) Service plans for the alleged perpetrator and/or alleged abused or neglected child.

NEW SECTION

**WAC 388-15-125 Are the administrative hearings open to the public?** Based on RCW 26.44.125, any administrative hearing regarding founded CPS findings is confidential and must not be open to the public.

NEW SECTION

**WAC 388-15-129 How does the ALJ make a decision regarding the founded CPS finding?** (1) The ALJ must determine if a preponderance of all the relevant information supports the determination by CPS that the alleged perpetrator is the person responsible for the alleged child abuse or neglect.

(2) If the ALJ determines that a preponderance of all the relevant information supports the founded CPS finding, the ALJ must uphold the finding.

(3) If the ALJ determines that the founded CPS finding is not supported by a preponderance of all the relevant information, the ALJ must remand the matter to the department for a change of the finding consistent with the ruling of the ALJ.

NEW SECTION

**WAC 388-15-133 How will the appellant be notified of the ALJ's decision?** After the administrative hearing, the ALJ will send a written decision to the appellant and the department.

NEW SECTION

**WAC 388-15-135 What if the appellant disagrees with the decision?** If the appellant disagrees with the ALJ's decision, the appellant may challenge this decision according to the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

NEW SECTION

**WAC 388-15-141 What happens if the ALJ does not uphold the founded CPS finding?** If the ALJ does not uphold the founded CPS finding, the department may challenge the ALJ's decision as provided in chapter 34.05 RCW and chapter 388-02 WAC. If the department does challenge the ALJ's decision, the department will not change the finding in the department's records and the finding will remain in effect pending the final decision from the department's challenge. If the department does not challenge the ALJ's decision, the department will correct the finding in the department's records.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-130

Child protective services—  
Authority.

PROPOSED

- WAC 388-15-131 Child protective services—  
Special requirements for  
Indian children.
- WAC 388-15-132 Child protective services—  
Acceptance of reports—Eli-  
gibility for services and lim-  
its to authority.
- WAC 388-15-134 Child protective services—  
Notification.

**WSR 02-04-034**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed January 25, 2002, 3:33 p.m.]

Original Notice.  
Exempt from preproposal statement of inquiry under  
RCW 34.05.310(4).

Title of Rule: WAC 246-254-053 Radiation machine  
facility registration fees.

Purpose: The department proposes to revise the fee  
schedule for the X-ray compliance program in order to  
address increased program costs.

Other Identifying Information: The department is autho-  
rized under section 220, chapter 7, Laws of 2001 2nd sp.s. to  
increase fees for X-ray compliance in excess of the I-601 fis-  
cal growth factor.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250, section  
220, chapter 7, Laws of 2001 2nd sp.s.

Summary: Fees support the public health activities in  
the radiation protection program and need to be adjusted to  
compensate for the inflationary costs of administering the  
program.

Reasons Supporting Proposal: Fee adjustments are nec-  
essary to guarantee sufficient revenue to fulfill the depart-  
ment's public health protection obligations.

Name of Agency Personnel Responsible for Drafting:  
Kelly Cooper, Tumwater, (360) 236-3012; Implementation  
and Enforcement: Mike Odlaug, Tumwater, (360) 236-3237.

Name of Proponent: [Department of Health], govern-  
mental.

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

Explanation of Rule, its Purpose, and Anticipated  
Effects: The proposal increases the various fees in WAC  
246-254-053 between 3.7% and 6.4%. Some examples fol-  
low:

	<u>Current</u>	<u>Proposed</u>
Annual Registration Fee	46	48
Group A Tube Fees	47	49
Group B Tube Fees	130	135
Group C Tube Fees	72	75

The proposal will also create an inspection follow-up fee  
of \$90. Bone densitometers and airport baggage cabinet X-

ray systems, currently exempt from tube fees, will be  
required to pay them under the proposal. The department  
anticipates that this fee increase will allow the X-ray compli-  
ance program to continue current levels of public health pro-  
tection activities.

Proposal Changes the Following Existing Rules: X-ray  
fees are increase as noted above. The penalty for operating  
without registration is deleted.

No small business economic impact statement has been  
prepared under chapter 19.85 RCW. Under RCW  
19.85.025(3), rules that set or adjust fees pursuant to legisla-  
tive standards are exempt from the requirements of the Regu-  
latory Fairness Act.

RCW 34.05.328 does not apply to this rule adoption.  
Rules that set or adjust fees pursuant to legislative standards  
are exempt from the requirements of RCW 34.05.328.

Hearing Location: Department of Health, Conference  
Center, Room 6, 1101 South Eastside Street, Olympia, WA  
98504, on March 12, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jan  
Haywood by February 19, 2002, TDD (800) 833-6388.

Submit Written Comments to: Mike Odlaug, P.O. Box  
47827, Olympia, WA 98504-7827, e-mail mike.odlaug@  
doh.wa.gov, fax (360) 236-2250, by March 12, 2002.

Date of Intended Adoption: March 15, 2002.

Mary C. Selecky  
Secretary

AMENDATORY SECTION (Amending WSR 01-14-048,  
filed 6/29/01, effective 7/30/01)

**WAC 246-254-053 Radiation machine facility regis-  
tration fees.** (1) Radiation machine facility fees apply to each  
person or facility owning, leasing and using radiation-pro-  
ducing machines.

FEE TYPE	FEE
(a) Annual Base Registration Fee	\$((46)) 48
(b) Late registration or re-registration	\$((46)) 48
<del>((c)) Penalty for operating without regis- tration</del>	<del>\$46 for each year of unregistered operation</del>
(d)) (c) Tube Fees	See Table 1

TABLE 1 Radiation Tube Fees		
Group	First Tube	Each Addi- tional Tube
(i) <b>Group A:</b> Dental, Podiatric, Veterinary uses	\$((47)) 49	\$((23-50)) 25
(ii) <b>Group B:</b> Hospital, Medical, Chiropractic uses	\$((130)) 135	\$((67-50)) 70
(iii) <b>Group C:</b> Industrial, research, and other uses	\$((72)) 75	\$((23-50)) 25
(iv) <b>Group D:</b> Electron Microscopes, Mammo- graphic X-ray Machines( <del>(-Bone Den- sitometers, and Airport Baggage Cabi- net X-ray Systems))</del> )	NA	NA

**(2) X-ray shielding fees ((and penalties)).**

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$90 X-ray shielding review fee for each X-ray room plan submitted.

(b) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal of X-ray shielding calculations ((~~of~~) and a floor plan ((~~review~~)) it will be subject to a shielding design follow-up fee of \$((46 penalty)) 48.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of \$((2,980)) 3,100.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies.

**(5) Inspection fees.**

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of \$90.

**WSR 02-04-038****PROPOSED RULES****SOUTHWEST****CLEAN AIR AGENCY**

[Filed January 28, 2002, 11:34 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 00-17-023.

Title of Rule: SWCAA 425 Outdoor Burning.

Purpose: The purpose of this rule making is to revise an existing regulation to incorporate an agency name change and update the regulation to be consistent with the WAC.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: RCW 70.94.141.

Summary: The changes proposed in this rule making are administrative in nature. The current version of SWAPCA 425 contains an outdated adoption by reference of chapter 173-425 WAC, and does not reflect the agency's recent name change. The proposed regulation incorporates the agency's name change and contains updated provisions consistent with chapter 173-425 WAC.

Reasons Supporting Proposal: The name of the agency was changed July 6, 2000, from the Southwest Air Pollution Control Authority (SWAPCA) to the Southwest Clean Air Agency (SWCAA). The agency adopted chapter 173-425 WAC by reference in July 1993 (WSR 93-16-011). Chapter 173-425 WAC has been significantly revised since that time.

Name of Agency Personnel Responsible for Drafting: Wess Safford, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; Implementation: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; and Enforce-

ment: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

Name of Proponent: Southwest Clean Air Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This is an existing rule. All proposed changes are intended to update the regulation to incorporate the agency's new name and revisions made to chapter 173-425 WAC since the previous adoption by reference.

Proposal Changes the Following Existing Rules: Existing section titles and rule numbers are being changed to reflect the agency's recent name change. Likewise, the provisions of adopted sections are being revised for consistency with chapter 173-425 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes proposed by SWCAA are consistent with state rules already in effect. This agency is not subject to the small business economic impact provisions of chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking section 201, chapter 403, Laws of 1995.

Hearing Location: Office of Southwest Clean Air Agency, 1308 N.E. 134th Street, Vancouver, WA 98685, on April 4, 2002, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by March 29, 2002, TDD (360) 574-3058.

Submit Written Comments to: Wess Safford, 1308 N.E. 134th Street, Vancouver, WA 98685, fax (360) 574-3058, by March 22, 2002.

Date of Intended Adoption: April 4, 2002.

January 22, 2002

Robert D. Elliott

Executive Director

**~~((SWAPCA))~~ SWCAA 425 ~~((Open))~~ Outdoor Burning**

**AMENDATORY SECTION** (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

~~Section 173-425 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.)~~

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION****SWCAA 425-010 Purpose**

[Statutory Authority: Chapter 70.94.755 RCW.]

The purpose of this rule is to establish a program to implement the limited burning policy authorized by sections 743 through 765 of the Washington Clean Air Act (Chapter 70.94 RCW) and other provisions of the act that pertain to

outdoor burning. Statutory authority for particular provisions of the rule is shown in brackets in the appropriate section. The limited burning policy requires the Agency to:

(1) Reduce outdoor burning to the greatest extent practical, especially by prohibiting it in certain circumstances; [RCW 70.94.743(1)]

(2) Establish a permit program for limited burning that requires permits for most types of outdoor burning; and [RCW 70.94.745]

(3) Foster and encourage development of reasonable alternatives to burning. [RCW 70.94.745(6)]

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

### **SWCAA 425-020 Applicability**

[Statutory Authority: Chapter 70.94.755 RCW.]

(1) This rule applies to all outdoor burning within SWCAA jurisdiction except:

(a) Agricultural burning (governed by WAC 173-430).

(b) Silvicultural burning (governed by WAC 332-24, the Washington state smoke management plan, and various laws including RCW 70.94).

(c) Any outdoor burning on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement.

(2) Specifically, this chapter applies to:

(a) Residential burning. [RCW 70.94.745]

(b) Land clearing burning. [RCW 70.94.745]

(c) Storm or flood debris burning. [RCW 70.94.743]

(d) Tumbleweed burning. [RCW 70.94.745]

(e) Weed abatement fires. [RCW 70.94.650]

(f) Fire fighting instruction fires. [RCW 70.94.650]

(g) Rare and endangered plant regeneration fires. [RCW 70.94.651]

(h) Indian ceremonial fires. [RCW 70.94.651]

(i) Recreational fires. [RCW 70.94.765]

(j) Other outdoor burning. [RCW 70.94.765]

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

### **SWCAA 425-030 Definitions**

[Statutory Authority: Chapter 70.94.755 RCW.]

The definitions of terms contained in WAC 173-400 are incorporated by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this rule shall have the following meanings:

(1) "**Agency**" means the Southwest Clean Air Agency (SWCAA).

(2) "**Agricultural burning**" means outdoor burning regulated under WAC 173-430, including, but not limited to, any incidental agricultural burning or agricultural burning for pest or disease control.

(3) "**Air pollution episode**" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in WAC 173-435.

(4) "**Construction/demolition debris**" means all material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

(5) "**Control officer**" means the Executive Director of the Southwest Clean Air Agency.

(6) "**Ecology**" means the Washington state department of ecology.

(7) "**Fire fighting instruction fires**" means fires for instruction in methods of fire fighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires.

(8) "**Firewood**" means bare untreated wood used as fuel in a solid fuel burning device, Indian ceremonial fire, or recreational fire.

(9) "**Impaired air quality**" means a first or second stage impaired air quality condition declared by ecology or a local air authority in accordance with WAC 173-433-140.

(10) "**Indian ceremonial fires**" means fires necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.

(11) "**Land clearing burning**" means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused). [RCW 70.94.750(2)]

(12) "**Natural vegetation**" means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.

(13) "**Nonattainment area**" means a clearly delineated geographic area which has been designated by the Environmental Protection Agency because it does not meet (or it contributes to ambient air quality in a nearby area that does not meet) a national ambient air quality standard or standards for one or more of the criteria pollutants, which include carbon monoxide, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), sulfur dioxide, nitrogen dioxide, lead, and ozone.

(14) "**Nonurban areas**" means unincorporated areas within a county that are not designated as an urban growth area. [RCW 70.94.745(8)]

(15) "**Nuisance**" means an emission of smoke or any other air contaminant that unreasonably interferes with the use and enjoyment of the property upon which it is deposited. [RCW 70.94.030(2)]

(16) "**Other outdoor burning**" means any type of outdoor burning not specified in WAC 173-425-020 (1) or (2)(a) through (i), including, but not limited to, any outdoor burning necessary to protect public health and safety. [RCW 70.94.650(7) and 70.94.765]

(17) "**Outdoor burning**" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this rule, "outdoor burning" means all types of outdoor burn-



ing except agricultural burning and silvicultural burning. [RCW 70.94.743(2)]

(18) **"Permitting agency"** means the agency responsible for issuing permits (including adopting a general permit) for, and/or enforcing all requirements of this rule that apply to, a particular type of burning in a given area unless another agency agrees to be responsible for certain enforcement activities in accordance with WAC 173-425-060 (1)(a) and (6).

(19) **"Pollutants emitted by outdoor burning"** means carbon monoxide, carbon dioxide, particulate matter, sulfur dioxide, nitrogen oxides, lead, and various volatile organic compounds and toxic substances.

(20) **"Rare and endangered plant regeneration fires"** means fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in RCW 79.70.

(21) **"Reasonable alternative"** means a method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning.

(22) **"Recreational fire"** means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires.

(23) **"Residential burning"** means the outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee. [RCW 70.94.750(1)]

(24) **"Silvicultural burning"** means outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

- (a) Abating a forest fire hazard.
- (b) Prevention of a forest fire hazard.
- (c) Instruction of public officials in methods of forest fire fighting.
- (d) Any silvicultural operation to improve the forest lands of the state.
- (e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. [RCW 70.94.660(1)]

(25) **"Storm or flood debris burning"** means fires consisting of natural vegetation deposited on lands by storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government and burned on such lands by the property owner or his or her designee. [RCW 70.94.743 (1)(c)]

(26) **"Tumbleweed burning"** means outdoor burning to dispose of dry plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.

(27) **"Urban growth area"** means land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

(28) **"Weed abatement fires"** means any outdoor burning to dispose of weeds that is not regulated under WAC 173-430 (agricultural burning).

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

### **SWCAA 425-040 Areas Where Certain Types of Outdoor Burning Are Prohibited**

[Statutory Authority: Chapter 70.94.755 RCW.]

(1) **Nonattainment areas.** Residential burning and land clearing burning may not be allowed in any area of the state that exceeds federal or state ambient air quality standards for pollutants emitted by outdoor burning. These areas are limited to all nonattainment areas and former nonattainment areas for carbon monoxide, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), sulfur dioxide, nitrogen dioxide, and lead. However, ecology may, in cooperation with any local air authority having jurisdiction, authorize the omission of parts of a nonattainment area if ambient air quality standards for the pollutants that caused the area to be designated nonattainment have not been exceeded in those parts, and outdoor burning in those parts has not contributed, and is not expected to contribute, significantly to exceedances of the standards in the nonattainment area. [RCW 70.94.743 (1)(a)]

(2) **Urban growth areas.** Residential burning and land clearing burning may not be allowed in any urban growth area after December 31, 2000, except as follows: Residential burning and land clearing burning may be allowed in the following types of urban growth areas until December 31, 2006: [RCW 70.94.743 (1)(b)]

(a) Urban growth areas for incorporated cities having a population of less than five thousand people that are neither within nor contiguous with any area identified in subsection (1) of this section.

(b) Urban growth areas that do not include an incorporated city.

(3) **Cities over 10,000.** Residential burning and land clearing burning may not be allowed in any cities having a population greater than ten thousand people after December 31, 2000. Cities having this population must be identified by using the most current population estimates available for each city. [RCW 70.94.743 (1)(b)]

(4) **High density areas.** Land clearing burning may not be allowed in any area having a general population density of one thousand or more persons per square mile after December 31, 2000, if the area is contiguous with any area where land clearing burning has already been, or must be, prohibited by that date under subsection (1), (2), or (3) of this section, and it may not be allowed in any other areas having this density after December 31, 2006. All areas having this density must be identified by using the most current population data available for each census block group and dividing by

the land area of the block group in square miles. [RCW 70.94.750(2)]

(5) **Areas with a reasonable alternative to burning.** Residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, and other outdoor burning of organic refuse may not be allowed in any area of the state (including any areas or parts of areas identified in subsections (1) through (4) of this section) when a reasonable alternative to burning is found to exist in the area for that type of burning. (RCW 70.94.745(6)) By December 31, 2000, and at least every third year after that, the Agency must determine whether any areas within their jurisdiction where a type of burning listed in this subsection is allowed (except other outdoor burning of organic refuse) have a reasonable alternative to burning. Determinations for other outdoor burning of organic refuse must be made on a permit by permit basis by applying the criteria in (a) and (b) of this subsection. A reasonable alternative exists for any area where the answers to both of the following questions are "Yes" for the specified type of burning, provided that parts of an area may be excluded for the purpose of defining practical boundaries for the area.

(a) **Available and reasonably economical.** Is the area served by:

(i) A county or municipally-sponsored service for recycling (i.e. composting) of the organic refuse (e.g. natural vegetation); or

(ii) Any other method for disposing of the organic refuse (such as a public or private chipping or chipper rental service, an energy recovery or incineration facility, or a solid waste drop box, transfer station, or landfill) that is located within a reasonable distance and will accept the type and volume of organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of municipal solid waste?

(b) **Less harmful to the environment.** Is the area served by any available and reasonably economical alternative method for disposing of the organic refuse less harmful to the environment than outdoor burning? The following hierarchy shall be used to determine the harmfulness of an organic refuse disposal method:

Less Harmful	Waste Reduction Recycling Energy Recovery or Incineration Landfill Disposal
More Harmful	Outdoor Burning.

(c) **Specified areas.** Paragraphs 5(a) and 5(b) of this section notwithstanding, reasonable alternatives to burning are considered to exist in areas of high population density (one thousand persons per square mile or more) that are outside, but contiguous or proximate to, cities and/or urban growth areas where outdoor burning has been prohibited under the provisions of paragraphs (2) and (3) of this section. The December 31, 2000 reasonable alternatives determination for SWCAA's jurisdiction included only a limited area around the city limits of Longview and Kelso.

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**SWCAA 425-050 Other Prohibitions/Requirements That Apply to All Outdoor Burning**

[Statutory Authority: Chapter 70.94.755 RCW.]

No person may cause or allow an outdoor fire in an area where the type of burning involved is prohibited under SWCAA 425-040, or where it requires a permit under SWCAA 425-060(2), unless a permit has been issued and is in effect. In addition, the following general requirements apply to all outdoor burning regulated by this rule, including any outdoor burning allowed without a permit under SWCAA 425-060(2), unless a specific exception is stated in this section.

(1) **Prohibited materials.** The following materials may not be burned in any outdoor fire: Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned, except that: [RCW 70.94.775(1) and Attorney General Opinion 1993 #17]

(a) Fire fighting instruction fires for aircraft crash rescue training fires approved and conducted in compliance with RCW 70.94.650(5) may contain uncontaminated petroleum products. [RCW 70.94.650(6)]

(b) The Agency may allow the limited burning of prohibited materials for other fire fighting instruction fires, including those that are exempt from permits under SWCAA 425-060 (2)(f), and other outdoor burning necessary to protect public health and safety. [RCW 70.94.650(7)]

(2) **Hauled material.** No outdoor fire may contain material (other than firewood) that has been hauled from an area where outdoor burning of the material is prohibited under SWCAA 425-040. Any outdoor burning of material hauled from areas where outdoor burning of the material is allowed requires an appropriate permit under SWCAA 425-060(2), and any use of property for this purpose on an ongoing basis, must be limited to the types of burning listed in WAC 173-351-200 (5)(b) (criteria for municipal solid waste landfills) and approved in accordance with other laws, including WAC 173-304 (Minimum functional standards for solid waste handling) and WAC 173-400 (General regulations for air pollution sources). [RCW 70.94.745(6)]

(3) **Curtailments.**

(a) No outdoor fire may be ignited in a geographical area where:

(i) Ecology has declared an air pollution episode; [RCW 70.94.775(2), 70.94.780]

(ii) Ecology or a local air authority has declared impaired air quality; or [RCW 70.94.775(2), 70.94.780]

(iii) The appropriate fire protection authority has declared a fire danger burn ban, unless that authority grants an exception.

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(b) The person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day.

(c) The person responsible for an outdoor fire must extinguish the fire when an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared. In this regard:

(i) Smoke visible from all types of outdoor burning, except land clearing burning, after a time period of three hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning; and

(ii) Smoke visible from land clearing burning after a time period of eight hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

(4) **Unlawful outdoor burning.** It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance. [RCW 70.94.040, 70.94.650(1), and 70.94.780]

(a) Any person affected by outdoor burning may file a complaint with the permitting agency or other designated enforcing agency.

(b) Any agency responding to an outdoor burning complaint should attempt to determine if the burning on any particular property is unlawful. This may include, but is not limited to, considering whether the burning has caused an emission of smoke or any other air contaminant in sufficient quantity to be unlawful.

(c) Any person responsible for such unlawful outdoor burning must immediately extinguish the fire.

(5) **Burning in outdoor containers.** Outdoor containers (such as burn barrels and other incinerators not regulated under SWCAA 400-070(1)) used for outdoor burning, must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch, and they may only be used in compliance with this rule.

**(6) Other general requirements:**

(a) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(b) No fires are to be within fifty feet of structures.

(c) Permission from a landowner, or the landowner's designated representative, must be obtained before starting an outdoor fire.

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**SWCAA 425-060 Outdoor Burning Permit Program/ Requirements**

[Statutory Authority: Chapter 70.94.755 RCW.]

**(1) Permit program.**

(a) The Agency may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for particular types of burning in an area of the state. The Agency may enter into agreements with any capable agencies to identify the permitting agencies and enforcing agencies for each type of burning and determine the type of permit appropriate for each area where a permit is required. [RCW 70.94.654]

(b) Permitting agencies may use, as appropriate, a verbal, electronic, written, or general permit established by rule, for any type of burning that requires a permit. A written permit should be used, where feasible, for land clearing burning, storm or flood debris burning in areas where residential burning and land clearing burning are prohibited under SWCAA 425-040 (1), (2), or (3), and other outdoor burning (except any other outdoor burning necessary to protect public health and safety). [RCW 70.94.745(4)]

(c) The rule for a general permit must establish periods of time when any burning under the permit is required to occur. General permits must also include all appropriate conditions for burning as stated in subsection (4) of this section.

**(2) Types of burning that require a permit.** Except as otherwise stated, a permit is required for the following types of outdoor burning in all areas under the Agency's jurisdiction.

(a) Residential burning (except in the nonurban areas of any county with an unincorporated population of less than fifty thousand). [RCW 70.94.745(2)]

(b) Land clearing burning. [RCW 70.94.745(2)]

(c) Storm or flood debris burning. [RCW 70.94.743(1)(c)]

(d) Tumbleweed burning (except in counties with a population of less than two hundred fifty thousand). [RCW 70.94.745(5)]

(e) Weed abatement fires. [RCW 70.94.650 (1)(a)]

(f) Fire fighting instruction fires for training to fight structural fires in urban growth areas and cities with a population over ten thousand, and all other fire fighting instruction fires, except fire fighting instruction fires for training to fight structural fires as provided in RCW 52.12.150, aircraft crash rescue fires as provided in RCW 70.94.650(5), and forest fires. [RCW 70.94.650 (1)(b)]

(g) Rare and endangered plant regeneration fires. [RCW 70.94.651(1)]

(h) Indian ceremonial fires (except on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement). [RCW 70.94.651(2)]

(i) Recreational fires with a total fuel area that is greater than three feet in diameter and/or two feet in height (except in the nonurban areas of counties with an unincorporated population of less than fifty thousand). [RCW 70.94.765]

(j) Other outdoor burning (if specifically authorized by the Agency). [RCW 70.94.765]

(3) **Fees.** SWCAA may charge a fee for any permit issued under the authority of this rule, provided that a fee must be charged for all permits issued for weed abatement fires and fire fighting instruction fires. All fees must be set by rule and must not exceed the level necessary to recover the costs of administering and enforcing the permit program. SWCAA has established a schedule of permit fees as described in Table A below. [RCW 70.94.650(2) and 70.94.-780]

TABLE A

Outdoor Burning Category	Regulating Authority	Permit Fee
Residential burning	RCW 70.94.745	\$0
Land clearing burning	RCW 70.94.745	\$100
Storm burning	RCW 70.94.743	\$0
Flood debris burning	RCW 70.94.743	\$100
Tumbleweed burning	RCW 70.94.745	\$0
Weed abatement fires	RCW 70.94.650	\$2/acre, \$25 min.
Fire fighting instruction fires.	RCW 70.94.650	\$25
Rare and endangered plant regeneration fires	RCW 70.94.651	\$2/acre, \$25 min.
Indian ceremonial fires.	RCW 70.94.651	\$0
Recreational fires.	RCW 70.94.765	\$0
Other outdoor burning	RCW 70.94.765	\$0

(4) **Permit decisions.** Permitting agencies must approve with conditions, or deny outdoor burning permits as needed to achieve compliance with this chapter. All permits must include conditions to satisfy the requirements in SWCAA 425-050, and they may require other conditions, such as restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Permitting agencies may also include conditions to comply with other laws pertaining to outdoor burning. [RCW 70.94.745, 70.94.750, and 70.94.780]

(5) **Establishment of a general permit and requirements for residential burning.**

(a) A general permit for residential burning is hereby adopted for use in any area where the Agency and any designated enforcing agencies have agreed that a general permit is appropriate for residential burning, and have notified the public where the permit applies. All burning under this permit must comply with the conditions in (c) of this subsection, and it must be restricted to the first and second weekends (Saturday and Sunday) in April and the third and fourth weekends in October, unless alternative days are substituted by the enforcing agency and adequate notice of the substitution is provided to the public. Alternative days may only be substituted if conditions on the prescribed days are unsuitable due to such things as poor air quality, high fire danger, unfavorable meteorology, likely interference with a major community event, or difficulties for enforcement. [RCW 70.94.-745(4)]

(b) The Agency may also adopt a general permit for residential burning that prescribes a different set of days, not to

exceed eight days per year, when any burning under the permit must occur: The public must be given adequate notice regarding where and when the permit will apply. [RCW 70.94.745(4)]

(c) The following conditions apply to all residential burning allowed without a permit under SWCAA 425-060 (2)(a) or allowed under a general, verbal, or electronic permit:

(i) The person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day;

(ii) A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area;

(iii) The fire must not include garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;

(iv) The fire must not include materials hauled from another property;

(v) If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately;

(vi) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it;

(vii) No fires are to be within fifty feet of structures;

(viii) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire;

(ix) Any burn pile must not be larger than four feet by four feet by three feet;

(x) Only one pile at a time may be burned, and each pile must be extinguished before lighting another;

(xi) If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch; and

(xii) No fire is permitted within five hundred feet of forest slash. Persons not able to meet these requirements or the requirements in SWCAA 425-050 must apply for and receive a written permit before burning. Failure to comply with all requirements of this subsection voids any applicable permit, and the person responsible for burning may be subject to enforcement action under subsection (6) of this section.

(6) **Field response and enforcement.** Any agency that issues permits, or adopts a general permit for any type of burning in an area, is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements of this rule related to that type of burning in the area, unless another agency has agreed under SWCAA 425-060 (1)(a) to be responsible for certain field

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response or enforcement activities. Except for enforcing WAC 173-425-050 (3)(a)(iii), the Agency may also perform these activities. The Agency is also responsible for enforcing any requirements that apply to burning that is prohibited or exempt from permits in areas under their jurisdiction, unless another agency agrees to be responsible. Permitting agencies and enforcing agencies may require that corrective action be taken, and may assess penalties to the extent allowed under their general and specific authorities if they discover non-compliance with this chapter. A fire protection authority called to respond to, control, or extinguish an illegal or out-of-control fire may charge, and recover from the person responsible for the fire, the costs of its response and control action.

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

### NEW SECTION

#### **SWCAA 425-070 Variances**

[Statutory Authority: Chapter 70.94.755 RCW.]

Any person who proposes to engage in outdoor burning may apply to the Agency for a variance from provisions of this rule governing the quality, nature, duration, or extent of discharges of air contaminants from the proposed burning. All variance applications must be reviewed, and approved or disapproved, in accordance with RCW 70.94.181. [RCW 70.94.181]

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

### NEW SECTION

#### **SWCAA 425-080 Severability**

[Statutory Authority: Chapter 70.94.755 RCW.]

The provisions of this regulation are severable. If any provision is held invalid, the application of that provision to other circumstances and the remainder of the regulation will not be affected.

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-17-015, filed 8/6/93, effective 9/6/93)

#### **((SWAPCA)) SWCAA 425-200 Responsibility**

[Statutory Authority: Chapter 70.94.755 RCW. Original adoption 93-17-015 filed 8/6/93, effective 9/6/93.]

(1) Fires started in violation of this rule shall be extinguished by the persons responsible for the same upon notice from the Director or his duly designated agent. When the Director has knowledge of adverse conditions effecting the dispersement of the combustion by-products, an air pollution alert may be declared, voiding all permits for open fires.

(2) It shall be prima facie evidence that the person who owns or controls property on which an open fire, prohibited by this regulation, occurs has cause or allowed said open fire.

**Reviser's note:** The brackets and enclosed material above occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

### **WSR 02-04-062**

#### **WITHDRAWAL OF PROPOSED RULES BOARD OF ACCOUNTANCY**

[Filed January 31, 2002, 12:34 p.m.]

The Board of Accountancy hereby withdraws proposed amendments to WAC 4-25-640 Clients' confidential information, filed with your office:

- Original notice on July 18, 2001 (WSR 01-15-087).
- Supplemental notice on November 21, 2001 (WSR 01-23-088).

Dana M. McInturff, CPA  
Executive Director

### **WSR 02-04-079**

#### **PROPOSED RULES PERSONNEL RESOURCES BOARD**

[Filed February 4, 2002, 11:12 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-12-073 Appeals from exempt status.

Purpose: This rule deals with employees appealing to the Personnel Appeals Board when they feel their classification should or should not be exempt.

Statutory Authority for Adoption: Chapter 41.06 RCW.  
Statute Being Implemented: RCW 41.06.150.

Summary: Repeal of this rule is necessary because the prior authority for the rule was contained in RCW 28B.16-100 which was repealed by the legislature when higher education was merged into chapter 41.06 RCW. This rule creates appeal rights for persons not covered by chapter 41.06 RCW.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The repeal of this rule is necessary because prior authorization for this rule was contained in RCW 28B.16.100 which was repealed by the legislature and higher education was merged into chapter 41.06 RCW. Chapter 41.06 RCW contains the statutory authority for appeals from exempt status. This appeal right is restricted to classified employees

whose positions have been exempted after July 1, 1993. This rule creates appeal rights for persons not covered by chapter 41.06 RCW.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 14, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by March 7, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by March 12, 2002.

Date of Intended Adoption: March 14, 2002.

January 31, 2002

E. C. Matt

Secretary

#### REPEALER

WAC 251-12-073 Appeals from exempt status.

#### **WSR 02-04-080**

#### **PROPOSED RULES**

#### **PERSONNEL RESOURCES BOARD**

[Filed February 4, 2002, 11:13 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-26-140 Background check requirements—Department of social and health services, 356-30-331 Reduction in force—Transition pool program, and 251-17-100 Modification of minimum qualifications.

Purpose: These rules deal with background checks for employees and applicants for the Department of Social and Health Services, the reduction in force transition pool program for general government and modification for minimum qualifications for higher education.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are housekeeping in nature. The changes will address code reviser requirements and reference the correct subsection in WAC 251-17-200.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules deal with background checks for

employees and applicants for the Department of Social and Health Services, the reduction in force transition pool program for general government employees and modification for minimum qualifications for higher education. These modifications are housekeeping in nature and will address code reviser requirements and a reference to a correct subsection in WAC 251-17-200.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 14, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 6, 2001 [March 7, 2002], TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by March 12, 2002.

Date of Intended Adoption: March 14, 2002.

January 31, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 01-19-032, filed 9/13/01, effective 10/14/01)

**WAC 356-26-140 Background (~~inquiries~~ ~~checks~~)) check requirements—Department of social and health services.** (1) The department of social and health services shall conduct background checks on employees in covered positions and persons under final consideration for a covered position in accordance WAC 356-30-012.

AMENDATORY SECTION (Amending WSR 01-11-113, filed 5/22/01, effective 7/1/01)

**WAC 356-30-331 Reduction in force—Transition pool program.** The department of personnel is responsible for administering the reduction in force transition pool program. The director shall develop and implement appropriate operating procedures to facilitate this program.

(1) To administer the program, the director or designee may waive provisions of Title 356 WAC that:

(a) Require employees seeking transfer and voluntary demotion in lieu of reduction in force to meet approved minimum qualifications;

(b) Authorize only the director to waive minimum qualifications; (~~and~~) and

(c) Allow qualifying examinations for transfers or voluntary demotions(~~and~~).

(2) The program applies to:

(a) All permanent employees separated by reduction in force or notified by the agency personnel representative that they are at risk of reduction in force; and

(b) Return to work employees in those agencies that are participating in the return to work initiative program.

(c) Permanent Washington management service employees who were appointed from a voluntary demotion register to a Washington general service class not previously held or from a promotional register into another agency and who are either voluntarily or involuntarily reverted during their trial service period.

(3) Agencies, including those agencies with local list authority, shall adhere to the operating procedures established by the director.

(4) Employees participating in the reduction in force transition pool program shall have no right of appeal within this program.

AMENDATORY SECTION (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

**WAC 251-17-200 Modification of minimum qualifications.** When a vacancy exists and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director modify the minimum qualifications for that recruiting cycle unless approval has been delegated to the personnel officer under WAC 251-04-060((4))(3). On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications.

**WSR 02-04-081**

**PROPOSED RULES**

**PERSONNEL RESOURCES BOARD**

[Filed February 4, 2002, 11:41 a.m.]

**Original Notice.**

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-01-240 Layoff and 251-19-120 Appointment—Temporary.

Purpose: These rules deal with the definition of layoff and temporary appointments within higher education.

Statutory Authority for Adoption: Chapter 41.06 RCW.  
Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are necessary due to WAC 251-10-030 previously being modified to allow layoffs due to good faith reorganization.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules deal with the definition of layoff and temporary appointments for higher education. These modifications are necessary because WAC 251-10-030, which is the layoff rule for higher education, was previously modified to allow layoffs due to good faith reorganization. These changes are in line with the previous modification to WAC 251-10-030.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 14, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 6, 2001 [March 7, 2002], TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by March 12, 2002.

Date of Intended Adoption: March 14, 2002.

January 31, 2002

E. C. Matt  
Secretary

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-240 Layoff.** Any of the following management initiated actions caused by lack of funds or lack of work and/or for good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

AMENDATORY SECTION (Amending WSR 95-19-099 [98-19-035], filed 9/20/95 [9/10/98], effective 11/1/95 [10/12/98])

**WAC 251-19-120 Appointment—Temporary.** (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415.

(2) Temporary appointment to perform work in the absence of an employee on leave for more than six consecutive months shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 41.06 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one thousand fifty hours in any twelve consecutive month period from the original date of hire limitation, or October 1, 1989, whichever is later, identified in WAC 251-01-415(2) and 251-12-600.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than six consecutive months. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415

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(2) and (3) may be made without regard to the rules governing appointment.

(5) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(6) At the conclusion of a temporary appointment made in accordance with these rules, a permanent employee shall have the right to revert to his/her former position or to an equivalent position.

(7) Each institution shall develop for director approval a procedure which indicates its system for controlling and monitoring exempt positions as identified in chapter 41.06 RCW.

(8) An institution may petition the director in writing for approval of exceptions to these requirements. The director will annually review the appropriateness of exceptions granted and advise the board.

(9) No temporary appointment shall take the place of employees laid off due to lack of work or lack of funds and/or for good faith reorganization for efficiency purposes.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently these rules allow temporary appointments to last nine months or 1560 nonovertime hours. These changes will eliminate the nine months standard and allow a single standard of 1560 nonovertime hours, not to exceed twelve months from the appointment date to be applied to both part-time and full-time positions.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 14, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by March 7, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by March 12, 2002.

Date of Intended Adoption: March 14, 2002.

January 31, 2002

E. C. Matt

Secretary

WSR 02-04-082

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed February 4, 2002, 11:14 a.m.]

Supplemental Notice to WSR 01-24-054.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-05-415 Temporary employment, 356-30-025 Nonpermanent appointments—Duration, 356-30-065 Temporary appointments—From outside state service, and 356-30-067 Temporary appointments from within classified service, 356-18-112 Shared leave, and 356-30-140 Intermittent employment—Rules—Regulations.

Purpose: These rules pertain to nonpermanent appointments within state government and shared leave.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications change the standard for the amount of time an employee can work in a nonpermanent appointment. With these changes a temporary appointment can last no longer than 1560 nonovertime hours not to exceed twelve months from the appointment date. This will allow a single standard to be applied for both part-time and full-time positions.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

AMENDATORY SECTION (Amending WSR 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88)

WAC 356-05-415 Temporary employment. Single or multiple periods of employment for not more than 1560 nonovertime hours, not to exceed twelve months from the appointment date, unless extended by the director. Temporary appointments shall only be made when there is a need to fill a position during the absence of a permanent employee, ~~((or))~~ during a workload peak, ~~((when there is a need to fill a position for not more than nine months or 1560 nonovertime hours))~~ or while recruitment is being conducted to establish a complete register.

AMENDATORY SECTION (Amending WSR 89-04-027 (Order 313), filed 1/25/89, effective 3/1/89)

WAC 356-30-025 Nonpermanent appointments—Duration. No consecutive nonpermanent appointment of an employee who has worked for the same agency for ~~((nine months or))~~ 1560 nonovertime hours, ~~((within the last twelve months))~~ not to exceed twelve months from the appointment date, may be made without a three-month break in service except as provided by WAC 356-30-065(4), 356-30-067 ~~((or))~~(7), and 356-30-140~~((or))~~. All time spent in nonpermanent appointments counts toward the 1560 hour limit.



**AMENDATORY SECTION** (Amending WSR 97-19-044, filed 9/11/97, effective 11/1/97)

**WAC 356-30-065 Temporary appointments—From outside state service.** (1) Temporary appointments may be made to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than ~~((nine months or))~~ 1560 nonovertime hours, not to exceed twelve months from the appointment date or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. Single or multiple temporary appointments shall last no more than ~~((nine months or))~~ 1560 nonovertime hours, ~~((within a twelve month period))~~ not to exceed twelve months from the appointment date. ~~((Time spent in emergency appointments will be counted in the 1560 hours.))~~ All nonovertime hours spent in other non-permanent appointments will be counted in the 1560 hour limit.

(4) No temporary appointment of an employee who has worked for the same agency for ~~((nine months or))~~ 1560 nonovertime hours within ~~((the last))~~ twelve months from the appointment date may be made without a three-month break in service. Consecutive nonpermanent appointments of the same person in the same agency which would cause the employee to work more than 1560 nonovertime hours ~~((in a twelve month period))~~ within twelve months from the appointment date can only be made with the approval of the director of personnel. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond ~~((nine months or))~~ 1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

(7) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

(8) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or

by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) The appointing authority shall advise the temporary employee of the temporary status of the appointment. Temporary employees not appointed from within the classified service have no appeal rights.

(10) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

**AMENDATORY SECTION** (Amending WSR 97-19-044, filed 9/11/97, effective 11/1/97)

**WAC 356-30-067 Temporary appointments from within classified service.** (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than ~~((nine months or))~~ 1560 nonovertime hours, not to exceed twelve months from the appointment date or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than ~~((nine months or))~~ 1560 nonovertime hours, not to exceed twelve months from the appointment date for single or multiple appointments. An extension may be approved by the director when a

temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent employee returns or the position is filled permanently. ~~((Time spent in emergency appointments will be counted in the 1560 hours.))~~ All non-overtime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

**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 WSR 96-21-037, filed 10/10/96, effective 11/10/96)

**WAC 356-18-112 Shared leave.** (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(d) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below four hundred eighty hours after the transfer. In no event will the donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(e) The donating employee may donate all or part of a personal holiday in accordance with WAC 356-18-025. Any portion of a personal holiday that is not used shall be returned to the donating employee.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) ~~((Nine months or))~~ 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director ~~((per))~~ in accordance with WAC 356-30-065(4), 356-30-067~~((6))~~(7), and 356-30-140~~((6))~~.

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance

with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

**AMENDATORY SECTION** (Amending WSR 89-14-026 (Order 320), filed 6/26/89, effective 8/1/89)

**WAC 356-30-140 Intermittent employment—Rules—Regulations.** (1) Intermittent appointments may be made with the approval of the director of personnel or designee. An intermittent appointment shall be approved when the nature of the work is intermittent in character fitting no particular pattern. An employee may not work more than 1560 nonovertime hours within any twelve-month period in an intermittent appointment. A position which is filled beyond the 1560 nonovertime hours within a twelve-month period shall be vacated for a minimum of three months. (~~Time spent in emergency appointments will be counted in the 1560 hours.~~) All nonovertime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(2) Intermittent appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Intermittent appointees must meet the minimum qualifications for the class in which they are hired unless the director of personnel determines that program needs demand otherwise. Established registers may be used when making intermittent appointments.

(4) Consecutive appointments of the same person in the same agency may be made as long as the employee does not work more than 1560 nonovertime hours in a twelve-month period.

(5) No person can become a permanent employee because of time served as an intermittent employee.

(6) Intermittent employees who accept temporary appointments may return to intermittent employment and resume intermittent status without approval of the director of personnel if they have not exceeded 1560 nonovertime hours in all nonpermanent appointments within the last twelve

months. If the employee reaches 1560 nonovertime hours in the last twelve months, a mandatory three-month break must be made, unless the director of personnel determines otherwise.

(7) Agencies must review intermittent appointments on a quarterly basis to ensure that intermittent employees are employed in accordance with these rules.

(8) The director of personnel shall monitor intermittent appointments made pursuant to this section and may revoke delegated authority where abuse is found.

### WSR 02-04-083

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed February 4, 2002, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-21-025.

Title of Rule: WAC 308-125-085.

Purpose: Will adopt the term or duration of the temporary licensing and certification privileges granted under the provision of this section.

Statutory Authority for Adoption: RCW 18.140.030(1), 18.140.155(2).

Statute Being Implemented: Chapter 18.140 RCW.

Summary: Adopt the term or duration of the temporary licensing and certification privileges granted under the provision of WAC 308-125-085.

Reasons Supporting Proposal: The director is authorized to adopt by rule the term or duration of the licensing and certification privileges granted under the provisions of this section.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, Jr., Olympia, (360) 664-6504.

Name of Proponent: Department of Licensing, Real Estate Appraiser Program, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Will adopt the term or duration of the temporary licensing and certification privileges granted under the provisions of this section.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building #2, Conference Room #1, Olympia, WA, on Friday, March 22, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ralph Birkedahl by March 15, 2002, TDD (360) 664-0116, or (360) 664-6504.

PROPOSED

Submit Written Comments to: Cleotis Borner, Jr., Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, fax (360) 586-0998, by March 18, 2002.

Date of Intended Adoption: April 23, 2002.

February 4, 2002  
Cleotis Borner, Jr.  
Program Manager

**AMENDATORY SECTION** (Amending WSR 97-02-004, filed 12/20/96, effective 1/20/97)

**WAC 308-125-085 Temporary practice.** (1) A real estate appraiser from another state who is licensed or certified by another state may apply for registration to receive temporary licensing or certification in Washington by paying a fee, providing a license history, and filing an application with the department on a form provided by the department.

(2) Licensing and certification privileges granted under the provisions of this section shall expire (~~ninety days~~) six months from issuance. Licensing or certification shall not be renewed (~~nor shall an applicant receive more than two registrations within any twelve month period. The twelve month period begins at the time of the first issuance~~). However, an applicant may receive an extension of a temporary practice permit to complete an assignment, provided that a written request is received by the department prior to the expiration date, stating the reason for the extension.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter. A temporary permit issued under this section allows an appraiser to perform independent appraisal services required by a contract for appraisal services submitted to the department with the application for temporary permit.

#### WSR 02-04-088

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

(Business and Professions Division)

[Filed February 4, 2002, 2:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-058.

Title of Rule: WAC 308-20-210 Cosmetology, barber, manicurist, esthetician, salon/shop, booth renter, mobile operator and personal service operator fees.

Purpose: Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

The department has reviewed the rule noted and recommends amending with new fees for the purpose of having a sufficient level of revenue to defray the costs of administering the program.

Statutory Authority for Adoption: RCW 18.16.030 and 43.24.086.

Statute Being Implemented: RCW 18.16.030.

Summary: Amend renewal fees.

Reasons Supporting Proposal: Amending the rule with a fee increase will ensure that there is a sufficient level of revenue to defray increasing program administration costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rosie McGrew, 405 Black Lake Boulevard, Building #2, Olympia, WA 98502, (360) 664-6626.

Name of Proponent: Department of Licensing, public and governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Fees to become effective on January 1, 2003.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends rule increasing renewal fees for cosmetology, barber, manicurist, esthetician, instructor, salon/shop, booth renter, mobile operator, personal service operator, and school licenses. New fees should allow the department sufficient revenue in order to maintain the costs associated with the administration of the program.

Proposal Changes the Following Existing Rules: Amended rule will allow for additional revenue collection in order to offset increasing program administration fees required according to RCW 43.24.086.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will have minor impact to businesses in the industry.

RCW 43.24.086 requires that regulatory programs raise sufficient revenue to be self-supporting.

Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: WestCoast SeaTac Hotel, Cascade Room, 18220 International Boulevard South, Seattle, WA 98188, on April 8, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Rosie McGrew by April 5, 2002, TDD (360) 586-2788, or (360) 664-6626.

Submit Written Comments to: Rosie McGrew, Licensing Manager, Department of Licensing, Cosmetology Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 664-2550, by April 5, 2002.

Date of Intended Adoption: April 12, 2002.

February 4, 2002  
Alan E. Rathbun  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 92-15-087, filed 7/17/92, effective 8/17/92)

**WAC 308-20-210 Cosmetology, barber, manicurist, esthetician, salon/shop, booth renter, mobile operator and**

**personal service operator fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
<b>Cosmetologist:</b>	
Examination application	\$ 25.00
Examination retake	25.00
Renewal per year	<del>((20.00))</del> <u>25.00</u>
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
<b>Instructor:</b>	
Examination application	30.00
Examination retake	30.00
Renewal, per year	<del>((20.00))</del> <u>25.00</u>
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	30.00
<b>Manicurist:</b>	
Examination application	25.00
Examination retake	25.00
Renewal per year	<del>((20.00))</del> <u>25.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
<b>Esthetician:</b>	
Examination application	25.00
Examination retake	25.00
Renewal per year	<del>((20.00))</del> <u>25.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
<b>Barber:</b>	
Examination application	25.00
Examination retake	25.00
Renewal per year	<del>((20.00))</del> <u>25.00</u>
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00

Title of Fee	Fee
<b>School:</b>	
License application	175.00
Renewal per year	<del>((175.00))</del> <u>185.00</u>
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
<b>Salon/shop:</b>	
Application	50.00
Renewal	<del>((50.00))</del> <u>60.00</u>
Late renewal penalty	50.00
Duplicate license	15.00
<b>Booth renter:</b>	
Application	50.00
Renewal	<del>((50.00))</del> <u>60.00</u>
Late renewal penalty	50.00
Duplicate license	15.00
<b>Mobile operator:</b>	
Application	50.00
Renewal	<del>((50.00))</del> <u>60.00</u>
Late renewal penalty	50.00
Duplicate license	15.00
<b>Personal service operator:</b>	
Application	50.00
Renewal	<del>((50.00))</del> <u>60.00</u>
Late renewal penalty	50.00
Duplicate license	15.00

**WSR 02-04-090**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Optometry)  
 [Filed February 4, 2002, 4:46 p.m.]

Continuance of WSR 01-24-106.  
 Exempt from preproposal statement of inquiry under RCW 34.05.310(4).  
 Title of Rule: WAC 246-851-150 Credit for individual research, publications and small group study, 246-851-160 Credit for reports, 246-851-250 Minimum equipment requirements, 246-851-300 Renting space from and practicing on premises of commercial (mercantile) concern, 246-851-310 Proper identification of licensees, 246-851-330 Misleading titles or degrees, and 246-851-520 Contact lens prescription defined.

PROPOSED

Purpose: The purpose of this continuance CR-102 is to change the hearing location and the hearing time.

Statutory Authority for Adoption: RCW 18.54.070(2).

Statute Being Implemented: RCW 18.54.070(2).

Summary: Updates and clarifies rules related to continuing education including correcting references to professional literature. Updates equipment requirements for licensees. Deletes unnecessary language and corrects references to gender related to practicing on a commercial location, proper identification and titles of licensees. Updates language related to contact lens prescriptions.

Reasons Supporting Proposal: References in continuing education rules to optometric literature are inaccurate. Required equipment for optometrists currently in rule is outdated. Other rules contain unnecessary language and incorrect gender reference which detract from the readability clarity of the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, 1300 S.E. Quince, Olympia, WA 98504, (360) 236-4947.

Name of Proponent: Board of Optometry, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The following proposed amendments update and clarify the rules without changing the effect of the rules.

WAC 246-851-150 Credit for individual research, publications, and small group study. Allows for continuing education credit for research or publication. Amendment clarifies that publication must be submitted for publication.

WAC 246-851-160 Credit for reports. Updates optometric literature approved for reports.

WAC 246-851-250 Minimum equipment requirements. Updates required minimum equipment.

WAC 246-851-300 Renting space from and practicing on premises of commercial (mercantile) concern. Deletes unnecessary and outdated language.

WAC 246-851-310 Proper identification of licensees. Clarifies language and removes gender references.

WAC 246-851-330 Misleading titles or degrees. Clarifies language.

WAC 246-851-520 Contact lens prescription defined. Updates language relating to a contact lens prescription.

Proposal Changes the Following Existing Rules: Clarifies existing language without changing the effect of the rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not necessary for rules that are exempt under RCW 34.05.310(4). These changes provide clarification and do not change the substance of the rules.

RCW 34.05.328 does not apply to this rule adoption. This proposal does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for optometry licensure; and does not make significant amendment to a policy or regulatory program. This proposal amends existing rules to make them clearer without changing the effect of the rules.

Hearing Location: Hawthorne Suites, Evergreen One Meeting Room, 6329 South 212th Street, Kent, WA 98032, on March 22, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Haenke at (360) 236-4947, by March 15, 2002, TDD (360) 753-2870, or fax (360) 586-0745.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947, fax (360) 586-4359, by March 5, 2002.

Date of Intended Adoption: March 23, 2002.

November 15, 2001

D. H. Williams

Executive Director

Health Professions Section Four

## WSR 02-04-091

### PROPOSED RULES

### DEPARTMENT OF HEALTH

[Filed February 4, 2002, 4:58 p.m.]

#### Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-215-150 Food service, construction and maintenance of physical facilities. This rule addresses construction and maintenance of food service establishment requirements.

Purpose: The proposal will assure consistency between the rule, state statute, and the National Americans with Disabilities Act (APA).

Statutory Authority for Adoption: RCW 43.20.050.

Statute Being Implemented: Chapter 70.84 RCW.

Summary: The proposed rule will change WAC 246-215-150 (7)(c)(iv) language from "Guide dogs or service dogs..." to "Dog guides or service animals..." to more accurately reflect the intent of the ADA.

Reasons Supporting Proposal: The proposal will help assure that the blind, visually handicapped, hearing impaired or otherwise physically impaired or disabled persons have the same access to food service establishments as the able-bodied.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Gifford, Tumwater, (360) 236-3074.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will change WAC 246-215-150 (7)(c)(iv) language from "Guide dogs or service dogs..." to "Dog guides or service animals..." to more accurately reflect the intent of the ADA. This proposed rule improves access to public places for disabled citizens, and will clarify that animals other than dogs may serve as service animals.

Proposal Changes the Following Existing Rules: The proposed rule will change WAC 246-215-150 (7)(c)(iv) lan-

guage from "Guide dogs or service dogs..." to "Dog guides or service animals..."

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change is exempt from the small business impact statement requirement under RCW 19.85.025(3) because it adopts federal requirements without material change.

RCW 34.05.328 does not apply to this rule adoption. Under RCW 34.05.328 (5)(b)(iii) and (iv), RCW 34.05.328 does not apply to this rule adoption because this rule adopts federal requirements without material change. This rule is for conformance with the United States ADA.

Hearing Location: Phoenix Inn, 417 Capitol [Way] North, Olympia, WA 98501, (360) 570-0555, on March 13, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Desiree Robinson by March 1, 2002, TDD (800) 833-6388, or (360) 236-4107.

Submit Written Comments to: Dave Gifford, Department of Health, FSSP, P.O. Box 47824, Olympia, WA 98504-7824, fax (360) 236-2257, by March 13, 2002.

Date of Intended Adoption: March 13, 2002.

February 1, 2002  
Don Sloma  
Executive Director

**AMENDATORY SECTION** (Amending Order 261B, filed 4/1/92, effective 5/2/92)

**WAC 246-215-150 Construction and maintenance of physical facilities.** Food service establishment owners shall:

- (1) Ensure floors and floor coverings in all areas are:
  - (a) Constructed of easily cleanable materials;
  - (b) Kept clean;
  - (c) In good repair; and
  - (d) Coved at the floor/wall junctures, except for carpeted areas.

(2) Provide proper construction of floors and floor coverings with the following characteristics:

- (a) Water impervious construction;
- (b) Grease resistance;
- (c) Durability; and
- (d) Drains provided when water or pressure spray methods of cleaning are used, in any of the following areas:
  - (i) Food preparation areas;
  - (ii) Food and utensil storage areas;
  - (iii) Utensil washing areas;
  - (iv) Walk-in refrigerators;
  - (v) Dressing rooms or locker rooms with shower facilities; and
  - (vi) Bathrooms where toilets or urinals are located.

(3) Ensure walls, windows, doors, and ceilings in all areas are clean and in good repair.

(4) Ensure that walls are constructed, in addition to requirements in subsection (3) of this section, with the following characteristics:

- (a) Smooth finish;
- (b) Nonabsorbent surfaces; and

(c) Construction with easily cleanable materials in the following areas:

- (i) Walk-in refrigerators and freezers;
- (ii) Food preparation areas;
- (iii) Utensil washing areas;
- (iv) Dressing rooms or locker rooms with shower facilities; and
- (v) Bathrooms.

(5) Provide:

(a) Lighting of at least thirty foot candles in the following:

- (i) Areas where food is prepared or stored;
- (ii) Areas where utensils are washed;
- (iii) Areas where hands are washed;
- (iv) In bathrooms; and
- (v) When cleaning is occurring.

(b) Proper shields or guards for lights in the food preparation and storage areas.

(6) Ensure design, installation, and maintenance of ventilation systems in accordance with applicable state and local mechanical and fire codes; and

(a) Provide ventilation systems, when necessary, to keep all areas free of excessive:

- (i) Heat;
- (ii) Steam;
- (iii) Condensation;
- (iv) Fumes and vapors;
- (v) Obnoxious odors; and
- (vi) Smoke.

(b) Design and maintain ventilation hoods and filters to:

- (i) Prevent grease and condensate from dripping into food or onto food contact surfaces; and
- (ii) Allow ready removal of filters for cleaning and replacement.

(7) Maintain the premises by:

(a) Allowing only articles necessary for operation and maintenance of the food service establishment to be stored there;

(b) Prohibiting use of any room in the food service establishment as living or sleeping quarters:

- (i) Except when separated from all food service operations by complete partitions and solid doors; and
- (ii) Except for bed and breakfasts.

(c) Allowing live animals only under the following conditions:

- (i) Fish, crustacea, and shellfish for food purposes in aquariums;
- (ii) Fish in aquariums for display or decor;
- (iii) Patrol dogs accompanying security or police officers; or

(iv) ~~((Guide dogs))~~ Dog guides or service ~~((dogs))~~ animals, as defined under chapter 70.84 RCW, are allowed to accompany a blind, visually handicapped, hearing impaired, or otherwise physically disabled person in all areas of a food service establishment except in food preparation areas.

(d) Allowing only food service workers or other persons authorized by the health officer in food preparation and storage areas.

**WSR 02-04-109**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed February 6, 2002, 9:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-14-023.

Title of Rule: Chapter 16-157 WAC, Organic food standards and certification.

Purpose: Chapter 16-157 WAC is the rule for the certification of organic producers, processors, and handlers. The rule provides the application, inspection, sampling, fee schedule and certification criteria for obtaining organic and transitional certification. The rule also adopts the 2001 National Organic Program (NOP) subparts A, C, D, E, sections 205.102 through 205.105, and sections 205.600 through 205.606.

Statutory Authority for Adoption: Chapters 15.86, 34.05 RCW.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: The Washington State Department of Agriculture (WSDA) is proposing to adopt the National Organic Program in Washington state in order to continue to provide organic certification services to the organic food industry and enable producers, processors and handlers to maintain access to the organic market. WSDA is proposing to repeal its existing organic rules and adopt the National Organic Program. WSDA would retain rules that provide clarification to the NOP; specify sampling and inspection requirements; certification and decertification criteria; recordkeeping requirements; application criteria and procedures; fees for certification; and the process and criteria for registering brand name materials. An explanation of the proposed changes is outlined below.

Reasons Supporting Proposal: The proposed changes are needed in order to be in compliance with the National Organic Program and continue to provide organic certification services to the organic food industry and enable producers, processors and handlers to maintain access to the organic market.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

Rule is necessary because of federal law, Title 7 C.F.R. Part 205.

Explanation of Rule, its Purpose, and Anticipated Effects: Organic food standards and certification, and chapter 16-157 WAC, provides the certification procedures and requirements for producers, processors, and handlers of organic food products. The rule specifies application, inspection, sampling, certification and decertification procedures as well as the requirements for recordkeeping and use of the WSDA organic food logos. The rule includes the fee structure for fees charged to applicants for organic certification.

The Organic Food Production Act (OFPA) was passed by congress in 1990. The OFPA authorizes the United States Department of Agriculture (USDA) to create a National

Organic Program to implement the federal organic law. In April 2001, the National Organic Program (NOP) became effective. The NOP requires all organic products produced, processed and distributed within the United States to comply with the federal organic standards. Organic producers, processors and handlers in Washington state need to comply with the new regulations in order to continue to produce and market organic food products.

The purpose of the new rule is to adopt the National Organic Program in Washington state in order to continue to provide organic certification to the organic food industry and enable producers, processors and handlers to maintain access to the organic market. The proposal repeals the existing WSDA organic rules and adopts the National Organic Program.

Proposal Changes the Following Existing Rules: The Organic Food Production Act (OFPA) was passed by congress in 1990. The OFPA authorizes the United States Department of Agriculture (USDA) to create a National Organic Program to implement the federal organic law. The National Organic Program (NOP) requires all organic products produced, processed and distributed within the United States to comply with the federal organic standards. Organic producers, processors and handlers in Washington state need to comply with the new regulations in order to produce and market organic food products.

The Washington State Department of Agriculture (WSDA) is proposing to adopt the NOP in Washington state. Adopting the NOP is necessary for WSDA to become accredited as an NOP accredited certifier and to continue to provide organic certification services to the organic food industry.

The new rule adopts the National Organic Program and specifies the details of the Washington state organic certification program. Existing rules for crop production, livestock, processing, certification and handling would be repealed. A comparison between existing organic rules and the new rule is outlined below.

**Comparison between existing organic rules and new chapter 16-157 WAC**

**R = Repealed section, NS = New Section**

**Chapter 16-154 WAC,  
 Organic crop production standards**

	Section	Proposed change
R	WAC 16-154-010 Purpose.	This section has been incorporated into the new purpose section, WAC 16-157-010, within the new organic rule.
R	WAC 16-154-030 Definitions.	This section has been incorporated into the new definition section, WAC 16-157-030, within the new organic rule.
R	WAC 16-154-040 Organic food production guidelines.	The organic food production guidelines are no longer needed and are repealed.
R	WAC 16-154-050 Land requirements.	This section has been incorporated into the new section, WAC 16-157-100, within the new organic rule.

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	Section	Proposed change
R	WAC 16-154-053 Organic farm plan.	This section is repealed. The farm plan requirements are included in the NOP 205.201.
R	WAC 16-154-060 Records.	This section has been incorporated into the new section, WAC 16-157-110, within the new organic rule.
R	Generic materials list - WAC 16-154-070 through 16-154-120.	These sections are repealed, as the materials list will no longer be maintained in rule. The materials list will be maintained by the director under the authority of RCW 15.86.070(2) and will provide a list of approved and prohibited materials that is compliant with the NOP and the state organic statute.
R	WAC 16-154-070 Fertilizers, growth promoters, crop production aids and soil amendments.	This section contained the approved and prohibited material list for fertilizers and soil amendments.
R	WAC 16-154-080 Insect pest control materials and practices.	This section contained approved and prohibited insecticides.
R	WAC 16-154-090 Weed control materials and practices.	This section contained the approved and prohibited materials for weed control.
R	WAC 16-154-100 Disease control materials and practices.	This section contained the approved and prohibited material list for disease control.
R	WAC 16-154-110 Vertebrate control materials and practices.	This section contained the approved and prohibited material list for vertebrate control.
R	WAC 16-154-120 Materials list for organic food production—Post harvest materials and practices.	This section contained the approved and prohibited material list for post harvest use.
R	WAC 16-154-130 Organic mushroom standards.	This section has been incorporated into the new section, WAC 16-157-120, within the new organic certification rule.

**Chapter 16-156 WAC, Organic producer and transition to organic producer certification**

	Section	Proposed change
R	WAC 16-156-003 Purpose.	This section has been incorporated into the new purpose section, WAC 16-157-010, within the new organic rule.
R	WAC 16-156-004 Definitions.	This section has been incorporated into the new definition section, WAC 16-157-030, within the new organic rule.
R	WAC 16-156-005 Standards for certification.	This section is no longer needed and is repealed. All certification requirements are outlined in chapter 16-157 WAC.
R	WAC 16-156-010 Sampling.	This section has been incorporated into the new sampling section, WAC 16-157-255, within the new organic rule.

	Section	Proposed change
R	WAC 16-156-020 Inspection.	This section has been incorporated into the new inspection section, WAC 16-157-250, within the new organic rule.
R	WAC 16-156-030 Certification.	This section has been incorporated into the new organic and transitional producer certification section, WAC 16-157-260, within the new organic rule.
R	WAC 16-156-035 Decertification.	This section has been incorporated into the new decertification section, WAC 16-157-280, within the new organic rule.
R	WAC 16-156-040 Recordkeeping requirements.	This section has been incorporated into WAC 16-157-110.
R	WAC 16-156-050 Application for certification.	This section has been incorporated into the new application section WAC 16-157-200.
R	WAC 16-156-060 Fee schedule.	This section has been incorporated into the new producer fee schedule in WAC 16-157-220.
R	WAC 16-156-070 Export and transaction certificates.	This section has been moved to WAC 16-157-290, within the new organic certification rule.

**Chapter 16-158 WAC, Standards for the certification of processors of organic food**

	Section	Proposed change
R	WAC 16-158-010 Purpose.	This section has been incorporated into the new purpose section, WAC 16-157-010.
R	WAC 16-158-020 Definitions.	This section has been incorporated into the new definition section, WAC 16-157-030.
R	WAC 16-158-027 Application for certification.	This section has been incorporated into the new application section, WAC 16-157-200.
R	WAC 16-158-028 Confidentiality.	Moved to WAC 16-157-210.
R	WAC 16-158-030 Organic processing standards.	The organic processing standards are within the National Organic Program, subpart C, adopted under WAC 16-157-020.
R	WAC 16-158-040 Labeling.	Labeling requirements are within the National Organic Program, subpart D, adopted under WAC 16-157-020.
R	WAC 16-158-050 Recordkeeping requirements.	Incorporated in WAC 16-157-110.
R	WAC 16-158-060 Minor ingredients and processing aids.	This section is repealed as the minor ingredient and processing aids list will no longer be maintained in rule. The minor ingredient and processing aids list will be maintained by the director under the authority of RCW 15.86.070(2) and will provide a list of approved and prohibited minor ingredient and processing aids that is compliant with the NOP and the state organic statute.

PROPOSED

PROPOSED

	Section	Proposed change
R	WAC 16-158-080 Use of processed organic food certification logo.	Use of organic certification logos will be within the new organic certification rule.
R	WAC 16-158-090 Inspection.	This section has been incorporated into the new inspection section WAC 16-157-250.
R	WAC 16-158-100 Sampling.	This section has been incorporated into the new sampling section WAC 16-157-255.
R	WAC 16-158-110 Other requirements.	No longer needed and repealed. All certification requirements are outlined in chapter 16-157 WAC.
R	WAC 16-158-120 Decertification.	This section has been incorporated into the new decertification section, WAC 16-157-280.
R	WAC 16-158-130 Application fees.	Moved to WAC 16-157-230.
R	WAC 16-158-135 Certification fees.	Moved to WAC 16-157-230.
R	WAC 16-158-150 Processed organic food certification logo.	Organic certification logos are moved to WAC 16-157-275.

**Chapter 16-162 WAC, Animal production standards for organic meat and dairy products**

	Section	Proposed change
R	WAC 16-162-010 Purpose.	Moved to WAC 16-157-010.
R	WAC 16-162-025 Certification.	No longer needed. This section is repealed. Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-030 Definitions.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-034 Meat from bovine animals, swine, lamb, sheep and goat.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-035 Poultry and poultry products.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-037 Dairy and dairy products.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-040 Emergency feed.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-045 Approved and prohibited feed additives.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-050 Living conditions.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-070 Disease and pest management.	Incorporated in the adoption of the National Organic Program under WAC 16-157-020.
R	WAC 16-162-100 Recordkeeping.	Moved to WAC 16-157-110.

**Chapter 16-164 WAC, Standards for the certification of handlers of organic food**

	Section	Proposed change
R	WAC 16-164-010 Purpose.	Moved to WAC 16-157-010.
R	WAC 16-164-020 Definitions.	Moved to WAC 16-157-030.
R	WAC 16-164-035 Application for certification.	Moved to WAC 16-157-200.
R	WAC 16-164-037 Confidentiality.	Moved to WAC 16-157-210.
R	WAC 16-164-040 Standards for handlers.	The organic handling standards are within the National Organic Program, subpart C, adopted under WAC 16-157-020.
R	WAC 16-164-050 Post-harvest materials and practices.	This section is repealed, as the post harvest materials list will no longer be maintained in rule. The minor ingredient and processing aids list will be maintained by the director under the authority of RCW 15.86.070(2) and will provide a list of approved and prohibited minor ingredient and processing aids that is compliant with the NOP and the state organic statute.
R	WAC 16-164-055 Labels, labeling and market information.	Labeling requirements are within the National Organic Program, subpart D, adopted under WAC 16-157-020.
R	WAC 16-164-060 Recordkeeping requirements.	Moved to WAC 16-157-110.
R	WAC 16-164-070 Inspections.	Moved to WAC 16-157-250.
R	WAC 16-164-080 Sampling.	Moved to WAC 16-157-255.
R	WAC 16-164-085 Certification.	Moved to WAC 16-157-270.
R	WAC 16-164-090 Decertification.	Moved to WAC 16-157-280.
R	WAC 16-164-100 Fee schedule.	Moved to WAC 16-157-240.
R	WAC 16-164-110 Organic food handler certification logo.	Organic certification logos are moved to WAC 16-157-275.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule is being adopted to comply with federal law. The National Organic Program (NOP) requires all organic products produced, processed and distributed within the United States to comply with the federal organic standards.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Room 175A, Natural Resources Building, 1111 Washington Street, 1st Floor, Olympia, WA 98504-2560, on March 12, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by March 6, 2002, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, by 5 p.m., March 12, 2002.

Date of Intended Adoption: March 15, 2002.

February 4, 2002

Kathryn Joyce Smith  
Assistant Director

## Chapter 16-157 WAC

### ORGANIC FOOD STANDARDS AND CERTIFICATION

#### PART I GENERAL PROVISIONS

##### NEW SECTION

**WAC 16-157-010 Purpose.** 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 and pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for producers, processors and handlers of organic and transitional food.

##### NEW SECTION

**WAC 16-157-020 Adoption of the National Organic Program.** The 2001 National Organic Program final rule, subparts A, C, D, E, sections 205.102 through 205.105, and sections 205.600 through 205.606 is adopted by reference as Washington state standards for the production and handling of organic crops, livestock and processed food products. The applicable sections of the 2001 National Organic Program final rule may be obtained from the department.

##### NEW SECTION

**WAC 16-157-030 Definitions.** As used in this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his or her duly authorized representative.
- (3) "Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.
- (4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.
- (5) "Growing medium" means the material utilized by fungi as a substrate for growth.
- (6) "Growing medium amendment" means a nutritional supplement added to the growing medium to enhance vigor and yields.
- (7) "Handle" means to sell, arrange the sale of, represent, process, distribute or package organic food products.

(8) "Handler" means any person who sells, arranges the sale of, represents, processes, distributes, or packs organic food products.

(9) "Label" means all written, printed, or graphic material on the immediate container or accompanying or representing the product.

(10) "Labeling" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying or representing such article.

(11) "New applicant" means any person that applies for organic certification for the first time, or when previous certification status has expired for at least one year.

(12) "Organic food product" means any agricultural product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising, including using the term organic on the principal display panel, ingredients list or other locations on the label.

(13) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(14) "Principal display panel" means that portion of the package label that is most likely seen by the consumer at the time of purchase.

(15) "Processor" means any handler engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering or otherwise processing organic food.

(16) "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

(17) "Prohibited" means any material or practice which does not meet the required criteria or standards for use in the production or handling of organic or transitional agricultural products.

(18) "Renewal applicant" means any person that has received organic certification from the department in the previous year.

(19) "Retail facility" means any facility, in whole or in part, that sells organic food products directly to consumers.

(20) "Retailer" means any handler that sells organic food products directly to consumers.

(21) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

(22) "Site" means a defined field, orchard, block, pasture, paddock, garden, circle, plot or other designated area.

(23) "Spawn" means a medium that has been colonized with the desired fungal mycelia. It is used to inoculate growing medium.

(24) "Transitional food product" means any agricultural product that (a) is marketed using the term transitional in its labeling and advertising and (b) satisfies all of the requirements of organic food except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

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**PART II**  
**ORGANIC PRODUCTION AND HANDLING STANDARDS**

**NEW SECTION**

**WAC 16-157-100 Land requirements.** In order to meet the requirements of the National Organic Program section 205.202 producers of organic crops must comply with the following requirements.

(1) Buffer zones: Crops harvested and marketed as "organic," "organically grown," or "transitional" 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. Crops grown in the buffer zone may not be marketed as "organic" or "transitional."

(2) Boundaries of site: The boundaries of each site in organic or transitional production must be clearly and unambiguously identified along all borders. Identification may consist of flagging, fences, posts, signs, roads or other markers.

(3) Roadside and right of way vegetation management: Nonchemical vegetation management agreements must be established with road departments, railroads, irrigation districts, and other rights of way that are in proximity to organic and transitional food production, or, where no agreement is possible, adequate buffer zones must be established.

(4) Notification: Producers of organic and transitional crops must notify owners and/or managers of adjoining land that they are producing organic and/or transitional crops. The notification must state the location of the sites in organic and transitional food production. Notification must be made on an annual basis.

(5) Transitional requirements: Organic crops must have had no applications of prohibited materials to the crops or land for three years prior to the harvest of the organic crop. Transitional crops must have had no applications of prohibited materials to the crops or land for one year prior to the harvest of the transitional crop.

**NEW SECTION**

**WAC 16-157-110 Records.** In order to meet the requirements of the National Organic Program section 205.103 the following records must be maintained.

(1) Organic crop production records. All producers of organic and transitional crops shall keep accurate records of:

(a) The location of the acreage used for growing such products;

(b) The materials applied, excluding water, made to the soil or applied to the plant or added to irrigation water. The records of materials applied shall include the date the material was applied, the quantity of the material applied, the application rate and the name of the material applied. Brand name materials must be identified by the complete brand name. Unbranded materials must be identified by type of material (e.g., chicken manure) and source (e.g., XYZ poultry farm);

(c) Sales of all certified organic and transitional crops produced and sold;

(d) Yield records for all organic and transitional crops sold in the wholesale market or to processors.

(2) Organic livestock production records. All organic livestock must be ear tagged or individually marked with the exception of poultry, which may be identified by flock. All producers of organic livestock shall keep accurate records of:

(a) All disease and pest management materials administered including dates administered, material type, dosages, and sources;

(b) All feed purchased including dates received, quantities received, and a copy of organic certificates;

(c) The weight of slaughter animals at slaughter and weight of post-slaughter animal products; and

(d) Sales records of all organic animal products sold.

(3) Organic handler records.

(a) Handlers must maintain records that track organic food products from receiving through distribution, shipping or sale. Such records may include the following: Invoices, bills of lading, date and quantity of product handled, repack data, and production run reports.

(b) All handlers must have available copies of organic food certificates for all organic food products. Organic food certificates must be current and correspond to the organic food products handled by the facility. All organic food certificates must be issued by a certification agency recognized by the director.

(c) All records associated with organic food products must clearly indicate that the product is an organic food product.

(d) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(4) Inadequate recordkeeping may constitute cause for the director to prohibit labeling products as organic.

(5) Such records shall be retained for five years.

**NEW SECTION**

**WAC 16-157-120 Organic mushroom standard.** (1)

The producer must maintain a production environment that prevents contact between organically produced mushrooms and prohibited substances throughout the entire growing cycle, harvesting and post-harvesting process. The producer must not use lumber treated with arsenate or other prohibited materials for new installations or replacement purposes in contact with the growth substrate.

(2) Organic and nonorganic production must be in separate facilities and have separate ventilation systems.

(3) The producer must use organically produced spawn.

(4) The producer may use nonorganic agar medium that may contain antibiotics not to exceed 1/25th of a gram per liter of agar mix.

(5) Agricultural materials including grain and straw that are used in production substrate must be organically produced. Sawdust, logs or other materials derived from wood used as a growth substrate must originate from trees that have been grown in areas free of prohibited materials for at least

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three years, and must not have been treated with a prohibited substance after tree harvest. Producers may include nonsynthetic, nonagricultural materials in substrate used to produce mushrooms.

(6) All growing medium amendments must be certified organic.

(7) Manure and any nonorganic agricultural material used as a growth substrate must be from an organic source. Compost used as a growth substrate must consist of certified organic feedstocks.

**PART III  
ORGANIC CERTIFICATION**

NEW SECTION

**WAC 16-157-200 Application for certification.** (1)

All producers, processors and handlers of organic food products must be certified by a National Organic Program accredited certification agency except for:

(a) Producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers; and

(b) Retailers that do not process organic food products.

(2) Retailers and exempt producers of organic food products may be certified under this chapter.

(3) Applications for organic certification must be accompanied by the appropriate fee and must be submitted annually to the department on forms furnished by the department.

(4) The application must include an organic production or handling system plan.

NEW SECTION

**WAC 16-157-210 Confidentiality.** Except for applications and laboratory analyses submitted for certification under this chapter, the department keeps confidential any business-related information obtained under this chapter. All business-related information submitted to the department under this chapter is exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310.

NEW SECTION

**WAC 16-157-220 Producer fee schedule.** Producers who wish to apply for the organic food certification program must apply to the department each year.

(1) The cost per application shall be based on the following fee schedule.

(a) Renewal applicants -

Application fees are based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, shall pay a late fee of fifty dollars. Renewal applicants that are adding additional sites to their organic cer-

tification must pay a new site fee of fifty dollars for each additional site.

(b) New applicants -

Application fees shall be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

SALES	ANNUAL FEE
\$ 0 - \$ 12,000	\$ 165
\$ 12,001 - \$ 15,000	\$ 200
\$ 15,001 - \$ 20,000	\$ 220
\$ 20,001 - \$ 25,000	\$ 275
\$ 25,001 - \$ 30,000	\$ 330
\$ 30,001 - \$ 35,000	\$ 385
\$ 35,001 - \$ 42,500	\$ 465
\$ 42,501 - \$ 50,000	\$ 550
\$ 50,001 - \$ 65,000	\$ 660
\$ 65,001 - \$ 80,000	\$ 825
\$ 80,001 - \$100,000	\$ 990
\$100,001 - \$125,000	\$1,100
\$125,001 - \$150,000	\$1,150
\$150,001 - \$175,000	\$1,320
\$175,001 - \$200,000	\$1,375
\$200,001 - \$240,000	\$1,540
\$240,001 - \$280,000	\$1,595
\$280,001 - \$325,000	\$1,650
\$325,001 - \$375,000	\$1,720
\$375,001 - \$425,000	\$2,200
\$425,001 - \$500,000	\$2,300
\$500,001 - \$750,000	\$2,750
\$750,001 and up	\$2,000 plus 0.10% of gross organic sales

(2) Transitional acreage fee - In addition to the producer application fee, each applicant shall pay a fee of five dollars per acre for the land for which they are requesting transitional certification.

NEW SECTION

**WAC 16-157-230 Processor fee schedule.** Processors who wish to apply for the organic food certification program must apply to the department each year.

(1) Application fee.

(a) **Renewal applicants** - Application fees are one hundred fifty dollars per facility. In addition, renewal applications postmarked after March 1, pay a late fee of fifty dollars.

(b) **New applicants** - Application fees are one hundred fifty dollars per facility. In addition, new applicants pay a seventy-five dollar new applicant fee.

(2) **Certification fee** - A certification fee based on the following fee schedule must accompany the application.

Certification fees are assessments on the organic products in each category. New applicants must base certification fees on an estimate of sales in each category. Renewal applicants base certification fees on the previous calendar year's sales in each category. Applicants may have food products in more than one category.

**Category I - Organic food products:** Products labeled as "organic" or "one hundred percent organic" are assessed at 0.275% of the previous calendar year's sales for the first million dollars and 0.10% for sales above one million dollars.

**Category II - Made with organic food products:** Products labeled as "made with organic ingredients" are assessed 0.175% of the previous calendar year's sales for the first million dollars and 0.06% for sales above one million dollars.

**Category III - Food products with organic ingredients:** Products packaged for retail sales that limit their organic claims to the information panel are assessed 0.10% of the previous calendar year's sales for the first million dollars and 0.30% for sales above one million dollars.

**Category IV - Custom organic food products:** Products produced by processors who charge a service fee to organic manufacturers for processing organic food are assessed at 0.35% of the previous calendar year's service fees received for processing organic food for the first million dollars and 0.10% for service fees above one million dollars.

In the event that the current calendar year's sales (or service fees) exceed the previous year's sales (or service fees) or estimate of sales, the department may bill the applicant for the additional certification fee. In the event that the current calendar year's sales (or service fees) are less than the previous year's gross sales (or service fees) or estimate of sales, the applicant may request a refund for the reduced certification fee.

NEW SECTION

**WAC 16-157-240 Handler fee schedule.** Handlers who wish to apply for the organic food certification program must apply to the department each year. Handlers that process organic food products must apply for organic certification under WAC 16-157-230. All other handlers of organic food products may apply for organic certification under this section.

(1) Renewal applicants. Application fees must be based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the handler for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1 must pay a late fee of fifty dollars.

(2) New applicants. Application fees must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the handler for the additional fee. In the event that the current calendar year's sales are less than the estimate, the handler may request a refund for the

reduced fee. In addition, new applicants must pay a seventy-five dollar new applicant fee.

(3) The cost per facility must be based on the following fee schedule. The appropriate fee must accompany the application.

ORGANIC SALES		FEE	
Sales under	\$ 25,000		\$ 75
\$ 25,001 -	\$ 50,000		\$ 150
\$ 50,001 -	\$ 75,000		\$ 225
\$ 75,001 -	\$ 100,000		\$ 300
\$ 100,001 -	\$ 200,000		\$ 400
\$ 200,001 -	\$ 300,000		\$ 500
\$ 300,001 -	\$ 400,000		\$ 600
\$ 400,001 -	\$ 500,000		\$ 700
\$ 500,001 -	\$ 750,000		\$ 900
\$ 750,001 -	\$ 1,000,000		\$ 1,000
\$1,000,001 -	\$ 1,250,000		\$ 1,250
\$1,250,001 -	\$ 1,500,000		\$ 1,500
\$1,500,001 -	\$ 2,000,000		\$ 2,000
\$2,000,001 -	\$ 2,500,000		\$ 2,500
\$2,500,001 -	\$ 3,000,000		\$ 3,000
\$3,000,001 -	\$ 4,000,000		\$ 3,500
\$4,000,001 -	\$ 5,000,000		\$ 4,000
\$5,000,001 -	\$ 6,000,000		\$ 5,000
\$6,000,001 -	\$ 7,000,000		\$ 6,000
\$7,000,001 -	\$ 8,000,000		\$ 7,000
\$8,000,001 -	\$ 9,000,000		\$ 8,000
\$9,000,001 -	\$10,000,000		\$ 9,000
over	\$10,000,001		\$10,000

NEW SECTION

**WAC 16-157-250 Inspections.** The director shall make at least one inspection and any additional inspections deemed necessary to each applicant each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. This inspection may entail a survey of required records, examination of fields, facilities and storage areas, and any other information deemed necessary by the requirements of this chapter.

Two inspections within the state of Washington are provided for under the application and certification fees. Additional inspections, if necessary or requested, will be charged to the applicant at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of \$30/hr. plus transportation costs.

NEW SECTION

**WAC 16-157-255 Sampling.** A representative sample of the product may be tested for pesticide or other contaminants whenever the director deems it necessary for certification or maintenance of certification. One sample analysis is provided under the application and certification fee. Additional samples, if required for certification or maintenance of certification by the director, or requested by the applicant,

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will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it will be charged at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

#### NEW SECTION

**WAC 16-157-260 Organic and transitional producer certification.** (1) The conditions for obtaining organic and transitional producer certification are the following:

(a) Inspection of the applicant by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and

(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination; and

(d) No application of prohibited substances, as defined in chapter 16-154 WAC, has been applied to the site being certified for:

- At least three years prior to the harvest of organic food; or
- At least one year prior to the harvest of transitional food.

Organic producers certified under this chapter may use the attached organic producer logo to identify organic food products.

Transitional producers certified under this chapter may use the attached transitional producer logo to identify transitional food products.

(2) For each site, the director must review the application, inspection report and results of any samples collected to determine that the producer has complied with the conditions for organic or transitional food certification on that site. For each site, a certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional food producer certification on that site.

(3) In no event shall organic food products be distributed or sold prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants and new sites must be inspected by the department before an organic food certificate is issued.

(4) Beginning in the year 2002, each site must meet the following conditions prior to the issuance of an organic food producer certificate for that site:

(a) The site must have been previously certified as organic; or

(b) The site must have been certified as second year transitional in the previous year; or

(c) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous two years; or

(d) The department determines that the site was producing organic crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2)(b).

(5) Beginning in the year 2003, prior to the issuance of a second year transitional food producer certificate:

(a) The site must have been certified as first year transitional in the previous year; or

(b) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous year; or

(c) The department determines that the site was producing first year transitional crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2)(b).

#### NEW SECTION

**WAC 16-157-270 Organic food processor and handler certification.** (1) The conditions of organic food processor and handler certification are the following:

(a) Inspection of the processor or handler by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and

(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination.

(2) The director must review the application, inspection report and results of any samples collected to determine that the processor or handler has complied with the conditions for organic food certification. An organic food certificate will be issued when the director determines that the processor or handler has complied with the conditions for organic food certification.

(3) In no event shall organic food products be processed or handled by a facility prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants must be inspected by the department before an organic food certificate is issued.

(4) Processors certified under this chapter may use the attached organic processor logo to identify organic food products processed by the facility.

(5) Handlers certified under this chapter may use the attached organic handler logo to identify organic food products handled by the facility.

NEW SECTION

WAC 16-157-275 Organic and transitional certification logos.

PROPOSED



NEW SECTION

**WAC 16-157-280 Decertification.** Whenever the director finds that a producer, processor or handler who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Filed an application for certification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter;



(4) Failed to provide records as required under chapter 15.86 RCW or any rules adopted under chapter 15.86 RCW; or

(5) Failed to allow inspection to take place.

The director may issue an order denying, suspending, or revoking that producer, processor, or handler's certification under this program. The director may also issue an order directing the producer, processor or handler to take other appropriate action to correct the violation. If appropriate action is taken, the producer, processor or handler may be returned to its previous status under the program.

Any producer, processor, or handler who has received notice that its certification may be denied, suspended, or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

**WAC 16-157-290 Export and transaction certificates.** (1) Organic export and transaction certificates are issued to verify that a specific shipment of organic food products has been produced, processed, and handled in accordance with chapter 15.86 RCW and rules adopted thereunder.

(2) Applications for export and transaction certificates must be submitted on forms furnished by the department. The applicant must furnish all information requested on the application. A separate application must be made for each export and transaction certificate.

(3) The fee for export and transaction certificates shall be thirty dollars per application.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-154-010	Purpose.
WAC 16-154-030	Definitions.
WAC 16-154-040	Organic food production guidelines.
WAC 16-154-050	Organic crop production standards.
WAC 16-154-053	Organic farm plan.
WAC 16-154-060	Records.
WAC 16-154-070	Fertilizers, growth promoters, crop production aids and soil amendments.
WAC 16-154-080	Insect pest control materials and practices.
WAC 16-154-090	Weed control materials and practices.
WAC 16-154-100	Disease control materials and practices.

WAC 16-154-110

Vertebrate control materials and practices.

WAC 16-154-120

Materials list for organic food production—Post-harvest materials and practices.

WAC 16-154-180

Mushroom standards.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-156-003	Purpose.
WAC 16-156-004	Definitions.
WAC 16-156-005	Standards for certification.
WAC 16-156-010	Sampling.
WAC 16-156-020	Inspection.
WAC 16-156-030	Certification.
WAC 16-156-035	Decertification.
WAC 16-156-040	Recordkeeping requirements.
WAC 16-156-050	Application for certification.
WAC 16-156-060	Fee schedule.
WAC 16-156-070	Export and transaction certificates.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-158-010	Purpose.
WAC 16-158-020	Definitions.
WAC 16-158-027	Application for certification.
WAC 16-158-028	Confidentiality.
WAC 16-158-030	Organic processing standards.
WAC 16-158-040	Labeling.
WAC 16-158-050	Recordkeeping requirements.
WAC 16-158-060	Minor ingredients and processing aids.
WAC 16-158-080	Use of processed organic food certification logo.
WAC 16-158-090	Inspection.
WAC 16-158-100	Sampling.
WAC 16-158-110	Other requirements.
WAC 16-158-120	Decertification.
WAC 16-158-130	Fees.

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WAC 16-158-135 Certification fees.  
 WAC 16-158-150 Processed organic food certification logo.

**WSR 02-04-110**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed February 6, 2002, 11:05 a.m.]

PROPOSED

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-162-010 Purpose.  
 WAC 16-162-025 Certification.  
 WAC 16-162-030 Definitions.  
 WAC 16-162-034 Meat from bovine animals, swine, lamb, sheep, and goat.  
 WAC 16-162-036 Poultry and poultry products.  
 WAC 16-162-037 Dairy products.  
 WAC 16-162-040 Emergency feed.  
 WAC 16-162-045 Approved and prohibited feed additives.  
 WAC 16-162-050 Living conditions.  
 WAC 16-162-070 Disease and pest management.  
 WAC 16-162-100 Recordkeeping.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-164-010 Purpose.  
 WAC 16-164-020 Definitions.  
 WAC 16-164-035 Application for certification.  
 WAC 16-164-037 Confidentiality.  
 WAC 16-164-040 Organic handler standards.  
 WAC 16-164-050 Postharvest materials and practices.  
 WAC 16-164-055 Labels, labeling and market information.  
 WAC 16-164-060 Recordkeeping requirements.  
 WAC 16-164-070 Inspections.  
 WAC 16-164-080 Sampling.  
 WAC 16-164-085 Certification.  
 WAC 16-164-090 Decertification.  
 WAC 16-164-100 Fee schedule.  
 WAC 16-164-110 Organic food handler certification logo.

Original Notice.  
 Preproposal statement of inquiry was filed as WSR 01-24-112.

Title of Rule: Chapter 314-11 WAC, General requirements for liquor licensees.

Purpose: Chapter 314-11 WAC was rewritten in March of 2001, and the agency has found that several technical changes are needed for clarification. In addition, the agency proposing to amend WAC 314-11-025 to add that a valid drivers license issued by a territory of the United States is adequate for age verification purposes. Currently the rule indicates that a drivers license from any state or from any province of Canada are acceptable, which does not cover United States territories such as Guam and Puerto Rico.

Statutory Authority for Adoption: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292 [66.44.292], 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350.

Summary: The proposed changes would have the following effects: (1) Chapter 314-11 WAC was rewritten in March of 2001, and the agency has found that several technical changes are needed for clarification. (2) In addition, the agency proposing to amend WAC 314-11-025 to add that a valid drivers license issued by a territory of the United States is adequate for age verification purposes. Currently the rule indicates that a drivers license from any state or from any province of Canada are acceptable, which does not cover United States territories such as Guam and Puerto Rico.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Rick Phillips, Enforcement Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1780.

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: This chapter was completely rewritten in March of 2001, and the below-described changes are being proposed for clarification.

Proposal Changes the Following Existing Rules:

- Amend WAC 314-11-015(2) to add a law regarding youth access to tobacco to the list of laws licensees must follow.
- Amend WAC 314-11-020(3) to change one word for clarification: From "On the request of any law enforcement officer, a person must present a card of identification...." to "At the request of any law enforcement officer..."
- Amend WAC 314-11-025 to add that a valid drivers license issued by a territory of the United States is adequate for age verification purposes. Currently the rule indicates that a drivers license from any state or from any province of Canada is acceptable, which does not cover

United States territories such as Guam and Puerto Rico. Staff also propose to add a subsection to this rule to clarify our current policy of allowing punched drivers licenses for age verification purposes, so long as the punch is not through an identifying piece of information.

- Amend WAC 314-11-030 to clarify that licensees can obtain license certification card from the agency's enforcement and education division.
- Amend WAC 314-11-035 to make the title consistent with the text of the rule, adding the following italicized word to the title: "What are the rules regarding sales to *apparently* intoxicated persons?"
- Amend WAC 314-11-040 to clarify that there is no minimum age requirement for an employee of a grocery store or a beer/wine specialty shop to deliver beer or wine to a customer's car with the customer (current language is confusing).
- Amend WAC 314-11-045 to clarify that the restrictions placed on musicians in the rule apply to musicians under twenty-one years of age.
- Amend WAC 314-11-060(3) regarding removing liquor from a licensed premises, to add language regarding a bill passed last legislative session that allows spirits, beer, and wine restaurant licensees to sell their own private label wine to go.
- Amend WAC 314-11-065(2) to clarify that an on-premises licensee can remove liquor from his/her premises to cater an approved event.
- Amend WAC 314-11-070 regarding the prohibition of sales between 2 a.m. and 6 p.m. to clarify that distributors can deliver product to retail licensees during these hours.
- Amend WAC 314-11-072 to clarify that a licensed premises must be open to the general public whenever liquor is sold, served, or consumed (this language was accidentally deleted).
- Clarify language in WAC 314-11-095 regarding record-keeping and add a requirement that licensees maintain records of services received that relate to the licensed business (currently the rule requires licensees to keep records for goods purchases related to the licensed business, but does not mention services), and records related to the true party or parties of interest in the liquor license.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No disproportionate impact to small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

Hearing Location: Liquor Control Board, Liquor Distribution Center, 4401 East Marginal Way South, Seattle, WA, on March 14, 2002, at 9 a.m.; at the Shilo Inn, Sacheen Room, East 923 Third Avenue, Spokane, WA, on March 15, 2002, at 9:30 a.m.; and at the Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on March 20, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by March 13, 2002, TDD (360) 586-4727, or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, fax (360) 664-9689, by March 27, 2002.

Date of Intended Adoption: April 3, 2002.

February 6, 2002

Merritt D. Long

Acting Chair

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-015 What are my responsibilities as a liquor licensee?** (1) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(2) Licensees also have the responsibility to conduct their premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Titles 70.155, ~~((and))~~ 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) Be disorderly or intoxicated on the licensed premises;
- (b) Permit any disorderly person to remain on the licensed premises;
- (c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;
- (d) Consume liquor of any kind while working on the licensed premises; except that:

(i) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

(ii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW; or

(f) Sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for the purpose of soliciting a patron;

(b) Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

**AMENDATORY SECTION** (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises?** (1) Per RCW 66.44.270, licensees or employees may not supply liquor to any person under twenty-one years of age, either for his/her own use or for the use of any other person.

(2) Per RCW 66.44.310, licensees or employees may not allow persons under twenty-one years of age to remain in any premises or area of a premises classified as off-limits to persons under twenty-one. (See RCW 66.44.310 (1)(b) regarding nonprofit, private club licensees.)

(3) ((A)) At the request of any law enforcement officer, a person must present a card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it will be considered a violation of Title 66 RCW and:

(a) The person may not remain on the licensed premises after being asked to leave by a law enforcement officer; and

(b) The person may be detained by a law enforcement officer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth.

**AMENDATORY SECTION** (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-025 What are the forms of acceptable identification?** (1) Per RCW 66.16.040, following are the forms of identification that are acceptable to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol:

(a) Liquor control authority card of identification of any U.S. state, territory, or protectorate or of any province or territory of Canada;

(b) Driver's license, instruction permit, or identification card of any U.S. state, territory, or protectorate or of any province or territory of Canada, or "identocard" issued by the Washington state department of licensing per RCW 46.20-117;

(c) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents;

(d) Passport; and

(e) Merchant Marine identification card issued by the United States Coast Guard.

(2) In order for the identification to be acceptable to verify a person's age, it must:

(a) Show the person's photo, date of birth, signature, and expiration date; and

(b) Not be expired (except that an expired Washington driver's license card together with a current temporary paper license or a current expiration extension sticker is acceptable).

(c) A driver's license that is punched is acceptable to verify a person's age, provided it is not punched through the person's photo, date of birth, signature, or expiration date.

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 WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-030 What if a person's identification meets the legal requirements but I still have doubts about his or her age?** (1) Per RCW 66.20.190 and 66.20.210, if a patron presents proper identification as outlined in WAC 314-11-025 but the licensee or employee still has doubts about the patron's age, the licensee or employee may require the patron to sign a certification card. Certification cards are provided by the board's enforcement and education division.

(2) The certification card must be completely filled out and filed alphabetically by the licensee or employee by the close of business on the day used. Certification cards are subject to examination by any law enforcement officer.

**AMENDATORY SECTION** (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-035 What are the rules regarding sales to apparently intoxicated persons?** Per RCW 66.44.200, licensees or employees may not supply liquor to any person apparently under the influence of liquor, or allow an apparently intoxicated person to possess or consume liquor on the licensed premises.

**AMENDATORY SECTION** (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-040 What duties can an employee under twenty-one years of age perform on a licensed premises?** A person must be twenty-one years of age or older to be employed in the sale, handling, or service of liquor, except as provided in this chapter.

(1) Per RCW 66.44.340 and RCW 66.44.350, persons between eighteen and twenty-one years of age may perform the following duties:

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	Duties 18, 19, and 20 year(s) old employees may perform, <u>as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor</u>	Duties 18, 19, and 20 years old employees may not perform
(a) In a grocery store or beer/wine specialty shop:	<ul style="list-style-type: none"> <li>Sell, stock, and handle beer and wine (<del>as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor</del>); and</li> <li>Deliver beer and/or wine to a customer's car with the customer (<u>there is no minimum age requirement for an employee of a grocery store or a beer/wine specialty shop to deliver beer and/or wine to a customer's car with the customer.</u>)</li> </ul>	<ul style="list-style-type: none"> <li>Supervise employees who sell, stock, or handle beer and/or wine.</li> </ul>
(b) In an establishment that sells liquor for on-premises consumption:	<ul style="list-style-type: none"> <li>Take orders for, serve, and sell liquor in areas classified as open to persons under twenty-one years of age; and</li> <li>Enter areas designated as off-limits to persons under twenty-one years of age to perform duties such as picking up liquor for service in other parts of the establishment; cleaning up, setting up, and arranging tables; delivering messages; serving food; and seating patrons; provided the employee does not remain in the area any longer than is necessary to perform the duties.</li> </ul>	<ul style="list-style-type: none"> <li>Functions of a bartender, including:                             <ul style="list-style-type: none"> <li>Mixing drinks;</li> <li>Drawing beer or wine from a tap;</li> <li>Pouring beer or wine anywhere except at the patrons table; and</li> <li>Providing an employee spirits, beer by the pitcher or glass, or wine by the carafe or glass for delivery to a customer.</li> </ul> </li> </ul>

above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-045 Can musicians under twenty-one years of age entertain on a licensed premises that is restricted to persons twenty-one or older?** Per RCW 66.44.316 and 66.44.318, musicians, (~~disc~~) disc jockeys, and sound or lighting technicians paid by the licensee who are eighteen, nineteen, or twenty years of age may work in a licensed premises or a portion of a licensed premises that is restricted to persons twenty-one years of age or older, under the following conditions:

(1) The eighteen, nineteen, or twenty year-old musicians must remain on the stage or bandstand during their performance, except:

(a) Strolling musicians; and

(b) (~~Disc~~) Disc jockeys and sound and lighting technicians may remain in locations as required to actively support the professional musician or (~~disc~~) disc jockey.

(2) The eighteen, nineteen, or twenty year-old musicians may not consume alcohol, and must have acceptable identification available for inspection at all times.

(3) The eighteen, nineteen, or twenty year-old musicians are permitted on the licensed premises no more than one hour prior to the start of their performance and not more than one hour after their performance, in order to properly set up and secure their equipment.

(4) During breaks, (~~minor~~) the eighteen, nineteen, or twenty year-old musicians may not remain in an area that is off-limits to persons under twenty-one years of age.

**AMENDATORY SECTION** (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-060 What are the mandatory signs a licensee must post on a licensed premises?** (1) **Notices regarding persons under twenty-one years of age** must be posted on the premises as follows:

Type of licensee	Sign must contain the following language:	Required location of sign
Tavern licensees and spirits, beer, and wine licensees who do not allow persons under twenty-one years of age.	"Persons under twenty-one years of age not permitted on these premises."	Conspicuous location at each entry to premises.
Restaurants that do not permit persons under twenty-one years of age on a portion of their premises.	"Persons under twenty-one years of age not permitted in this area."	Conspicuous location at each entry to a restricted area.

The board will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.

(2) Per RCW 66.44.316 and RCW 66.44.318, the following persons that are eighteen, nineteen, or twenty years of age may remain on licensed premises or portions of premises that are restricted from persons under twenty-one years of age, but only during the course of his or her employment:

(a) Persons performing janitorial services during the hours when there is no sale, service, or consumption of liquor on the premises;

(b) Employees of amusement device companies for the purpose of installing, maintaining, repairing, or removing any amusement device;

(c) Security or law enforcement officers and fire fighters during the course of their official duties and if they are not the direct employees of the licensee; and

(d) Professional musicians, per WAC 314-11-045.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published

(2) Signs provided by the board warning of the possible danger of birth defects which may be caused as a result of the consumption of alcohol during pregnancy, must be posted as follows:

Type of premises	Required location of sign
Premises that serve alcohol for on-premises consumption (does not apply to self-service "mini-bars" in hotel guest rooms).	Posted in plain view at the main entrance to the liquor licensed portion of the establishment, and in the women's public restrooms closest to the licensed area.
Airports, convention centers, sports facilities, and other licensed premises that have more than one authorized location for alcohol service and consumption.	Posted in a place that is clearly visible to the majority of patrons entering the liquor licensed portion of the premises.
Grocery store and beer/wine specialty shop licensees.	Posted at one or more of the following locations: <ul style="list-style-type: none"> <li>• At each permanent display area of shelving and at coolers displaying alcohol beverages; and/or</li> <li>• At the cash register(s) where alcohol is sold; and/or</li> <li>• At the main entrance to the licensed premises.</li> </ul>
Breweries and wineries.	Posted in plain view at: <ul style="list-style-type: none"> <li>• The main entrance to areas where alcohol is sold for off-premises consumption, and</li> <li>• At the main entrance to all tasting areas.</li> </ul>

(3) The premises' current and valid master license with appropriate endorsements must be conspicuously posted on the premises and available for inspection by liquor enforcement officers.

(4) Tobacco signage provided by the board must be posted (as outlined in WAC 314-10-020 and WAC 314-10-030 as now or hereafter amended).

(5) Firearms prohibited signs provided by the board must be posted in each tavern and lounge (per RCW 9.41-300).

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-065 What type of liquor is allowed on a licensed premises?** (1) Licensees may only possess and allow persons to consume or possess the type of liquor permitted by the type of liquor license held on the premises; except:

- (a) Under authority of a banquet permit (see chapter 314-18 WAC);
- (b) Restaurant licensees may allow patrons to bring wine into the premises for consumption with a meal; and
- (c) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of food products, provided that all food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that the food products contain liquor.

(2) For on-premises liquor licenses, the ((L)) licensee((s)) or employees may not permit the removal of liquor in an open container from the licensed premises, except:

- (a) Liquor brought on a licensed premises under authority of a banquet permit may be resealed in its original container and removed at the end of the banquet permit function;
- (b) Per RCW 66.24.320 and RCW 66.24.400, wine that is sold with a meal may be recorked or resealed and removed from the premises; ~~((and))~~

(c) Liquor purchased by registered guests for consumption inside a hotel or motel room may be resealed in its original container and removed from the hotel or motel premises by the guest~~((s))~~; and

(d) Liquor removed from a licensed premises that holds a caterer's endorsement, for the purpose of catering an approved event.

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-070 During what hours can I sell or serve liquor?** (1) Between the hours of 2 a.m. and 6 a.m., licensees or employees may not:

- (a) Sell liquor,
- (b) Offer liquor for sale,
- (c) Deliver liquor (except that beer and/or wine distributors may deliver beer and/or wine to retail licensees between the hours of 2 a.m. and 6 a.m.),

(d) Permit the removal of liquor from the premises, or

(e) Allow liquor to be consumed on the premises.

(2) Persons working on the premises may possess liquor between the hours of 2 a.m. and 6 a.m. while in the performance of their official duties.

(3) A local government subdivision may fix later opening hours or earlier closing hours than those specified in this rule, so long as the hours apply to all licensed premises in the local government subdivision's jurisdiction. See WAC 314-12-215(3) for exceptions when a premises is in a board recognized alcohol impact area.

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

**WAC 314-11-095 What records am I required to keep regarding my licensed premises?** Licensees are responsible to keep records that clearly reflect all financial transactions and the financial condition of the business.

(1) The following records must be available for inspection by an employee of the liquor control board, or by a person appointed in writing by the board for the purposes of administering or enforcing any provisions of Title 66 RCW or Title 314 WAC:

(a) Purchase invoices and supporting documents, to include the items and/or services purchased, from whom the items ~~((where)) were~~ purchased, and the date of purchase;

(b) Bank statements and cancelled checks for any accounts relating to the licensed business;

~~((c)) Canceled checks;~~  
~~((d))~~ (c) Accounting and tax records related to the licensed business and each true party of interest in the liquor license; and

~~((e))~~ (d) Records of all financial transactions related to the licensed business, including contracts and/or agreements

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for services performed or received that relate to the licensed business.

(2) See the following rules for record keeping requirements specific to breweries and wineries: WAC 314-20-015(2), WAC 314-20-050, WAC 314-24-100, and WAC 314-24-150 (as now or hereafter amended).

#### NEW SECTION

**WAC 314-11-072 Does my premises have to be open to the general public at all times?** Unless otherwise approved by the board, the licensed premises must be open to the general public whenever liquor is sold, served, or consumed.

**WSR 02-04-111**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed February 6, 2002, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-21-147.

Title of Rule: WAC 314-60-040(3) Operations and procedure.

Purpose: The purpose of the rule making is to revise subsection (3) of WAC 314-60-040 to update the dates and times of the Liquor Control Board's regular board meetings.

Statutory Authority for Adoption: RCW 66.08.030, 43.30.070.

Statute Being Implemented: RCW 43.30.070.

Summary: The agency's proposed changes to WAC 314-60-040(3) would update the dates and times of the Liquor Control Board's regular board meetings. The board now intends to hold its regular board meetings on the first and third Wednesdays of the month, as opposed to each Wednesday. The rule would continue to explain that the board publishes its meeting schedule with the Office of the Code Reviser and on its website.

Name of Agency Personnel Responsible for Drafting and Implementation: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648.

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: Per RCW 43.30.070, the board is required to list its regular, public meeting schedule in rule. The agency's proposed changes to WAC 314-60-040(3) would update the dates and times of the Liquor Control Board's regular board meetings. The board now intends to hold its regular board meetings on the first and third Wednesdays of the month, as opposed to each Wednesday. The rule would continue to explain that the board publishes its meeting schedule with the Office of the Code Reviser and on its website.

Proposal Changes the Following Existing Rules: Would change subsection (3) of WAC 314-60-040 to state that the

board now intends to hold its regular board meetings on the first and third Wednesdays of the month, as opposed to each Wednesday. The rule would continue to explain that the board publishes its meeting schedule with the Office of the Code Reviser and on its website.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No disproportionate impact to small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

Hearing Location: Liquor Control Board, Liquor Distribution Center, 4401 East Marginal Way South, Seattle, WA, on March 14, 2002, at 9 a.m.; at the Shilo Inn, Sacheen Room, East 923 Third Avenue, Spokane, WA, on March 15, 2002, at 9:30 a.m.; and at the Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on March 20, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by March 13, 2002, TDD (360) 586-4727, or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, fax (360) 664-9689, by March 27, 2002.

Date of Intended Adoption: April 3, 2002.

February 6, 2002

Merritt D. Long  
Acting Chair

AMENDATORY SECTION (Amending WSR 99-16-119, filed 8/4/99, effective 9/4/99)

**WAC 314-60-040 Operations and procedure.** The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and conducted in meetings open to the public. The board holds ((R)) regular meetings ((of the board will be on Wednesday at 9:00 a.m. Meetings of the board may be held on Monday, Tuesday, Thursday, and Friday of each week, except on holidays, beginning at 8:00 a.m. or as soon thereafter as a quorum is assembled)) as published with the office of the code

~~reviser per RCW 43.30.075 and as published on the board's Internet site at www.liq.wa.gov. Generally, the board's regular meetings are held on Wednesdays. It is the board's intent to hold its regular board meetings on the first and third Wednesdays of the month. Unless notice is otherwise given, meetings of the board will be held at its offices in the board room at 3000 Pacific Avenue Southeast, Olympia, Washington. For scheduling purposes, it is the board's intent to ((conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to)) schedule petitions, take public testimony, take rule making actions, and ((adoption of)) adopt resolutions at its regular Wednesday board meetings((; however, so long as proper legal notice is given, the board may accept petitions, take public testimony and adopt resolutions on any day when a regular meeting may be scheduled under this rule. In addition to legal notice published pursuant to chapter 42.30 RCW, meeting notices will be published on the Internet at www.liq.wa.gov and information about meeting times and agendas will be available in the board office during regular office hours)).~~

**WSR 02-04-112**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed February 6, 2002, 11:07 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 01-11-152.

Title of Rule: Chapter 314-21 WAC, In-house controlled purchase programs.

Purpose: The purpose of the rule making is to create a chapter of rules to implement SB 5604, passed by the 2001 legislature, which allows retail liquor licensees to use eighteen, nineteen, or twenty year-old persons to participate in in-house controlled purchase programs as authorized by the Liquor Control Board under rules adopted by the agency.

Statutory Authority for Adoption: RCW 66.08.030, 66.44.290.

Statute Being Implemented: RCW 66.44.290.

Summary: The proposed rules would implement SB 5604, passed by the 2001 legislature, which allows retail liquor licensees to use eighteen, nineteen, or twenty year-old persons to participate in an in-house controlled purchase program as authorized by the Liquor Control Board under rules adopted by the agency. The rules would set up approval guidelines and standards for the programs.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Rick Phillips, Enforcement Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1780.

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 proposed rules would implement SB 5604,

passed by the 2001 legislature, which allows retail liquor licensees to use eighteen, nineteen, or twenty year-old persons to participate in an in-house controlled purchase program as authorized by the Liquor Control Board under rules adopted by the agency. An in-house controlled purchase program is a program that allows retail liquor licensees to use eighteen, nineteen, or twenty year-old employees to attempt to purchase alcohol for the purpose of evaluating the licensee's training program regarding the sale of liquor to persons under twenty-one years of age. The rules would set up approval guidelines and standards for the programs.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No disproportionate impact to small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

Hearing Location: Liquor Control Board, Liquor Distribution Center, 4401 East Marginal Way South, Seattle, WA, on March 14, 2002, at 9 a.m.; at the Shilo Inn, Sacheen Room, East 923 Third Avenue, Spokane, WA, on March 15, 2002, at 9:30 a.m.; and at the Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on March 20, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by March 13, 2002, TDD (360) 586-4727, or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, fax (360) 664-9689, by March 27, 2002.

Date of Intended Adoption: April 3, 2002.

February 6, 2002

Merritt D. Long

Acting Chair

**NEW SECTION**

**WAC 314-21-005 What is an in-house controlled purchase program?** (1) Per RCW 66.44.290, an in-house controlled purchase program is a program that allows retail liquor licensees to use eighteen, nineteen, or twenty year old employees to attempt to purchase alcohol for the purpose of evaluating the licensee's training program regarding the sale of liquor to persons under twenty-one years of age.

(2) The licensee's controlled purchase program must meet the requirements of RCW 66.44.290, WAC 314-21-015, and WAC 314-21-025.

(3) Per RCW 66.44.290, violations occurring under an in-house controlled purchase program may not be used for criminal prosecution or administrative action.

**NEW SECTION**

**WAC 314-21-015 How can liquor licensees receive approval to conduct an in-house controlled purchase program?** A retail liquor licensee must receive prior written approval from the liquor control board's enforcement and



education division before conducting an in-house controlled purchase program.

(1) The board's approval will be based on the licensee submitting a written plan that meets the requirements outlined in RCW 66.44.290 and WAC 314-21-025.

(2) It will take up to twenty days for the licensee to receive written approval from the liquor control board's enforcement and education division, therefore the licensee must submit his/her request in writing to the board's enforcement and education division at least twenty working days prior to the first controlled purchase program.

(3) The written request must contain:

(a) The location(s) at which the licensee would like to conduct controlled purchase programs.

(b) The name and contact telephone number(s) of the person who will be on the premises supervising the control purchased program, who must be at least twenty-one years of age.

(c) The licensee's written procedures for their in-house controlled purchase program, which must address all of the guidelines in WAC 314-21-025.

#### NEW SECTION

**WAC 314-21-025 What are the guidelines for controlled purchase programs?** A retail liquor licensee may conduct an in-house controlled purchase program under the following conditions:

(1) The licensee must keep a statement on file signed by the licensee and each employee indicating that the employee has received training regarding the sale of liquor to persons under twenty-one years of age. Restaurant, tavern, or sports/entertainment facility licensees must keep on file either such a statement for each employee or a copy of the employee's mandatory alcohol server training permit. These records must be maintained on the licensed premises, available for inspection by the board, unless otherwise approved in writing by the liquor control board's enforcement and education division.

(2) During an in-house controlled purchase program, the person supervising the program must possess:

(a) the licensee's controlled purchase program procedures,

(b) the board's written approval of the in-house controlled purchase program, and

(c) valid identification (see WAC 314-11-025 for a list of acceptable identification).

(3) The employees participating in the in-house controlled purchase program must be at least eighteen years of age.

(4) The employees participating in the in-house controlled purchase program may not use fraudulent identification and should not be deceptively mature in appearance.

(5) The licensee must take two photos of the employees participating in the in-house controlled purchase program on the day of the program. One photo must be full face and one photo must show the employee from head to toe. These photos must be maintained on the licensed premises, available for inspection by the board.

(6) If employees participating in the in-house controlled purchase program are paid for their time, the compensation of such employees may not be based on the number of successful purchases made during the course of the in-house controlled purchase program.

(7) The licensee must have written procedures that ensure any liquor purchased by an eighteen, nineteen, or twenty year old employee during an in-house controlled purchase program is adequately secured by the licensee or an employee who is at least twenty-one years of age immediately following the purchase.

(8) Per RCW 66.44.290, the licensee must provide his/her employees a written description of the employer's in-house controlled purchase program, which must include a notice of action an employer may take as a consequence of an employee's failure to comply with the employer's policies regarding the sale of alcohol during an in-house controlled purchase program.

(9) Per RCW 66.44.290, a licensee may not terminate an employee solely for a first-time failure to comply with the licensee's policies regarding the sale of alcohol during an in-house controlled purchase program.

(10) If a licensee fails to meet any of the requirements of RCW 66.44.290, WAC 314-21-015, or WAC 314-21-025, the board may revoke its approval to conduct in-house controlled purchase programs. The licensee may reapply for approval to conduct in-house controlled purchase programs not less than one year following the board's revocation of approval.

#### WSR 02-04-113

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed February 6, 2002, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-066.

Title of Rule: WAC 308-13-005 Definitions, 308-13-020 Qualifications for admittance to the examination, 308-13-024 Application for examination, 308-13-050 Registration by reciprocity, and 308-13-100 Reinstatement of delinquent, suspended, or revoked licenses.

Purpose: Clarify and simplify the language and requirements for the examination process.

Add a new section, WAC 308-13-036 Supplemental application after successful completion of examination, that allows an applicant to take the examination after completion of the academic requirement.

Statutory Authority for Adoption: RCW 18.96.060 Board rules—Quorum—Hearings—Subpoena power.

Statute Being Implemented: RCW 18.96.080 Applications—Contents—Fees.

Summary: This amendment creates a new review of the laws. It also allows for a better understanding of the requirements for the examination process and allows the candidates to start the examination process three years earlier than in the past.

PROPOSED

Reasons Supporting Proposal: Provide clarity and allow a candidate to start the examination process after completing their academic requirement. This would allow the candidate to take exams while they are completing their internship with the possibility of becoming licensed much earlier than in the past.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret Epting, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1386.

Name of Proponent: Board of Registration for Landscape Architects, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The adoption of this rule would allow for the creation of a new review of the laws, clarification of the existing rules and allow examination candidates to start the examination process three years earlier than in the past.

Proposal Changes the Following Existing Rules: Adds a new section and clarifies and simplifies the language and requirements of the existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules are administrative procedures and there is no cost for compliance.

RCW 34.05.328 does not apply to this rule adoption. This section of regulations is not a "significant legislative rule" as defined by RCW 34.05 [34.05.328] (5)@[(c)](iii) and is exempt under the provisions of RCW 34.05.38 [34.05.328] (5)(b)(vi).

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Olympia, WA 98502, on March 12, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Joan Robinson by March 6, 2002, TDD (360) 586-2788, or (360) 664-1387).

Submit Written Comments to: Margaret Epting, P.O. Box 9045, Olympia, WA 98507, fax (360) 664-2551, by March 6, 2002.

Date of Intended Adoption: March 12, 2002.

February 6, 2002

Margaret Epting  
Administrator

**AMENDATORY SECTION** (Amending WSR 96-10-013, filed 4/19/96, effective 5/20/96)

**WAC 308-13-005 Definitions.** (1) "Registered college" as used in RCW 18.96.070 means a college or school recognized by the Landscape Architectural Accreditation Board (LAAB) as having accredited programs in landscape architecture.

(2) "Entire examination" as referred to in RCW 18.96.090 means the written and graphic examination approved by the board.

(3) The word "principal" as used in this chapter means a member of a firm offering landscape architectural services to the public who is a landscape architect, a shareholder and director of landscape architecture if the practice is through a

corporation, a partner if the practice is through a partnership or the owner if the practice is through a sole proprietorship.

(4) "L.A.R.E." means the Landscape Architect Registration Examination for landscape architects.

(5) "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.

(6) "Academic requirement" means graduation from a college or school approved by the board as offering a curriculum in landscape architecture.

**AMENDATORY SECTION** (Amending WSR 93-16-009, filed 7/22/93, effective 8/22/93)

**WAC 308-13-020 Qualifications and application for ~~((admittance to the examination))~~ licensure.** Applicants for ~~((the examination))~~ licensure shall provide documentation verifying a minimum of seven years of any combination of academic and practical training experience approved by the board.

(1) ACADEMIC TRAINING

(a) With a passing grade, 32 semester credit hours or 45 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(b) A degree in landscape architecture or credits from an accredited college will be weighted at one hundred percent with a four year maximum credit for academic training.

(c) Credits in landscape architecture from a college not accredited may be weighted up to seventy-five percent with a three year maximum credit for academic training.

(d) Credits in architecture or civil engineering will be weighted at fifty percent with a two year maximum credit for academic training.

(2) PRACTICAL TRAINING

(a) Practical training experience, work in landscape architecture and related work experience, will be measured in months.

(b) No training prior to graduation from high school will be accepted.

(c) Full-time practical work experience must be at least thirty-five hours per week for a minimum of ten consecutive weeks; and part-time practical work experience must be at least twenty hours per week for six or more consecutive months.

**AMENDATORY SECTION** (Amending WSR 96-10-013, filed 4/19/96, effective 5/20/96)

**WAC 308-13-024 Application for examination.** (1) ~~((The application for examination must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.96.070.))~~ Once an applicant has completed the academic requirement, the applicant may apply to take the examination. The application to sit for the examination must be on a form prescribed by the board and must include, at a minimum:

(a) Three references from landscape architects having personal knowledge of the applicant's landscape architectural experience;

(b) Transcript of academic experience showing courses taken and degree received with registrar's seal/stamp/signature. Photocopies of transcripts are not acceptable;

(c) A summary of the applicant's work experience; and

(d) Required fees.

Applications for admission to an examination, if scheduled, must be submitted or postmarked not later than the following dates. If the cut-off date falls on a Saturday or Sunday, the postmark deadline will be the following Monday.

Examination Months	Cut-off Dates
June	April 1
December	October 1

(2) Examinees may retake any sections offered that have not been passed. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination and the appropriate examination fee as established by the director and published in chapter 308-13 WAC, landscape architect fees. For reexamination applicants, examination fees are listed by separate section.

~~(3) ((A completed application includes:~~

~~(a) A completed application form LA 656-3;~~

~~(b) Three references from landscape architects having personal knowledge of the applicant's landscape architectural experience;~~

~~(c) Transcript of academic experience showing courses taken and degree received with registrar's seal/stamp/signature. Photocopies of transcripts are not acceptable;~~

~~(d) Verification of work experience;~~

~~(e) Appropriate fees.~~

~~(4)) Examination admission letters will be mailed to eligible applicants approximately six weeks prior to the examination along with detailed information as to times, place, and scheduled examination sections.~~

~~((5)) (4) Application fees for examination and reexamination are administrative charges and will not be refunded. The examination fees (cost of each test) may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national testing service.~~

~~((6)) (5) Following successful completion of the registration examination, candidates will ((submit a summary of chapter 18.96 RCW and chapter 308-13 WAC)) satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.~~

## NEW SECTION

**WAC 308-13-036 Supplemental application after successful completion of examination.** If the applicant chooses to take the examination after completion of the academic requirement, but before completion of the practical training requirement, then the applicant must file a supplemental application after the applicant completes the seven-year combined academic and practical training requirements. The supplemental application must be on a form prescribed by the board and must include documentation to establish

that the applicant successfully completed all portions of the examination and that the applicant has satisfied the seven-year academic and practical training requirements as set forth in WAC 308-13-020.

AMENDATORY SECTION (Amending WSR 96-10-013, filed 4/19/96, effective 5/20/96)

**WAC 308-13-050 Registration by reciprocity.** (1) Any landscape architect who is currently registered in another state or country which extends the privileges of reciprocity to landscape architecture in this state, and who desires to practice landscape architecture in Washington, shall make formal application on forms provided by the board, accompanied by the initial license fee and the reciprocity application fee. Applicants shall ~~((submit a summary of chapter 18.96 RCW and chapter 308-13 WAC))~~ satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board. The application shall show evidence satisfactory to the board of:

(a) Having at least the equivalent experience and responsible charge of landscape architectural work as required of candidates for examination;

(b) Having satisfactorily completed the national examination required of applicants for registration in Washington;

(c) Applicant's proof of compliance, that shall consist of:

(i) Education: Transcript of college grades indicating degrees earned. Transcripts are not required if work experience is at least seven years.

(ii) Employment: Statements of previous employers covering full time employment for a minimum of three years when the applicant has an accredited degree in landscape architecture or seven years of experience working with landscape architects or a combination of seven years of education and experience, approved by the board.

(iii) Certification: State of registration ~~((that))~~ where applicant passed the national examination, listing subjects taken and scores received.

(2) Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided the applicant has passed the national examination and such certification is current and valid at the time of approval by the board.

AMENDATORY SECTION (Amending WSR 93-16-009, filed 7/22/93, effective 8/22/93)

**WAC 308-13-100 Reinstatement of delinquent, suspended, or revoked licenses.** (1)(a) Reinstatement of a license, delinquent less than five years, requires a letter to the board administrator requesting reinstatement, payment of all delinquent renewal fees plus the current penalty fee.

(b) Reinstatement of a license, delinquent five or more years, requires a letter of application to the board requesting reinstatement, payment of all delinquent renewal fees plus the current penalty fee, a resume of landscape architectural activities and projects since the date of expiration, a detailed explanation of the circumstances surrounding the failure to maintain current licensure and a ~~((summary analysis of the~~

~~law and rules governing landscape architects in sufficient detail to demonstrate a thorough understanding of the law and rules))~~ satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board. Additional requirements may be established by the board.

(2) Requests for reinstatement of a suspended or revoked license shall be submitted in a letter of application to the board and shall include a resume of professional activities and projects since suspension or revocation, a ~~(summary analysis of the law and rules governing landscape architects in sufficient detail to demonstrate a thorough understanding of the law and rules))~~ satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board and such other documents and materials as directed by the board.

### WSR 02-04-114

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed February 6, 2002, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-066.

Title of Rule: WAC 308-12-010 State board of registration, 308-12-031 Registration examination, 308-12-050 Registration by reciprocity, 308-12-081 The seal, 308-12-085 Corporations or joint stock associations, 308-12-115 Definitions, 308-12-150 Work experience defined, 308-12-210 Application of brief adjudicative proceedings, 308-12-220 Preliminary record in brief adjudicative proceedings, 308-12-230 Conduct of brief adjudicative proceedings, 308-12-240 Reinstatement of suspended certificates, eligibility for registration or denied renewals, 308-12-320 Renewal of licenses, 308-12-321 Competence, 308-12-322 Conflict of interest, 308-12-323 Full disclosure, 308-12-324 Compliance with laws, and 308-12-325 Professional conduct.

Purpose: Clarify and simplify the language and requirements.

Repeal WAC 308-12-321, 308-12-322, 308-12-323, 308-12-324, 308-12-325, and rename the contents of WAC 308-12-330 Rules for professional conduct.

Statutory Authority for Adoption: RCW 18.08.340 Board of registration—Rules—Executive secretary—Staff support—Investigations—Subpoenas.

Statute Being Implemented: RCW 18.08.340 Board of registration—Rules—Executive secretary—Staff support—Investigations—Subpoenas.

Summary: This amendment provides for a better understanding of the language and requirements. It adds a definition of "review," adds construction-related work experience and adds language that defines construction-related work experience. It places all language regarding rules for professional conduct into one section.

Reasons Supporting Proposal: Clarity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret Epting, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1386.

Name of Proponent: Board of Registration for Architects, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The adoption of this rule would allow for the clarification of the existing rules and adds a new definition of "review" and construction-related work experience. Places rules for professional conduct into its own section.

Proposal Changes the Following Existing Rules: Adds new definitions, adds a new section, and clarifies and simplifies the language and requirements of the existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules are administrative procedures and there is no cost for compliance.

RCW 34.05.328 does not apply to this rule adoption. This section of regulations is not a "significant legislative rule" as defined by RCW 34.05 [34.05.328] (5)@[(c)](iii) and is exempt under the provisions of RCW 34.05.38 [34.05.328] (5)(b)(vi).

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Olympia, WA 98502, on March 12, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Joan Robinson by March 6, 2002, TDD (360) 586-2788, or (360) 664-1387.

Submit Written Comments to: Margaret Epting, P.O. Box 9045, Olympia, WA 98507, fax (360) 664-2551, by March 6, 2002.

Date of Intended Adoption: March 12, 2002.

February 6, 2002

Margaret Epting

Administrator

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

#### WAC 308-12-010 State board of registration. (1)

Meetings: The Washington state board of registration for architects, ~~((hereinafter))~~ hereafter called the board, shall hold its regular public meeting annually in September. ~~((Special))~~ Additional public meetings may be held at such times and places as the board may deem necessary. ~~((Public))~~ Notice of all public meetings ~~((shall))~~ will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

Executive sessions may be held by the board in conjunction with all public meetings, and at such other times as the board shall deem necessary and for the primary purpose of preparing and grading examinations, approving applications, conducting written and oral examinations, examining reciprocity applications, and acting on applications for reinstatement of revoked licenses, and confidential matters between candidates or registrants and the board.

(2) Rules of order. The latest edition of *Robert's Rules of Order* ((~~shall~~)) will govern the conduct of business at meetings and sessions of the board.

(3) Officers. At the regular annual public meeting the board ((~~shall~~)) will elect a ((~~chairman~~)) chair, a ((~~vice-chairman~~)) vice-chair and a secretary for the ensuing year.

(4) Quorum. A quorum at any regular or ((~~special~~)) additional meeting or session ((~~shall~~)) will consist of four members of the board.

(5) Rule changes. Prior to and during any adoption, amendments, or repeal of any rule, the board of registration ((~~shall~~)) will conduct its business in accordance with chapter 34.04 RCW the Administrative Procedure Act.

(6) ((~~Annual report~~)) Website. The board ((~~shall issue an annual report and roster~~)) will post current applicant and licensee names in addition to other licensing information on the website.

**AMENDATORY SECTION** (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

**WAC 308-12-031 Registration examination.** The board adopts the N.C.A.R.B. Architect Registration Examination (A.R.E.) as the examination required of applicants. Where RCW 18.08.360 refers to the "entire examination," it means the NCARB A.R.E. together with the oral examination.

The board adopts the grading procedures prepared by the NCARB.

(1) The test vendor ((~~shall~~)) will publish an information guide concerning examination content, locations, schedules, and fees.

(2) An applicant must pass each division of the NCARB examination.

(3) The oral examination is given upon the applicant's completion of the NCARB examination.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the NCARB examination.

The oral part of the examination ((~~shall~~)) must include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.

The oral examination may be conducted by the full board or by an architect member of the board. The board may set aside the full board examination if the examining board member deems the applicant prepared for registration. If the full board examination is not set aside or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

The board may set aside the entire oral examination based upon certification by the NCARB of successful completion of the intern development program. Such applicants shall submit the NCARB Council Record of IDP completion. However, candidates without a National Architectural Accrediting Board degree who have completed the IDP training requirements must have an oral examination. The decision to set aside the oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

An applicant must successfully complete the entire examination within a five-year period. The five-year period ((~~shall~~)) will begin with the month an applicant passes the first division of the examination. Passing scores for any division of the examination may be carried forward for a period of five years from the date the applicant passed that division of the examination. Applicants ((~~shall~~)) must retake any division of the examination which was passed more than five years previously, along with any division of the examination not yet passed. The oral examination is part of the entire examination and shall be completed within the five-year period.

**AMENDATORY SECTION** (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

**WAC 308-12-050 Registration by reciprocity.** Pursuant to RCW 18.08.400, the board will recommend to the director that the director grant a certificate of registration to a currently registered architect in any jurisdiction recognized by NCARB provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed an examination equivalent to the examination required of Washington state registrants. Documentation of NCARB certification may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.350. Reciprocity candidates who cannot meet the IDP training requirement must have a minimum of two years of experience as a licensed architect.

(2) That the applicant provides a typed summary analysis of chapter 18.08 RCW and chapter 308-12 WAC. The summary must include an analysis of each section of chapter 18.08 RCW and chapter 308-12 WAC in sufficient detail to demonstrate a thorough understanding of the law and rules as determined by the board.

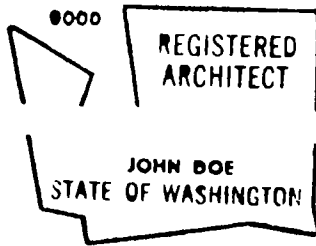
(3) That the board will require an oral interview of any candidate for registration by reciprocity, except that the oral interview may be set aside in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

(4) That the architect's current state license is not delinquent or inactive. The current state license cannot be under suspension, disciplinary restrictions, or in process of disciplinary review. Reciprocity applicants are held to the same qualifications as initial applicants for registration.

**AMENDATORY SECTION** (Amending Order PL 579, filed 2/5/86)

**WAC 308-12-081 The seal.** Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered architect, state of Washington." The seal with the registrant's countersignature ((~~shall~~)) must appear on ((~~every drawing filed~~)) all documents filed for permits for construction with public authorities. A facsimile of the seal appears herewith.

PROPOSED



No architect's stamp or countersignature (~~shall~~) will be affixed to any drawings not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect. An architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that architect.

AMENDATORY SECTION (Amending Order PM 676, filed 9/17/87)

**WAC 308-12-085 Corporations or joint stock associations.** (1) For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23A RCW, the corporation or joint stock association shall file with the board a letter of application containing a statement of the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period. The application (~~shall~~) must be signed and attested by a corporate officer.

(2) In addition to the application for certificate of authorization, the corporation or joint stock association (~~shall~~) will file with the board the documentation and information specified in RCW 18.08.420.

(3) The designated architect responsible for the practice of architecture by said corporation shall be regularly employed in that office having direct knowledge and supervisory control of such work. No individual will be the designated architect at more than one place of business or one company at any one time.

AMENDATORY SECTION (Amending WSR 98-20-061, filed 10/2/98, effective 11/2/98)

**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)—A structured internship training program designed to provide a profession-wide, comprehensive program that contributes to the development of competent architects. IDP consists of training requirements that must be satisfied in order to complete the

program. The National Council of Architectural Registration Boards (NCARB) maintains and validates the continuing, comprehensive record of internship training.

(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(~~;~~) and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described, and:

(a) Who is a shareholder, if the practice is through a professional service corporation; or

(b) A partner if the practice is through a partnership; or

(c) The proprietor if the practice is through a proprietorship; or

(d) ~~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.

(8) Review—A continuous process of examination, evaluation, and direction throughout the development of the documents, which includes the ability to control the final product.

(9) Construction-related experience—Work on a construction site in any of the construction-related trades, including, but not limited to, carpentry, laboring, electrical, plumbing, sheet metal and roofing. Work in the construction office, including, but not limited to, estimating or construction administration.

AMENDATORY SECTION (Amending Order PM 676, filed 9/17/87)

**WAC 308-12-150 Work experience defined.** (1) In order to receive credit from the board for full-time practical architectural work experience, the applicant must be employed for at least thirty-five hours per week for a minimum of ten consecutive weeks.

(2) In order to receive credit from the board for part-time practical architectural work experience, the applicant must be

employed for at least twenty hours per week in periods of six or more consecutive months.

(3) In order to receive credit from the board for full-time or part-time construction-related experience, the applicant must be employed for at least thirty-five hours per week of full-time work or twenty hours per week of part-time work, in periods of one or more months. Applicants will be granted work experience credit at half the rate, for a maximum of twelve months (e.g., an applicant with twenty-four months of construction-related experience will be granted a maximum of twelve months).

(4) If the applicant is certified by the National Council of Architectural Registration Boards (NCARB) as having successfully completed the architectural Intern Development Program, such work experience may be used in lieu of subsections (1) and (2) of this section, to satisfy the work experience requirements of RCW 18.08.350.

~~((4))~~ (5) Work experience may be accrued simultaneously while educational credit is being accrued.

AMENDATORY SECTION (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

**WAC 308-12-210 Application of brief adjudicative proceedings.** The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request pursuant to subsection (1) below or at the discretion of the board chair pursuant to RCW 34.05.482.

(1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following issues:

(a) A determination whether an applicant meets the qualifications for a certificate of registration or certificate of authorization to practice architecture in this state and the board proposes to deny the application;

(b) A determination if an applicant for a certificate of registration to practice architecture in this state is eligible to begin the examination, continue the examination if already in the examination process, or to complete the examination;

(c) A determination whether a person or organization is in compliance with the terms and conditions of a final order previously issued by the board; or,

(d) A determination whether a certificate holder or an applicant for examination, certification or certificate renewal has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service conditional scholarship.

(2) Brief adjudicative proceedings under subsection (1) ~~((shall))~~ will be limited to consideration of the following issues:

(a) In proceedings under subsections (1)(a) and (b) above, the sole issue to be considered at the hearing is whether the documentation submitted by an applicant for issuance or renewal of a certificate of registration or certificate of authorization to practice architecture in this state, or examination meets the requirements for issuance, or renewal of a certificate or to take the examination for a certificate.

(b) In proceedings under subsection (1)(c) above, the sole issue to be considered at the hearing is whether the doc-

umentation submitted indicates that a person or organization is in compliance with the terms and conditions of a final order previously issued by the board.

(c) In proceedings under subsection (1)(d) above, the issues to be considered at the hearing are: (i) whether the person has been correctly certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship and (ii) is in a state of nonpayment or default at the time of the brief adjudicative proceeding.

AMENDATORY SECTION (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

**WAC 308-12-220 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for a license or to begin or continue the examination ~~((shall))~~ must consist of:

(a) The application for the license or examination and all associated documents; and

(b) All documents relied upon by the program in proposing to deny the application; and

(c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement ~~((shall))~~ must consist of:

(a) The previously issued final order or agreement; and

(b) All reports or other documents submitted by the license holder, or at the direction of the license holder, in full or partial fulfillment of the terms of the final order; and

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement.

(d) All documents relied upon by the program that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record for determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

AMENDATORY SECTION (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

**WAC 308-12-230 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer appointed by the current board chair in accordance with RCW 34.05.485. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but ~~((shall))~~ must not have per-

sonally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, ~~((he))~~ at his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings ~~((shall))~~ will not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings ~~((shall))~~ will enter an initial written order.

**AMENDATORY SECTION** (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

**WAC 308-12-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals.** Where a person's certificate of registration has been suspended, an applicant has been denied certificate renewal, or an applicant has been denied the ability to take the examination for certificate of registration due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, ~~((his or her))~~ the certificate renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

**AMENDATORY SECTION** (Amending WSR 99-08-062, filed 4/2/99, effective 5/3/99)

**WAC 308-12-320 Renewal of licenses.** (1) The license renewal date for architects ~~((shall))~~ will be the architect's birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in RCW 18.08.430 and WAC 308-12-326. Architects whose renewal fees are delinquent will be listed with the state building officials.

(2) The renewal period for architects is two years.

(3) Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-half of the two-year renewal fee or the fee for one year.

(4) A registrant who fails to pay a renewal fee for a period of five years or more may be reinstated upon payment of all delinquent renewal fees and a penalty fee. Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-half of the two-year renewal fee or the fee for one year. In addition to the payment of delinquent fees and a penalty fee the registrant shall submit the following:

(a) A summary of the current law and rules governing architects.

(b) A professional resume of architectural activities during the delinquent period, in sufficient detail to demonstrate to the board maintenance of minimum skills.

(c) A detailed explanation of the circumstances surrounding the reason the license was allowed to expire.

The board may require additional evidence as needed to verify minimum competency and qualifications. The registrant may be required to appear before the board or a representative member thereof where questions of competency remain.

(5) Registrants who withdraw from the practice of architecture, and exceed five years in an inactive status, shall request reinstatement in writing to the board and shall submit the following:

(a) A summary of the current law and rules governing architects.

(b) A professional resume of architectural activities during the delinquent period, in sufficient detail to demonstrate to the board maintenance of minimum skills.

(c) A detailed explanation of the circumstances surrounding the reason the license was in an inactive status for more than five years.

The board may require additional evidence as needed to verify minimum competency and qualifications. The registrant may be required to appear before the board or a representative member thereof where questions of competency remain.

## RULES OF PROFESSIONAL PRACTICE

### NEW SECTION

**WAC 308-12-330 Rules of professional practice. (1) Competence.**

(a) When practicing architecture, an architect must act with reasonable care and competence, and must apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

(b) When designing a project, an architect must take into account all applicable state and municipal building laws and regulations. An architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations. An architect must not knowingly design a project in violation of such laws and regulations.

(c) An architect must perform professional services only when the architect, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(d) No person will be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

(2) **Conflict of interest.**

(a) An architect must not accept compensation for services from more than one party on a project unless the cir-



cumstances are fully disclosed and agreed to in writing by all interested parties.

(b) The architect must fully disclose in writing to the client or employer the nature of any business association or direct or indirect financial interest which is substantial enough to influence the architect's judgment in connection with the performance of professional services. If the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

(c) An architect must not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of building contract documents and the judge of contract performance, an architect must render decisions impartially, favoring neither party to the contract.

**(3) Full disclosure.**

(a) An architect must disclose any compensation received for making public statements on architectural questions.

(b) An architect must accurately represent qualifications and scope of responsibility to prospective or existing clients or employers for work for which the architect is claiming credit.

(c) In the course of work on a project, if an architect becomes aware of a decision made by the employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect must:

(i) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

(ii) Refuse to consent to the decision, and

(iii) Terminate services on the project when the architect reasonably believes that decisions will be made against the architect's objection.

In the case of a termination in accordance with (c)(iii) of this subsection, the architect shall have no liability to the client or employer because of such termination.

(iv) An architect must not deliberately make a materially false statement or deliberately fail to disclose a material fact in connection with the application for registration or renewal.

(v) An architect must not assist a person in applying for registration when the architect knows the applicant is unqualified in education, training, experience, or character.

(vi) An architect possessing knowledge of a violation of these rules by another architect must report such knowledge to the board.

**(4) Compliance with laws.**

(a) An architect must not, in the conduct of architectural practice, knowingly violate any state or federal criminal law.

(b) An architect must not offer or make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

(c) An architect must comply with the registration laws and regulations governing his or her professional practice.

**(5) Professional conduct.**

(a) An office maintained for the purpose of providing architectural services must have an architect resident regularly employed in that office with direct knowledge and supervisory control of such work.

(b) An architect must not offer or provide any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

(c) An architect must not engage in conduct involving fraud or wanton disregard of the rights of others.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-12-321	Competence.
WAC 308-12-322	Conflict of interest.
WAC 308-12-323	Full disclosure.
WAC 308-12-324	Compliance with laws.
WAC 308-12-325	Professional conduct.

**WSR 02-04-115**

**PROPOSED RULES**

**LIQUOR CONTROL BOARD**

[Filed February 6, 2002, 11:40 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-06-039.

Title of Rule: Chapter 314-02 WAC, Requirements for retail liquor licensees.

Purpose: This chapter of rules was rewritten in April of 2000. Several issues were left undecided, and the agency has therefore been using previously-passed regulations and policies. The proposed changes shown below would consolidate several rules and codify current policies.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010, 66.24.120.

Statute Being Implemented: RCW 66.24.010, 66.24.120.

Summary: This chapter of rules was rewritten in April of 2000. Several issues were left undecided, and the agency has therefore been using previously-passed regulations and policies. The proposed changes shown below would consolidate several rules and codify current policies.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation: Chuck Dalrymple, Licensing Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1612; and Enforcement: Rick Phillips,

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Enforcement Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1780.

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: This chapter was completely rewritten in April of 2000, and the below-described changes are being proposed for clarification.

Proposal Changes the Following Existing Rules:

- Add language to WAC 314-02-010 and 314-02-020 to define service bars, food counters, liquor bars, and game rooms. Currently these terms are not defined in rule. There are two reasons to define these terms and differentiate between a service bar, food counter, and liquor bar: (1) Service bars and food counters are allowed in dining areas where minors are allowed, while "liquor bars" are only allowed in lounges; and (2) by law, the fee for a spirits, beer, and wine restaurant license is based on a premises' percentage of dedicated dining area, which would not include areas that have game rooms or liquor bars. Language would be added to WAC 314-02-020(2) to clarify that spirits, beer, and wine premises that choose to apply as 100% dedicated dining area establishments would not be allowed live entertainment or games in the dining areas (games would be allowed in "neutral" areas such as a waiting area or foyer). If an applicant wished to have live entertainment or games in his/her dining areas, the applicant could choose to apply for the license under the \$1,600 or \$2,000 license fee.
- Add language to WAC 314-02-015 to reflect a law passed during the 2001 legislative session that allows spirits, beer, and wine restaurant licensees to sell private-label wine to-go.
- Add language to WAC 314-02-025 to codify current policy that after 10 p.m., licensees must choose between live entertainment and minors or live entertainment and liquor service in their dining room. This language would put into rule form the agency's current policy that if a restaurant licensee wishes to have live entertainment in a dining area after 10 p.m., the licensee must either:
  1. Request board approval to reclassify the dining area to a lounge, thus restricting persons under twenty-one years of age; or
  2. Notify the licensing division in writing at least forty-eight hours in advance that the sale, service, and consumption of liquor will discontinue in the entire premises.
- Add language to WAC 314-02-025 to clarify current rule and policy regarding barriers requirements. Language would be moved to this rule from WAC 314-15-196 that requires barriers between dining rooms and lounges or game rooms to be a minimum of forty-two inches high. Current policy would also be codified to require that these barriers be fixed (as opposed to moveable).
- Add language to WAC 314-02-025 to codify current policy about minor restrictions in game rooms after 10 p.m. Language would be added to this rule to codify current

policy which states that after 10 p.m., the licensee must either:

1. Discontinue liquor service in the game room in order to continue to allow persons under twenty-one years of age in the game room, or
  2. Restrict the game room from persons under twenty-one years of age in order to continue liquor service in the game room.
- Amend language in WAC 314-02-030 regarding food service requirements for a spirits, beer, and wine restaurant. Language would be amended to state that spirits, beer, and wine restaurants must have four complete meals, as opposed to the current requirement that a licensee must have five complete meals but one of the meals can be a pizza, sandwich, or deep fried item. The current rule, WAC 314-16-196, causes confusion, as it essentially requires "five complete meals minus one." Requiring four complete meals will have the same end result and make the food service requirements easier to understand. Language would also be deleted that requires a chef or cook to be on duty while complete meals are offered. At one time the meal service requirements were more detailed and prescriptive. At this time staff do not see a public safety reason for this requirement.
  - Delete current policy regarding use of the term "tavern" in the trade name of a spirits, beer, and wine restaurant. By omission the proposed rule changes would delete the current policy that prohibits a spirits, beer, and wine restaurant licensee from using the word "tavern" in his/her trade name, signs, or advertising. Because the word "tavern" is a term defined in law as a place that cannot allow minors at any time and does not have any food service requirements, the Licensing and Regulation Division has not allowed taverns that convert to spirits, beer, and wine licenses to use the word "tavern" in their trade name. However, in April of 2001, the agency changed regulations to allow spirits, beer, and wine restaurant licenses to restrict minors from their premises if they choose. Thus, the term "tavern" is no longer exclusively associated with a premises that does not allow minors.
  - Add a new rule, WAC 314-02-033, to clarify that spirits, beer, and wine restaurants that exclude minors do not have to place barriers around their dedicated dining area, unless they want to pay the lesser annual licensee fee.
  - Delete the following rules, which would be no longer necessary with the above-described changes: WAC 314-02-050, 314-16-190, and 314-16-196.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No disproportionate impact to small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

Hearing Location: Liquor Control Board, Liquor Distribution Center, 4401 East Marginal Way South, Seattle, WA, on March 14, 2002, at 9 a.m.; at the Shilo Inn, Sacheen Room, East 923 Third Avenue, Spokane, WA, on March 15, 2002, at 9:30 a.m.; and at the Liquor Control Board, Board

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Room, 3000 Pacific Avenue S.E., Olympia, WA, on March 20, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by March 13, 2002, TDD (360) 586-4727, or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, fax (360) 664-9689, by March 27, 2002.

Date of Intended Adoption: April 3, 2002.

February 6, 2002

Merritt D. Long

Acting Chair

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-010 Definitions.** The following definitions are to clarify the purpose and intent of the rules and laws governing liquor licenses and permits. Additional definitions can be found in RCW 66.04.010.

(1) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(2) "Bar" means the following:

	<u>Allowed in areas where persons under 21 years of age are permitted?</u>
(a) A "service bar" means a fixed or portable table, counter, cart, or similar work station primarily used to prepare, mix, serve, and sell liquor that is picked up by employees or customers. Customers may not be seated or allowed to consume food or liquor at a service bar.	yes
(b) A "food counter" means a table or counter set up for the primary purpose of food service to customers who sit or stand at the counter. Any liquor served is incidental to food service.	yes
(c) A "liquor bar" means a table or counter where liquor is stored or prepared and served to customers who sit or stand at the bar.	no

~~((2))~~ (3) "Customer service area" means areas where food and/or liquor are normally sold and served to the public, i.e., lounges and dining areas. A banquet room is not considered a customer service area.

~~((3))~~ (4) "Dedicated dining area." In order for an area to qualify as a dedicated dining area, it must be a distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc. See WAC 314-02-025 for more information.

(5) "Food counter." See "bar."

(6) "Game room" means an area of a premises set up for the primary purpose of patrons using games or gaming devices. See WAC 314-02-025(3) for more information.

~~((4))~~ (7) "Liquor" means beer, wine, or spirits (per RCW 66.04.010(19) - Definitions).

~~((5))~~ (8) "Lounge" means the portion of a restaurant used primarily for the preparation, sale, and service of beer, wine, or spirits. Persons under twenty-one years of age are not allowed in a lounge (see RCW 66.44.316 for information on employees and professional musicians under twenty-one years of age).

**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 WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-015 What is a spirits, beer, and wine restaurant license?** (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual serving for on-premises consumption;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; and

(c) Serve wine for on-premises consumption (see RCW 66.24.400 regarding patrons removing recorked wine from the premises).

(2) Per RCW 66.24.400(1), this license prohibits licenses from selling alcohol for off-premises consumption~~((:))~~; except that, per RCW 66.24.400(2), a spirits, beer, and wine restaurant licensee may sell for off-premises consumption wine vinted and bottled in the state of Washington that has a label exclusive to the licensed restaurant, after receiving an endorsement from the board's licensing and regulation division.

(3) All applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" is defined in RCW 66.24.410(2).

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-020 What are the fee categories for a spirits, beer, and wine restaurant license?** (1) Per RCW 66.24.420, the annual fee for a spirits, beer, and wine restaurant license is graduated, as follows:

Amount of customer service area dedicated to dining	Annual fee
100%	\$1,000
50 - 99%	\$1,600
Less than 50%	\$2,000

(2) In order for an area to qualify as a dedicated dining area it must be a separate and distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc. Dedicated dining areas may not contain:

(a) liquor bars (see definition in WAC 314-02-010(2));

(b) areas dedicated to live music or entertainment, such as dance floors or stages; or

(c) areas dedicated to games or gaming devices.

(3) The fee for a spirits, beer, and wine restaurant license outside of an incorporated city or town will be prorated according to the calendar quarters the licensee is open for business. This proration does not apply in the case of a suspension or revocation of the license.

(4) A duplicate license is required in order to sell liquor from more than one site on your property. These sites must be located on the same property and owned by the same licensee. The following types of businesses may apply for a duplicate license:

Type of Business	Annual fee per duplicate license
Airport terminal	25% of annual license fee
Civic center (such as a convention center)	\$10
Privately owned facility open to the public	\$20

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license?** RCW 66.44.310(2) states that the liquor control board has the responsibility to classify what licensed premises or what portions of licensed premises are off-limits to persons under twenty-one years of age. RCW 66.44.290 and RCW 66.44.310 state that persons under twenty-one years of age may not purchase, possess, or consume liquor, and may not enter any areas that are classified as off-limits to persons under twenty-one years of age. The purpose of this rule is to establish a tool to prevent persons under twenty-one years of age from entering restricted areas or from consuming liquor.

(1) **Dedicated dining areas** - If a spirits, beer, and wine restaurant licensee or a beer and wine restaurant licensee wishes to have live music, Karaoke, patron dancing, live entertainment, or contests involving physical participation by patrons in a dining area after 10 p.m., the licensee must either:

(a) request board approval to reclassify the dining area to a lounge, thus restricting persons under twenty-one years of age (see WAC 314-02-130(1) for instructions); or

(b) notify the board's licensing and regulation division in writing at least 48 hours in advance that the sale, service, and consumption of liquor will end in the dining room after 10 p.m.

((+)) (2) **Barriers** - Licensees must place ((identifiable)) barriers around game rooms and areas that are restricted ((from)) to persons ((under)) twenty-one years of age or older. ((("Minor prohibited" signs, as required by WAC 314-16-025, must be posted at each entrance to such areas.))

(a) The barriers must clearly separate restricted areas, and must be at least 42 inches high.

(b) The barriers must be permanently affixed (folding or retractable doors or other barriers that are permanently affixed are acceptable). Those licensees that have been approved by the board for moveable barriers prior to the effective date of this rule may keep their movable barriers until the next time the licensee remodels or the premises changes ownership.

(c) Liquor bars cannot be used as the required barriers (see definition of liquor bar in WAC 314-02-010(2)).

(d) Entrances to restricted areas may not be wider than ten feet. If a licensee has more than one entrance along one wall, the total entrance areas may not exceed ten feet.

(e) "Minor prohibited" signs, as required by WAC 314-11-060(1), must be posted at each entrance to restricted areas.

(3) **Game Rooms** - After 10 p.m., the licensee must either:

(a) discontinue liquor service in the game room in order to continue to allow persons under twenty-one years of age in the game room; or

(b) restrict the game room from persons under twenty-one years of age in order to continue liquor service in the game room. Minor prohibited signs, as required by WAC 314-11-060(1), must be posted at each entrance to the game room once the area becomes restricted.

((2)) (4) **Floor plans** - When applying for a license, the applicant must provide to the board's licensing and regulation division two copies of a detailed drawing of the entire premises. The drawing must:

(a) Be drawn one foot to one-quarter-inch scale;

(b) Have all rooms labeled according to their use; e.g., dining room, lounge, game room, kitchen, etc.; and

(c) Have all barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-030 Can a spirits, beer, and wine restaurant exclude persons under twenty-one years of age from the premises?** A spirits, beer, and wine restaurant licensee may exclude persons under twenty-one years of age from the entire premises at all times or at certain times as approved by the board.

(1) To exclude persons under twenty-one years of age from the entire licensed premises, the applicant or licensee must:

(a) indicate during the liquor license application process that he/she does not wish to have persons under twenty-one years of age on the entire premises at any time; or

(b) if already licensed as a spirits, beer, and wine restaurant that allows person under twenty-one years of age, the applicant may request permission from the board's licensing and regulation division to exclude persons under twenty-one years of age, per WAC 314-02-130.

(c) Spirits, beer, and wine restaurant licensees who exclude persons under twenty-one years of age from the entire premises at all times must((:

(i) place the required barriers around dedicated dining areas (see WAC 314-02-025(1)); and

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((ii)) meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(d) During the times that a spirits, beer, and wine restaurant licensee excludes patrons under twenty-one years of age from the entire premises, the licensee may not employ persons under twenty-one years of age (see WAC 314-11-040 for more information on employing persons under twenty-one).

(2) Restaurants that have less than fifteen percent of their total customer service area dedicated to dining must exclude persons under twenty-one years of age from the entire premises. The licensee must:

- (a) Pay the two thousand dollars annual license fee; and
- (b) Meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(3) To exclude persons under twenty-one years of age from the entire licensed premises during a portion of the day or week or on a one-time-only basis, the applicant or licensee must:

- (a) request permission from the board, see WAC 314-02-130(1); and
- (b) meet all other requirements of the license, including the food service requirements outlined in WAC 314-02-035.

(4) See WAC ((314-16-025)) 314-11-060(1) regarding requirements for "minors prohibited" signage.

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-035 What are the food service requirements for a spirits, beer, and wine restaurant license? (1) A spirits, beer, and wine restaurant license must serve at least four complete meals. Per RCW 66.24.410(2), a complete meal does not include hamburgers, sandwiches, salads, or fry orders. For the purpose of this title:**

- (a) a "complete meal" means an entree and at least one additional course; and
- (b) an "entree" means the main course of a meal. To qualify as one of the four required complete meals, the entree must require the use of a dining implement to eat, and cannot consist of a hamburger, sandwich, salad, or fry order.

((1+)) (2) The restaurant must maintain the kitchen equipment necessary to prepare the complete meals required by RCW 66.24.410(2) and WAC ((314-16-199)) 314-02-035.

((2)) (3) The complete meals must be prepared on the restaurant premises.

((3) A chef or cook must be on duty while complete meals are offered.)

(4) A menu must be available to customers that lists, at a minimum, the required complete meals.

(5) The food items required to maintain the menu must be on the restaurant premises. These items must be edible.

(6) Restaurants that have one hundred percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.

(7) Restaurants with less than one hundred percent dedicated dining area (restaurants in the one thousand six hundred dollar or two thousand dollar fee category) must maintain complete meal service for a minimum of five hours a day on

any day liquor is served. The board may consider written requests for exceptions to this requirement due to demonstrated hardship, under such terms and conditions as the board determines are in the best interest of the public.

(a) Minimum food service, such as sandwiches, hamburgers, or fry orders, must be available outside of these hours.

(b) Snacks such as peanuts, popcorn, and chips do not qualify as minimum food service.

(8) The hours of complete meal service must be conspicuously posted on the premises or listed on the menu. If applicable, a statement that minimum food service is available outside of those hours must also be posted or listed on the menu.

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-045 What is a beer and/or wine restaurant license? (1) Per RCW 66.24.320 and 66.24.354, this license allows a restaurant to:**

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$200
(b) Serve wine for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked wine from the premises).	\$200
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in subsection (c).
(e) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-115 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in subsection (c).

(2) All applicants for a beer and/or wine restaurant license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant, as defined in RCW 66.04.010((29))(30).

(3) If a beer and/or wine restaurant's dedicated dining area comprises less than fifteen percent of the total customer service area, the premises must maintain a tavern license (see WAC 314-02-070 regarding the tavern license).

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-055 Can a beer and/or wine restaurant exclude persons under twenty-one years of age from the dining area? (1) To exclude persons under twenty-one years**

of age from the dining area during a portion of the day or week or on a one-time-only basis, the applicant or licensee must request permission from the board (see WAC 314-02-130(1)).

(2) See WAC ((314-16-025)) 314-11-060(1) regarding requirements for "minors prohibited" signage.

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-115 What are the requirements for licensees that sell keg beer?** Per RCW 66.28.200 and 66.28.210, any licensee who sells beer for off-premises consumption in kegs or other containers holding four or more gallons of beer must:

(1) Require the purchaser to provide at least one piece of identification (see ((RCW 66.16.040)) WAC 314-11-025 for acceptable forms of identification); and

(2) The licensee or employee and purchaser must fill out a keg registration form, provided by the board, which contains:

(a) The name and address of the purchaser;

(b) The type and number of the identification presented by the purchaser;

(c) The address where the beer will be consumed and the date on which it will be consumed; and

(d) A sworn statement, signed by the purchaser under penalty of perjury, that the purchaser:

(i) Is at least twenty-one years of age;

(ii) Will not allow persons under twenty-one years of age to consume the beer purchased;

(iii) Will not remove or obliterate the keg registration form affixed to the keg or allow it to be removed or obliterated; and

(iv) The address listed in (c) of this subsection is the true and correct address at which the beer will be consumed or physically located.

(3) It is the licensee's or employee's responsibility to distribute the properly completed keg registration form as follows:

(a) One copy to the purchaser;

(b) One copy affixed to the keg or container holding four gallons or more of beer, prior to it leaving the licensed premises; and

(c) One copy must be retained on the licensed premises for one year, available for inspection and copying by any law enforcement officer.

(4) Possession of a keg or other container which holds four gallons or more of beer without a properly completed keg registration form affixed to it, other than on the licensee's premises, will be a violation of this title.

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-125 What types of activities on a licensed premises require notice to the board?** Liquor licensees must notify their local enforcement office in writing at least forty-eight hours before conducting the following activities:

(1) Male/female dance reviews, subject to the provisions of WAC ((314-16-125)) 314-11-050;

(2) Live boxing or wrestling;

(3) Contests or games where patrons are part of the entertainment; and

(4) Hours of operation in between 2:00 a.m. and 6:00 a.m. for licensees that sell liquor for on-premises consumption.

**AMENDATORY SECTION** (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-130 What types of changes to a licensed premises require board approval?** The following changes to a licensed premises require prior board approval, by submitting a written request to the board's licensing and regulation division or by filling out a form provided by the board's licensing and regulation division:

Type of alteration	Approval process and timeline
<p>(1)</p> <ul style="list-style-type: none"> <li>• excluding persons under twenty-one years of age from a spirits, beer, and wine restaurant;</li> <li>• excluding persons under twenty-one years of age from the dining area of a beer and/or wine restaurant;</li> <li>• reclassifying a lounge as open to persons under twenty-one years of age;</li> <li>• extending the location of alcohol service, such as a beer garden or patio/deck service (areas must be enclosed with a barrier a minimum of forty-two inches in height);</li> <li>• storing liquor off of the licensed premises;</li> <li>• initiating room service in a hotel or motel when the restaurant is not connected to the hotel or motel;</li> <li>• installing a pass-through window for walk-up customers; and</li> <li>• using a licensed premises as an access to another business.</li> </ul>	<p>(a) The board's licensing and regulation division will respond to the request for alteration within five business days of receipt of the request.</p> <p>(b) The licensee may begin liquor service in conjunction with the alteration as soon as approval is received.</p> <p>(c) Board approval will be based on the alteration meeting the requirements outlined in this title.</p>

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PROPOSED

<p>(2)</p> <ul style="list-style-type: none"> <li>any alteration that affects the size of a premises' customer service area.</li> </ul>	<p>(a) The board's licensing and regulation division will respond to the licensee's request for alteration within five business days <u>of receipt of the request</u>.</p> <p>(b) The licensee must contact their local liquor control agent when the alteration is completed.</p> <p>(c) The licensee may begin liquor service in conjunction with the alteration after the completed alteration is inspected by the liquor control agent.</p> <p>(d) Board approval will be based on the alteration meeting the requirements outlined in this title.</p>
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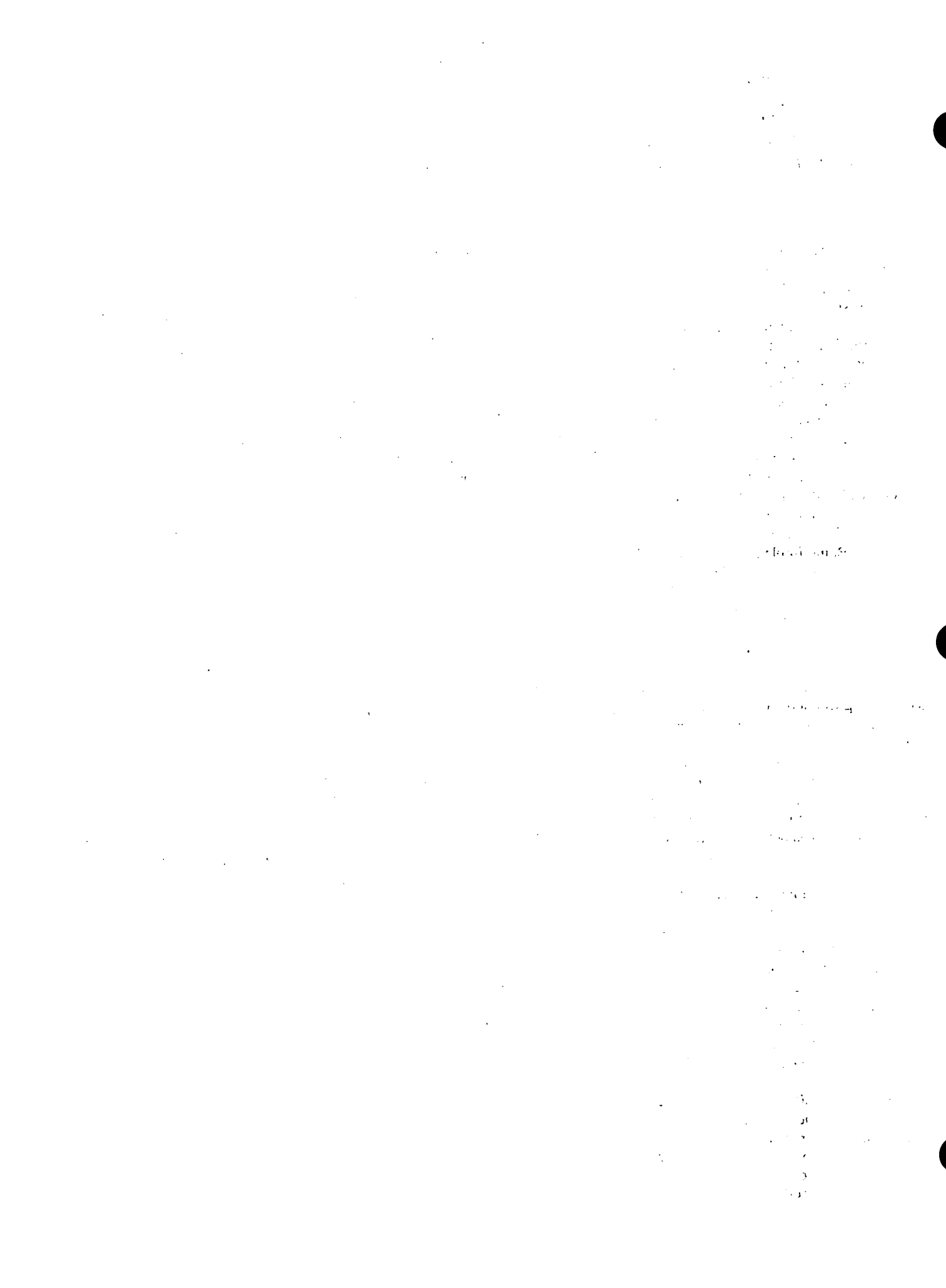
**NEW SECTION**

**WAC 314-02-033** ~~Do spirits, beer, and wine restaurants that exclude persons under twenty-one years of age from the premises have to put barriers around their dedicating dining area(s)?~~ Spirits, beer, and wine restaurant licensees who exclude persons under twenty-one years of age from the entire premises at all times are only required to place the barriers described in WAC 314-02-025(2) around dedicated dining areas for the purpose of paying the lesser \$1,600 annual fee. Restaurants that do not allow persons under twenty-one years of age and do not wish to have barriers around their dining area(s) must pay the \$2,000 annual licensee fee. See WAC 314-02-020 for an explanation of fees.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 314-02-050      What are the floor space requirements to obtain and maintain a beer and/or wine restaurant license?
- WAC 314-16-190      Spirits, beer and wine restaurant—Qualifications.
- WAC 314-16-196      Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises.





**WSR 02-04-004**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

(Apprenticeship and Training Council)

[Filed January 23, 2002, 3:41 p.m.]

Title of Rule: Chapter 296-05 WAC, Apprenticeship rules.

Purpose: The purpose of this rule making is to address an inconsistency that now exists in the rules as a result of the recent rule changes that were adopted on October 31, 2001. The inconsistency is between WAC 296-05-007 and 296-05-300. Clarification changes are necessary to ensure that the Washington State Apprenticeship and Training Council has the discretion to either adjudicate matters (i.e. objections to apprenticeship standards or proposed amendments to apprenticeship standards) themselves or refer them to the Office of Administrative Hearings. In addition, the responsibility for an apprenticeship sponsor to ensure that safety and health training is provided to apprentices in WAC 296-05-316(8) was eliminated as this is the employer's responsibility.

Other Identifying Information: Apprenticeship.

Statutory Authority for Adoption: RCW 49.04.010 and chapter 204, Laws of 2001 (SHB 1234).

Statute Being Implemented: Chapter 49.04 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Nancy Mason, Tumwater, (360) 902-5321; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Washington State Apprenticeship and Training Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule making is to address an inconsistency that now exists in the rules as a result of the recent rule changes that were adopted on October 31, 2001. The inconsistency is between WAC 296-05-007 and 296-05-300. Clarification changes are necessary to ensure that the Washington State Apprenticeship and Training Council has the discretion to either adjudicate matters (i.e. objections to apprenticeship standards or proposed amendments to apprenticeship standards) themselves or refer them to the Office of Administrative Hearings. In addition, the responsibility for an apprenticeship sponsor to ensure that safety and health training is provided to apprentices in WAC 296-05-316(8) was eliminated as this is the employer's responsibility and a minor technical amendment was done to WAC 296-05-402 to correct an error in the flowchart.

Proposal Changes the Following Existing Rules: This rule making will make clarification changes to WAC 296-05-007 and 296-05-300 to ensure that the Washington State Apprenticeship and Training Council has the discretion to either adjudicate matters (i.e. objections to apprenticeship standards or proposed amendments to apprenticeship standards) themselves or refer them to the Office of Administrative Hearings. In addition, the responsibility for an appren-

ticeship sponsor to ensure that safety and health training is provided to apprentices in WAC 296-05-316(8) was eliminated as this is the employer's responsibility and a minor technical amendment was done to WAC 296-05-402 to correct an error in the flowchart.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Josh Swanson, Washington State Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, AND RECEIVED BY April 9, 2002.

January 18, 2002

LaFrank Newell, Chair

Apprenticeship and Training Council

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

**WAC 296-05-007 Rules of procedure.** All hearings and adjudication, under chapter 49.04 RCW and these rules, shall be conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure. The chair (or vice-chair in the chair's absence) is the presiding officer for adjudicative proceedings, held before the WSATC. The WSATC may either adjudicate matter(s) themselves or refer ((a)) matter(s) to the office of administrative hearings for initial adjudication. ~~((When an affected person(s) files an objection in a timely manner to proposed standards or a proposed amendment of existing standards, the initial adjudication of the objection shall be referred to the office of administrative hearings.))~~

If the initial adjudication is before the WSATC, the WSATC will enter a final order. If the initial adjudication has been held at the office of administrative hearings, the administrative hearings judge shall issue an initial order. The WSATC, upon review of the initial order shall enter the final order. An initial order shall become final without further WSATC action five working days after the next regular quarterly meeting unless:

(1) The WSATC upon its own motion determines that the initial order should be reviewed; or

(2) A party to the proceedings files a petition for review of the initial order.

The WSATC may appoint a person to review the initial order and prepare and enter the final WSATC order.

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

**WAC 296-05-300 Apprenticeship and training programs—Approval.** The WSATC is the body responsible for matters concerning apprenticeship and training in the state of Washington. The principal function of the WSATC is to approve, register, and regulate apprenticeship and training agreements. Persons or organizations desiring to institute an apprenticeship or training program must follow these steps:

(1) Organize an apprenticeship and training committee according to WAC 296-05-303 and file affidavits with the WSATC requesting that the committee be recognized.

(2) Once the committee is recognized, it must propose standards conforming to these rules and to chapter 49.04 RCW. In addition, the standards must include the composition of the committee and general rules that it will follow in administering the program. (The apprenticeship supervisor and department apprenticeship coordinators are available to give assistance drafting standards.)

(3) These standards must be presented to the supervisor at least forty-five days before the regular quarterly meeting at which the WSATC is requested to consider such proposed standards.

(4) At the regular quarterly meeting, the proposed standards will be considered by the WSATC. The WSATC will:

(a) Approve;

(b) Approve provided the sponsor accepts the changes recommended by the WSATC; or

(c) Disapprove.

At the regular quarterly meeting, the WSATC will allow changes to correct clerical errors. The addition of standard language will be allowed if authorized representatives of the sponsor are present and authorized to accept changes. At the regular quarterly meeting, the WSATC will not accept changes to the format, language, or provisions of the submitted program standards which are not reasonably consistent with previously approved program standards.

If the WSATC disapproves the standards, it shall direct the department to inform the sponsor in writing the reason for disapproval.

(5) Once the WSATC approves the program standards the committee is authorized to function and perform its duties as described in WAC 296-05-316.

(6) If a competitor objects to the proposed standards or proposed amendment(s) to existing standards, the WSATC may either adjudicate the objection(s) with the proposed standards or refer the objection(s) with the proposed standards or proposed amendment(s) to existing standards to an administrative hearing as described in WAC 296-05-007. For purposes of this subsection "competitor" means a competing apprenticeship program in a similar or subset of the trade, craft, or occupation within the geographic area served.

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

**WAC 296-05-316 Apprenticeship agreements—Standards requirements.** The WSATC shall have the authority to develop, administer, and enforce program stan-

dards for the operation and success of an apprenticeship and training program.

The sponsor's proposed program standards must include a list of duties and responsibilities of the program sponsor reasonably consistent with other approved program standards.

All apprenticeship agreements must comply with the approved program standards, chapter 49.04 RCW, and these rules. The standards of apprenticeship agreements must include the following:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which must not be less than two thousand hours of reasonably continuous employment.

(2) A statement identifying the program sponsor, establishing the apprenticeship committee and enumerating the sponsor's and committee's duties and responsibilities. This statement must include provisions to:

(a) Elect a chair and a secretary from employer and employee representatives of the committee.

EXCEPTION: This provision is not necessary for a plant program.

(b) Convene at least three annual regular meetings of the program sponsor and apprenticeship committee. The meetings shall be at least three times per year, be attended by a quorum of committee members (as defined in the approved program standards), be documented with minutes which must be periodically submitted to the department and made available to the WSATC upon request. Conference call meetings may be conducted in lieu of regular meetings but must not exceed the number of attended meetings and no disciplinary action shall be taken at conference call meetings.

(c) Determine need for apprentices in the area covered by the apprenticeship standards established under these rules. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.)

(d) Establish minimum standards of education and skilled occupational experience required of apprentices.

(e) Rotate apprentices in the various processes of the skilled occupation to assure a well-rounded, competent worker.

(f) Determine the adequacy of an employer to furnish proper on-the-job training in accordance with the provisions of the approved standards.

EXCEPTION: This does not apply to plant programs.

(g) Recommend competent instructors and related/supplemental instruction in accordance with local vocational requirements.

(h) Recommend a course outline for related/supplemental instruction, as well as coordinate related/supplemental instruction with on-the-job work experience.

(i) Hear and adjust all complaints of violations of apprenticeship agreements.

(j) Adopt, as necessary, program rules to administer the apprenticeship program in compliance with its standards, chapter 49.04 RCW, and these rules.

(k) Periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period.

(l) Maintain apprenticeship records and records of the administrative program as may be required by the WSATC, chapter 49.04 RCW, and these rules. (See WAC 296-05-318.)

(3) The following Equal Employment Opportunity Pledge:

"The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex, color, religion, national origin, age, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."

(4) When applicable, an affirmative action plan and selection procedures.

(5) A numeric ratio of apprentices to journey-level workers may not exceed one apprentice per journey-level worker. It must be consistent with proper supervision, training, safety, continuity of employment, and applicable provisions in collective bargaining agreement, if any. The ratio must be described in the program standards and shall be specific and clear as to application in terms of job site, work group, department, or plant. An exception to this requirement may be granted by the WSATC.

(6) A statement of the related/supplemental instruction including content, format, hours of study per year (which shall be a minimum of one hundred forty-four hours per year).

(7) An attendance policy which includes a provision that if the apprentice fails to fulfill the related/supplemental instruction obligations, the sponsor may withhold the apprentice's periodic wage advancement, suspend or cancel the apprenticeship agreement. A provision that time spent in related/supplemental instruction classes shall not be considered as hours of work and the apprentice is not paid for the classroom time. A provision that the hours of actual attendance by the apprentice in related supplemental instruction classes must be reported to the department on a quarterly basis for industrial insurance purposes.

(8) A provision to ensure that the sponsor provides for instruction of the apprentice during the apprentice's related/supplemental instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations. ~~((Also, the sponsor must ensure that the employer provides the necessary instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations to the apprentice for the on-the-job training portion of the apprenticeship.))~~

(9) A provision for a formal agreement between the apprentice and the sponsor and for registering that agreement with the department.

(10) A provision for the timely notice to the department of all requests for disposition or modification of apprenticeship agreements including:

- Certificate of completion;
- Additional credit;
- Suspension;
- Military service;
- Reinstatement;
- Cancellation; and
- Corrections.

(11) A provision for advancing an apprentice's standing based on previous experience in the skilled trade or in some other related capacity.

(12) A provision for the transfer of an apprentice from one training agent to another training agent or the sponsor in order to provide as much as possible, continuous employment and diversity of training experiences for apprentices.

(13) A provision for the amendment of the standards or deregistration of the program. This provision must comply with chapter 49.04 RCW, these rules, and WSATC policies and procedures.

(14) An apprenticeship appeal procedure in compliance with chapters 49.04, 34.05 RCW, and these rules.

(15) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(16) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related/supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.

(17) A statement of the minimum qualifications for persons entering the apprenticeship program including the age of the apprentice which may not be less than sixteen years of age. All exceptions to minimum qualifications, if any, must be clearly stated and applied in a nondiscriminatory manner.

(18) Provision that the services of the supervisor and the WSATC may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or as required by the established trade procedure.

(19) Provision that if an individual training agent is unable to fulfill its obligation under the apprenticeship agreement, it will transfer the obligation to the program sponsor.

(20) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

(21) Disciplinary procedures and criteria for apprentices. The procedures may include a committee-imposed disciplinary probation during which the committee may according to expressed criteria:

- Withhold periodic wage advancements;
- Suspend or cancel the apprenticeship agreement;
- Take further disciplinary action; or
- The disciplinary procedures must include a notice to the apprentice that the apprentice has the right to file an appeal, of the committee's action, to the WSATC.

(22) A provision for an initial probation which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The initial probation must not exceed twenty percent of the term of apprenticeship unless an exemption has

been granted for longer probationary periods as specified by Civil Service or law. The initial probationary period must be expressed in hours of employment. During the initial probationary period, the apprenticeship agreement may be terminated by the sponsor or the apprentice without a hearing or stated cause. An appeal process is available to apprentices who have completed the initial probationary period.

(23) Provisions prohibiting discrimination on the race, sex, color, religion, national origin, age, disability or as otherwise specified by law during all phases of apprenticeship.

(24) Provisions to ensure adequate records of the selection process are kept for a period of at least five years and are available to the WSATC or its representative on request. ("Adequate records" means at least a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.)

(25) Provisions to ensure that local committee rules and regulations be consistent with these rules and the applicable apprenticeship agreement.

(26) Provisions to ensure any proposed standards for apprenticeship are reasonably consistent with any standards for apprenticeship already approved by the WSATC for the industry, craft or trade in question taking into account the WSATC's determination of the apprenticeship needs of the trade and geographic area. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.) The goal is to achieve general statewide uniformity of standards in each industry, trade or craft. Proposed standards for a new program shall be considered consistent if they are equal to or exceed the minimum number of hours approved by the United States Department of Labor for a trade, craft, or occupation. If the United States Department of Labor has not established a minimum number of hours for a trade, craft, or occupation, the WSATC may utilize its discretion to determine the minimum number of hours that must be achieved. In addition, the course content and delivery method must be designed to achieve the same levels of skills as existing standards within the state for that industry, trade, or craft.

(27) A provision to ensure that the progressively increasing wage scales based on specified percentages of journey-level wage, which must be submitted, at least annually, to the WSATC. These may be submitted on a form provided by the department.

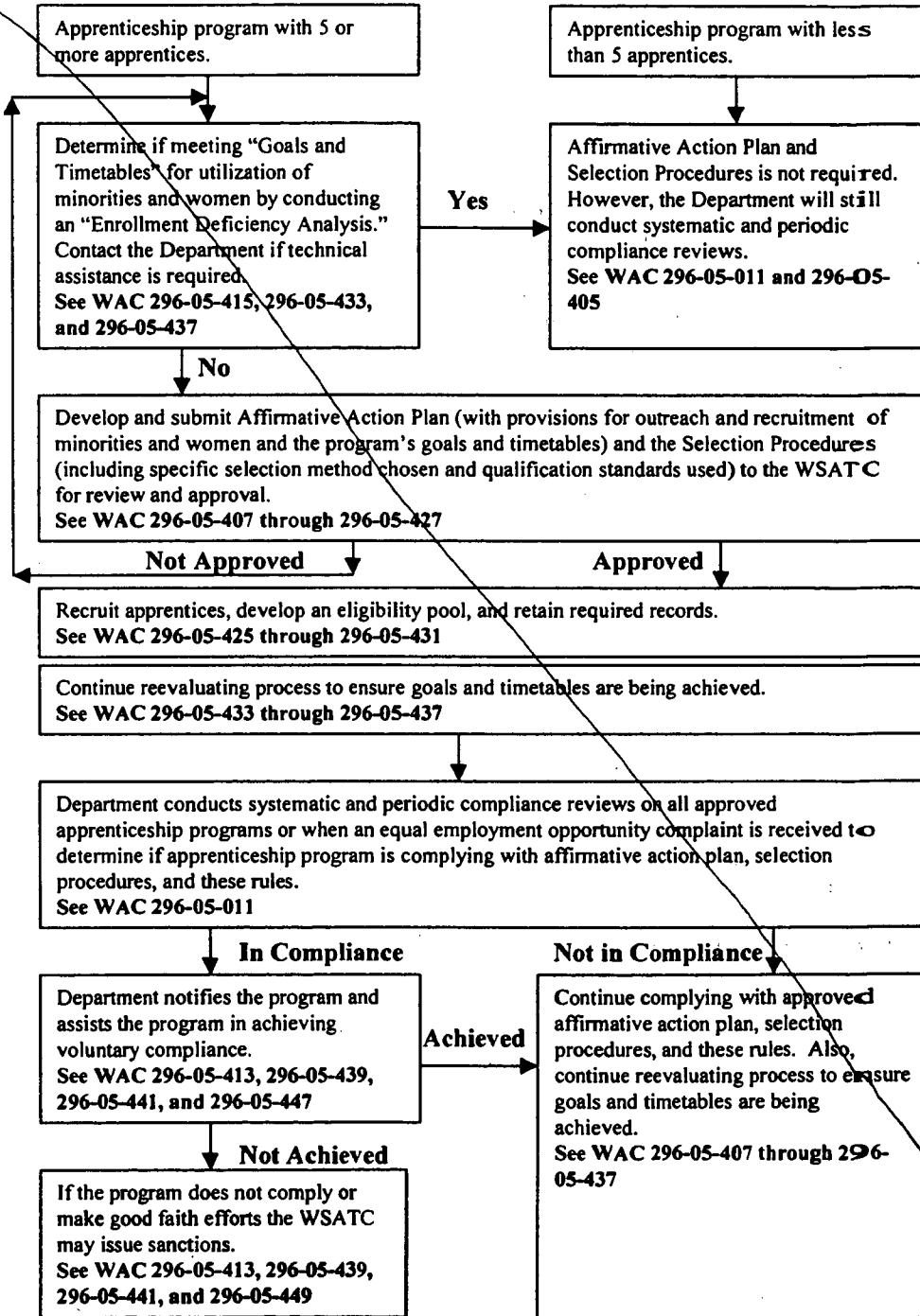
A sample apprenticeship agreement and a standard form for program standards are available from the supervisor.

**EXPEDITED**

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

WAC 296-05-402 Equal employment opportunity process.

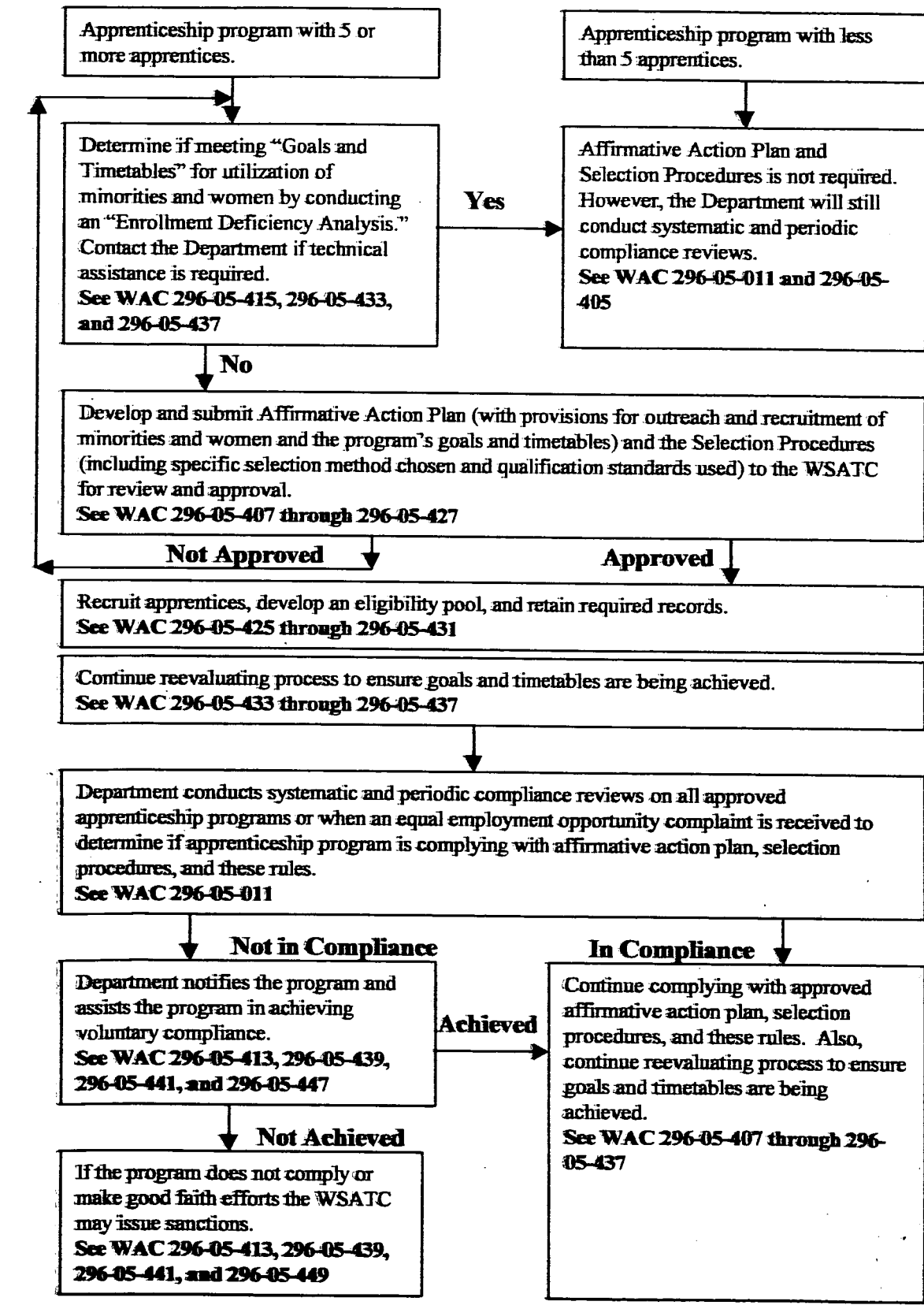
# Equal Employment Opportunity Process



EXPEDITED

# Equal Employment Opportunity Process

EXPEDITED



WSR 02-04-020

EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

[Filed January 24, 2002, 4:03 p.m.]

Title of Rule: WAC 16-325-015 Seed potato isolation district.

Purpose: The Seed Potato Isolation District in Whatcom County was established to protect certified seed potato plantings from virus diseases spread from commercial potato plantings. Certified seed potatoes must meet the highest standards of disease sanitation. They generally cannot be grown in proximity to commercial potato crops (that is, potatoes grown for table or processing) without significantly increased disease risk. This rule ensures adequate quality certified seed potatoes can continue to be grown within the isolation district.

Statutory Authority for Adoption: Chapter 15.15 RCW.  
Statute Being Implemented: Chapter 15.15 RCW.

Summary: This revised rule expands the existing district boundaries to give growers access to additional ground on which to grow certified seed potatoes. No commercial potatoes are currently grown in the area proposed for addition to the seed potato isolation district, and there is no significant negative financial impact likely to result from this rule amendment.

Reasons Supporting Proposal: Because of the increased competition for suitable seed potato ground within the current isolation district, it is desirable to expand the district boundaries to give growers access to additional ground on which to grow certified seed potatoes. Federal crop insurance premiums for seed potato fields within an isolation district are also lower than those outside of such a district.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Wessels, P.O. Box 42560, Olympia, WA 98504, (360) 902-1984.

Name of Proponent: Washington Seed Potato Commission, Roger Hawley, Chairman, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Seed Potato Isolation District in Whatcom County was established under specific authority of chapter 15.15 RCW to protect certified seed potato plantings from virus diseases spread from commercial potato plantings. Certified seed potatoes must meet the highest standards of disease sanitation. They generally cannot be grown in proximity to commercial potato crops (that is, potatoes grown for table or processing) without significantly increased disease risk. This rule ensures adequate quality certified seed potatoes can continue to be grown within the area encompassed by the isolation district. The revision would expand the area of the existing seed potato isolation district. The two anticipated consequences of this expansion are (1) increased options for certified seed potato growers and (2) less costly federal crop insurance. Because of the increased competition for suitable certified seed potato ground within the current isolation district, an expansion of the district boundaries would give growers access to additional ground on which to grow certified seed potatoes. Also, federal crop insurance premiums

for seed potato fields within an isolation district are normally lower than those outside of such a district. No significant negative financial effects are anticipated from this rule change.

Proposal Changes the Following Existing Rules: The rule revision would expand the current seed potato isolation district by moving its current western border over I-5 and to the sound, adding a maximum of twenty square miles to the existing district. No Native American reservation lands are included in the proposed seed potato isolation district. Currently, there are no commercial potato fields in the proposed expansion district.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mary Toohey, Assistant Director for Laboratory Services, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2094, AND RECEIVED BY April 8, 2002.

January 24, 2002

Mary A. Martin Toohey  
Assistant Director

AMENDATORY SECTION (Amending WSR 98-09-071, filed 4/20/98, effective 5/21/98)

**WAC 16-325-015 Regulated area.** The seed potato isolation district consists of that area of Whatcom County lying within the following boundaries:

On the west the boundary follows (~~Interstate 5 from its intersection with Smith Rd., northwesterly to the intersection with Loomis Rd., then from the intersection of Loomis Road and Interstate 5 north along Giles Rd. to its end, continuing north through the center of Range 1 East to the Canadian border~~) Georgia Straight from the Canadian border south to Slater Road.

On the north the boundary follows the Canadian border from (~~its intersection with the center of Range 1 East~~) Georgia Straight easterly to South Pass Road.

On the east the boundary follows South Pass Rd. southwesterly to the point where the eastern edge of Range 4 East intersects South Pass Road, then south along the eastern boundary of Range 4 East to the Nooksack River (south of the town of Deming).

On the south the boundary follows the Nooksack River northwesterly to the City of Everson, south from Everson on Mission Road to Smith Road (~~(then)~~), westerly on Smith Rd to Interstate 5, southeasterly on Interstate 5 to Slater Road, westerly on Slater Road to Rural Ave., southwesterly on Rural Ave. to Marine Dr., westerly on Marine Dr. to Ferndale

Rd., northerly on Ferndale Rd. to Slater then westerly on Slater to Georgia Straight.

EXPEDITED



**WSR 02-04-001**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed January 23, 2002, 2:13 p.m.]

Date of Adoption: January 16, 2002.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-93-250; and amending WAC 308-93-230, 308-93-270, and 308-93-280.

Statutory Authority for Adoption: RCW 46.16.381.

Adopted under notice filed as WSR 01-23-050 on November 19, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 3, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

January 16, 2002

Fred Stephens

Director

**AMENDATORY SECTION** (Amending WSR 98-21-001, filed 10/8/98, effective 11/8/98)

**WAC 308-93-230 Procedure for perfecting security interest. (1) How is the security interest in a vessel perfected?**

A security interest in a vessel for which a certificate of ownership is required is perfected only by compliance with the requirements of RCW 46.12.095 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

**(2) What ~~((is the application fee))~~ fees are charged for adding, deleting or changing a secured party?**

The application fee is one dollar ~~((and the appropriate filing fee))~~. A filing fee is due for each transaction and an additional service fee is charged if a licensing subagent processes the transaction.

**(3) What is the secured party's obligation when the lien has been satisfied?**

~~((The))~~ When a certificate of ownership is required, the secured party ~~((shall))~~ must comply with RCW 46.12.170 as provided for vehicles, ~~((except the application fee is one dollar))~~ and WAC 308-93-069 and 308-93-070 as provided for vessels and pay the required fees.

**(4) What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?**

The secured party shall comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

**(5) Is the secured party liable for the acts of the vessel owner?**

No. The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.

**AMENDATORY SECTION** (Amending WSR 99-03-002, filed 1/7/99, effective 2/7/99)

**WAC 308-93-270 Appeals to superior court from suspension, cancellation, or refusal of registration or certificate of ownership. May I appeal the department's decision to refuse to issue a registration or certificate of ownership or suspend or cancel a registration or certificate of ownership?**

Yes. The suspension, cancellation, or refusal by the department of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC ~~((shall))~~ will be conclusive unless the person whose registration or certificate is suspended, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, cancellation, or refusal. Upon the filing of the notice of appeal the court ~~((shall))~~ must issue an order to the department to show cause why the registration should not be granted or reinstated, which order ~~((shall))~~ must be ~~((returnable))~~ returned not less than ten days after the date of service thereof upon the department. Service ~~((shall))~~ must be in the manner prescribed for service of summons and complaint in other civil actions.

~~((Upon))~~ At the hearing on the order to show cause, the court ~~((shall))~~ will hear evidence concerning matters with reference to the suspension, cancellation, or refusal of the registration or certificate and ~~((shall))~~ will enter judgment either affirming or setting aside such suspension, cancellation, or refusal.

**NEW SECTION**

**WAC 308-93-275 Abandoned vessels. What are the options for disposing of an abandoned vessel?**

An abandoned vessel may be disposed of in several ways, depending upon where it is abandoned.

(1) Vessel abandoned adrift.

The watercraft adrift laws (chapter 79A.60 RCW) provide details for disposing of vessels abandoned on water.

(a) In addition to other documents required by law or rule, the following documents are required when applying for a certificate of ownership to a vessel that was abandoned adrift.

(i) A copy of the court order authorizing the sale of the abandoned vessel;

(ii) A bill of sale from the entity selling the vessel; and

(iii) A properly completed and notarized/certified vessel data form unless a completed vessel title application is submitted in lieu of the vessel data form.

(2) Vessel abandoned on land.

(a) A vessel abandoned on land may be disposed of by one of the following:

(i) The lost and found property laws in chapter 63.21 RCW; or

(ii) The unclaimed property in hands of city police (chapter 63.32 RCW); or

(iii) Unclaimed property in the hands of Washington state patrol (chapter 63.35 RCW); or

(iv) Unclaimed property in hands of sheriff (chapter 63.40 RCW).

(b) Documents needed to apply for a certificate of ownership for vessel that was abandoned on a highway of this state and towed by a registered tow truck operator. Vessels that are:

(i) Registered with the department; and

(ii) Found abandoned on a highway of this state; and

(iii) Towed by a registered tow truck operator

are subject to the requirements of the abandoned vehicle laws (chapter 46.55 RCW). The vessel may be sold using an abandoned vehicle report as proved in chapter 46.55 RCW. A properly completed and notarized/certified vessel data form is required upon application for certificate of ownership unless a completed vessel title application is submitted in lieu of the vessel data form.

(3) Vessel considered abandoned at a moorage facility.

A vessel moored in a moorage facility is considered abandoned when the vessel owner fails to pay the port charges owed.

Publicly owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 53.08.320. Privately owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 88.26.020.

**AMENDATORY SECTION** (Amending WSR 99-03-002, filed 1/7/99, effective 2/7/99)

**WAC 308-93-280 Hull identification numbers. (1) Is a hull identification number required to use a vessel on the waters of Washington state?**

Yes. A hull identification number is required on any vessel that is used on the waters of this state unless application for hull identification number has been made and issuance of the hull identification number is pending.

**(2) ((When would a hull identification number (HIN) need to be assigned by the department?)**

The HIN needs to be assigned at the time of application through the vehicle field system whenever the HIN has been altered, removed, obliterated, defaced, omitted, or is otherwise absent.

**(3) ~~How is the department assigned HIN affixed to the vessel?~~**

~~(a) The number shall be clearly imprinted or otherwise permanently affixed above the waterline in such a way that alteration, removal, or replacement would be obvious or evident; and~~

~~(b) The number shall be at least one quarter of an inch in height and shall be placed on:~~

~~(i) The outboard starboard side of the transom; or~~

~~(ii) The outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, if there is no transom.~~

~~(4) **Can the previous HIN be reaffixed?**~~

~~At the department's discretion, it may authorize the vessel owner to reaffix the HIN.~~

~~(5)) **Is it unlawful to destroy, remove, alter, cover or deface the HIN?**~~

~~Yes. It is unlawful for a person, firm, association or corporation to destroy, remove, alter, cover or deface a HIN.~~

**(3) When is the hull identification number (HIN) assigned by the department?**

If a HIN is not affixed during manufacture, a HIN is assigned by the vehicle field system at the time of application for registration, whenever the HIN has been:

(a) Altered;

(b) Removed;

(c) Obliterated;

(d) Defaced;

(e) Omitted; or

(f) Is otherwise absent.

If the model year of the vessel is a 1985 or newer, then the HIN will be verified via the manufacturer's statement of origin (MSO).

**(4) How is the department assigned HIN affixed to the vessel?**

(a) The HIN must be clearly imprinted or otherwise permanently affixed above the waterline in such a way that alteration, removal, or replacement would be obvious or evident; and

(b) The HIN must be at least one quarter of an inch in height and shall be placed on:

(i) The outboard starboard side of the transom; or

(ii) The outermost starboard side at the end of the hull that bears the rudder of other steering mechanism, if there is no transom.

**(5) Can the previous HIN be reaffixed?**

The department may authorize the vessel owner to reaffix the HIN.

**(6) If a HIN is missing on a vessel that is abandoned on or along a public highway, may the vessel be processed through the abandoned vehicle process?**

Yes((—The department will assign a HIN at the time the purchaser applies for certificate of ownership.

**(6) ~~Is it unlawful to destroy, remove, alter, cover or deface the HIN?~~**

Yes. It is unlawful for a person, firm, association or corporation to destroy, remove, alter, cover or deface a HIN.)) if a certificate of ownership/registration has been issued. If not,

then vessels abandoned on or along the public highways may not be processed through the abandoned vehicle statute (chapter 46.55 RCW). Such vessels are considered personal property and must be disposed of in accordance with chapters 63.32, 63.35 and 63.40 RCW.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-250            Secured party not liable for acts of vessel owner.

### **WSR 02-04-002**

#### **PERMANENT RULES**

#### **DEPARTMENT OF LICENSING**

[Filed January 23, 2002, 2:16 p.m.]

Date of Adoption: January 15, 2002.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-306, 308-96A-311, 308-96A-312, 308-96A-313, 308-96A-314, and 308-96A-316.

Statutory Authority for Adoption: RCW 46.16.381.

Adopted under notice filed as WSR 01-23-028 on November 13, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0; Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 6, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

January 15, 2002

Fred Stephens  
Director

AMENDATORY SECTION (Amending WSR 00-16-056, filed 7/26/00, effective 8/26/00)

**WAC 308-96A-306 Definitions—Disabled person special parking privileges.** For the purposes of determining eligibility for special disabled person parking placards and license plates, the following definitions apply:

(1) For the purposes of determining a disability that limits a person's abilities as defined in RCW 46.16.381 and for

determining eligibility for certifying disabled person parking privileges under RCW 46.16.381, "licensed physician" ((means, for the purpose of determining the disability that limits the ability to walk and meets the criteria set forth in RCW 46.16.381(1);)) is a health care provider ((licensed by the department of health to provide health care whose scope of practice includes those areas covered in the statute. Licensed physician includes chiropractic physicians, naturopaths, medical doctors, advanced registered nurse practitioners, osteopathic physicians and podiatric physicians)) to include: Chiropractor (DC), naturopath (ND), physician or surgeon (MD or DO), podiatrist (DPM), advanced registered nurse practitioner (ARNP). Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(2) "Permanent" means a licensed physician has certified that the qualifying disability condition is expected to last at least five years.

(3) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s) and identification card.

(4) "Identification card" means the identification card referred to in RCW 46.16.381(3).

(5) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(6) "Privilege" means the right to utilize the benefits associated with the permit.

(7) ~~((("Expiration date" means:~~

~~(a) The last day of the month specified on a temporary placard; or~~

~~(b) Not less than five years from the month and year of issuance of a permanent placard, as specified by the department on the placard.~~

~~((8))) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.~~

~~((9))) (8) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard, or the subscription of any person thereto as provided in RCW 9A.04.110(23).~~

~~((10))) (9) "Application" means the form provided by the department that must be completed by the individual and physician or the form that must be completed by the organization.~~

AMENDATORY SECTION (Amending WSR 99-21-034, filed 10/15/99, effective 11/15/99)

**WAC 308-96A-311 General provisions. (1) How do I qualify for a disabled person parking privilege?**

In order to qualify for a disabled person parking privilege, a licensed physician as identified in WAC 308-96A-306(1) must certify that you have a disability that limits or impairs the ability to walk and that you meet one of the requirements listed in RCW 46.16.381 (1)(a) through (g).

The physician's certification is required for all original applications and renewal applications submitted between June 1, 1998, and June 10, 2003. After June 10, 2003, only original permanent privilege applications and all temporary applications will require the licensed physician's certification.

**(2) What types of placards are issued?**

The types of placards you may receive are:

- (a) Temporary; or
- (b) Permanent.

**(3) How do I apply for a disabled person parking privilege?**

To apply for the disabled person parking privilege, a licensed physician must complete and certify his or her portion of the application. Then, you must complete and sign your portion of the application and submit it to the department as provided in WAC 308-96A-312 (temporary placard), WAC 308-96A-313 (permanent placard) or WAC 308-96A-314 (special license plates).

**(4) Who may sign the application for the disabled person that is unable to sign or is a minor?**

When the disabled person is unable to sign or is a minor, the application may be signed by an authorized representative of the disabled person. The application ~~((shall))~~ must then be accompanied by a copy of one of the following:

- (a) A power of attorney;
- (b) A Washington state court order or certification from the clerk of court confirming the court's action; or
- (c) An affidavit explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

**(5) When is the disabled person parking privilege no longer valid?**

The disabled person parking privilege is no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists; or
- (d) If the privilege was issued in error.

**(6) Why is the identification card issued?**

The identification card is issued to assist law enforcement in determining that the person who is using the disabled person parking placard or disabled person special license plate is the person to whom the privilege was issued.

**(7) Must I present the identification card upon request of law enforcement? Yes.**

(a) Your identification card must be shown upon request of any law enforcement officer, parking enforcement officer or volunteer appointed for purposes of issuing notices of parking infractions.

(b) If you have just applied for and not yet received an ID card, show the receipt you received at the time of application.

AMENDATORY SECTION (Amending WSR 99-21-034, filed 10/15/99, effective 11/15/99)

**WAC 308-96A-312 Temporary disabled person parking placard and identification card. (1) Where and how may I obtain a temporary disabled person parking**

**placard and identification card issued to a person with a temporary disability?**

You may obtain a temporary disabled person parking placard issued to a person with a temporary disability at Washington vehicle licensing offices by submitting a completed and signed application certified by a licensed physician. ~~((You will receive your identification card in the mail.))~~ Identification cards are automatically issued at the time the disabled placard is issued and will be mailed to you.

**(2) How long is the temporary disabled person parking ~~((placard and identification card issued to a person with a temporary disability))~~ privilege valid?**

The temporary disabled person parking placard and identification card issued to a person with a temporary disability is valid for up to six months from the date of issuance by the department.

**(3) Can my temporary disabled person parking ~~((placard and identification card issued to a person with a temporary disability))~~ privilege be extended?**

~~((No.))~~ If your condition continues beyond the expiration date, you may obtain a new temporary disabled person parking placard and identification card ~~((issued to a person with a temporary disability))~~ by submitting a new application completed and ~~((signed new application))~~ certified by a licensed physician.

**(4) What happens if the temporary disabled person parking placard or identification card ~~((issued to a person with a temporary disability))~~ is lost, mutilated, destroyed, or stolen?**

If you wish to replace your temporary disabled person parking placard or identification card, ~~((issued to a person with a temporary disability.))~~ complete and sign a statement explaining what happened to the placard or identification card. A new temporary disabled person parking placard or identification card ~~((issued to a person with a temporary disability))~~ will be issued indicating the original expiration date.

**(5) When is the temporary disabled person parking placard and identification card issued to a person with a temporary disability no longer valid?**

The placard and identification card are no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If a replacement placard and identification card has been issued; or
- (e) If the privilege was issued in error.

**(6) What should I do when my temporary placard and identification card issued to a person with a temporary disability are no longer valid?**

When your temporary placard and identification card ~~((issued to a person with a temporary disability))~~ are no longer valid, they should be destroyed.

AMENDATORY SECTION (Amending WSR 99-21-034, filed 10/15/99, effective 11/15/99)

**WAC 308-96A-313 Disabled person parking placard and identification card—For permanent disabilities. (1)**

**Where are disabled person parking placard(s) and identification cards issued to persons with a permanent disability?**

Disabled persons parking placards for persons with a permanent disability are issued at Washington vehicle licensing offices. Identification cards may be applied for at the time the disabled placard is issued and will be mailed to you.

**(2) When do disabled person parking placard(s) expire?**

Disabled person parking placard(s) issued to persons with a permanent disability are issued for ~~((not less than))~~ five years ~~((from the month and year of issuance,))~~ and expire~~((s))~~ on the last day of the month specified on the placard. Example: If a permanent placard is marked to expire in May 2003, it expires on May 31, 2003.

**(3) What happens if the disabled person parking placard or identification card issued to persons with a permanent disability is lost, mutilated, destroyed, or stolen?**

If you wish to replace your permanent disabled person parking placard or identification card ~~((that was issued to persons with a permanent disability))~~, complete and sign a statement explaining what happened to the placard or identification card. A ~~((new))~~ replacement disabled person parking placard or identification card will be issued indicating the original expiration date. The identification card will be mailed to you. Upon replacement of the placard and/or identification card, the original is no longer valid and should be destroyed if located.

**(4) How do I renew my permanent disabled person parking placard(s) ~~((that were issued to persons with a permanent disability))~~?**

The department will mail you a renewal notice to qualifying individuals prior to privilege expiration. ~~((The parking placard issued to persons with a permanent disability is renewed by submitting))~~ You may submit a completed renewal notice or new application ~~((with existing identification card at))~~ to a Washington vehicle licensing office to renew the parking placard. ~~((You will receive))~~ A new disabled person parking placard(s) ~~((that was issued to persons with a permanent disability))~~ and ~~((you will receive))~~ a new identification card will be sent to you in the mail.

**(5) When are the disabled person parking placard(s) issued to persons with a permanent disability no longer valid?**

The disabled person parking placard issued to persons with a permanent disability is no longer valid:

- (a) Upon expiration of the placard;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If the privilege was issued in error; or
- (e) If a replacement parking placard issued to persons with a permanent disability has been issued.

**(6) What do I receive when I apply for a disabled person parking privilege ~~((for my permanent disability))~~?**

You may receive:

- (a) One placard; or

(b) One set of special license plates for one vehicle which is registered in the name of the disabled person; or

- (c) One placard and one set of special license plates; or
- (d) Two placards.

**(7) How do I obtain a second disabled person parking placard?**

If you have only one permanent disabled person parking placard and no special disabled license plate, you may obtain a second placard upon written request.

AMENDATORY SECTION (Amending WSR 99-21-034, filed 10/15/99, effective 11/15/99)

**WAC 308-96A-314 Disabled person special license plates—Individual.** (1) **Where can I obtain a disabled person special license plate and identification card?**

You may apply for a disabled person special license plate~~((s are available))~~ at most Washington vehicle licensing offices ~~((only))~~. You will receive the identification card and disabled person special license plates in the mail.

**(2) How do I obtain disabled person special license plates?**

~~((In order))~~ To receive disabled person special license plates:

- (a) Your name must be shown on the department's record as being a registered owner of the vehicle; and
- (b) You must ~~((submit a completed application))~~ be certified by a licensed physician as having a permanent disability or have a disabled person parking privilege established with the department.

**(3) When do the disabled person special license plates and identification card expire?**

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate expires five years from the month of issuance of the privilege.

**(4) When are the disabled person special license plates no longer valid?**

The disabled person special license plates are no longer valid when:

- (a) The plates expire;
- (b) The privilege expires;
- (c) Upon death of the disabled person;
- (d) If the disability no longer exists; ~~((or))~~
- (e) The disabled person special license plates have been cancelled by department administrative action; ~~((or))~~
- (f) If the privilege was issued in error; or
- (g) If the disabled person is no longer shown on the department's record as being a registered owner of the vehicle.

**(5) How do I replace a disabled person special license plates if they become lost, mutilated, destroyed, or stolen?**

You shall complete and sign a statement explaining what happened to the disabled person special license plate(s) and pay replacement plate fees. ~~((New))~~ Replacement special disabled person license plates will be issued indicating the current expiration date. This voids the previously issued plates.

AMENDATORY SECTION (Amending WSR 99-21-034, filed 10/15/99, effective 11/15/99)

**WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations.** (1) **When can a qualifying organization use disabled person special license plates or special disabled person parking placards?**

Qualifying organizations may only use disabled person special license plates or disabled person parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) **How does an organization qualify for disabled person special license plates and permanent disabled person parking placards?**

The organization must:

(a) Meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent disabled person parking placard or disabled person special license plate to the department by April 30th each year.

(3) **How does a qualifying organization apply for disabled person special license plates and permanent disabled person parking placards?**

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

(4) **What may a qualifying organization receive when approved for disabled person parking privileges?**

(a) Disabled person special license plates may be issued for vehicles registered to the organization which regularly transport persons who have or would qualify for disability parking privilege; or

(b) Disabled person parking placard(s) which may be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disability parking privilege.

An organization may receive up to ninety-nine placards based on their legitimate business requirements. The department may approve exceptions.

(5) **Where does a qualifying organization obtain disabled person parking placard(s) or disabled person special license plates?**

A qualifying organization may obtain permanent disabled person parking placard(s) and disabled persons special license plates at a Washington vehicle licensing office.

~~((5))~~ (6) **Is a qualifying organization issued an identification card?**

No. An identification card ~~((shall))~~ will not be issued for an organization.

~~((6))~~ (7) **When does the permanent disabled person parking placard(s) issued to a qualifying organization expire?**

The permanent disabled person parking placard(s) expires five years from the date of issuance. On the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2003, it expires May 31, 2003.

~~((7))~~ (8) **When ~~((do))~~ are the disabled person special license plates issued to a qualifying organization no longer valid?**

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) The vehicle is no longer being used for the purpose of transporting disabled persons;

(d) The disabled person special license plates have been cancelled by department administrative action;

(e) The organization no longer qualifies;

(f) The organization's business license is cancelled or expires; ~~((or))~~

(g) If the privilege was issued in error; or

(h) If the organization fails to return the annual report.

~~((8))~~ (9) **How does a qualifying organization replace permanent disabled person parking placards or disabled person special license plates if they become lost, mutilated, destroyed, or stolen?**

The organization shall complete and sign a statement explaining what happened to the placards or disabled person special license plates and pay replacement fees. ~~((New))~~ Replacement permanent disabled person parking placards or disabled person special license plates will be issued indicating the current expiration date. This voids the previously issued permanent placards or plates.

~~((9))~~ (10) **How does a qualifying organization renew their permanent disabled person parking placard?**

The department will send a disabled person parking renewal notice to the qualifying organization before the privilege expires. The privilege is renewed by submitting the completed and signed renewal notice ~~((to the department))~~ or a new application may be submitted in lieu of the renewal notice. Upon ~~((receipt))~~ approval of the properly completed and signed renewal notice or application the department will issue new placards.

~~((10))~~ (11) **When are the disabled person parking placards, issued to qualifying organizations, no longer valid?**

Disabled persons parking placards are no longer valid when:

(a) The organization no longer qualifies;

(b) The organization's business license is canceled or expires;

(c) The placard ~~((or disabled person special license plates were))~~ was issued in error; ~~((or))~~

(d) A replacement has been issued; or

(e) If the organization fails to return the annual report.

WSR 02-04-003

PERMANENT RULES

EXECUTIVE ETHICS BOARD

[Filed January 23, 2002, 2:17 p.m.]

Date of Adoption: December 14 [15], 2001.

**Purpose:** To establish a "safe harbor" provision for state employees who are found to have violated the Ethics in Public Service Act while following a board approved agency policy.

**Citation of Existing Rules Affected by this Order:** Amending chapter 292-120 WAC.

**Statutory Authority for Adoption:** RCW 42.52.360 (2)(b) and 42.52.425.

Adopted under notice filed as WSR 01-20-087 on October 2, 2001.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted on the Agency's Own Initiative:** New 0, Amended 1, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, Amended 1, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

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

January 22, 2002

Brian R. Malarky

Executive Director

**AMENDATORY SECTION** (Amending WSR 97-07-058, filed 3/18/97, effective 4/18/97)

**WAC 292-120-030 Criteria for determining sanctions.** In determining the appropriate sanction, including the amount of any civil penalty, the board may consider the nature of the violation and the extent or magnitude or severity of the violation, including:

- (1) The monetary cost of the violation including:
  - (a) The cost of the violation to the state;
  - (b) The value of anything received or sought in the violation;
  - (c) The amount of any damages incurred by the state as a result of the violation;
  - (d) The costs incurred in enforcement, including reasonable investigative costs;
- (2) The nature of the violation including whether the violation:
  - (a) Was continuing in nature;
  - (b) Was motivated by financial gain;
  - (c) Involved criminal conduct;
  - (d) Impaired a function of the agency;
  - (e) Tended to significantly reduce public respect for or confidence in state government or state government officers or employees;
  - (f) Involved personal gain or special privilege to the violator;

(3) Aggravating circumstances including whether the violator:

- (a) Intentionally committed the violation with knowledge that the conduct constituted a violation;
  - (b) Attempted to conceal the violation prior to the filing of the complaint;
  - (c) Was untruthful or uncooperative in dealing with the board or the board's staff;
  - (d) Had significant official, management, or supervisory responsibility;
  - (e) Had committed prior violations found by the board;
  - (f) Incurred no other sanctions as a result of the violation;
- (4) Mitigating factors including:
- (a) Prior corrective action taken against the violator;
  - (b) Prior recovery of damages to the state;
  - (c) The unethical conduct was approved or required by the violator's supervisor (~~or agency~~);
  - (d) The violation was unintentional;
  - (e) Other mitigating factors deemed relevant by the board.

(5) For purposes of this section, each act which violates one or more provisions of chapter 42.52 RCW, or rules adopted under it, may constitute a separate violation.

**NEW SECTION**

**WAC 292-120-035 Safe harbor provision.** The board invites and encourages agencies to adopt policies that prevent agency employees from violating the Ethics in Public Service Act. Pursuant to RCW 42.52.360(4), the board may review and approve agency policies. In determining appropriate sanctions, the board may consider agency policies in effect at the time of the conduct. In addition:

- (1) The board will not impose sanctions for conduct that would violate the Ethics in Public Service Act, if the conduct at issue was permitted under a board-approved agency policy, as provided for in RCW 42.52.360(4), prior to the conduct occurring.
- (2) The effect of the safe harbor from sanction, as provided in WAC 292-120-035(1), shall be limited to conduct that conforms to a board-approved agency policy.

**WSR 02-04-012**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed January 24, 2002, 12:13 p.m., effective June 30, 2002]

Date of Adoption: January 24, 2002.

**Purpose:** To amend, repeal and add rules in order to clarify and simplify the language and requirements. All rules are proposed to clarify chapter 18.16 RCW and enable the director to enforce his duties under the Cosmetology Act.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 308-20-030 Curriculum structure, 308-20-045 Performance examination, 308-20-130 Examination objectives, 308-20-150 Student appeal—Examination eligibility denial by the school, 308-20-155 Procedure for appli-

PERMANENT

cants requiring special accommodations for licensure examination, 308-20-171 Passing scores on all examinations, 308-20-172 Failed examination appeal procedures, 308-20-310 Minimum sanitation, safety and health standards for all individual licensees and 308-20-590 Minimum business location sanitation, safety, and health standards; amending WAC 308-20-010 Definitions, 308-20-040 Application for school license, 308-20-080 Course outline of training requirements, 308-20-090 Student credit for training, 308-20-105 Curriculum for instructor-trainees, 308-20-107 Use and training of instructor-trainees, 308-20-110 Minimum school safety standards and 308-20-120 Examination construction and content; and new section WAC 308-20-122 Examination retakes.

Statutory Authority for Adoption: RCW 18.16.030(2).

Adopted under notice filed as WSR 01-23-086 on November 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 8, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 30, 2002.

January 24, 2002

Alan E. Rathbun

Assistant Director

**AMENDATORY SECTION** (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-010 Definitions.** (1) ("~~Creditable hour~~" means only those hours of training while the student is performing or receiving instruction in the subject areas listed in the course outline, as stated in WAC 308-20-080 and 308-20-105.

(2)) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

((3) "~~Curriculum~~" means a detailed course of study.

(4) "~~Student learning objectives~~" are measurable outcomes expected to occur as the result of instruction.

(5) "~~Instructional objectives~~" are measurable evaluation of the attainment of the student learning objectives.

(6) "~~Terminal learning objectives~~" are final outcomes expected to occur at the completion of a course of study as a result of instruction.

(7)) (2) "Monthly student record" is a form provided by the school, approved by the department, preprinted with school name (~~and address~~;) that shows the actual activities of the student in each subject, (i.e., shampoo, haircut, perm, color, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

((8)) (3) "Completed and graduated" is the completion of the state approved minimum hourly course of training and passage of a state approved performance (~~evaluation administered by the school~~) and written examination.

**AMENDATORY SECTION** (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-040** (~~(Application for school license)~~) **Records.** (~~With each school application, the following items must be included before a school license will be approved by the department:~~

(1) ~~Names and addresses of all school owners. Change in ownership of less than fifty one percent must be submitted to the department within fifteen days, accompanied with the affidavit of sale;~~

(2) ~~Names and addresses of all school operators or managers;~~

(3) ~~Names and addresses of all instructors responsible for the training of students. The department must be notified, in writing within fifteen days, when a change of instructor staff occurs;~~

(4) ~~A copy of the curriculum for each course the school intends to offer. A school offering cosmetology instruction must submit a cosmetology curriculum; a school offering barber instruction must submit a barber curriculum; a school offering esthetics instruction must submit an esthetician curriculum; a school offering manicurist instruction must submit a manicurist curriculum. A school offering instruction in cosmetology, barber, esthetics, and manicuring must submit separate complete curriculums for each. Any school offering instructor training must submit a curriculum in teaching techniques and lesson planning. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter. A copy of the instructional objectives, student learning objectives, terminal learning objectives and student rating scale for each curriculum must be submitted with the application. The school minimum requirements of services designating mannequin versus live model ratio must be a minimum of twenty five percent of all services performed. A school license will be issued with endorsements to instruct in cosmetology, barbering, esthetics, manicuring, and/or instructor training according to the curriculums submitted. Endorsement may be added to a school license by submitting the required curriculum and paying the required fee;~~

(5) ~~Each school will submit, at the time of application, a catalog, bulletin or other printed material which contains accurate and current information regarding the operation and requirements of the school. Supplements to the catalog/bulletin are to be fastened to the publication and, if~~



such information supersedes any information contained elsewhere in the catalog/bulletin, it must be clearly indicated on the supplement. The catalog/bulletin is to be made available to all students prior to enrollment and must include, but not be limited to, the following information:

- (a) Names of all owners and/or managers.
  - (b) Names and qualifications of all instructors.
  - (c) Beginning and ending dates of training, including hours of operation, and observed holidays.
  - (d) Placement assistance, if any.
  - (e) Policy outlining acceptable conduct of students including grounds for dismissal and readmission.
  - (f) School policy on absences, leave, tardiness, and make-up work.
  - (g) School policy and regulations regarding student progress including expected rate of progress, minimum acceptable grades, penalties for unsatisfactory progress, and the rights of students to appeal.
  - (h) School policy and regulations regarding breaks and lunches. Lunches and break times are not creditable toward the minimum state requirements.
  - (i) Total cost to students including registration fee, books, supplies, equipment, tuition, lab fees, or any other associated cost for which the student is liable.
  - (j) A description of each course to include total hours, the course objectives and the method of instruction. (e.g., classroom lab, etc.,) and any certificate or credentials awarded upon completion.
  - (k) Cancellation and refund policies.
  - (l) The address and phone number of the department of licensing, cosmetology, barber, manieure, and esthetics section for student's use in contacting the state regarding Washington state laws or concerns about their training.
- (6) A copy of the school's monthly and final student record form, showing hours of training earned in each area listed in WAC 308-20-080 or in the case of an instructor-trainee, WAC 308-20-105. The form must be preprinted with the school name and address and signature areas for both the student and instructor and be in a form approved by the department.

The approved form must show operations or hours of activity daily in each subject, by course, i.e., barbering, manieuring, esthetics, cosmetology, or instructor-trainee with total hours by course daily and monthly in subjects, listed in WAC 308-20-080 or 308-20-105, with totals in each subject for month to date and total to date. Hours of training, in addition to state required hours, should show in a separate area. This form must also show the completion of the state approved performance evaluation demonstrating graduation.

(7) Each school shall submit a copy of the enrollment contract or agreement for each course of training offered. The contract/agreement must include at least the following:

- (a) The school's cancellation and refund policy;
- (b) Adequate information to clearly define the terms of the agreement between the student and the school, including but not limited to:
  - (i) The name and address of the school and student.
  - (ii) The date training is to begin, and the number of hours of instruction.

(iii) An itemized list of all costs incurred by the student to complete the training. Such costs shall include tuition and registration fees, books, supplies, and equipment and all other charges made by the school. Methods of payment or payment schedule must be clearly stated.

(c) A statement acknowledging receipt of the copy of the school's catalog/brochure and enrollment agreement by the student;

(d) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution.

(8) A description of the school facilities and equipment. This may be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

(9) An approved security as established by WAC 308-20-060 shall be submitted with the application for school licensure. No school shall be approved until the approved security is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (9) of this section.

(10) Estimated gross tuition form indicating the expected gross tuition for one year. This information will be used to determine the required security amount. If the tuition earned exceeds the estimated amount, the security will be amended to reflect actual tuition earned.

(11) A minimum of one instructor per twenty students is required.

(12) Schools must maintain all student's final records for a minimum of four years.) (1) The department may license or renew a license of a school that meets the requirements of RCW 18.16.140 (Application for school license) and submits the following:

(a) A copy of the school's curriculum(s) satisfying the minimum instruction guidelines in WAC 308-20-080; and

(b) The estimated annual gross tuition to be collected by the school.

(2) Schools shall collect and record monthly and final student records. These records shall contain the cumulative number of hours the student has attended class and the number of times the student performs a skill described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments.

(3) Monthly and final student records shall be signed by either the school owner, school manager or a person the school has authorized to sign the student records. The school shall notify the department of the persons authorized to sign the student records.

(4) The school shall certify to the department that the student has satisfied the minimum instruction guidelines described in WAC 308-20-080 on the student's Washington state department of licensing license examination application. Certification shall be by a person authorized to sign student records according to subsection (3) of this section.

(5) Schools shall maintain student records for at least four years. The student records shall include documentation of student training, and examination results.

AMENDATORY SECTION (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-080** (~~Course outline of training requirements~~) Minimum instruction guidelines for cosmetology, barbering, manicuring and esthetics training. ((Listed are the subjects that make up the mandatory 1000 hours of training for barbering, 500 hours of training for manicuring, 500 hours of training for esthetics, and 1600 hours of training for cosmetology. To qualify for the barber examination students need to complete the 1000 hours of barbering courses, to qualify for the manicurists examination students need to complete the 500 hours of manicuring courses, to qualify for the esthetician examination students need to complete the 500 hours of esthetic courses, to qualify for the cosmetology examination students need to complete 1600 hours of cosmetology courses.

#### **Barber Training:**

1. Theory
2. Shampooing—includes draping, brushing hair, scalp manipulations, PH values, conditioning and rinsing
3. Scalp and hair analysis
4. Haircutting and trimming—includes scissor, razor, thinning shears, and clipper
5. Cutting and trimming of facial hair—includes shaving, beard, and mustache, eyebrow, ear & nose trimming
6. Thermal styling
7. Wet styling
8. Dry styling
9. Styling aids
10. Artificial hair—includes fitting and styling when working with clients
11. Sanitation—includes cleaning individual work station, shampoo and dispensary bowls after individual use, proper disposal and storage of towels used by the student, sanitizing implements used by the student
12. Diseases—skin, scalp and hair
13. Safety—includes demonstration of implements and proper use, electrical appliances
14. First aid—as related to the barbering field

#### **Manicurist Trainings:**

1. Theory
2. Artificial nails—may include silk, linen, fiberglass, acrylic, gel, powder, extensions, and sculpting, preparation of the nail, application, finish and removal
3. Manicuring—cleaning, shaping, and polishing of the nail and the treatment of the cuticles
4. Pedicuring—cleaning, shaping, and polishing of the nails of the feet
5. Sanitation—cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants, sanitation methods of equipment
6. Safety—includes demonstration of implements and proper use

7. Diseases and disorders—nail
8. First aid—as related to the manicurist field

#### **Esthetician Trainings:**

1. Theory
2. Skin care—includes hot compresses, massage, approved electrical or mechanical appliances or approved chemical compounds
3. Facials—may include makeup and skin and color analysis
4. Temporary removal of superfluous hair—tweezing, waxing, tape, and approved chemicals, lotions, creams, or mechanical or electrical apparatus or appliance
5. Sanitation—cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants, sanitation methods of equipment
6. Safety—includes demonstration of implements and proper use
7. Diseases and disorders of the skin
8. First aid—as related to the esthetics field

**Cosmetology Training** consists of 1600 hours of cutting, trimming, and chemical processing of the hair and a basic introduction to manicuring and esthetics.

1. Theory
2. A minimum of 100 hours involving the safe and sanitary practice of manicuring, pedicuring, and artificial nails
3. A minimum of 100 hours involving the safe and sanitary practice of skin care and temporary removal of hair
4. Scalp and hair analysis
5. Permanent waving—includes sectioning and wrapping, preperm test curl (when necessary), solution application, processing test curl, (when necessary) and neutralizing
6. Chemical relaxing—includes sectioning, strand test, relaxer application
7. Hair cutting and trimming—includes scissor, razor, thinning shears, and clipper
8. Shampooing—includes draping, brushing hair, scalp manipulations, conditioning, and rinsing
9. Styling—thermal, wet, dry, and styling aids
10. Hair coloring or bleaching—includes predisposition test, strand test, measurement and mixing of chemicals, application of chemicals and removal of chemicals
11. Artificial hair—may include extensions and fitting when working with clients
12. Sanitation—clean individual work station, sanitize individual equipment and tools, proper use and storage of linens and chemicals
13. First aid and safety—as it relates to cosmetology))

The minimum instruction guidelines for training required for a student to be eligible to take the license examination for the following professions shall include:

- (1) For cosmetology:

(a) Theory of the practice of cosmetology, barbering, manicuring and esthetics services;

(b) At least 100 hours of skills in the application of manicuring and pedicuring services;

(c) At least 100 hours of skills in the application of esthetics services;

(d) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(e) Scalp and hair analysis;

(f) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(g) Hair styling including wet, dry and thermal styling, braiding and styling aids;

(h) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;

(i) Artificial hair that may include extensions and fitting;

(j) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl and neutralizing;

(k) Chemical relaxing including sectioning, strand test, and relaxer application;

(l) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;

(m) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(n) Diseases and disorders of the scalp, hair, skin and nails;

(o) Safety including proper use and storage of chemicals, implements and electrical appliances;

(p) First aid as it relates to cosmetology, barbering, manicuring and esthetics; and

(q) No more than twenty-five percent of skills training using mannequins.

(2) For barbering:

(a) Theory of the practice of barbering services;

(b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(c) Scalp and hair analysis;

(d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(e) Hair styling, wet, dry and thermal styling and styling aids;

(f) Cutting and trimming of facial hair including shaving, beard and mustache design and eyebrow, ear and nose hair trimming;

(g) Artificial hair;

(h) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(i) Diseases and disorders of the skin, scalp and hair;

(j) Safety including proper use of implements and electrical appliances;

(k) First aid as it relates to barbering; and

(l) No more than twenty-five percent of skills training using mannequins.

(3) For manicuring:

(a) Theory in the practice of manicuring and pedicuring services;

(b) Artificial nails including silk, linen, fiberglass, acrylic, gel, powder, extensions and sculpting, preparation, application, finish and removal;

(c) Cleaning, shaping and polishing of nails of the hands and treatment of cuticles;

(d) Cleaning, shaping and polishing of nails of the feet;

(e) Disinfecting of individual work station, individual equipment and tools and proper use and storage of linens;

(f) Diseases and disorders of the nails of the hands and feet;

(g) Safety including proper use and storage of chemicals, implements and electrical appliances;

(h) First aid as it relates to manicuring and pedicuring; and

(i) No more than twenty-five percent of skills training using mannequins.

(4) For esthetics:

(a) Theory in the practice of esthetics services;

(b) Skin care of the face, neck and hands including hot compresses, massage, electrical or mechanical appliances or chemical compounds;

(c) Facials;

(d) Temporary removal of superfluous hair of the face, neck and hands by tweezing, waxing, tape, chemicals, lotions, creams, mechanical or electrical apparatus and appliances;

(e) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(f) Diseases and disorders of the skin of the face, neck and hands;

(g) Safety including proper use and storage of chemicals, implements and electrical appliances;

(h) First aid as it relates to esthetics; and

(i) No more than twenty-five percent of skills training using mannequins.

**AMENDATORY SECTION** (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-090 Student credit for training.** ((+)) Only those hours of instruction received under the direction of a licensed instructor and on the premises of the licensed school in which the student is enrolled and in the courses listed in this chapter shall be credited toward the hourly training requirements.

(2) Students shall not receive credit for training received during any period the school license is void, expired, suspended, revoked, or otherwise not currently in effect.

(3) Students withdrawing from a licensed school, within Washington state, prior to completion of the course must obtain a certified copy of the signed monthly report including the last day attended to verify credit for training when enrolling in another school.

(4) Students transferring from another school, state, country or territory may, at the school's discretion, receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each of the Washington state minimum recognized creditable hours in each course, as verified by the certified copy of the last student monthly report, and; (b) student

learning objective credit after successfully demonstrating to the school that the objectives have been met.

Schools transferring credits will transfer to the student report form, in appropriate categories by course, the credits accepted. The certifying school accepts responsibility for total training of the student.

(5) Each month the school will provide a copy of the completed monthly report form to the student. When a student transfers to a new school an enrollment student record will be developed for the permanent student file with a copy given to the student prior to enrollment. This will reflect the training transferred and the areas of training still needed:)) (1) Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 shall be credited toward completion of the course of study required in RCW 18.16.100.

(2) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school, the school shall provide to the student a copy of the student's final record.

(3) Students may transfer between schools and may receive credit toward completion of the curriculum in the new school. In order to receive a transfer student, the new school shall do the following:

(a) Evaluate the final student record provided by the student and certified by the previous school and compare the record from the previous school with the new school's requirements;

(b) Accept the final student record from the previous school, in part or in total as if it was instruction meeting the new school's curriculum and prepare a monthly report that documents the amount of instruction being accepted by the new school; or

(c) Reject the final student record from the previous school.

(4) Both the transferring and receiving schools shall maintain student records including the transfer record as required in WAC 308-20-040(5).

**AMENDATORY SECTION** (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-105 Curriculum for instructor-trainees.** ((Licensed schools wishing to offer training for instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

(1) Training in instructional methods covering the following subjects or units:

(a) Methods of teaching:

(i) Lesson planning to meet instructional objectives;

(ii) Student learning principles for student learning objectives;

(iii) Classroom management;

(iv) Four step method; and

(v) Occupational analysis.

(b) Course organization:

(i) Develop instruction from analysis;

(ii) Organize and prioritize;

(iii) Group and sequence learning units;

(iv) Test and evaluate; record progress of students on monthly report forms; and

(v) Teaching aids.

(c) Student leadership development:

(i) How to be effective;

(ii) Student leadership organization such as Vocational Industrial Clubs of America;

(iii) Personality and conduct;

(iv) Interpersonal relationships; and

(v) Customer relations.

(d) One of the following topics or units:

(i) Testing and rating;

(ii) Audio-visual materials;

(iii) Philosophy of vocational education; or

(iv) Techniques in individualized instruction.

(2) Training in clinic supervision and management covering the application of teaching techniques as follows:

(a) Practical classroom and clinic services:

(i) Sanitation of all tools, implements, equipment, and work areas; and

(ii) Safety involved in providing any service to members of the public.

(b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.

(c) Student's practical assignments.

(d) Motivational supervision.

(e) Student assistance:)) The minimum instruction guidelines for training required for a student to be eligible to take the examination to be licensed as an instructor shall include, but not be limited to:

(1) Preparation for classroom activities including, but not limited to:

(a) Choice of teaching methods;

(b) Classroom setup;

(c) Topic/subject matter;

(d) Student assignments;

(e) Materials and supplies; and

(f) Recordkeeping.

(2) Presentation of information including, but not limited to:

(a) Lectures (oral and written);

(b) Demonstrations;

(c) Questions and answers;

(d) Project methods; and

(e) Discussions.

(3) Application of practice including, but not limited to:

(a) Clinic supervision;

(b) Classroom management; and

(c) Client relations.

(4) Evaluation by the instructor-trainee of the student's understanding and performance including, but not limited to:

(a) Written/practical assessment; and

(b) Communication skills.

**AMENDATORY SECTION** (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-107 Use and training of instructor-trainees.** ~~((1) Instructor trainees cannot be used to replace a licensed instructor for the training of students. Instructor trainees must be under the direct supervision of a licensed instructor at all times.~~

~~(2) "Direct supervision" means the licensed instructor shall:~~

~~(a) Inspect a substantial portion of the instructor-trainee's work;~~

~~(b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours of training received. Provided, that "direct supervision" shall not require that the licensed instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed instructor and the instructor-trainee be constantly in the same room.~~

~~(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance notice, in writing, of the name and address of each person who will receive instruction as an instructor-trainee.~~

~~(4) No person may be used as, or receive credit for training as, an instructor-trainee unless the person holds a current, valid cosmetology, barber, manicurist, or esthetician license.~~

~~(5) Schools may enroll instructor-trainees, whose initial licenses are in programs offered by that school. For instance, a school limited to instructing barbers and instructor-trainees, cannot enroll an instructor-trainee whose individual license is in manicuring.~~

~~(6) No person may be used as, or receive credit for training as, an instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.~~

~~(7) No instructor-trainee may receive any wage or commission.)) (1) Instructor-trainees shall be supervised by a licensed instructor at all times. The licensed instructor shall be physically present where the instructor-trainee is working and be available for consultation with the instructor-trainee.~~

~~(2) Instructor-trainees shall hold a current Washington state cosmetology, barber, manicurist or esthetician license prior to becoming an instructor-trainee.~~

**AMENDATORY SECTION** (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-110 Minimum ((school)) safety and sanitation standards for schools, students, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, booth renters, mobile operators and personal service operators.** ~~((1) Each licensed school or institution will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to ensure that sanitation and safety measures are~~

~~applied for the maximum protection of the public, students, and models.~~

~~(2) An adequate supply of hot and cold running water must be provided in the shampoo area, dispensary and toilet facilities in accordance with federal, state, and local laws.~~

~~(3) Clean towels shall be provided for each customer and shall be laundered after every use. Clean towels will be kept in closed cabinets with tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.~~

~~(4) Robes or gowns used by customers must be laundered after every use, and stored in closed cabinets until used.~~

~~(5) A separate area with an adequate supply of hot and cold running water, shall be designated as a dispensary for the dispensing of supplies and for the cleaning of tools, equipment and materials.~~

~~(6) Wet sanitizer—fresh, clean solution shall be in a clean covered container for the sanitizing of combs, brushes and other tools or implements. The solution will be of a sufficient chemical mixture that will destroy bacterial and viral germs.~~

~~(7) Chemicals must be stored in compliance with federal, state, and local laws to ensure maximum protection against fires, fumes, corrosion of containers or contamination. Storage areas shall be posted "flammable liquids" and "hazardous chemicals." Materials should be inspected regularly and corroded containers and outdated chemicals must be discarded immediately.~~

~~(8) Adequate toilet facilities shall be provided for the use of customers, employees and students in sufficient quantity to comply with state and local laws. The use of common towels and bar soap is prohibited.~~

~~(9) Shampoo bowls will be kept clean and free of hair.~~

~~(10) Licenses of the school and all currently employed instructors must be posted in the reception area.~~

~~(11) All trays, rollers, floors, chairs, and other implements should be free from dust, dirt, and/or hair.~~

~~(12) Clippers, scissors, razors, rollers, and other implements should be disinfected and sanitized after each use. Once sanitized they should be stored in clean covered/sealed containers to maintain dry sanitation. Used implements should be stored in an area separate from the sanitized implements.~~

~~(13) Soiled towels and linens must be stored in covered ventilated receptacles.~~

~~(14) Work stations shall have an adjacent waste basket that must be emptied and cleansed daily.~~

~~(15) Creams, lotions, and fluids shall be dispensed and administered in such a way to maintain acceptable sanitation standards.~~

~~(16) General appearance—the school floor, walls, fixtures, ceilings, and work stations must be clean and free from dust, dirt, and hair and in good working condition.~~

~~(17) Ventilation should be sufficient to keep odors from the chemicals used at a safe level and in compliance with federal, state, and local laws.~~

~~(18) Electrical wiring must be acceptable to the local fire district as demonstrated by a current fire inspection form. Electrical plug-ins should not reflect any frays and be properly repaired to prevent shock.~~

(19) Waste disposal, plumbing, and lighting are to be in compliance with federal, state, and local laws.

(20) No animals will be allowed in a school except animals trained to assist disabled patrons.

(21) A notice supplied by the department of licensing, giving the address and phone number of the department for submitting written complaint, shall be posted in the reception area.) In addition to the requirements of RCW 18.16.175, licensees and students pursuant to chapter 18.16 RCW shall maintain the following safety and sanitation standards:

**(1) Safety shall be maintained as follows:**

(a) Salons/shops, booth renters, mobile operators and schools shall have:

(i) If chemicals are used, an area designated as a chemical and supply dispensary separate from the shampoo area with hot and cold water for the disposal and mixing of all chemicals and disinfecting of supplies, tools, equipment and other materials;

(ii) All chemicals stored and labeled according to manufacturer's instructions;

(iii) Disinfected supplies, tools, equipment and other material stored separately from those that have been used; and

(iv) First-aid supplies.

(b) Individual licensees and students shall not work on clients with parasites.

**(2) Sanitation shall be maintained as follows:**

(a) Salons/shops, booth renters, mobile operators and schools shall have:

(i) Floors, walls, fixtures, and ceilings clean and free from dust, dirt and hair;

(ii) Hair removed from the floor after each service; and

(iii) Waste receptacles emptied and disinfected daily.

(b) Individual licensees and students shall:

(i) Dispose of disposable products in a waste receptacle after use;

(ii) Use disposable hand-drying towels and single-use soap;

(iii) Dispense creams and lotions using a disposable applicator, and fluids with a squeeze bottle or pump;

(iv) Use clean towel, new neck strip or other sanitized supplies for each client;

(v) Clean reusable supplies and implements with a disinfectant after use; and

(vi) Wash hands after toilet use and before providing service to each client.

**AMENDATORY SECTION** (Amending WSR 92-04-006, filed 1/23/92, effective 2/23/92)

**WAC 308-20-120 Written and performance examinations** (~~(construction and content)~~). ((Examinations for cosmetologists, barbers, estheticians, and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices includes but is not necessarily limited to, the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members

of the public or licensees. The examination for an instructor's license will cover lesson planning and teaching techniques.))

(1) When an applicant for examination as a cosmetologist, barber, manicurist, esthetician or instructor completes the course required in RCW 18.16.100 or meets the requirement to take the examinations described in RCW 18.16.130, the department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall be constructed to measure the applicant's knowledge of safe and sanitary practice. The passing score for performance examinations shall be seventy-six percent of each examination section or unit. The passing score for the written examinations shall be seventy-six percent of the total examination questions.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques. The passing score for the performance examination shall be eighty percent of each examination section or unit. The passing score for the written examination shall be eighty percent of the total examination questions.

(4) Performance examinations shall be divided into skills section or units.

**NEW SECTION**

**WAC 308-20-122 Examination retakes.** Examination applicants may take an examination no more than once a day.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-20-030	Curriculum structure.
WAC 308-20-045	Performance examination.
WAC 308-20-130	Examination objectives.
WAC 308-20-150	Student appeal—Examination eligibility denial by the school.
WAC 308-20-155	Procedure for applicants requiring special accommodations for licensure examination.
WAC 308-20-171	Passing scores on all examinations.
WAC 308-20-172	Failed examination appeal procedures.
WAC 308-20-310	Minimum sanitation, safety and health standards for all individual licensees.

WAC 308-20-590

Minimum business location sanitation, safety, and health standards.

**WSR 02-04-013****PERMANENT RULES****STATE BOARD OF EDUCATION**

[Filed January 24, 2002, 12:33 p.m.]

Date of Adoption: January 16, 2002.

**Purpose:** The new chapter establishes competencies for endorsements that further align the endorsements with the state's learning goals and essential academic learning requirements and, where appropriate, with the specialty organization standards.

**BACKGROUND:** In 1999, the State Board of Education (SBE) adopted rules that require candidates for endorsements to demonstrate specific identified knowledge and skills in that endorsement area. The knowledge and skills identified at that time were topical in nature. Building on that work, the proposed new chapter identifies more specific competencies that describe what teachers need to know and be able to do for each endorsement area.

During the 2000-2001 school year, committees comprised of teachers, university faculty, curriculum specialists and staff from the Office of Superintendent of Public Instruction met to develop the endorsement competencies. The work was based on the current requirements, the essential academic learning requirements and, where appropriate, standards of national specialty organizations. The committees' work was then posted on the OSPI website for comment from the greater education community. At the conclusion of the comment period, the committees considered all additional input and made appropriate revisions.

The new chapter governs the proposed new endorsement system. The specific competencies were adopted by reference by the State Board of Education. The competencies will be published by the Superintendent of Public Instruction and [are] available on the SPI website, mail or electronic facsimile. Any changes to the competencies will require prior SBE approval.

**STATE BOARD ACTION:**

- **Agency reason(s) for adopting the rule:** See background.
- **Difference between the text of the proposed rule as published in the Register and the text of the rule as adopted (other than editing changes) stating the reasons for differences:** The middle level endorsement has been divided into two endorsements, one with an emphasis in humanities and the other in math/science. This better focuses the preparation and establishes the competencies more clearly.
- **Summary of all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration**

**of the comments, or why it fails to do so.** [No further information supplied by agency.]

Statutory Authority for Adoption: Chapter 28A.410 RCW and RCW 28A.305.130 (1) through (4).

Adopted under notice filed as WSR 01-24-009 on November 26, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 7, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 7, Amended 0, Repealed 0.

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

January 23, 2002

Larry Davis

Executive Director

**Chapter 180-82A WAC****PERFORMANCE-BASED TEACHER CERTIFICATE ENDORSEMENTS****NEW SECTION**

**WAC 180-82A-002 Purposes and authority.** (1) The purposes of this chapter are to:

(a) Establish policies and conditions for obtaining performance-based endorsements on teaching certificates.

(b) Establish policies for college/university approval to offer performance-based endorsement programs.

(2) The authority for this chapter is chapter 28A.410 RCW which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for the certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130(5) which authorizes the state board of education to specify the types and kinds of certificates necessary for the several departments within the common schools and by RCW 28A.150.220(4) which authorizes the state board of education to adopt rules that implement and insure compliance with the basic program of education requirements of RCW 28A.150.220, 28A.150.250, and 28A.150.-260, and such related basic program of education requirements as may be established by the state board of education.

**NEW SECTION**

**WAC 180-82A-200 Purposes of endorsement competencies referenced in this chapter.** (1) To align requirements for endorsements with the state's learning goals and essential academic learning requirements;

(2) To align requirements for endorsements with the specialty organization standards where appropriate;

(3) To maintain rigorous standards for obtaining endorsements;

(4) To provide school districts with teachers who are able to demonstrate a positive impact on student learning; and

(5) To complement a performance-based teacher certification system.

**NEW SECTION****WAC 180-82A-202 Certificate endorsements.**

Teacher certificates shall be endorsed as follows:

**(1) All levels:**

(a) Bilingual education.

(b) Designated arts: Dance.

(c) Designated arts: Theatre arts.

(d) Designated arts: Music: Choral, instrumental or general.

(e) Designated arts, visual arts.

(f) Designated world languages.

(g) English as a second language.

(h) Health/fitness.

(i) Library media.

(j) Reading.

(k) Special education.

**(2) Early childhood:**

(a) Early childhood education.

(b) Early childhood special education.

**(3) Elementary education.****(4) Middle level:**

(a) Middle level—Humanities.

(b) Middle level—Math/science.

**(5) Secondary level:**

(a) Designated science: Biology.

(b) Designated science: Chemistry.

(c) Designated science: Earth science.

(d) Designated science: Physics.

(e) Designated career and technical education: Agriculture education, business education, family and consumer sciences education, marketing education, and technology education.

(f) English language arts.

(g) History.

(h) Mathematics.

(i) Science.

(j) Social studies.

(k) Traffic safety.

residency certificate, shall complete college/university teacher preparation programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (see WAC 180-78A-264(5)) and field experience/internship (see WAC 180-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall have completed a state-approved endorsement program which includes methodology (see WAC 180-78A-264(5)) and addresses all endorsement-specific competencies adopted by the state board of education and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(6) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

**NEW SECTION****WAC 180-82A-206 Endorsement program approval.**

(1) The state board of education shall approve endorsement programs at Washington colleges and universities pursuant to the requirements of this chapter. Only colleges and universities with state board of education approved residency certificate teacher preparation programs are eligible to apply for approval to offer endorsement programs.

(2) The state board of education will establish performance/competency criteria for obtaining an endorsement. Revision in adopted endorsement competencies may occur only as approved by the state board.

(3) The superintendent of public instruction will publish, and make available, competencies for all endorsement areas identified in chapter 180-82A WAC.

(4) Each college or university desiring to establish an endorsement program shall comply with the following:

(a) Identification of opportunities for candidate to develop the capacity to demonstrate each competency;

(b) Identification of strategies that will be used to assess candidate capacity/performance on each competency;

(c) A description of evidences that candidates will provide to document candidates' positive impact on student learning in the respective endorsement area; and

**NEW SECTION**

**WAC 180-82A-204 Endorsement requirements.** (1) Candidates completing endorsements required to obtain a



(d) A description of the process by which summaries of candidates' assessment data, relative to performance on each competency, will be compiled, analyzed, and used for program improvement.

(5) The state board of education shall approve endorsement programs for a maximum of five years. Each institution shall submit endorsement programs for review when requested by the state board of education to ensure that the endorsement programs meet the competencies and to provide assessment data relative to candidate performance.

(6) The state board of education shall determine the schedule and process for endorsement program reviews.

#### NEW SECTION

**WAC 180-82A-215 Implementation policies.** (1) In order to offer an endorsement program after August 31, 2003, the endorsement program shall be reviewed and approved under the approval standards of this chapter. All teachers who obtain endorsements after September 1, 2003, shall meet the requirements in this chapter. Provided, that colleges and universities may permit an individual enrolled in programs in Washington state on or before September 1, 2003, to obtain endorsements under the requirements in chapter 180-82 WAC, if the individual completes the endorsement program on, or before August 31, 2005, and the college or university verifies endorsement program completion on or before December 31, 2005. Provided further, that the state board of education or its designee may waive this requirement on a case-by-case basis.

(2) Teachers shall be required to obtain a minimum of one endorsement.

#### **WSR 02-04-014**

#### **PERMANENT RULES**

#### **STATE BOARD OF EDUCATION**

[Filed January 24, 2002, 12:36 p.m.]

Date of Adoption: January 16, 2002.

Purpose: These amendments update the program approval standards and align them with current standards of the National Council for Accreditation of Teacher Education (NCATE).

**BACKGROUND:** The program approval standards approved by the State Board of Education in 1997 were aligned with the National Council for Accreditation of Teacher Education (NCATE) standards, which were in place at that time. Since that time the NCATE standards have been revised. These proposed language changes better articulate and update the state program approval standards with the NCATE 2000 standards.

#### **STATE BOARD ACTION:**

- **Agency reason(s) for adopting the rule:** See background.
- **Difference between the text of the proposed rule as published in the Register and the text of the rule as adopted (other than editing changes) stating the reasons for differences:** None.

- **Summary of all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.** [No further information supplied by agency.]

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-220, 180-78A-255, 180-78A-261, and 180-78A-264.

Statutory Authority for Adoption: RCW 28A.305.130 (1) through (4).

Adopted under notice filed as WSR 01-24-012 on November 26, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

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

January 23, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

**WAC 180-78A-220 Program approval standards for approved preparation programs.** The program approval standards for approved preparation programs for teachers, administrators, and educational staff associates are as follows:

(1) **Professional education advisory boards:** The college or university, in compliance with the provisions of WAC 180-78A-250, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the development, implementation, and revision of each preparation program—i.e., teacher, administrator, school counselor, school psychologist, and school social workers.

(2) **Accountability:** Each college or university, in compliance with the provision of WAC 180-78A-255, has established a performance-based preparation program.

(3) **Unit governance and resources:** A separate college, school, department, or other administrative unit within the college or university, in compliance with the provision of WAC 180-78A-261, is responsible for providing the resources needed to develop and maintain quality preparation programs.

(4) **Program design:** Each college or university, in compliance with the provision of WAC 180-78A-264, is responsible for establishing a collaboratively developed approved preparation program that is based on a conceptual framework, current research and best practice that reflects the state's learning goals and essential academic learning requirements.

(5) **Knowledge and skills:** Each college or university, in compliance with the provision of WAC 180-78A-270, has established policies requiring all candidates for certification to know and demonstrate the content, pedagogical, and professional knowledge and skills required for the particular certificate and areas of endorsement ((and)), which reflect the state's learning goals and essential academic learning requirements, and are necessary to help all students learn.

**AMENDATORY SECTION** (Amending WSR 01-13-106, filed 6/20/01, effective 7/21/01)

**WAC 180-78A-255 Approval standard—Accountability.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(2). Each college and university shall:

(1) Submit for ~~((initial))~~ approval to the state board of education a performance-based program for the preparation of teachers, administrators, and educational staff associates that identifies:

(a) A comprehensive set of learner expectations for each preparation program;

(b) An assessment system that reflects the conceptual framework(s) and state standards, and collects and analyzes data on applicant qualifications, candidate and graduate performance, unit operations and program quality;

(c) Explicit connections between professional, state, and institutional standards, and candidate assessments.

(2) During the first year following program completion, solicit feedback from program completers employed in education, and their supervisors, regarding the program's effectiveness.

(3) Maintain placement records for all program completers during the first year following program completion.

(4) Submit an annual report to the state board of education for each approved program to include:

(a) An executive summary of the activities of each professional education advisory board, including membership, meeting attendance, meeting expenditure information, PEAB recommendations, and program responses to the recommendations.

(b) The number of students completing each approved program during the period from September 1 - August 31 of the previous year.

(c) Other information related to the preparation programs requested by the state board of education.

(5) Collect and maintain exemplar candidate work samples that document a positive impact on student learning.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-78A-261 Approval standard—Unit governance and resources.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the unit has the leadership, authority, budget, personnel, facilities, and resources, including information technology resources, for the preparation of candidates to meet state standards. The following evidence shall be evaluated to determine whether each preparation program is in compliance with the resources program approval standard of WAC 180-78A-220(3):

(1) A separate administrative unit supports the preparation program whose composition and organization are clearly described in writing.

(2) An officially designated administrator is responsible for the management of operations and resources for the preparation program.

~~(3) ((Administrators and faculty in the preparation program have appropriate qualifications (including masters' or doctoral degrees) and have experience for the roles to which they are assigned.~~

~~(4) The institution has and implements an explicit plan with adequate resources to ensure hiring and retaining of a diverse faculty.~~

~~(5) Specific staff and/or faculty members in the unit are assigned the responsibility of advising applicants for certification and endorsements and for maintaining certification records.~~

~~(6) Financial resources are provided to support the preparation program.~~

~~(7) Facilities are provided to support the needs of the preparation program.~~

~~(8) Library, technology, and other informational resources must be sufficient in scope, breadth, and recency to support the preparation program.)) Faculty are qualified and model best professional practices in scholarship, service, and teaching including the assessment of their own effectiveness as related to candidate performance.~~

(4) The institution has and implements an explicit plan to ensure that candidates interact with higher education faculty, school faculty, other candidates and P-12 students representing diverse populations.

(5) The unit provides a mechanism and facilitates collaboration between unit faculty and faculty in other units of the institution involved in the preparation of educators.

(6) The unit receives sufficient budgetary allocations at least proportional to other institutional units.

(7) Workload policies allow faculty members to be actively engaged in teaching, scholarship, assessment, advisement, collaborative work with P-12 schools, and service.

(8) Specific staff and/or faculty members in the unit are assigned the responsibility of advising applicants for certification and endorsements and for maintaining certification records.

(9) The unit has adequate facilities to support candidates in meeting standards.

(10) The unit has adequate information technology resources, library, and curricular resources, and electronic information to support faculty and candidates.

(11) The unit systematically evaluates faculty performance and facilitates professional development.

(12) Faculty regularly and systematically collaborate with colleagues in P-12 settings, faculty in other college or university units, and members of the broader professional community to improve teaching, candidate learning, and the preparation of educators.

AMENDATORY SECTION (Amending WSR 01-03-153, filed 1/24/01, effective 2/24/01)

**WAC 180-78A-264 Approval standard—Program design.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-220(4):

(1) The conceptual framework establishes the shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. It provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation. The ((curriculum is guided by a)) conceptual framework ((and)) is based on current research and best practice, is cohesive and integrated, ((is performance-based, and)) supports the state's student learning goals and for teacher preparation programs, and reflects the essential academic learning requirements. The conceptual framework reflects the unit's commitment to preparing candidates to support learning for all students and the unit's commitment to preparing candidates who are able to use educational technology to help all students learn.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-200 Candidate admission policies). These candidates include members from under represented groups.

(3) ((Candidates attain/demonstrate academic competence in the educator role for which they are being prepared.

(4) A set of criteria/performances for program completion are established and published.

(5) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements):

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(6) Field experiences are integrated throughout the preparation program and include experience with diverse populations in a variety of settings.

(7) Candidates complete an internship in which they demonstrate the required knowledge and skills. Provided, That candidates for an administrator certificate shall com-

plete an internship pursuant to WAC 180-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-315.)) Programs shall assure that candidates are provided with opportunities to learn the pedagogical and professional knowledge and skills required for the particular certificate, and for teacher preparation programs, the competencies for endorsement areas.

(4) A set of learner expectations for program completion are identified and published.

(5)(a) The unit and its school partners design, implement, and evaluate field experiences and clinical practices so that candidates develop and demonstrate the knowledge and skills necessary to help all students learn. Provided, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-315.

(b) Field experiences are integrated throughout the preparation program and occur in settings with students representing diverse populations.

(c) Clinical practice is sufficiently extensive and intensive for candidates to demonstrate competence in the professional roles for which they are preparing.

(6) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(7) Entry and exit criteria exist for candidates in clinical practice.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university pursuant to WAC 180-79A-030(5).

## WSR 02-04-015

### PERMANENT RULES

### STATE BOARD OF EDUCATION

[Filed January 24, 2002, 12:38 p.m.]

Date of Adoption: January 16, 2002.

Purpose: This amendment establishes the validity period of an application for certification to insure that current certificate requirements are met when a certificate is issued.

**BACKGROUND:** This amendment establishes the validity period for an application for certification to insure that current certificate requirements are met at the time a certificate is issued.

PERMANENT

STATE BOARD ACTION:

- Agency reason(s) or adopting the rule: See background.
- Difference between the text of the proposed rule as published in the Register and the text of the rule as adopted (other than editing changes) stating the reasons for differences: None.
- Summary of all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so. [No further information supplied by agency.]

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-030.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-24-011 on November 26, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

January 23, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 01-03-153, filed 1/24/01, effective 2/24/01)

**WAC 180-79A-030 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 180-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended or regained.

(4) "Classroom teaching" means instructing pupils in an instructional setting.

(5) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in chapter 180-82 WAC as now or hereafter amended: Provided, That if a candidate is accepted into a program in Washington state on or before August 31, 2000, and completes the program on or before August 31, 2003, in accordance with WAC 180-79A-299, the candidate may hold a baccalaureate degree in any of the subject areas of the endorsements listed in WAC 180-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: Provided, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in chapter 180-82 WAC: Provided further, That a candidate who holds a baccalaureate degree in early childhood education, elementary education, or special education will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed thirty quarter or twenty semester credit hours in one academic field.

(6) "Child abuse course work requirement" means completion of course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(7) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

(8) "Credit hour(s)" means credit (normally 100 level or above) awarded by a regionally accredited institution of higher education.

(9) "Previous standards" means a certification system in place prior to a revision in rules that results in changed names and/or validity periods for the certificates issued.

(10) "Application for certification" means an application for a certificate or endorsement that includes a signed affidavit (as specified in WAC 180-79A-157) by the applicant. Such application shall be considered valid for two years from the date of receipt by the superintendent of public instruction, or its designee.

PERMANENT

## WSR 02-04-016

## PERMANENT RULES

## STATE BOARD OF EDUCATION

[Filed January 24, 2002, 12:41 p.m.]

Date of Adoption: January 16, 2002.

Purpose: This amendment removes the requirement for a primary endorsement in elementary education or middle level as a prerequisite for a supporting endorsement in library media.

**BACKGROUND:** This WAC currently limits a supporting endorsement in library media to those individuals who hold an elementary education or middle level endorsement. This significantly limits the number of individuals who would pursue a supporting endorsement in library media for the following reasons:

1. The middle level endorsement has been available only since September 1, 2000. Therefore, very few teachers currently hold this endorsement, and

2. All teachers who hold initial or residency teaching certificates with four-twelve endorsements and wish to add a supporting endorsement in library media must complete a (1) forty-five credit primary endorsement in library media, or (2) forty-five credit endorsement in elementary education or middle level in addition to completing the requirements for the supporting library media endorsement.

The net effect of limiting the supporting endorsement in library media to those individuals who hold an elementary or middle level endorsement creates an inequity among current certificate holders. No other endorsement identifies a specific endorsement as a prerequisite endorsement.

These amendments were emergency adopted by the State Board of Education at its October 2001 meeting.

**STATE BOARD ACTION:**

- **Agency reason(s) for adopting the rule:** See background.
- **Difference between the text of the proposed rule as published in the Register and the text of the rule as adopted (other than editing changes) stating the reasons for differences:** None.
- **Summary of all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.** [No further information supplied by agency.]

Citation of Existing Rules Affected by this Order: Amending WAC 180-82-346.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130 (1) through (4).

Adopted under notice filed as WSR 01-24-010 on November 26, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

January 23, 2002

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-346 Library media—All levels, supporting.** In order to receive a supporting endorsement in library media, the candidate (~~(shall have completed a primary endorsement in elementary education or middle level,)~~) shall have completed a state approved preparation program in library media which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Integration of information technologies with essential academic learnings.

(2) Needs assessment, evaluation, and selection of diverse literature, media (print, nonprint, and electronic), and information services for children and young adults.

(3) Understanding and utilization of existing and emerging information technologies.

(4) Social, ethical and legal implications of information technologies.

(5) Management of library media program-services and facilities.

(6) Theories and accepted principles of standardized systems of cataloging, process, and classification.

## WSR 02-04-017

## PERMANENT RULES

## STATE BOARD OF EDUCATION

[Filed January 24, 2002, 12:43 p.m.]

Date of Adoption: January 16, 2002.

Purpose: Editorial and clarifying amendments.

Citation of Existing Rules Affected by this Order: Amending WAC 180-85-035 and 180-85-075.

**BACKGROUND:** These are editorial and clarifying amendments.

**STATE BOARD ACTION:**

- **Agency reason(s) for adopting the rule:** See background.

PERMANENT

- **Difference between the text of the proposed rule as published in the Register and the text of the rule as adopted (other than editing changes) stating the reasons for differences:** None.
- **Summary of all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so:** None.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 01-24-008 on November 26, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

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

January 23, 2002

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 01-13-111, filed 6/20/01, effective 7/21/01)

**WAC 180-85-035 Lapse date—Definition.** As used in this chapter, the term "lapse date" shall mean the date upon which the professional certificate affected by this chapter will lapse if the holder fails to complete the continuing education requirement (~~and~~), including the filing requirement of this chapter.

**AMENDATORY SECTION** (Amending WSR 01-09-004, filed 4/5/01, effective 5/6/01)

**WAC 180-85-075 Continuing education requirement.** Continuing education requirements are as follows:

(1) Each holder of a continuing or a standard certificate affected by this chapter shall be required to complete during a five-year period one hundred fifty continuing education credit hours, as defined in WAC 180-85-030, prior to his or her first lapse date and during each five-year period between subsequent lapse dates as calculated in WAC 180-85-100.

(2) Provided, That each holder of a continuing or a standard certificate affected by this chapter may present a copy of a valid certificate issued by the National Board for Professional Teaching Standards in lieu of the completion of the continuing education credit hours required by subsection (1) of this section.

## WSR 02-04-018

### PERMANENT RULES

## STATE BOARD OF EDUCATION

[Filed January 24, 2002, 12:49 p.m.]

Date of Adoption: January 16, 2002.

Purpose: These are editorial amendments that primarily update vocational education references to career and technical education. Other amendments correct references to other WACs, correct grammar and clarify language.

**BACKGROUND:** The proposed amendments are editorial and clarifying amendments. The primary purpose is to change all references to vocational education to career and technical education. Other amendments include correcting references to other WACs, correcting grammar and clarifying language.

#### STATE BOARD ACTION:

- **Agency reason(s) for adopting the rule:** See background.
- **Difference between the text of the proposed rule as published in the Register and the text of the rule as adopted (other than editing changes) stating the reasons for differences:** None.
- **Summary of all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so:** None.

Citation of Existing Rules Affected by this Order: Amending various sections of chapter 180-77 WAC, Standards for vocational certification; chapter 180-77A WAC, Approval standards for vocational-technical teacher preparation programs based on business and industry work experience; chapter 180-78A WAC, Approval standards for performance-based preparation programs for teachers and administrators, and educational staff associates; chapter 180-79A WAC, Standards for teacher, administrator, and educational staff associate certification; and chapter 180-82 WAC, Certificate endorsements and assignment of certificated personnel.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130 (1) through (4).

Adopted under notice filed as WSR 01-24-007 on November 26, 2001.

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Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 39, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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Effective Date of Rule: Thirty-one days after filing.  
 January 23, 2002  
 Larry Davis  
 Executive Director

### Chapter 180-77 WAC

#### STANDARDS FOR ~~((vocational))~~ CAREER AND TECHNICAL EDUCATION CERTIFICATION

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-002 Purpose.** The purposes of this chapter are to establish the various ~~((vocational))~~ career and technical education certificates which must be held as a condition to employment in the Washington school system and establish the conditions and procedures governing issuance and retention of those and other ~~((vocational))~~ career and technical education certificates.

AMENDATORY SECTION (Amending WSR 98-01-026, filed 12/8/97, effective 1/8/98)

**WAC 180-77-003 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training ~~((vocational))~~ career and technical education teachers and ~~((vocational))~~ career and technical education counselors" shall be defined as any program approved by the state board of education which complies with chapter 180-77A WAC.

(2) "~~((vocational))~~ Career and technical education educator training" shall mean those ~~((vocational))~~ career and technical education programs, courses, seminars and workshops offered for the purpose of ~~((vocational))~~ career and technical education certification in compliance with chapter 180-85 WAC.

(3) "General safety" shall mean course work approved by the state board of education and/or its designee that is designed to provide skill and knowledge common to all ~~((vocational))~~ career and technical education instructors in safety.

(4) "Specific safety requirements" shall mean completion of course work approved by the state board of education and/or its designee which is designed to provide the ~~((vocational))~~ career and technical education instructor with the specific skill and knowledge of safety for the occupation he or she is to teach.

(5) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journeyman or equivalent level in the occupation being taught. In any case, this shall be no less than one year.

(6) "Management experience" shall mean work as a supervisor, foreman or manager in the occupational area in which the person will instruct.

(7) "Occupational experience" shall mean paid or unpaid work experience in the career field to be taught.

(8) "One year of occupational experience" shall equal two thousand hours of employment.

(9) "Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.

(10) "Professional experience" shall mean employment in ~~((vocational))~~ career and technical education in the discipline and/or specialty for which the application has been submitted.

(11) "Quarter hours or the equivalent" shall mean one quarter credit, two-thirds semester credit, ten clock hours or one hundred hours of occupational experience.

(12) "Technical education/upgrading" shall mean those ~~((vocational))~~ career and technical education programs, courses, seminars and workshops which are designed to improve the skills and/or knowledge in the discipline in which the application is being made.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-005 Types of ~~((vocational))~~ career and technical education certificates.** The following types of certificates shall be issued:

(1) Teacher. The teacher certificate authorizes service as a teacher in the school district(s) or skills center(s) and shall be issued in one of the following categories and/or in a specific subcategory of the major category as approved by the state board of education and/or its designee:

- (a) Agriculture education;
- (b) Business education;
- (c) Marketing education;
- (d) Family and consumer sciences education;
- (e) Technology education;
- (f) Trade and industrial;
- (g) Health occupations;
- (h) Diversified occupations;
- (i) Coordinator for work-based learning; or
- (j) New and emerging fields;

(2) Director. The director certificate authorizes service as a ~~((vocational))~~ career and technical education director, as an assistant director, or as a ~~((vocational))~~ career and technical education supervisor in the school district(s) or skills center(s);

(3) Counselor. The ~~((vocational))~~ career and technical education counselor certificate authorizes service in the role of ~~((vocational))~~ career and technical education guidance and counseling;

(4) Occupational information specialist. The occupational information specialist certificate authorizes service in the role as an occupational information specialist.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-012 Levels of ~~((vocational))~~ career and technical education instructional certificates.** The following levels of ~~((vocational))~~ career and technical education certificates may be issued:

(1) Initial. The initial certificate allows the holder to assume independent responsibility for working with students in ~~((vocational))~~ career and technical education programs;

(2) Initial renewal. The initial renewal certificate allows the holder to assume independent responsibility for working with students in career and technical education programs;

(3) Continuing. The continuing certificate allows the holder to assume independent responsibility for working with students in career and technical education programs;

(4) Continuing renewal. The continuing renewal certificate allows the holder to assume independent responsibility for working with students in career and technical education programs.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77-014 Requirements for limited certification.** (1) Probationary certificate. The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined for the first year in the professional growth plan and has made additional progress in meeting the requirements for the initial career and technical education certificate.

The candidate for a probationary certificate must have substantially completed requirements for the initial career and technical education certificate as set forth in WAC 180-77-031 or 180-77-041.

(a) Such a certificate may be issued upon recommendation by the employing school district.

(b) The candidate shall have developed a professional growth plan in cooperation with the career and technical education administrator. The plan must be approved by the local school district career and technical education program advisory committee, to which the candidate is assigned. The plan shall provide for orientation, prior to the commencement of the teaching assignment, in the following:

(i) Issues related to legal liability;

(ii) The responsibilities of professional career and technical education educators; and

(iii) The lines of authority in the employing school district and/or building.

Within the first sixty working days, the plan shall establish procedures for the career and technical education instructor to develop competencies in the following:

(iv) Career and technical education methods; and

(v) General and specific safety.

If the candidate does not have access to the required course work within the first ninety working days, the local school district career and technical education advisory committee responsible may authorize the completion of the course work at a later date. The required course work shall be completed prior to the second year of employment.

(vi) The plan shall develop procedures and timelines for the career and technical education instructor to

meet the requirements for the initial career and technical education certificate.

(vii) Provided, That candidates for probationary certificates as a coordinator of work-based learning shall have completed a course in coordination techniques and either:

(A) Possess a valid initial or continuing career and technical education teacher certificate; or

(B) Have completed five hundred hours of occupational experience within the past six years.

(2) Conditional career and technical education certificate. Notwithstanding other requirements prescribed in this chapter for eligibility for career and technical education certification in the state of Washington, the one-year conditional career and technical education certificate may be issued under specific circumstances set forth below for limited service:

(a) The issuance of the conditional career and technical education certificate may be issued only under unique and special circumstances where no regularly certificated career and technical education instructor is available and is limited to:

(i) Persons highly qualified and experienced in the knowledge and occupational skills of the career and technical education program to be certified; or

(ii) Persons who meet the occupational experience requirements for career and technical education certification; or

(iii) Persons who will be employed in new and emerging occupations as identified by the state board of education and/or its designee.

(b) The certificate is issued to individuals who are screened by the local career and technical education administrator and school district superintendent or designee. The local career and technical education administrator or superintendent will verify that the following criteria have been met when requesting the conditional career and technical education certificate:

(i) No person with career and technical education certification in the field is available as verified by the local career and technical education administrator or superintendent;

(ii) The individual is being certified for a limited assignment and responsibility in a specified career and technical education program area;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment;

(iv) The career and technical education administrator and local program advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(v) A written work and/or educational experience training plan as specified in WAC 180-77-014 (1)(b) is on file with the employing district.

(c) The certificate is valid for one year and only for the teaching area specified on the certificate. The certificate may be reissued on application and evidence that requirements continue to be met.



(3) Substitute ~~((vocationa))~~ career and technical education certificates. Substitute ~~((vocationa))~~ career and technical education certificates may be issued to candidates who meet the requirements in WAC 180-79A-231 (2) or (4).

**AMENDATORY SECTION** (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-020 Certificate required.** Persons serving as ~~((vocationa))~~ career and technical education instructors, ~~((vocationa))~~ career and technical education directors and assistant directors, ~~((vocationa))~~ career and technical education supervisors, ~~((vocationa))~~ career and technical education counselors, and occupational information specialists shall hold certificates authorized by the state board of education for service in the respective roles.

**AMENDATORY SECTION** (Amending WSR 98-01-026, filed 12/8/97, effective 1/8/98)

**WAC 180-77-025 Personnel assignment.** ~~((Voea-tional))~~ Career and technical education teachers teaching other secondary school subjects and ~~((vocationa))~~ career and technical education counselors serving in addition as general counselors need to hold a valid certificate as provided for in chapter 180-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

**AMENDATORY SECTION** (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77-031 Requirements for candidates seeking ~~((vocationa))~~ career and technical education certification who have completed approved college/university programs in a ~~((vocationa))~~ career and technical education endorsement area.** Candidates shall complete the following requirements in addition to those set forth in WAC 180-79A-150, 180-79A-155, 180-82-322, and chapter 180-78A WAC.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university which includes a minimum of forty-five quarter hours of study in the specific ~~((vocationa))~~ career and technical education subject area for which certification is sought.

(b) Candidates for the initial certificate shall demonstrate competency in one or more of the specific endorsement areas of WAC 180-82-322.

(c) Candidates for the initial certificate shall complete a state approved ~~((vocationa))~~ career and technical education teacher training program through a regionally accredited college or university which shall include completion of student teaching in the relevant ~~((vocationa))~~ career and technical education subject area.

(d) Candidates for the initial certificate shall provide documentation of one year of paid occupational experience (two thousand hours) in the specific ~~((vocationa))~~ career and technical education field for which certification is sought. If all or part of the two thousand hours is more than six years

old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of ~~((vocationa))~~ career and technical education educator training in the subject area certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of ~~((vocationa))~~ career and technical education educator training in the ~~((vocationa))~~ career and technical education subject area to be certified completed subsequent to the conferral of the baccalaureate degree.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the ~~((vocationa))~~ career and technical education subject area certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of ~~((vocationa))~~ career and technical education educator training;

(ii) Three quarter hours or thirty clock hours of ~~((vocationa))~~ career and technical education educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of ~~((vocationa))~~ career and technical education educator training and three hundred hours of occupational experience.

**AMENDATORY SECTION** (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77-041 Requirements for candidates seeking ~~((vocationa))~~ career and technical education certification on the basis of business and industry work experience.** Candidates for certification who have not completed approved programs set forth in WAC 180-82-322 shall complete the following requirements in addition to those set forth in WAC 180-79A-150 (1) and (2) and 180-79A-155 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific ~~((vocationa))~~ career and technical education subcategory for which certification is sought. One year (two thousand hours) must be within the past six years. If all or part of the two thousand hours is more than six years old, candidates must complete an additional

three hundred hours of recent (occurring in the last two years) occupational experience.

(b) Candidates for the initial certificate shall demonstrate competence in the general standards for all ~~((vocationa-))~~ career and technical education teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) ~~((Vocationa))~~ Career and technical education teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques.

(c) Provided, until such time as two or more programs are approved by the SBE under WAC 180-77A-029, candidates shall complete a minimum of twenty-five quarter hours or two hundred fifty hours of ~~((vocationa))~~ career and technical education educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.

(d) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

- (i) School law;
- (ii) Issues related to abuse as specified in WAC ~~((180-78A-165-1)(t))~~ 180-77A-165(7).

(e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of ~~((vocationa))~~ career and technical education educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of ~~((vocationa))~~ career and technical education educator training in the ~~((vocationa))~~ career and technical education subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the ~~((vocationa))~~ career and technical education subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

- (i) Six quarter hours or sixty clock hours of ~~((vocationa))~~ career and technical education educator training;
- (ii) Three quarter hours or thirty clock hours of ~~((vocationa))~~ career and technical education educator training and

three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of ~~((vocationa))~~ career and technical education educator training and three hundred hours of occupational experience.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-068 Requirements for coordinator of work-based learning initial or continuing certificates.** To obtain a coordinator of work-based learning certificate, a candidate must:

- (1) Possess a valid initial or continuing ~~((vocationa))~~ career and technical education teaching certificate; and
- (2) Have completed five hundred hours of occupational experience within the past six years; and
- (3) Have completed an approved course in coordination techniques.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-070 Specific standards for certification of local ~~((vocationa))~~ career and technical education administrative personnel.** (1) The local director and local assistant director and supervisor of ~~((vocationa))~~ career and technical education must be eligible for a continuing ~~((vocationa))~~ career and technical education certificate in one of the ~~((vocationa))~~ career and technical education program areas for ~~((vocationa))~~ career and technical education for initial certification as a director and must meet the following:

(a) The director must have educational requirements which are satisfactory to the local board of education;

(b) The director must have thirty quarter credits or the equivalent of ~~((vocationa))~~ career and technical education educator training including a course in supervision and administration of ~~((vocationa))~~ career and technical education, or equivalent experience;

(c) The director must have had three years of experience as a certificated ~~((vocationa))~~ career and technical education supervisor, ~~((vocationa))~~ career and technical education instructor, ~~((vocationa))~~ career and technical education counselor or occupational information specialist.

(2) In order to renew the local director of ~~((vocationa))~~ career and technical education certificate, six quarter credits or the equivalent of professional education or course work in ~~((vocationa))~~ career and technical education supervisory or managerial subjects, or equivalent professional experience, is required.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77-075 Levels, validity and standards for certification of local ~~((vocationa))~~ career and technical education counselors.** ~~((Vocationa))~~ Career and technical education counselors are required to meet the following:

(1) Counselors are required to possess a valid educational staff associate—counselor certificate as provided in WAC 180-79A-221(1), in counseling and/or graduated from an institution of higher education in a counselor education program which includes study in such subjects as economics, sociology, psychology, political science and sources of occupational information in order to obtain a one-year certificate. All vocational counselors must have completed courses in the following or equivalent experiences:

(a) Techniques of counseling or counseling theory to include individual and/or group;

(b) Tests and measurements and/or individual mental measurement and/or psychological evaluation;

(c) Counseling practice;

(d) Philosophy of vocational education;

(e) Counselors must have had two years of varied work experience in the last ten years other than teaching or counseling experience;

(f) Experience is suggested in dealing with employment and personnel problems and with placement and evaluation of workers in business, industry, agriculture, education and/or government service.

(2) The requirements for a three-year certificate are as follows:

(a) The counselor must have possessed a one-year certificate in the past two years;

(b) Counselors must have had one year of ~~((vocationa))~~ career and technical education counseling;

(c) Counselors must have three quarter credits or the equivalent of approved professional education since the previous certificate.

(3) The requirements for a five-year certificate are as follows:

(a) Counselors must have had two years of ~~((vocationa))~~ career and technical education counseling during the previous three-year certificate;

(b) Counselors are required to have had six quarter credits or the equivalent of approved training in ~~((vocationa))~~ career and technical education counseling and/or ~~((vocationa))~~ career and technical education since the previous certificate.

(4) To renew a counselor certificate the following is required:

(a) The one-year certificate may be renewed two times;

(b) The three-year certificate may be renewed one time provided:

(i) The counselor has had one year of ~~((vocationa))~~ career and technical education counseling during the life of the previous certificate; and

(ii) The counselor has had three quarter credits or the equivalent training in ~~((vocationa))~~ career and technical education counseling and/or ~~((vocationa))~~ career and technical education since the previous certificate.

(c) The five-year certificate may be renewed every five years provided:

(i) The counselor has had two years of ~~((vocationa))~~ career and technical education counseling during the previous five-year ~~((vocationa))~~ career and technical education certificate; and

(ii) The counselor has had six quarter credits or the equivalent of ~~((vocationa))~~ career and technical education training and/or equivalent experience.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-080 Levels, validity and standards for certification of occupational information specialist.** Occupational information specialists must meet the following requirements:

(1) Requirements for a one-year certificate for occupational information specialist are three years of full-time paid occupational experience of which two years shall have been in the last six years, dealing with employment or personnel problems and with placement and evaluation of workers; or two years of ~~((vocationa))~~ career and technical education teaching experience in an approved ~~((vocationa))~~ career and technical education program under the state plan for ~~((vocationa))~~ career and technical education;

(2) Requirements for a three-year certificate are as follows:

(a) The occupational information specialist must possess a one-year certificate within the preceding two years and must have one hundred twenty hours of professional experience during the life of the previous certificate;

(b) The occupational information specialist must have a total of nine quarter credits or the equivalent approved professional education;

(c) The occupational information specialist is required to have three quarter credits or the equivalent approved professional education since the last certificate.

(3) Requirements for a five-year certificate are as follows:

(a) Possession of a three-year ~~((vocationa))~~ career and technical education certificate within the preceding two years;

(b) ~~((Vocationa))~~ Career and technical education occupational information specialist experience of two years during the life of the previous certificate;

(c) A total of eighteen quarter credits or the equivalent of professional education.

(4) To renew an occupational information specialist certificate the following are required:

(a) The one-year certificate may be renewed two times;

(b) The three-year certificate may be renewed one time when the following are met:

(i) Professional experience of one hundred twenty hours as an occupational information specialist during the life of the previous certificate; and

(ii) Three quarter credits or the equivalent of professional education and/or equivalent experience since the previous certificate.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77-110 ~~((Vocationa))~~ Career and technical education instructor certification reciprocity.** The superintendent of public instruction will recognize commu-

nity and technical college instructors certified under WAC 131-16-091 through 131-16-095 when these individuals provide instruction to high school students. These instructors must maintain their certification in good standing and, when employed to provide services within a public common school shall be required to have completed and have on file:

- (1) Documentation of completion of the issues of abuse requirement pursuant to RCW 28A.410.035; and
- (2) A background check as defined in WAC 180-79A-150(2) and RCW 28A.410.010; and
- (3) Evidence of good moral character as required in WAC 180-79A-155.

**AMENDATORY SECTION** (Amending WSR 01-18-043, filed 8/29/01, effective 9/29/01)

**WAC 180-77-120 Out-of-state candidates.** Out-of-state applicants shall be eligible for Washington (~~(v~~ocational~~)~~) career and technical education certificates if they meet the standards in chapter 180-77 WAC or as follows: Provided, That candidates who apply for a (~~(v~~ocational~~)~~) career and technical education certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition of the issuance of a (~~(v~~ocational~~)~~) career and technical education certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of paid occupational experience and who meets one of the following:

- (a) Qualifies under provisions of the interstate compact;
- (b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

**AMENDATORY SECTION** (Amending WSR 99-01-172, filed 12/23/98, effective 1/23/99)

**WAC 180-77-122 Appeal procedures.** (~~(V~~ocational~~)~~) Career and technical education certification candidates who apply directly to the superintendent of public instruction for a certificate, certificate renewal, or certificate reinstatement and whose application is denied shall be entitled to appeal that decision in accordance with the appeal procedures in chapter 180-86 WAC.

## Chapter 180-77A WAC

### **APPROVAL STANDARDS FOR (~~(VOCATIONAL-TECHNICAL)) CAREER AND TECHNICAL EDUCATION~~) CAREER AND TECHNICAL EDUCATION TEACHER PREPARATION PROGRAMS BASED ON BUSINESS AND INDUSTRY WORK EXPERIENCE**

**AMENDATORY SECTION** (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-004 Overview.** These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements. These rules also provide a framework for consistency and quality preparation of (~~(v~~ocational-technical~~)~~) career and technical education teacher certification candidates using industry or business work experience.

Specifically, this chapter describes the procedures and standards for colleges/universities and other agencies or institutions to be approved as providers of preparation programs for (~~(v~~ocational-technical~~)~~) career and technical education teacher certification based on business and industry work experience. In addition to colleges and universities, programs may be provided by community and technical colleges, school districts, educational service districts, or any combination of the above.

Finally, this chapter identifies the general standards which must be demonstrated by all successful applicants for (~~(v~~ocational-technical~~)~~) career and technical education teacher certification based on business and industry work experience and the specific standards which will be demonstrated by those applying for certification in specialty areas.

**AMENDATORY SECTION** (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-006 Purpose.** This chapter establishes procedures, standards, and criteria to be used in the development and approval of (~~(v~~ocational-technical~~)~~) career and technical education teacher preparation programs based on business and industry work experience and identifies the knowledge and skill expected of all candidates.

**AMENDATORY SECTION** (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-025 Program approval.** All programs leading to (~~(v~~ocational~~)~~) career and technical education certification based on business and industry work experience offered in Washington state to prepare (~~(v~~ocational-technical~~)~~) career and technical education teachers shall be approved pursuant to the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-029 Procedures for initial approval of a ~~((vocationa-technical))~~ career and technical education teacher preparation program for candidates applying under WAC 180-77-041.** Using the criteria published by the office of the superintendent of public instruction as a guideline, each program provider, which shall be a college or university, community or technical college, school district, educational service district, or any combination of the above, desiring to establish a ~~((vocationa-technical))~~ career and technical education teacher preparation program for candidates applying under WAC 180-77-041 shall comply with the following:

(1) Advise the state board of education of the desire to establish the ~~((vocationa-technical))~~ career and technical education teacher preparation program, identifying the agencies involved and the administrator of the program.

(2) Establish and maintain a representative program advisory committee including ~~((vocationa-))~~ career and technical education teachers from the discipline, at least one first-year teacher (if applicable) who has completed the respective program, ~~((vocationa-))~~ career and technical education administrators, and industry and/or community representatives.

The purpose of the program advisory committee is to advise, validate, and review the integrity of the respective ~~((vocationa-technical))~~ career and technical education teacher education program.

(3) Describe the planned process that the approved ~~((vocationa-technical))~~ career and technical education teacher preparation program will use to assess, in multiple ways, over time, its ~~((vocationa-technical))~~ career and technical education teacher candidates knowledge and skills as required by WAC 180-77A-165, including, where appropriate, evidence related to positive impact on student learning.

(4) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.

(5) Present the plan to the state board of education.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-030 Length of time for which a ~~((vocationa-technical))~~ career and technical education teacher program based on business and industry work experience shall be approved.** (1) The state board of education shall approve all programs under these program approval standards for five years unless the state board of education approves a variation.

(2) The state board of education, upon receipt of a complaint from any source or upon its initiative, may review all or any part of a program for compliance with the provisions of this chapter. If deviations are found, the state board of education is authorized to rescind program approval until the program provider submits an acceptable compliance agreement which will bring the program into compliance as soon as rea-

sonably practicable but no later than the commencement of the succeeding academic year or six calendar months, whichever is later.

(3) If an acceptable compliance agreement is not developed and approved by the state board of education, the program shall be placed on probationary status and the probationary status provision of WAC 180-77A-033 shall apply.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-033 Probationary status for a ~~((vocationa-technical))~~ career and technical education teacher preparation program based on business and industry work experience.** Program providers with approved programs shall not lose official approval status until the state board of education has taken final action to disapprove the program: Provided, That programs shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved preparation program on probationary status for the purpose of completing the program for those candidates for certification currently enrolled in the program and who are scheduled to complete such program within such academic years and for the purpose of regaining state board of education approval.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-037 Procedures for reestablishment of approval status for a ~~((vocationa-technical))~~ career and technical education teacher preparation program based on business and industry work experience.** The procedures for the reestablishment of state board of education approval of a program shall be the same as the procedure for initial approval as provided in WAC 180-77A-029.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-040 Responsibilities of the designated program administrator.** Each provider of an approved ~~((vocationa-technical))~~ career and technical education teacher preparation program based on business and industry work experience pursuant to WAC 180-77A-029 shall require the administrator to coordinate the following responsibilities:

(1) Submit to the state board of education information required for obtaining and maintaining program approval.

(2) Coordinate the process established for the candidate's demonstration of required knowledge and skills.

(3) Establish procedures for providing the candidate with documentation of the successful demonstration of the required knowledge and skills.

(4) Establish a process to counsel the candidate's application process for certification.

(5) Coordinate management of operations and resources for the preparation program.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-057 Approval of a (~~vo~~ career and technical education teacher preparation program based on business and industry work experience offered by an out-of-state provider within the state applicable to certification.** No out-of-state provider shall offer a program of courses within Washington state for purposes of Washington state (~~vo~~ career and technical education teacher certification based on business and industry work experience without meeting all program approval requirements set forth in this chapter.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-165 General standards for all (~~vo~~ career and technical education teacher certification based on business and industry work experience.** All candidates shall demonstrate competence in the following standards:

(1) State learning goals—The teacher is able to apply and integrate the state's learning goals and essential academic learning requirements in program implementation and assessment.

(2) Learning environments—The teacher is able to create and sustain safe learning environments which prepare diverse students for the workplace, advanced training, and continued education.

(3) Student characteristics and related instructional strategies—The teacher is able to identify the diverse needs of students and implement programs and strategies which promote student competency development and success.

(4) Personal and professional attributes—The teacher models personal and professional attributes and leadership skills which reflect productive life and work roles.

(5) Partnerships—The teacher implements and maintains collaborative partnerships with students, colleagues, community, business, industry, and families, which maximize resources and promote student self-sufficiency.

(6) Law—The teacher understands school law and educational policy.

(7) Issues of abuse—The teacher understands issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-180 (~~Vo~~ Career and technical education teacher preparation specialty standards.** In addition to the standards identified in WAC 182-82-332 or 180-77A-175, individuals obtaining certifica-

tion in the areas of coordinator of work-based learning or diversified occupations must demonstrate competency in the following standards.

**(1) Coordinator of work-based learning.**

(a) The work-based learning coordinator demonstrates the knowledge and ability to develop, implement, manage, and evaluate a diversified work-based learning program that utilizes local resources.

(b) The work-based learning coordinator models ethical behavior and demonstrates the ability to facilitate, supervise, and evaluate student leadership activities.

(c) The work-based learning coordinator demonstrates the ability to team with (~~vo~~ career and technical education teachers and prospective employers to relate work-based learning with school-based learning and to measure student performance.

(d) The work-based learning coordinator demonstrates a commitment to professional development.

(e) The work-based learning coordinator demonstrates a current knowledge of the essential academic learning requirements and skills for entry level workers and uses a variety of methods to insure that students master the essential academic learning requirements.

**(2) Diversified occupations.**

(a) The diversified occupations teacher demonstrates competency in the areas of career exploration, employment acquisition, job retention, resource management (personal, community, workplace technology, consumerism), economic systems (entrepreneurship, economics), basis skills development, and leadership development.

(b) The diversified occupations teacher demonstrates the ability to link classroom learning with the world of work and coordinate work-based learning which prepares students for the world of work.

AMENDATORY SECTION (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-77A-195 Course work/internship waiver.**

The provider of approved (~~vo~~ career and technical education teacher programs based on business and industry work experience may waive required course work and/or waive or reduce in length the required internship for any candidate, based on an individual review if the college or university or approved provider determines that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

AMENDATORY SECTION (Amending WSR 01-03-151, filed 1/24/01, effective 2/24/01)

**WAC 180-78A-209 Professional education advisory boards—Membership.** The professional education advisory boards shall at a minimum consist of the following:

**(1) TEACHER.**

(a) One-half or more of the voting members shall be classroom teachers. All, but one, will be appointed by the

president of the Washington Education Association. One of these teachers shall be employed in a private school and appointed by the Washington Federation of Independent Schools.

(b) At least one principal appointed by the president of the Association of Washington School Principals.

(c) At least one school administrator appointed by the Washington Association of School Administrators.

(d) At least one college or university representative who may serve in a voting or nonvoting role.

(e) At colleges or universities where ~~((vocationa))~~ career and technical education programs are offered, one ~~((vocationa))~~ career and technical education director or ~~((vocationa))~~ career and technical education teacher, with expertise in one of the approved ~~((vocationa))~~ career and technical education programs at the college or university, appointed by the Washington Association of Vocational Administrators in cooperation with the college or university.

**(2) ADMINISTRATOR.**

(a) One-half or more of the voting members shall be administrators. One-half of these administrators (at least one-fourth of the total voting membership) shall be appointed by the president of the Washington Association of School Administrators. All but one of the remaining administrators shall be appointed by the president of the Association of Washington School Principals. The remaining administrator shall be employed in an approved private school and appointed by the Washington Federation of Independent Schools.

(b) At least one or more classroom teachers appointed by the president of the Washington Education Association.

(c) At least one college or university representative who may serve in a voting or nonvoting role.

**(3) SCHOOL COUNSELOR.**

(a) At least one-half of the voting members shall be school counselors appointed by the president of the Washington School Counselors Association.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

**(4) SCHOOL PSYCHOLOGIST.**

(a) At least one-half of the voting members shall be school psychologists appointed by the president of the Washington State Association of School Psychologists.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

**(5) SCHOOL SOCIAL WORKER.**

(a) At least one-half of the voting members shall be school social workers appointed by the president of the Washington Association of School Social Workers.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

**AMENDATORY SECTION** (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

**WAC 180-78A-270 Approval standard—Knowledge and skills.** Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(5):

(1) **TEACHER.** Teacher candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

**Foundational knowledge**

(a) The state learning goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including relevant methods course work and the knowledge and skills for each endorsement area for which the candidate is applying (chapter 180-82 WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(k) The standards, criteria and other requirements for obtaining the professional certificate.

**Effective teaching**

(l) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(m) Different student approaches to learning for creating instructional opportunities adapted to learners from diverse cultural or linguistic backgrounds.

(n) Areas of exceptionality and learning — including, but not limited to, learning disabilities, visual and perceptual difficulties, and special physical or mental challenges.

(o) Effective instructional strategies for students at all levels of academic abilities and talents.

(p) Instructional strategies for developing reading, writing, critical thinking, and problem solving skills.

(q) The prevention and diagnosis of reading difficulties and research-based intervention strategies.

(r) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(s) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(t) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(u) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(v) Effective interactions with parents to support students' learning and well-being.

#### **Professional development**

(w) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(x) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(y) Strategies for effective participation in group decision making.

(2) **PRINCIPAL AND PROGRAM ADMINISTRATOR.** Effective August 31, 1997, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(a) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(i) **Leadership:** Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(ii) **Information collection:** Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or

practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(iii) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(iv) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(v) **Organizational oversight:** Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(vi) **Implementation:** Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(vii) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(viii) **Instructional program:** Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(ix) **Curriculum design:** Interpreting school district curricula; planning and implementing with staff a framework for instruction that shall include the implementation of the state learning goals and essential academic learning requirements; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(x) **Student guidance and development:** Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(xi) **Staff development:** Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(xii) **Measurement and evaluation:** Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which out-



comes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(xiii) **Resource allocation:** Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(xiv) **Motivating others:** Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(xv) **Sensitivity:** Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensitivities.

(xvi) **Oral expression:** Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(xvii) **Written expression:** Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(xviii) **Philosophical and cultural values:** Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to education; recognizing global influences on students and society.

(xix) **Legal and regulatory applications:** Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(xx) **Policy and political influences:** Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(xxi) **Public and media relationships:** Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(b) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and

the principal candidate to cooperatively design the internship plan.

(3) **SUPERINTENDENT.** Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) **Strategic leadership:** The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

(i) Professional and ethical leadership.

(ii) Information management and evaluation.

(b) **Instructional leadership:** The knowledge, skills and attributes to design with others appropriate curricula and instructional programs which implement the state learning goals and essential academic learning requirements, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

(ii) Professional development and human resources.

(iii) Student personnel services.

(c) **Organizational leadership:** The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources, and apply decentralized management processes and procedures. This includes:

(i) Organizational management.

(ii) Interpersonal relationships.

(iii) Financial management and resource allocation.

(iv) Technology and information system.

(d) **Political and community leadership:** The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

(i) Community and media relations.

(ii) Federal and Washington state educational law, public policy and political systems.

(4) **SCHOOL COUNSELOR.** School counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation), including assessment of the state learning goals and essential academic learning requirements.

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

(i) Foundations of school counseling including:

(i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum including the state learning goals and essential academic learning requirements;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating disorders, attention deficit hyperactivity disorder, exceptionalism, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, ~~(vocational)~~ career and technical education, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) **SCHOOL PSYCHOLOGIST.** School psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

(i) Learning theory.

(ii) Personality theory and development.

(iii) Individual and group testing and assessment.

(iv) Individual and group counseling and interviewing theory and techniques.

(v) Basic statistics.

(vi) Child development.

(vii) Exceptional children.

(viii) Social and cultural factors.

(ix) Deviant personality.

(x) Curriculum, including the state learning goals and essential academic learning requirements.

(xi) Research design.

(xii) Physiological and biological factors.

(b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:

- (i) Intellectual and cognitive assessment.
- (ii) Individual and group academic skills: Standardized norm-referenced and criteria-referenced measurements and curriculum-based measurements.
- (iii) Personality assessment.
- (iv) Assessment of perceptual skills.
- (v) Assessment of adaptive behavior; assessment of language skills.
- (c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:
  - (i) Data taking.
  - (ii) Frequency measures.
  - (iii) Qualitative and quantitative analysis of classroom behavior.
  - (iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.
- (d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:
  - (i) Provide individual and group counseling to students and parents.
  - (ii) Conduct interviews essential to information collecting from parents, teachers, and other professionals.
- (e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.
- (f) Consultation. The candidate has the knowledge and skill to:
  - (i) Function on multidisciplinary teams in evaluating and placing students.
  - (ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.
- (g) Program evaluation and recordkeeping. The candidate has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.
- (h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.
  - (i) Research. The candidate has knowledge and skill to:
    - (i) Evaluate and perform research.
    - (ii) Apply school-oriented research.
    - (iii) Construct criterion-referenced instruments with reference to such educational decisions as:
      - (A) Retention in grade.
      - (B) Acceleration and early entrance.
      - (C) Early entrance.
- (6) **SCHOOL SOCIAL WORKER.** School social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

- (a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study including:
  - (i) Values.
    - (A) Knowledge of profession including values, skills, and ethics; and
    - (B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.
  - (ii) Human behavior and the social environment.
    - (A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);
    - (B) Systems and organizational theory (e.g., school as a bureaucracy);
    - (C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;
    - (D) Family dynamics and theories of family therapy;
    - (E) Human/child growth and development;
    - (F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;
    - (G) Theories of personality; and
    - (H) Use of computer technology for social work practice.
  - (b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:
    - (i) Direct practice.
      - (A) Referring, developing, and coordinating resources and services in the local education agency and community;
      - (B) Knowledge and skills related to families;
      - (C) Case management;
      - (D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;
      - (E) Crisis intervention, conflict resolution, stress management and decision-making skills;
      - (F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;
      - (G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;
      - (H) Family interventions including parent education; referral to resources; family counseling;
      - (I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;
      - (J) Collaborating and consulting with parents and community to assure readiness to learn for all students;
      - (K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;
      - (L) Intervention case planning processes; and
      - (M) Career and academic guidance to students in their school to work transitions.
    - (ii) Indirect practice.
      - (A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

(ii) Evaluate own practice;

(iii) Become consumer of research findings;

(iv) Understand use of program evaluation methods; and

(v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following:

(i) State learning goals and essential academic learning requirements;

(ii) Theories of learning;

(iii) School law and professional ethics;

(iv) Computer technology in the workplace; and

(v) Understanding of policies, laws, and procedures.

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-117 Uniform expiration date.** (1) All certificates issued for one or more stated years shall expire on June 30 of the stated year and shall be calculated as follows:

(a) Certificates issued prior to June 30 of a calendar year, other than limited certificates issued pursuant to WAC (~~180-79A-230~~) 180-79A-231, shall have the expiration date of the certificate calculated on the basis such certificate was issued on June 30 of the same calendar year regardless of the date of issuance.

(b) Certificates issued July 1 or later in the calendar year, other than limited certificates issued pursuant to WAC (~~180-79A-230~~) 180-79A-231, shall have the expiration date of the certificate calculated on the basis such certificate was issued on June 30 of the next calendar year regardless of the date of issuance.

(c) All valid existing certificates scheduled to expire on August 31 of a given year shall be valid until June 30 of the following year.

(2) An applicant who holds a valid certificate, who submits an application for further certification prior to the expiration date of that certificate, and who meets all the requirements of WAC 180-79A-128, shall be granted a one hundred eighty-day permit as provided in chapter 180-79A WAC.

**AMENDATORY SECTION** (Amending WSR 01-09-005, filed 4/5/01, effective 5/6/01)

**WAC 180-79A-130 Fee for certification.** (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The continuing certificate, seventy dollars;

(b) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change, fifteen dollars; and

(c) Any other certificate or credential or any renewal thereof, five dollars for each year of validity:

(d) Provided, That the fee for all (~~vocational~~) career and technical education certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, or their designees. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to statewide pre-certification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

**AMENDATORY SECTION** (Amending WSR 00-13-063, filed 6/16/00, effective 7/17/00)

**WAC 180-79A-140 Types of certificates.** Five types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The ~~((vocationa))~~ career and technical education certificate authorizes service in ~~((vocationa))~~ career and technical education programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or vice-principal. The initial principal certificate shall indicate one of the following grade levels, preschool-9, 4-12, or preschool-12, based on recommendations from the college or university in which the candidate completed an approved preparation program.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(5) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-231:

- (a) Conditional certificate.
- (b) Substitute certificate.
- (c) Emergency certificate.
- (d) Emergency substitute certificate.
- (e) Intern substitute teacher certificate.

**AMENDATORY SECTION** (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

**WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates.** The following requirements are to be met by candidates for certification as teachers including ~~((vocationa))~~ career and technical education teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or ~~((vocationa))~~ career and technical education certificate must give evidence of good moral character and personal fitness as specified in WAC 180-79A-155 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint

card: Provided, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 180-79A and 180-77 WAC or have qualified under WAC 180-79A-257.

(4) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79A-257, and 180-79A-231, ~~((and 180-79A-241))~~ and in chapter 180-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must hold a valid teacher's certificate, excluding certificates issued under WAC 180-79A-231 ~~((or 180-79A-241))~~, or comparable out-of-state certificates. Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, ~~((or))~~ program administrator, or principal certificate; excluding certificates issued under WAC 180-79A-231 ~~((or 180-79A-241))~~, or comparable out-of-state certificates.

**AMENDATORY SECTION** (Amending WSR 01-03-152, filed 1/24/01, effective 2/24/01)

**WAC 180-79A-211 Academic and experience requirements for certification—Administrators.** Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-213.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter credit hours (thirty semester credit hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter credit hours (forty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(iii) Candidates applying for continuing superintendent's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(2) Principal.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) Candidates applying for initial principal's certificates who were admitted to a principal preparation program prior to August 31, 1998, shall present documentation of one hundred eighty days or full-time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial principal's certificate who were admitted to a principal preparation program on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full-time or more P-12 teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.

(b) Continuing.

(i) The candidate who applies prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall hold an approved master's degree and shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter 180-85 WAC, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC 180-78A-270(2);

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the academic requirement for the continuing certificate described in WAC 180-79A-211 (2)(b)((#)) (i), if the candidate meets requirements for and applies for the continuing certificate by the expiration date on that initial certificate.

(iv) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(v) Candidates applying for continuing principal's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

(vi) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the one hundred-eighty day experience requirement described in WAC 180-79A-211 (2)(b)(v), if that candidate meets require-

ments and applies for the continuing certificate by the expiration date on that initial certificate.

(3) Program administrator.

(a) Initial.

The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least twenty-four quarter credit hours (sixteen semester credit hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least thirty quarter credit hours (twenty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) Candidates applying for continuing program administrator's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-105 Assignment of classroom teachers within districts.** In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial, residency, endorsed continuing, or professional teacher certificates who have completed

provisional status with a school district under RCW 28A.405.220 may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-79A-302.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a (~~vocational~~) career and technical education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teachers endorsement and courses or classes which the board of directors of the district determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-82-110.

(13) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

**AMENDATORY SECTION** (Amending WSR 01-13-108, filed 6/20/01, effective 7/21/01)

**WAC 180-82-202 Certificate endorsements.** Teacher certificates shall be endorsed as follows, except as otherwise provided in WAC 180-79A-257 (1)(d):

(1) **All levels:**

- (a) Bilingual education, (supporting).
- (b) Designated arts: Dance, (primary and supporting).
- (c) Designated arts: Drama, (primary and supporting).
- (d) Designated arts: Music: Choral, instrumental or general, (primary and supporting).
- (e) Designated arts: Visual arts, (primary and supporting).
- (f) Designated world languages, (primary and supporting).
- (g) English as a second language, (primary and supporting).
- (h) Health/fitness, (primary and supporting).
- (i) Library media, (primary and supporting).
- (j) Reading, (primary and supporting).
- (k) Special education, (primary).

(2) **Early childhood:**

- (a) Early childhood education, (primary and supporting).
- (b) Early childhood special education, (primary).

(3) **Elementary education, (primary).**

(4) **Middle level, (primary).**

(5) **Secondary level:**

- (a) Designated science: Biology, (primary and supporting).
- (b) Designated science: Chemistry, (primary and supporting).
- (c) Designated science: Earth science, (primary and supporting).
- (d) Designated science: Physics, (primary and supporting).
- (e) Designated (~~vocational/technical~~) career and technical education: Agriculture education, business education, family and consumer sciences education, marketing education, and technology education, (primary).
- (f) English, (primary and supporting).
- (g) English/language arts, (primary).
- (h) History, (primary and supporting).
- (i) Mathematics, (primary and supporting).
- (j) Science, (primary).
- (k) Social studies, (primary).

(6) **Traffic safety** endorsements may be noted on certificates issued under chapter 180-79A WAC if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

**AMENDATORY SECTION** (Amending WSR 00-18-064, filed 9/1/00, effective 10/2/00)

**WAC 180-82-322 Designated (~~vocational/technical~~) career and technical education—Secondary, primary.** In order to obtain a primary endorsement in designated (~~vocational/technical~~) career and technical education: Agriculture education, business education, family and consumer sciences education, marketing education, or technology education, the candidate shall have completed a state approved preparation program which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in one of the endorsement areas below. Through completion of this course work and/or an alternative performance based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the general areas below. In addition, the candidate shall have demonstrated the knowledge and skills identified in one of the specific endorsement areas:

(1) General areas.

- (a) General and specific safety.
- (b) Occupational analysis.
- (c) Philosophy of vocational education.

(d) Partnerships - The (~~vocational-technical~~) career and technical education teacher implements and maintains collaborative partnerships with students, colleagues, community, business, industry and families, which maximize resources and promote student self-sufficiency.

(e) Personal and professional attributes - The (~~vocational-technical~~) career and technical education teacher

models personal and professional attributes and leadership skills which reflect productive life and work roles.

(2) Specific endorsement areas.

(a) **Agriculture education.**

(i) The agriculture education teacher demonstrates essential skills and knowledge including the scientific/technical, safety and career information in the areas of: Natural resource science, agricultural economics, horticultural science, animal science, crop science, soil science, and agricultural technology and management.

(ii) The agriculture education teacher demonstrates a philosophy of education which reflects the unique student/community and industry interaction and includes the technical, personal leadership, and school to work components which comprise a comprehensive agricultural education program.

(iii) The agriculture education teacher develops a comprehensive instructional program based on identified agriculture industry needs while recognizing the social economic, demographic, diversity of the community in consultation with an appropriate advisory committee.

(iv) The agriculture education teacher demonstrates personal and professional leadership skills as an integral part of agriculture programs and applies these competencies through the agriculture education student organization, FFA.

(v) The agriculture education teacher demonstrates the necessary skills and abilities to implement and manage a supervised agriculture experience including: Accounting practices, career experiences, entrepreneurial, and job-related skills.

(vi) The agriculture education teacher develops and maintains a safe environment while dealing with agricultural chemicals, scientific apparatus and solvents during classroom, laboratory, and supervised agricultural experiences.

(vii) The agriculture education teacher is able to develop and demonstrate the scientific process through the preparation of mechanical and research experiences in the classroom, laboratory, leadership, and supervised agriculture experiences.

(b) **Business education.**

(i) The business education teacher demonstrates workplace competencies in keyboarding and information processing, computer technology and applications, information systems and management, accounting principles and applications, business communications, and business systems, and procedures.

(ii) The business education teacher demonstrates the ability to apply the principles of business management and entrepreneurship, leadership, economics, international business, business law, and computation.

(iii) The business education teacher demonstrates teaching competence in keyboarding, information processing, and microcomputer applications; accounting and computation; specific business content areas of business management and procedures, business law, economics, business communications, career development, and work-based coordination; and integration of leadership development into the curriculum and management of Future Business Leaders of America (FBLA) activities.

(c) **Family and consumer sciences education.**

(i) The family and consumer sciences teacher demonstrates the ability to prepare students for family life and responsible participation and leadership in work and community roles.

(ii) The family and consumer sciences teacher demonstrates knowledge and skills in individual and family wellness; resource creation, access maintenance and management; and individual and family development across the life span.

(iii) The family and consumer sciences teacher creates environments and utilizes strategies which enhance student ability to value diverse populations and their contributions to society.

(iv) The family and consumer sciences teacher demonstrates the ability to advocate for technological and societal change that benefits the family system.

(v) The family and consumer sciences teacher encourages the use of thinking skills and the planning process for problem solving and decision making through the designated ~~(vocational)~~ career and technical education student organization for family and consumer sciences.

(d) **Marketing education.**

(i) The marketing education teacher models effective leadership traits and demonstrates the ability to facilitate, supervise, and evaluate DECA student leadership activities.

(ii) The marketing education teacher demonstrates the ability to link classroom learning of work and work-based learning to prepare students for the world of marketing.

(iii) The marketing education teacher demonstrates a commitment to professional development.

(iv) The marketing education teacher applies understanding of the foundations and functions of marketing, management, and entrepreneurial competencies.

(v) The marketing education teacher is able to successfully implement and provide leadership for a school-based enterprise as an instructional strategy.

(vi) The marketing education teacher demonstrates the ability to plan and implement a marketing education program following national and state curriculum guidelines.

(e) **Technology education.**

(i) The technology education teacher demonstrates knowledge and understanding of systems and concepts related to all areas of technological study referred to as core technologies including: Power and energy, controls, materials science, problem solving, and technology in society.

(ii) The technology education teacher demonstrates knowledge and understanding of the relationship of mathematics, science, computer science, and communications to the technological process.

(iii) The technology education teacher demonstrates competency in the areas of communications, manufacturing, construction, transportation, and bio-related with a concentration in at least one of the areas.

(iv) The technology education teacher demonstrates ability to manage a traditional shop; as well as convert a traditional shop to an exemplary technology education laboratory.

(v) The technology education teacher demonstrates knowledge and understanding of communications and tech-



nological concepts related to technical systems created for encoding, transmitting, receiving, decoding, storing, retrieving, and using information.

(vi) The technology education teacher demonstrates the fundamental knowledge of manufacturing and manufacturing systems and technological concepts related to technical systems associated with research, extraction, processing, recycling, and conversion of materials for consumer and industrial goods.

(vii) The technology education teacher demonstrates fundamental knowledge of construction and construction systems, including the technological concepts related to technical systems associated with the design, creation, and maintenance associated with construction of residential, commercial, industrial, and civil structures; as well as consideration of economics, management, power, and energy.

(viii) The technology education teacher demonstrates knowledge and understanding of transportation systems, including technological concepts related to technical systems associated with the design, development, evaluation, and operation of subsystems, and components of terrestrial, marine, atmospheric, and space vehicles.

(ix) The technology education teacher demonstrates knowledge and understanding of biological systems in areas such as botany, environmental biology, medical, and biotechnology and zoology.

**AMENDATORY SECTION** (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

**WAC 180-82-350 Middle level, primary.** In order to obtain an endorsement in middle level, the candidate shall have completed a state approved preparation program in middle level which shall be comprised of the developmentally appropriate pedagogy courses and field experiences/internship, pursuant to chapter 180-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below:

(1) A primary area comprised of thirty quarter credit hours (twenty semester credit hours) in either:

(a) Humanities, including a minimum of ten quarter credit hours (six semester credit hours) from language arts and ten quarter credit hours (six semester credit hours) from social studies with the remaining credit hours taken from language arts and/or social studies to total thirty quarter credit hours (twenty semester credit hours); or

(b) Math-science, including a minimum of ten quarter credit hours (six semester credit hours) from math and ten quarter credit hours (six semester credit hours) from science with the remaining credit hours taken from math and/or science to total thirty quarter credit hours (twenty semester credit hours); and

(2) A supporting area comprised of fifteen quarter credit hours (ten semester credit hours) from one of the following:

(a) Humanities (available only to candidates whose primary area is math-science); or

(b) Math-science (available only to candidates whose primary area is humanities); or

(c) Designated arts; or

(d) ~~((Vocational-technical))~~ Career and technical education; or

(e) Designated world languages; or

(f) Health/fitness.

**WSR 02-04-022**  
**PERMANENT RULES**  
**CLOVER PARK**  
**TECHNICAL COLLEGE**  
[Filed January 24, 2002, 4:35 p.m.]

Date of Adoption: January 9, 2002.

Purpose: To make changes to the student conduct code.

Statutory Authority for Adoption: RCW 28B.50-140(13).

Adopted under notice filed as WSR 01-22-096 on November 6, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

January 16, 2002

N. P. Robinson

Vice-President for  
Operations and Facilities

**AMENDATORY SECTION** (Amending WSR 00-12-019, filed 5/26/00, effective 6/26/00)

**WAC 495C-120-040 Student misconduct.** Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Possession, use, sale, or distribution of any illegal drug on the college campus. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on college or noncollege property shall conform to state law;

(2) Behavior in the classroom or at a college function that is disruptive to the teaching and learning environment;

(3) Engaging in lewd, indecent, or obscene behavior;

~~((3))~~ (4) Where the student presents an imminent danger to college property or to himself or herself or other stu-

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dents or persons in college facilities on or off campus, or to the education process of the college;

~~((4))~~ (5) Dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

~~((5))~~ (6) The intentional making of false statements or filing of false charges against the college and members of the college community;

~~((6))~~ (7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

~~((7))~~ (8) Theft from, damage to, or misuse of college premises or property, or theft of or damage to property of a member of the college community or college premises;

~~((8))~~ (9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

~~((9))~~ (10) Possession of firearms, except where approved by state statute;

~~((10))~~ (11) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature where such behavior knowingly offends the recipient, causes discomfort, or humiliates or interferes with job performance;

~~((11))~~ (12) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities;

~~((12))~~ (13) Actions and/or language directed to others that incites disruptive behavior;

(14) Verbal or written threats and intimidation;

(15) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus;

~~((13))~~ (16) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof;

~~((14))~~ (17) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties;

(18) Violation of any rules or policies pertaining to the use of computer and technology resources.

**AMENDATORY SECTION** (Amending WSR 00-12-019, filed 5/26/00, effective 6/26/00)

**WAC 495C-120-041 Hazing policy.** (1) No student, or other person in attendance at Clover Park Technical College, may conspire to engage in hazing or participate in hazing of another. Hazing is defined as any activity that includes one or more of the following:

(a) Activities that expose personal values to compromise or ridicule.

(b) Stunts which have no meaningful relationship to the objectives of the organization.

(c) Activities that abuse the trust an organization is striving to build between its members and prospective members.

(d) Activities that humiliate or subject individuals to circumstances with which they are not comfortable or of which they are fearful.

(e) Activities which are illegal or violate college policy.

(f) Activities which interfere with educational pursuits or normal life functions.

(2) Penalties.

(a) Any organization or association that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clover Park Technical College as an official organization or association on this campus.

If the organization or association is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for ninety calendar days.

(c) Forfeiture of state-funded grants, scholarships or awards shall continue for ninety calendar days, up to and including permanent forfeiture, based upon the seriousness of the violations.

(3) Disciplinary action may be taken under this chapter for hazing violations.

(4) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(5) Conduct which causes embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation, not amounting to hazing, shall be subject to disciplinary action under this chapter.

## WSR 02-04-023

### PERMANENT RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 24, 2002, 4:40 p.m., effective January 24, 2002]

Date of Adoption: January 9, 2002.

Purpose: To revise the carryover rules regarding state apportionment funding to reflect changes required by legislative budgets and an elimination of Program 94.

Citation of Existing Rules Affected by this Order: Amending WAC 392-122-900 and 392-141-200.

Statutory Authority for Adoption: RCW 28A.150.290.

Other Authority: Section 512, chapter 309, Laws of 1999.

Adopted under notice filed as WSR 01-24-021 on November 27, 2001.

Changes Other than Editing from Proposed to Adopted Version: Technical changes made to WAC 392-141-200 (2)(a)(iii). The changes accommodate the different accounting procedures used by the ESDs for transportation equipment purchases.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Adoption of these rules must be in place to support the 2000-01 year end carryover calculations to be performed and communicated to the districts in January 2002.

Effective Date of Rule: January 24, 2002.

January 23, 2002  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 96-03-002, filed 1/3/96, effective 2/3/96)

**WAC 392-122-900 General provision—Indirect cost limitations, carryover ((prohibition)) limitations and recoveries.** Categorical apportionment moneys shall ~~((not))~~ be expended for allowable categorical program costs. Indirect cost charges to categorical programs are limited as provided in this section. Categorical moneys may be carried over ((by a school district)) from one school district fiscal year to another((, except for learning assistance program moneys)) only as provided in ((subsection (4) of)) this section.

(1) The superintendent of public instruction shall recover categorical program allocations made pursuant to this chapter ~~((which are))~~ if not expended by the school district during the school year for allowable program costs~~((:~~

~~((a) Moneys recovered at the end of the school year beginning during the first year of each biennium shall be available for reallocation by the superintendent of public instruction).~~

~~((b) Moneys recovered at the end of the school year beginning during the second year of each biennium shall revert to the state treasurer. Provided, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in the second year of the biennium, any moneys recovered shall first be allocated to fully fund these programs)).~~

(2) For the 2000-01 school year and thereafter, "allowable program costs" means direct program expenditures minus abatements, if applicable, plus allowable indirect program charges.

(a) Direct program expenditures are expenditures directly traceable to the program for the school year reported consistent with the *Accounting Manual for Public School*

*Districts in the State of Washington* and instructions provided by the superintendent of public instruction including the *Administrative Budgeting, and Financial Reporting Handbook.*

(b) For the purposes of this section, special education program expenditures shall be reduced (abated) by revenues to account 7121 special education revenues from other districts.

(c) For special education, highly capable, transitional bilingual, and traffic safety programs, allowable indirect program charges equal direct program expenditures times the percentage calculated from the school district's annual financial statements (Report F-196) for two school years prior as follows:

(i) Divide direct expenditures for program 97 district-wide support by;

(ii) Total general fund direct expenditures for all programs minus direct expenditures for program 97 districtwide support; and

(iii) Round to three decimal places.

(d) For the learning assistance program, allowable indirect program charges equal the direct program expenditures times the federal restricted indirect rate calculated by the superintendent of public instruction.

(e) For the institutional education program, allowable indirect program charges equal the state institutional education program allocation times the percentage allocated for indirect costs pursuant to the biennial operating appropriations act and the state funding formula.

(3) Commencing with the 1994-95 school year allocation, a school district may carry over from one school district fiscal year to the next up to ten percent of the state learning assistance program allocation. Carryover moneys shall be expended solely for allowable learning assistance program costs.

(4) Commencing with the 1997-98 school year allocation, a district may carry over from one school fiscal year to the next up to ten percent of state special education program allocation. Carryover moneys shall be expended solely for allowable state special education program costs.

(5) Commencing with the 1998-99 school year allocation, a district may carry over from one school district fiscal year to the next up to ten percent of the state institutional education program allocation. Carryover moneys shall be expended solely for allowable state institutional education program costs.

~~((2) Except as provided in subsection (3) of this section,)) (6) The amount recovered pursuant to ((subsection (1) of)) this section for special education, highly capable, bilingual, learning assistance, and traffic safety programs shall be determined as follows:~~

(a) ~~((Determine))~~ Sum the state allocation for the categorical program for the school year and any carryover from the prior school year if applicable;

(b) Determine the district's ((expenditures for the program including indirect expenditures and abatements deemed allowable by the superintendent of public instruction as reported on Year End Financial Statement F-196, Part III or such other document filed by the district pursuant to instruc-

tions provided by the superintendent of public instruction)) allowable program costs for the school year pursuant to this section;

(c) If the ((amount)) result of (a) of this subsection exceeds the ((amount)) result of (b) of this subsection, the difference less any allowable carryover shall be recovered.

((3)) (7) The amount recovered pursuant to ((subsection (1) of)) this section for the institutional education program ((for the 1992-93 school year and thereafter)) shall be determined as follows:

(a) ((Determine)) Sum the state allocation for the institutional education program for the school year excluding any amount provided for indirect costs, and any carryover from the prior school year if applicable;

(b) Determine the district's direct expenditures for the institutional education program as reported on ((Year-End Financial Statement)) Report F-196 or such other document filed ((by the district)) pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference less any allowable carryover shall be recovered.

((4) Commencing with the 1994-95 school year allocation and notwithstanding other provisions of this section to the contrary, a school district may carry over from one school district fiscal year to the next school year up to ten percent of the preceding fiscal year's learning assistance program state allocation. Carryover moneys shall be expended solely for learning assistance program purposes.)) (8) This section applies to categorical program allocations to school districts, educational service districts and, in the case of institutional education programs, entities contracting to provide an institutional education program funded under this chapter.

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

**WAC 392-141-200 Recovery of transportation funds.**

((State allocation for pupil transportation operations are subject to recovery. Each school district's Annual Financial Statement, Form F-196, Part III, district expenditures plus indirect expenditures, less abatements for Program 99, plus funds transferred to the transportation vehicle fund, will be compared to the related pupil transportation operation allocation to determine any recovery of funds.)) The superintendent of public instruction shall recover (take back) state pupil transportation allocations that are not expended for the allowable pupil transportation program costs. Effective for the 2000-01 school year and thereafter, the amount of the recovery shall be calculated as follows:

(1) Determine the district's state allocation for pupil transportation—operations for the school year.

(2) Determine the district's allowable pupil transportation costs as follows:

(a) Sum the following amounts:

(i) The school district's direct expenditures for general fund program 99 pupil transportation, and for educational service district pupil transportation operations expenditures in program 70 transportation excluding expenditures associ-

ated with the regional coordinator and bus driver training grants;

(ii) Allowable indirect charges equal to expenditures calculated pursuant to (a)(i) of this subsection times the percentage calculated pursuant to subsection (4) of this section;

(iii) For school districts, transfers into the transportation vehicle fund for the school year as reported on the district's annual financial statement, Form F-196; and for educational service districts, state pupil transportation operating revenues that are expended or reserved for transportation equipment;

(b) Subtract the school district's revenues for the school year for revenue account 7199 transportation revenues from other school districts.

(3) If the allowable program costs are less than the state allocation, OSPI shall recover the difference.

(4) Allowable indirect charges for pupil transportation are nine percent for educational service districts and for school districts the percentage calculated from the school district's annual financial statement (Report F-196) for two school years prior as follows:

(a) Divide direct expenditures for program 97 district-wide support by

(b) Total general fund direct expenditures for all programs minus direct expenditures for program 97 districtwide support; and

(c) Round to three decimal places.

**WSR 02-04-025  
PERMANENT RULES  
DEPARTMENT OF HEALTH**  
[Filed January 24, 2002, 4:46 p.m.]

Date of Adoption: January 9, 2002.

Purpose: To revise the fee schedule for the radioactive materials program in order to address increased program costs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-070, 246-254-080, 246-254-090, 246-254-100, and 246-254-120.

Statutory Authority for Adoption: RCW 43.70.250 and 43.270.040.

Other Authority: Section 220, chapter 7, Laws of 2001 2nd sp.s.

Adopted under notice filed as WSR 01-24-104 on December 5, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

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

Mary C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 01-14-046, filed 6/29/01, effective 7/30/01)

**WAC 246-254-070 Fees for specialized radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) ~~((Four))~~ Five thousand ~~((nine))~~ three hundred ~~((eighty-four))~~ eighty dollars for operation of a single nuclear pharmacy.

(b) ~~((Eight))~~ Nine thousand ~~((five))~~ one hundred ~~((two))~~ seventy-five dollars for operation of a single nuclear laundry.

(c) ~~((Eight))~~ Nine thousand ~~((five))~~ one hundred ~~((two))~~ seventy-five dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) ~~((Two))~~ Three thousand ~~((nine))~~ two hundred ~~((eighty-three))~~ twenty dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) ~~((Seven))~~ Eight hundred ~~((seventy-five))~~ thirty-five dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) ~~((Five))~~ Six thousand ~~((seven))~~ one hundred ~~((four))~~ fifty-five dollars for a license authorizing decontamination services operating from a single facility.

(g) Two thousand ~~((seven))~~ nine hundred fifteen dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) One thousand ~~((two))~~ three hundred ~~((three))~~ dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) Two thousand ~~((two))~~ four hundred ~~((fifty-two))~~ thirty dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand ~~((four))~~ five hundred ~~((nine))~~ twenty dollars for a civil defense license.

(k) Four hundred ~~((twenty-four))~~ sixty dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) ~~((Sixteen))~~ Eighteen thousand ~~((eight))~~ two hundred ~~((seventy-five))~~ ten dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) ~~((Seven))~~ Eight thousand ~~((seven))~~ four hundred ~~((ninety-seven))~~ fifteen dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Six thousand ~~((two))~~ seven hundred ~~((sixty-nine))~~ sixty-five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;

(b) Billing at the rate of ~~((ninety-two))~~ one hundred dollars ~~((fifty-cents))~~ for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise non-refundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

**AMENDATORY SECTION** (Amending WSR 01-14-046, filed 6/29/01, effective 7/30/01)

**WAC 246-254-080 Fees for medical and veterinary radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Four thousand ~~((two))~~ five hundred ~~((seventeen))~~ fifty dollars for operation of a mobile nuclear medicine program from a single base of operation.

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(b) Three thousand (~~(seventy-five)~~) three hundred twenty dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) Two thousand (~~(six)~~) eight hundred (~~(sixty-four)~~) seventy-five dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Four thousand (~~(two)~~) five hundred (~~(thirty-eight)~~) seventy-five dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) Two thousand (~~(two)~~) four hundred (~~(seventy-eight)~~) sixty dollars for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand (~~(four)~~) five hundred (~~(nine)~~) twenty dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) Two thousand (~~(one)~~) three hundred (~~(forty-four)~~) fifteen dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand (~~(seven)~~) eight hundred (~~(seven)~~) forty dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand (~~(two)~~) three hundred fifty-five dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) One thousand one hundred (~~(five)~~) ninety dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) (~~(Six)~~) Seven hundred (~~(ninety)~~) forty-five dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

**AMENDATORY SECTION** (Amending WSR 01-14-046, filed 6/29/01, effective 7/30/01)

**WAC 246-254-090 Fees for industrial radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) (~~(Four)~~) Five thousand (~~(nine)~~) three hundred (~~(sixty-eight)~~) sixty dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) (~~(Six)~~) Seven thousand (~~(six)~~) one hundred (~~(fifty-five)~~) eighty dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Three thousand (~~(two)~~) five hundred (~~(sixty)~~) twenty dollars for a license authorizing well-logging activities

including the use of radioactive tracers operating from a single storage facility.

(d) Seven hundred (~~(six)~~) sixty dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) (~~(Seven)~~) Eight hundred (~~(seventy-five)~~) thirty-five dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) (~~(Four)~~) Five hundred (~~(eighty-eight)~~) twenty-five dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand (~~(three)~~) four hundred (~~(forty-two)~~) fifty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) Seven thousand (~~(one)~~) six hundred (~~(eighteen)~~) eighty dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Six thousand (~~(one)~~) six hundred (~~(ninety-seven)~~) eighty-five dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) (~~(One)~~) Two thousand (~~(nine)~~) one hundred (~~(eighty-five)~~) forty dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Three hundred (~~(seventeen)~~) forty dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of (~~(sixty-three)~~) seventy dollars (~~(fifty-cents)~~) to the department.

**AMENDATORY SECTION** (Amending WSR 01-14-046, filed 6/29/01, effective 7/30/01)

**WAC 246-254-100 Fees for laboratory radioactive material licenses.** (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Three thousand (~~(three)~~) six hundred (~~(ninety-four)~~) sixty dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

(i) One millicurie of I-125 or I-131; or

(ii) One hundred millicuries of H-3 or C-14; or

(iii) Ten millicuries of any single isotope.

(b) One thousand (~~(six)~~) eight hundred (~~(eighty-one)~~) fifteen dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or

(ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or

(iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand (~~four~~) five hundred (~~nine~~) twenty dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or

(ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or

(iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) (~~Four~~) Five hundred (~~eighty-eight~~) twenty-five dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

(i) Less than or equal to 0.01 millicurie of I-125 or I-131; or

(ii) Less than or equal to one millicurie of H-3 or C-14; or

(iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) (~~Six~~) Seven hundred (~~fifty-three~~) five dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of (~~sixty-three~~) seventy dollars (~~fifty-cents~~) to the department.

**AMENDATORY SECTION** (Amending WSR 01-14-046, filed 6/29/01, effective 7/30/01)

**WAC 246-254-120 Fees for licensing and compliance actions.** (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of (~~ninety-two~~) one hundred dollars (~~fifty-cents~~) per hour of direct staff time associated with the follow-up inspection, not to exceed (~~nine hundred twenty-five~~) one thousand dollars per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of (~~ninety-two~~) one hundred dollars (~~fifty-cents~~) per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand (~~three hundred fourteen~~) five hundred dollars per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of one hundred (~~fifty~~) sixty dollars in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of (~~ninety-two~~) one hundred dollars (~~fifty-cents~~) per hour of direct staff time associated with each sealed source and device evaluation, not to exceed (~~two~~) three thousand (~~seven hundred seventy-seven~~) dollars per evaluation.

(e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in those work units, a fee of (~~ninety-two~~) one hundred dollars (~~fifty-cents~~) per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of (~~ninety-two~~) one hundred dollars (~~fifty-cents~~) per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

## WSR 02-04-041

### PERMANENT RULES

### DEPARTMENT OF AGRICULTURE

[Filed January 29, 2002, 11:46 a.m.]

Date of Adoption: January 29, 2002.

Purpose: To correct an inaccurate WAC citation and a typographical error.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-1231.

Statutory Authority for Adoption: Chapters 15.58 and 34.05 RCW.

Adopted under notice filed as WSR 01-23-017 on November 9, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

January 23, 2002

William E. Brookreson

Acting Director

AMENDATORY SECTION (Amending WSR 00-22-073, filed 10/30/00, effective 11/30/00)

**WAC 16-228-1231 State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only.** (1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or to their duly authorized agents. The certified applicator must have a valid certification, license or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide.

(b) 2, 4-D - all dry formulations and all liquid amine or salt formulations distributed in quantities larger than one gallon, that are used in counties located east of the crest of the Cascade Mountains.

(c) Strychnine and its salts

(d) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water.

(e) Pesticides containing the following active ingredients and their isomers are hereby declared state restricted use pesticides for the protection of groundwater.

atrazine  
bromacil  
dcpa  
disulfoton  
diuron  
hexazinone  
metolachlor  
metribuzin  
picloram  
prometon  
simazine  
tebuthiuron

(2) Pesticides which are ~~((no))~~ not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses shall be exempt from the requirements of this section:

- (a) Swimming pools
- (b) Wholly impounded ornamental pools or fountains
- (c) Aquariums
- (d) Closed plumbing and sewage systems
- (e) Enclosed food processing systems
- (f) Air conditioners, humidifiers, and cooling towers

(g) Industrial heat exchange, air washing and similar industrial systems

(h) Disinfectants

(i) Aquatic environments in states other than Washington

(j) Animal pets

(k) Use within wholly enclosed structures (with floors) or fumigation chambers.

Greenhouses are not considered as wholly enclosed structures for the purposes of this section.

(3) Products listed in ~~((WAC 16-228-1230(e)))~~ subsection (1)(e) of this section and dry formulations of 2, 4-D which are labeled and intended only for Home & Garden use are exempt from the requirements of this section.

(4) Distribution of pesticides bearing combined labeling of uses onto or into water plus non-aquatic general uses, may be made by licensed pesticide dealers to noncertified applicators if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it will not be applied into or onto water. If requested by the department, dealers shall furnish record on the sales of pesticides labeled for application onto or into water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

(5) Licensed pesticide dealers shall keep records of distribution of state restricted use pesticides for a period of seven years from the date of distribution. Records shall be furnished to the director immediately upon request. The records shall contain the following information:

- (a) Name and address of certified applicator;
- (b) Name of authorized agent (if applicable);
- (c) Product name and EPA registration number;
- (d) Quantity in pounds or gallons of the pesticide distributed;
- (e) Date of distribution;
- (f) Certified applicator's license number;
- (g) Crop or site to which the pesticide will be applied.

(6) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license number.

**WSR 02-04-045**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Filed January 29, 2002, 2:54 p.m.]

Date of Adoption: January 21, 2002.

Purpose: To allow for accessing federal matching funds for trauma reimbursement to ambulances, physicians, and clinicians.



Citation of Existing Rules Affected by this Order: Amending WAC 246-976-935.

Statutory Authority for Adoption: RCW 70.168.040.

Adopted under notice filed as WSR 01-22-063 on November 1, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

December 26, 2001

Nancy Ellison

for Mary C. Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 98-05-035, filed 2/10/98, effective 3/13/98)

**WAC 246-976-935 Emergency medical services and trauma care system trust account.** RCW 70.168.040 establishes the emergency medical services and trauma care system trust account. With the advice of the EMS/TC steering committee, the department will develop a method to budget and distribute funds in the trust account. The department may use an injury severity score to define a major trauma patient. Initially, the method and budget will be based on the department's *Trauma Care Cost Reimbursement Study, final report (October 1991)*. The committee and the department will review the method and the budget at least every two years.

(1) Definitions: The following phrases used in this section mean:

(a) "Initial acute episode of injury" refers to care that is related to a major trauma. This can include prehospital care, resuscitation, stabilization, inpatient care and/or subsequent transfer, and rehabilitation. It does not include ~~((outpatient care or))~~ later readmission or outpatient care.

(b) "Needs grant" is a trust account payment that is based on a demonstrated need to develop and maintain service that meets the trauma care standards of chapter 70.168 RCW and this chapter. Needs grants are awarded to verified trauma care ambulance or aid services. Services must be able to show that they have looked for other resources without success before they will be considered for a needs grant.

(c) "Participation grant" refers to a trust account payment designed to compensate the recipient for participation in the state's comprehensive trauma care system. These grants are

intended as a tool for assuring access to trauma care. Participation grants are awarded to:

- (i) Verified trauma care ambulance or aid services;
- (ii) Designated trauma care services; and
- (iii) Designated trauma rehabilitation services.

(2) The department will distribute trust account funds to:

- (a) Verified trauma care ambulance and aid services;
- (b) Designated trauma care services:

- (i) Levels I-V general; and
- (ii) Levels I-III pediatric;

(c) Physicians and other clinical providers who:

- (i) Are members of designated trauma care services;
- (ii) Meet the response-time standards of this chapter;
- (iii) Provide care for major trauma patients during the initial acute episode of injury. This includes physiatrists who consult on rehabilitation during the acute hospital stay, or who provide care in a designated trauma rehabilitation service;

(iv) Complete trauma records in a timely manner according to the trauma care services current requirements; and

(v) Participate in quality assurance activities;

(d) Designated trauma rehabilitation services:

- (i) Levels I-III; and
- (ii) I-pediatric.

(3) The department's distribution method for verified trauma care ambulance and aid services will include at least:

(a) Participation grants, which will be awarded once a year to services that comply with verification standards. ~~((The department will review the compliance requirements annually.))~~ Services that are eligible to receive Medicaid funds will have the option of either receiving the participation grant or receiving an increased payment by the department of social and health services for medical emergency transportation of medical assistance clients who meet trauma triage criteria;

(b) Needs grants, based on the service's ability to meet the standards of chapter 70.168 RCW and chapter 246-976 WAC (this chapter). The department may consider:

- (i) Level of service (BLS, ILS, ALS);
- (ii) Type of service (aid or ambulance);
- (iii) Response area (rural, suburban, urban, wilderness);
- (iv) Volume of service;
- (v) Other factors that relate to trauma care;

(4) The department's distribution method for designated trauma care services, levels I-V general and I-III-pediatric will include at least:

(a) Participation grants, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

- (i) Level of designation;
- (ii) Service area (rural, suburban, urban, wilderness);
- (iii) Volume of service;

(iv) The percentage of uncompensated major trauma care;

(v) Other factors that relate to trauma care;

(b) Increased payment by the department of social and health services for major trauma care for medical assistance clients during the initial acute episode of injury;

(5) The department's distribution method for physicians and other clinical providers included in subsection (2)(c) of this section will include at least:

(a) Increased payment by the department of social and health services for trauma care ~~((and rehabilitation))~~ of medical assistance clients and care provided within six months of the date of injury for inpatient surgical procedures related to the injury, which were planned during the initial acute episode of injury, using Medicare rates as a benchmark;

(b) Partial reimbursement for care of other major trauma patients who meet DOH eligibility criteria. The department's criteria will consider at least:

(i) The patient's ability to pay;

(ii) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;

(iii) Other sources of payment.

(6) The department's distribution method for designated trauma rehabilitation services, levels I-III and I-pediatric will include at least:

(a) Participation grants, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

(i) Level of designation;

(ii) Volume of service;

(iii) Other factors that relate to trauma care;

(b) Partial reimbursement for trauma rehabilitation provided during the initial acute episode of injury for major trauma patients who:

(i) Meet DOH eligibility criteria. The department's criteria will include at least:

(A) Residence in Washington at the time of injury;

(B) The patient's ability to pay;

(C) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;

(D) Other sources of payment;

(ii) Were admitted for rehabilitation service within ninety days of the injury;

(c) The department will give priority to acute inpatient rehabilitation services.

(7) Chapter 70.168 RCW requires regional match of state funds from the emergency medical services and trauma care trust account. Contributions to regional matching funds may include:

(a) Hard match;

(b) Soft match:

(i) The value of services provided by volunteer prehospital agencies;

(ii) Local government support;

(iii) The cost of care by designated trauma care services which exceeds insurance or patient payment;

(iv) The value of volunteer time (excluding any expenses paid with state funds) to establish and operate:

(A) State EMS/TC committees and their subcommittees;

(B) Regional and local EMS/TC councils, and their committees and subcommittees;

(C) Regional and local quality assurance programs;

(D) Injury prevention and public education programs;

(E) EMS training and education programs;

(F) Trauma-related stress management and support programs;

(c) The department will determine the value of personnel time included in soft match, to be applied statewide.

## WSR 02-04-057

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 30, 2002, 3:50 p.m., effective February 1, 2002]

Date of Adoption: January 29, 2002.

Purpose: This proposal repeals WAC 388-466-0010 and adds two new sections, WAC 388-466-0120 and 388-466-0140. These additions parallel changes in federal rules that will treat refugee eligibility, income and resources according to the provisions of the TANF program. These changes are necessary in order to continue to meet the requirements for federal refugee funding.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-466-0010.

Statutory Authority for Adoption: RCW 74.08.090, 74.08A.320.

Adopted under notice filed as WSR 02-01-102 on December 17, 2001.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 0, Repealed 1; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 1.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Immediate implementation of these rules is necessary in order to comply with federal changes. If these rules do not go into effect it could result in the denial or miscalculation of benefits to needy clients.

Effective Date of Rule: February 1, 2002.

January 29, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

**NEW SECTION****WAC 388-466-0120 Refugee cash assistance (RCA).****(1) Who can apply for refugee cash assistance (RCA)?**

Any individual can apply to the department of social and health services (DSHS) for refugee cash assistance and have their eligibility determined within thirty days.

**(2) How do I know if I qualify for RCA?**

You may be eligible for RCA if you meet all of the following conditions:

(a) You have resided in the United States for less than eight months;

(b) You meet the immigration status requirements of WAC 388-466-0005;

(c) You meet the income and resource requirements under chapters 388-450 and 388-470 WAC;

(d) You meet the work and training requirements of WAC 388-466-0150; and

(e) You provide the name of the voluntary agency (VOLAG) which helped bring you to this country.

**(3) What are the other reasons for not being eligible for RCA?**

Even if you meet the eligibility requirements named in subsection (2) above you may be not eligible if you:

(a) Are eligible for temporary assistance for needy families (TANF) or Supplemental Security Income (SSI); or

(b) Have been denied TANF due to your refusal to meet TANF eligibility requirements; or

(c) Are employable and have voluntarily quit or refused to accept a bona fide offer of employment within thirty consecutive days immediately prior to your application for RCA; or

(d) Are a full-time student in a college or university.

**(4) If I am an asylee, what date will be used as an entry date?**

If you are an asylee, your entry date will be the date that your asylum status is granted. For example: You entered the United States on December 1, 1999 as a tourist, then applied for asylum on April 1, 2000, interviewed with the asylum office on July 1, 2000 and were granted asylum on September 1, 2000. Your entry date is September 1, 2000. On September 1, 2000, you may be eligible for refugee cash assistance.

**(5) If I am a victim of human trafficking, can I be eligible for RCA?**

(a) If you are an adult victim you are eligible for RCA to the same extent as a refugee, if you provide the original certification letter from the U.S. Department of Health and Human Services (DHHS) and meet eligibility requirements in subsection (2)(c) and (d) of this section. You do not have to provide any other documentation of your immigration status. Your entry date will be the date on your certification letter.

(b) If you are a child victim under eighteen years old you are eligible for benefits to the same extent as a refugees and do not need to be certified. DHHS issues a special letter for children. Children also have to meet income eligibility requirement.

**(6) Does getting a onetime cash grant from a voluntary agency (VOLAG) affect my eligibility for RCA?**

No. In determining your eligibility for RCA DSHS does not count a onetime resettlement cash grant provided to you by your VOLAG.

**(7) What is the effective date of my eligibility for RCA?**

The date DSHS has sufficient information to make eligibility decision is the date your RCA begins.

**(8) When does my RCA end?**

(a) Your RCA ends on the last day of the eighth month starting from the month of your arrival to the United States. Count the eight months from the first day of the month of your entry into the United States. For example, if you entered the United States on May 28, 2000, May is your first month and December 2000 is your last month of RCA.

(b) If you get a job, your income will affect your RCA based on the TANF rules (chapter 388-450 WAC). If you earn more than is allowed by WAC 388-478-0035, you are no longer eligible for RCA. Your medical coverage may continue for up to eight months from your month of arrival in the United States (WAC 388-466-0130).

**(9) Are there other reasons why RCA may end?**

Your RCA also ends if:

(a) You move out of Washington state;

(b) Your unearned income and/or resources go over the maximum limit (WAC 388-466-0140); or

(c) You, without good cause, refuse to meet refugee employment and training requirements (WAC 388-466-0150).

**(10) Will my spouse be eligible for RCA, if he/she arrives in the U.S. after me?**

When your spouse arrives in the United States, DSHS determines his/her eligibility for RCA and/or other income assistance programs. Your spouse may be eligible for up to eight months of RCA based on his/her date of arrival into the United States. If you live together you and your spouse are part of the same assistance unit and your spouse's eligibility for RCA is determined based on your and your spouse's combined income and resources (WAC 388-466-0140).

**(11) Can I get additional money in an emergency?**

If you have an emergency and need a cash payment to get or keep your housing or utilities, you may apply for the DSHS program called additional requirements for emergent needs (AREN). To receive AREN, you must meet the requirements in WAC 388-436-0002.

**(12) What can I do if I disagree with a decision or action that has been taken by DSHS on my case?**

If you disagree with a decision or action taken on your case by the department, you have the right to request a review of your case or a fair hearing (WAC 388-02-0090). Your request must be made within ninety days of the decision or action.

**NEW SECTION**

**WAC 388-466-0140 Income and resources for refugee assistance eligibility. (1) How does DSHS count my income and resources when determining my eligibility for refugee cash assistance?**

We determine your eligibility for RCA using the TANF rules about income and resources in chapters 388-450 and 388-470 WAC, except we do not count a onetime resettlement cash payment provided to you by your voluntary agency (VOLAG).

**(2) How does DSHS count my income and resources when determining my eligibility for refugee medical assistance?**

We determine your eligibility for RMA using the TANF rules about income and resources in chapters 388-450 and 388-470 WAC, except as it stated below:

- (a) Your monthly income can be up to two hundred percent of the Federal Poverty Level (FPL);
- (b) A onetime resettlement cash payment provided to you by your VOLAG is not counted in determining your eligibility for RMA;
- (c) Your RMA eligibility is determined on the basis of your income and resources on the date of your application (WAC 388-466-0130).

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-466-0010	Treatment of income and resources for refugee assistance.
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**WSR 02-04-058  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed January 30, 2002, 3:54 p.m.]

Date of Adoption: January 29, 2002.

Purpose: The DSHS Division of Employment and Assistance Programs seeks to expand WorkFirst job search requirements to include longer-term, full-time training that will lead to high-wage, high-demand employment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0600.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Adopted under notice filed as WSR 02-01-133 on December 19, 2001.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

January 29, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 00-16-055, filed 7/26/00, effective 8/1/00)

**WAC 388-310-0600 WorkFirst—Job search. (1)**

**What is job search?**

Job search is an opportunity to learn and use skills you need to find and keep a job. Job search may include:

- (a) Classroom instruction; and/or
- (b) Structured job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers; and/or
- (c) Pre-employment training; and/or
- (d) High-wage/high-demand training.

**(2) What is pre-employment training?**

Pre-employment training helps you learn skills you need for an identified entry level job that pays more than average entry level wages.

(a) Pre-employment training is an acceptable job search activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete pre-employment training.

(b) You can find out about current pre-employment training opportunities by asking your job service specialist, your case manager or staff at your local community and technical college.

**(3) What is high-wage/high-demand training?**

(a) There are two types of high-wage/high-demand (HWHD) full-time training options for TANF recipients to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology & health care: This option allows you to start and finish a one-year community or technical college training program in the information technology or health care fields; and/or

(ii) Certificate/degree completion: This option allows you to finish up the last year of a two- or four-year certificate or degree in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by employment security department.

(b) For both types of HWHD training, the training can be approved one-time only (barring an approved exception to policy). There is no work requirement with either option for the twelve months of training time.

(c) To qualify for HWHD training, you must also:

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- (i) Meet all of the pre-requisites for the course;
- (ii) Obtain the certificate or degree within twelve calendar months;
- (iii) Participate full-time in the training program and make satisfactory progress;
- (iv) Work with co-located ESD staff during the last quarter of training for job placement; and
- (v) Return to job search once you completes the educational program if still unemployed.

**(4) Who provides me with job search?**

You get job search from the employment security department or another organization under contract with WorkFirst to provide these services.

**((4)) (5) How long do I stay in job search?**

Periods of job search may last up to twelve continuous weeks. Job search specialists will monitor your progress. By the end of the first four weeks, a job search specialist will determine whether you should continue in job search. Job search will end when:

- (a) You find a job; or
- (b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or
- (c) Your situation changes and you are temporarily deferred from continuing with job search (see WAC 388-310-0400); or
- (d) Job search specialists have determined that you need additional skills and/or experience to find a job; or
- (e) You have not found a job at the end of the job search period.

**((5)) (6) What happens at the end of job search if I have not found a job?**

At the end of each job search period, you will be referred back to your case manager for an employability evaluation if you have not found a job. You and your case manager will also modify your individual responsibility plan.

**WSR 02-04-064  
PERMANENT RULES  
BOARD OF ACCOUNTANCY**

[Filed January 31, 2002, 12:37 p.m., effective March 15, 2002]

Date of Adoption: January 25, 2002.

Purpose: To adopt or amend rules to implement the revisions to chapter 18.04 RCW passed through the 2001 legislative session (E2SSB 5593).

Citation of Existing Rules Affected by this Order:  
Amending:

WAC 4-25-410	Definitions.
WAC 4-25-520	What public records does the board maintain?
WAC 4-25-540	What rules govern the proceedings before the board?
WAC 4-25-610	Which rules govern the conduct of CPAs?
WAC 4-25-620	What are the requirements concerning integrity and objectivity?
WAC 4-25-626	What restrictions govern commissions, referral, and contingent fees?
WAC 4-25-630	What are the requirements concerning competence.

WAC 4-25-631	With which rules, regulations and professional standards must a CPA, CPA firm, and firm owner comply?
WAC 4-25-660	What are the limitations on advertising and other forms of solicitation?
WAC 4-25-710	What are the education requirements to qualify to apply for the CPA examination?
WAC 4-25-720	How do I apply to take the CPA examination?
WAC 4-25-721	What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs?
WAC 4-25-730	What are the experience requirements in order to obtain a CPA license?
WAC 4-25-745	How do I apply for an initial CPA license?
WAC 4-25-746	How do I apply for a Washington state CPA license if I hold a valid CPA license in another state?
WAC 4-25-750	What are the CPA firm licensing requirements?
WAC 4-25-783	How do I renew a Washington CPA certificate and/or license granted through foreign reciprocity?
WAC 4-25-790	How do I renew my individual license, certificate, or registration as a resident nonlicensee firm owner?
WAC 4-25-791	I am a certificateholder. Prior to July 1, 2001, I held a license. How do I apply to return to my previous status as a licensee?
WAC 4-25-792	How do I reinstate a lapsed individual license, certificate, or registration as a resident nonlicensee firm owner?
WAC 4-25-795	How do I reinstate a revoked or suspended license, certificate, or registration as a resident nonlicensee firm owner?
WAC 4-25-820	What are the requirements for participating in quality assurance review (QAR)?
WAC 4-25-830	What are the CPE requirements?
WAC 4-25-910	What are the bases for the board to impose discipline?

New:

WAC 4-25-735 New	What rules must a certificateholder comply with and how does a certificateholder apply for licensure?
WAC 4-25-752 New	How do I register to be a resident nonlicensee owner of a licensed firm and with which rules must a nonlicensee firm owner comply?
WAC 4-25-756 New	I am licensed in another state—How do I notify the board of my intent to enter the state in order to obtain practice privileges in the state of Washington?
WAC 4-25-793 New	If I am retired, how do I apply to return to my previous status as a licensee or a certificateholder?

Statutory Authority for Adoption:

WAC 4-25-410	RCW 18.04.055(16)
WAC 4-25-520	RCW 18.04.055 and 42.17.260
WAC 4-25-540	RCW 18.04.055(1), 34.05.220, and 34.05.482
WAC 4-25-610, 4-25-620, 4-25-626, 4-25-630, 4-25-631, and 4-25-660	RCW 18.04.055(2)
WAC 4-25-710	RCW 18.04.055(5) and 18.04.105(1)
WAC 4-25-720	RCW 18.04.055(5) and 18.04.105(2)
WAC 4-25-721	RCW 18.04.055
WAC 4-25-730	RCW 18.04.055(11) and 18.04.105 (1)(d)

PERMANENT

WAC 4-25-735	RCW 18.04.055(12) and 18.04.105(4)
WAC 4-25-745	RCW 18.04.055, 18.04.105(1), and 18.04.215(1)
WAC 4-25-746	RCW 18.04.180 and 18.04.215(6)
WAC 4-25-750	RCW 18.04.055(8), 18.04.195, and 18.04.205
WAC 4-25-752	RCW 18.04.055(13) and 18.04.195(8)
WAC 4-25-756	RCW 18.04.350(2)
WAC 4-25-783	RCW 18.04.183 and 18.04.215(2)
WAC 4-25-790, 4-25-791, and 4-25-792	RCW 18.04.215 (2) and (4)
WAC 4-25-793	RCW 18.04.215(7)
WAC 4-25-795	RCW 18.04.215(2), 18.04.335, and 34.05.220
WAC 4-25-820	RCW 18.04.055(9)
WAC 4-25-830	RCW 18.04.055(7), 18.04.215(5)
WAC 4-25-910	RCW 18.04.055(11), 18.04.295, and 18.04.305

Adopted under notice filed as WSR 01-23-088 on November 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 4-25-660, minor verbiage change in first sentence. Changed "regarding *your* services" to "regarding *their* services"; WAC 4-25-710, removed subdivision reference (e) of subsection (1). This paragraph made a separate paragraph at the end of subsection (1); WAC 4-25-750, minor verbiage addition to subsection (3)(d). Added the words "or practice privileges" at the end of the sentence; and WAC 4-25-752(1) minor verbiage change to title "How do I register to be a resident nonlicensee owner of a licensed firm..." and (2) changes the word "permit" to "registration."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 24, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 24, Repealed 0.

Effective Date of Rule: March 15, 2002.

January 31, 2002  
Dana M. McInturff  
Executive Director

**AMENDATORY SECTION** (Amending WSR 01-11-124, filed 5/22/01, effective 6/30/01)

**WAC 4-25-410 Definitions.** For purposes of these rules the following terms have the meanings indicated unless a different meaning is otherwise clearly provided in these rules:

(1) "**Act**" means the Public Accountancy Act codified as chapter 18.04 RCW.

(2) "**Active individual participant**" means a natural person whose primary occupation is at the firm or affiliated entity's business. An individual whose primary source of income from the business entity is provided as a result of passive investment is not an active individual participant.

(3) "**Affiliated entity**" means any entity, entities or persons that directly or indirectly through one or more relationships influences or controls, is influenced or controlled by, or is under common influence or control with other entities or persons. This definition includes, but is not limited to, parents, subsidiaries, investors or investees, coinvestors, dual employment or management in joint ventures or brother-sister entities.

(4) "**Attest services**" are services performed by a licensee in accordance with:

(a) Statements on Auditing Standards and related Auditing Interpretations issued by the American Institute of Certified Public Accountants (AICPA) (~~including subsequent amendments~~);

(b) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA (~~including subsequent amendments~~); and

(c) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by the AICPA (~~including subsequent amendments~~).

~~((3))~~ (5) "**Audit**," "**review**," and "**compilation**" are terms reserved for use by licensees and individuals granted practice privileges under the Act.

~~((4))~~ (6) "**Board**" means the board of accountancy created by RCW 18.04.035.

~~((5))~~ (7) "**Certificate**" means a certificate as a (~~certified public accountant~~) CPA issued (~~under the act, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of the act~~) in the state of Washington prior to July 1, 2001, as authorized by the Act, unless otherwise defined in rule.

~~((6))~~ (8) "**Certificateholder**" means the holder of a certificate as a certified public accountant who has not become a licensee, has maintained CPE requirements, and who does not practice public accounting.

(9) "**Client**" means the person or entity that retains a (~~certified public accountant (CPA), or the~~) CPA(~~'s~~) firm (~~or organization~~), a CPA, the CPA's firm, or a firm owner, an affiliated entity, or the owner of an affiliated entity through other than an employer/employee relationship.

~~((7))~~ (10) "**Commissions and referral fees**" are compensation arrangements where:

(a) The primary contractual relationship for the product or service is not between the client and the CPA firm, the CPA, the CPA's firm, or a firm owner;

(b) The CPA firm, the CPA, the CPA's firm, or a firm owner is not primarily responsible to the client for the performance or reliability of the product or service;

(c) The CPA firm, the CPA, the CPA's firm, or a firm owner adds no significant value to the product or service; or

(d) A third party instead of the client pays the CPA firm, the CPA, the CPA's firm, or a firm owner for the products or services.

~~((8))~~ (11) "**Contingent fees**" are fees established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

~~((9))~~ (12) "**CPA**" or "**certified public accountant**" means a person holding a CPA certificate ((under this act)) or a CPA license recognized in the state of Washington, including a person granted practice privileges pursuant to RCW 18.04.350(2).

~~((10))~~ (13) "**CPE**" means continuing professional education (see also "**Interactive ((CPE)) self-study program**").

~~((11))~~ (14) "**Entering the state**" means an individual is practicing public accounting in the state of Washington and that individual spends more than ten percent of his or her total work hours on activities conducted within the state of Washington, maintains an office or workstation in the state of Washington or advertises to provide his or her services within the state of Washington.

(15) "**Enterprise**" means any person or entity, whether organized for profit or not, with respect to which a CPA firm, a CPA, a CPA's firm, or a firm owner performs professional services.

~~((12))~~ (16) "**Firm**" means ~~((an entity licensed under the provisions of this chapter))~~ a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

~~((13))~~ (17) "**Generally accepted accounting principles**" (GAAP) is an accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

~~((14))~~ (18) "**Generally accepted auditing standards**" (GAAS) are guidelines and procedures, promulgated by the AICPA, for conducting individual audits of historical financial statements.

~~((15))~~ (19) "**Holding out**" means any representation to the public by the use of restricted titles as set forth in ~~((the act))~~ RCW 18.04.345 by a person or firm ~~((is a certified public accountant))~~ holds a license or practice privileges under the Act and that the person or firm offers to perform any professional services to the public as a ~~((certified public accountant))~~ licensee. "Holding out" shall not affect ~~((or limit a person not required to hold a certificate under this chapter or))~~ a person or firm not required to hold a license under ((this chapter)) the Act from engaging in practices identified in ~~((the act))~~ RCW 18.04.350.

~~((16))~~ (20) "**Inactive**" means the certificate is in an inactive status because a person, who held a valid certificate on June 30, 2001, has not met the current requirements of licensure and has been granted inactive certificateholder status through the renewal process established by the board.

(21) "**Interactive self-study program**" means a CPE program designed to use learning methodologies that simulate a classroom learning process by employing software or administrative systems that provide significant ongoing interactive feedback to learners regarding their learning progress.

~~((17))~~ (22) "**License**" means a license to practice public accountancy issued to an individual under the Act or a license issued to a firm under the Act.

(23) "**Licensee**" means the holder of a ~~((valid))~~ license ((issued under the provisions of this)) to practice public accountancy issued under the Act.

~~((18))~~ (24) "**Manager**" means a manager of a limited liability company licensed as a firm under the Act.

(25) "**NASBA**" means the National Association of State Boards of Accountancy.

(26) "**Natural person**" means a living, human being.

(27) "**Nonlicensee owner**" means a CPA firm owner who is not licensed in any state to practice public accountancy.

(28) "**Peer review**" means a study, appraisal, or review of one or more aspects of the attest work of a licensee or licensed firm in the practice of public accountancy, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under RCW 18.04.025(14).

(29) "**Practice privileges**" means an individual:

- Has a principal place of business outside of Washington state;
- Is licensed to practice public accounting in another state;
- Has notified the board of intent to enter the state;
- Meets the statutory criteria for a grant of privileges;
- Is subject to discipline in the state of Washington; and
- Must comply with the Act and all board rules applicable to Washington state licensees to retain the privilege.

(30) "**Principal place of business**" means a single fixed location designated by the individual from which the individual directs, controls, and coordinates the majority of his or her business activities.

(31) "**Public practice**" or the "**practice of public accounting**" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports(;;)" ~~((or "attestation reports"))~~ on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters.

~~((19))~~ (32) "**Quality assurance review or OAR**" ~~((QAR))~~ is the process, established by and conducted at the direction of the board, of study, appraisal, or review of one or more aspects of the ~~((professional))~~ attest work of a licensee ((or firm, by a licensee(s) who is not affiliated with the licensee)) or licensed firm in the practice of public accountancy,

by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed.

~~((20))~~ ~~"Quality review"~~ means a study, appraisal, or review of one or more aspects of the professional work of a licensee or firm, by a licensee(s) who is not affiliated with the licensee or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures but not including a "quality assurance review."

~~((21))~~ ~~(33)~~ **"Reciprocity"** means board recognition of licenses, certificates or other professional accounting credentials that the board will rely upon in full or partial satisfaction of ~~((CPA certification or))~~ licensing requirements.

~~((22))~~ ~~(34)~~ **"Referral fees"** see definition of "commissions and referral fees" in subsection ~~((7))~~ ~~(10)~~ of this section.

~~((23))~~ ~~(35)~~ **"Reports on financial statements"** means any reports or opinions prepared by licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. ~~((The term))~~ **"Reports on financial statements"** does not include ~~((incidental financial data included in management advisory services reports to support recommendations to a client))~~ services referenced in RCW 18.04.-350(6) provided by persons not holding a license under the Act.

~~((24))~~ ~~(36)~~ **"Representing oneself"** for the purposes of RCW 18.04.295(2) and WAC 4-25-910(3), means having a license, practice privilege, certificate or registration that entitles the holder to use the title "CPA," "CPA-Inactive," or be a nonlicensee firm owner.

~~(37)~~ **"Rules of professional conduct"** means ~~((principles and))~~ rules adopted by the board to govern the conduct of CPAs and CPA firms while representing themselves to others as CPAs. ~~((The))~~ These rules ~~((apply to))~~ also govern the conduct of nonlicensee firm owners and all persons using the ~~((CPA))~~ title CPA or CPA-Inactive.

~~((25))~~ ~~(38)~~ **"State"** includes the states and territories of the United States, including the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

~~(39)~~ **"Statements on auditing standards (SAS)"** are interpretations of the generally accepted auditing standards and are issued by the Auditing Standards Board of the AICPA. Licensees are required to adhere to these standards in the performance of audits of financial statements.

~~(40)~~ **"Statements on standards for accounting and review services((2)) (SSARS)"** are standards, promulgated by the AICPA, to give guidance to licensees who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

~~((26))~~ ~~(41)~~ **"Statements on standards for attestation engagements (SSAE)"** are guidelines, promulgated by the

AICPA, for use by licensees in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

**AMENDATORY SECTION** (Amending WSR 01-11-125, filed 5/22/01, effective 6/30/01)

**WAC 4-25-520 What public records does the board maintain?** The board maintains the following public records:

- (1) A data base of ~~((Washington CPAs))~~ licensees, certificateholders and individuals granted practice privileges;
- (2) A data base of CPA examination candidates;
- (3) A data base of ~~((CPA firms))~~ registered resident non-licensee firm owners;
- (4) Board orders;
- (5) Board meeting minutes;
- (6) Board policies;
- (7) Board rules files; and
- (8) Documents dealing with the regulatory, supervisory, and enforcement responsibilities of the board.

In order to obtain a list of individuals under the provisions of RCW 42.17.260(9), educational and professional organizations must use the form provided by the board and apply for and receive recognition by the board. Fees for lists must be paid in advance.

**AMENDATORY SECTION** (Amending WSR 00-11-070, filed 5/15/00, effective 6/30/00)

**WAC 4-25-540 What ~~((are brief adjudicative proceedings))~~ rules govern the proceedings before the board?** Except where they are inconsistent with the rules in this chapter and subject to additional rules that the board may adopt from time to time, practice and procedure in and before the board are governed by the uniform procedural rules codified in the Washington Administrative Code, chapter 10-08 WAC.

For certain types of decisions, the board has adopted an appeal process authorized by ~~((chapter 34.05))~~ RCW 34.05.-482 through 34.05.494 which is called a brief adjudicative proceeding. Decisions to which this appeal process will be applied are:

- ~~((\*))~~ ~~(1)~~ Denials of initial individual license ~~((or certificate))~~ applications, renewals, or applications for reinstatement;
  - ~~(2)~~ Denials of certificate renewals or applications for reinstatement;
  - ~~(3)~~ Denials of practice privilege;
  - ~~(4)~~ Denials of initial resident nonlicensee firm owner registration applications, renewals, or applications for reinstatement;
  - ~~((\*))~~ ~~(5)~~ Denials of initial firm license applications and ~~((firm license))~~ renewals;
  - ~~((\*))~~ ~~(6)~~ Denials of exam applications; and
  - ~~((\*))~~ ~~(7)~~ A determination whether a licensee or certificateholder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service conditional scholarship.
- To appeal a decision you must submit your request for a brief



adjudicative proceeding, **in writing**, to the board **within thirty days** after the decision by board staff is posted in the U.S. mail. The ~~((residing))~~ **presiding** officer for the brief adjudicative proceedings is the executive director. After consulting with a board member, the executive director renders a decision either upholding or overturning the decision by board staff. This decision, called an order, is mailed to you.

If you are dissatisfied with the order in the brief adjudicative proceeding, you may appeal to the board's vice-chair. This appeal process is called an administrative review. Your appeal must be received by the board, **orally or in writing**, **within twenty-one days** after the brief adjudicative proceedings order is posted in the U.S. mail. The vice-chair considers your appeal and either upholds or overturns the brief adjudicative proceeding order. The vice-chair's decision, also called an order, is mailed to you.

**AMENDATORY SECTION** (Amending WSR 93-22-046, filed 10/28/93, effective 11/28/93)

**WAC 4-25-610 ((Principles of conduct.)) Which rules govern the conduct of CPAs?** The ~~((principles of conduct))~~ rules that govern the conduct of CPAs are as follows:

**Professional ~~((demeanor))~~ judgment** - In carrying out their responsibilities, ~~((professional))~~ a person(s) **representing oneself as a CPA** or using the CPA title ~~((shall))~~, **CPA firms, and firm owners must** exercise professional judgment in all their activities.

**The public interest** - ~~((Persons))~~ A person representing oneself as a CPA or using the CPA title ~~((shall))~~, **CPA firms, and firm owners must** accept the obligation to act in a way that will serve the public interest, honor the public trust, and demonstrate commitment to professionalism.

**Integrity** - To maintain and broaden public confidence ~~((persons))~~ a person representing oneself as a CPA or using the CPA title ~~((shall))~~, **CPA firms, and firm owners must** perform all professional responsibilities with the highest sense of honesty.

**Objectivity** - Objectivity is to be maintained by ~~((persons))~~ a person representing oneself as a CPA or using the CPA title, **CPA firms, and firm owners**. Specifically, ~~((persons))~~ a person representing oneself as a CPA or using the CPA title ~~((shall))~~, **CPA firms, and firm owners must**:

(1) Avoid rendering professional services where actual or perceived conflicts of interest exist;

(2) Be independent in fact and appearance when providing ~~((auditing or other))~~ attestation services.

**Due care** - ~~((Persons))~~ A person representing oneself as a CPA or using the CPA title ~~((shall))~~, **CPA firms, and firm owners must** comply with **federal and state laws** and the profession's technical and ethical standards, maintain competence and strive to improve the quality of services, and discharge professional responsibility to the best of the ~~((CPA's))~~ person's or the firm's ability.

**AMENDATORY SECTION** (Amending WSR 98-12-048, filed 5/29/98, effective 6/29/98)

**WAC 4-25-620 ((When must I comply with the rules of conduct requiring)) What are the requirements concerning integrity and objectivity?** ~~((If you use the title CPA))~~ When offering or performing ~~((professional))~~ services ~~((you))~~, **CPAs, CPA firms, and firm owners must**:

- **Remain honest and objective**~~((You must))~~;
- **Not misrepresent facts** ~~((or))~~;
- **Not subordinate** ~~((your))~~ **their** judgment to others~~((Also, you must))~~; and
- **Remain free of conflicts of interest** unless such conflicts are specifically permitted by board rule or professional standards **listed in WAC 4-25-631**.

If **the language of the professional standards listed in WAC 4-25-631** differ from or conflict with specific board rules, board rules prevail~~((s))~~.

**AMENDATORY SECTION** (Amending WSR 01-03-012, filed 1/5/01, effective 2/5/01)

**WAC 4-25-626 What restrictions govern commissions, referral, and contingent fees?** **For the purposes of this section, the term "licensed firm" includes any affiliated entities and the term "firm owner" includes the owners of any affiliated entities.**

(1) A CPA ~~((shall))~~, a firm owner, or a **licensed firm must** not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the CPA ~~((also))~~, the CPA's firm, the **owner's firm, or the firm** performs attest services for that client. This prohibition applies during the period in which the CPA, the CPA's firm, the owner's firm, or the firm is engaged to perform the attest services and the period covered by any historical financial statements involved in the attest services.

(2) A CPA, a **licensed firm, or a firm owner** who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission ~~((shall))~~ **must** disclose, consistent with the requirements set forth in subsection (7) of this section, that fact to any person or entity to whom the CPA, the CPA's firm, the firm owner, the owner's firm, or the licensed firm recommends or refers a product or service to which the commission relates.

(3) ~~((Any))~~ A CPA ~~((who accepts))~~, a firm owner, or a **licensed firm accepting** a referral fee for recommending or referring any services ~~((of a CPA))~~ to any person or entity or who pays a referral fee to obtain a client ~~((shall))~~ **must** disclose, consistent with the requirements set forth in subsection (7) of this section, such acceptance or payment to the client.

(4) A CPA ~~((shall))~~, a firm owner, or a **licensed firm must not**:

(a) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the CPA ~~((or))~~, the CPA's firm, the firm owner, the owner's firm, or the licensed firm performs attest services; or

(b) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

(5) The prohibition in subsection (4)(a) of this section applies during the period in which the CPA, the CPA's firm, the owner's firm, or the licensed firm is engaged to perform the attest services and the period covered by any historical financial statements involved in the attest services.

(6) ~~((Except as stated in the next sentence, a contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service. Solely for purposes of this section,)) Fees are not ~~((regarded as being))~~ considered contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. ~~((A CPA's))~~ Fees may vary depending, for example, on the complexity of services rendered.~~

(7) All CPAs, firm owners, and licensed firms who accept commission, referral and contingent fee arrangements must:

- (a) Disclose the arrangement in writing and in advance of client acceptance;
- (b) Disclose the method of calculating the fee or amount of fee; ~~((and))~~
- (c) Specify the CPA's role as the client's advisor; and
- (d) Obtain the client's consent to the fee arrangement in writing.

(8) Nothing in this rule shall be interpreted to preclude a CPA, firm owner, or licensed firm from purchasing, selling, or merging all or a portion of a CPA practice or to require disclosure to clients of terms or payments made or received pursuant to the purchase, sale, or merger.

AMENDATORY SECTION (Amending WSR 93-22-046, filed 10/28/93, effective 11/28/93)

**WAC 4-25-630 ~~((Competence.))~~ What are the requirements concerning competence? ~~((A certified public accountant shall))~~ CPAs, CPA firms, and firm owners must not undertake to perform any ~~((endeavor for the performance of))~~ service(s) as a ~~((certified public accountant that he or she cannot))~~ CPA, CPA firm, or as a firm owner unless they can reasonably expect to complete the service with professional competence.**

AMENDATORY SECTION (Amending WSR 00-11-071, filed 5/15/00, effective 6/30/00)

**WAC 4-25-631 With which rules, regulations and professional standards must a CPA, CPA firm, and firm owner comply? ~~((A CPA))~~ CPAs, CPA firms, and firm owners must comply with rules, regulations, and professional standards ~~((standards))~~ promulgated by the appropriate bodies for each ~~((endeavor))~~ service undertaken. However, if the requirements found in the professional standards listed in this section differs from the requirements found in specific board rules, board rules prevail.**

Such appropriate bodies include, but are not limited to, the Securities and Exchange Commission (SEC); the Finan-

cial Accounting Standards Board (FASB); the Governmental Accounting Standards Board (GASB); the Cost Accounting Standards Board (CASB); the Federal Accounting Standards Advisory Board (FASAB); the U.S. General Accounting Office (GAO); the Federal Office of Management and Budget (OMB); the Internal Revenue Service (IRS); the American Institute of Certified Public Accountants (AICPA), and federal, state, and local audit, regulatory and tax agencies.

Such standards include:

(1) Statements on Auditing Standards and related Auditing Interpretations issued by the AICPA ~~((including subsequent amendments))~~;

(2) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA ~~((including subsequent amendments))~~;

(3) Statements on Governmental Accounting and Financial Reporting Services issued by GASB ~~((including subsequent amendments))~~;

(4) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by AICPA ~~((including subsequent amendments))~~;

(5) Statements of Financial Accounting Standards, together with those Accounting Research Bulletins and Accounting Principles Board Opinions which are not superseded by action of the FASB ~~((including subsequent amendments))~~;

(6) Statement on Standards for Consulting Services issued by the AICPA ~~((including subsequent amendments))~~;

(7) Statements on Quality Control Standards issued by the AICPA ~~((including subsequent amendments))~~;

(8) Statements on ~~((Responsibilities in Tax Practice))~~ Standards for Tax Services and Interpretation of Statements on ~~((Responsibilities in Tax Practice))~~ Standards for Tax Services issued by the AICPA ~~((including subsequent amendments))~~;

(9) Statements on Responsibilities in Personal Financial Planning Practice issued by the AICPA ~~((including subsequent amendments))~~;

(10) Professional Code of Conduct issued by the AICPA including interpretations ~~((;))~~ and ethics rulings ~~((; and subsequent amendments))~~;

(11) Governmental Auditing Standards issued by the U.S. General Accounting Office ~~((; and subsequent amendments))~~; ~~((and))~~

(12) ~~((Auditing and Accounting Guides (both General and Industry) issued by the))~~ AICPA Industry Audit and Accounting Guides; and

(13) SEC Rules, Concept Releases, Interpretative Releases, and Policy Statements.

If the professional services are governed by standards not included in subsections (1) through ~~((+2))~~ (13) of this section, ~~((the CPA))~~ you must:

- Justify the departure from the standards listed in subsections (1) through ~~((+2))~~ (13) of this section;
- Determine what standards are applicable; and
- Comply with the applicable standards.

Copies of the above standards may be inspected at the board's office.

AMENDATORY SECTION (Amending WSR 00-11-072, filed 5/15/00, effective 6/30/00)

**WAC 4-25-660** What are the limitations on advertising and other forms of solicitation? (1) ~~((If you use the title CPA, you))~~ CPAs, CPA firms, and firm owners must not make false, fraudulent, misleading, deceptive or unfair statements or claims regarding ((your)) their services. Examples of such statements or claims include, but are not limited to, statements or claims which:

- (a) Contain a misrepresentation of fact;
- (b) Fail to make full disclosure of relevant facts;
- (c) Imply your professional services are of an exceptional quality, which is not supported by verifiable facts;
- (d) Create false expectations of favorable results;
- (e) Imply educational or professional attainments, specialty designations, or licensing recognition not supported in fact; or

(f) Represent that professional services will be performed for a stated fee when this is not the case, or do not disclose ~~((aH))~~ variables that may reasonably be expected to affect the fees that will be charged.

(2) If you ~~((use))~~ are a licensee using the CPA title to perform or solicit services via ((the Internet)) a website, you must either include a statement on the ((Internet site)) website that you hold a ((valid)) current Washington state ((CPA certificate)) license or provide a name and contact information for an individual in your organization who will respond to inquiries regarding individual license information within seven business days. ((This statement)) The required information must be clearly visible and prominently displayed.

(3) If you are a certificateholder using the CPA or CPA-Inactive title to perform or solicit services via a website you must clearly, visibly, and prominently display the following on the website:

- (a) That you hold a current Washington state CPA certificate.
- (b) That you do not hold a license to practice public accounting.
- (c) That Washington state law does not allow a certificateholder or a CPA-Inactive to offer or provide accounting, auditing, attest, reports on financial statements, tax preparation or advisory, management advisory, consulting or similar services to the public in association with the use of the title "CPA," "Certified Public Accountant," "CPA-Inactive," or "Certified Public Accountant-Inactive."

(d) After your first renewal cycle, you must display the information that you are a "CPA-Inactive."

(4) If you are a resident nonlicensee owner of a firm licensed by the board and you perform or solicit services in association with the firm via a website, you must clearly, visibly, and prominently display a statement that you are a nonlicensee owner registered with the Washington state board of accountancy or provide a name and contact information for an individual in your organization who will respond to inquiries regarding registration information within seven business days.

AMENDATORY SECTION (Amending WSR 95-20-065, filed 10/3/95, effective 11/3/95)

**WAC 4-25-710** ~~((CPA certificate—Education requirements.))~~ What are the education requirements to qualify to apply for the CPA examination? ~~((Until June 30, 2000, applicants for a CPA certificate shall have a baccalaureate degree conferred by a college or university recognized by the board. The degree program shall include an accounting concentration or its equivalent and related subjects the board deems appropriate.))~~ (1) **Education requirements:** Effective July 1, 2000, ~~((an applicant for a CPA certificate shall))~~ to apply for the CPA examination you must have completed:

- (a) At least one hundred fifty semester hours of college education, including((:
- ~~→))~~ (b) A baccalaureate or higher degree; and
- ~~((→))~~ (c) An accounting concentration ((or its equivalent)) as defined ((by the board.

~~((1) Equivalent education. Until June 30, 2000, the board may, in its discretion, waive the educational requirements for any person if the board is satisfied that the applicant has successfully completed such equivalency examinations as may be offered by bona fide educational testing organizations. The board will not prepare or offer equivalent education examinations. The board will designate, by resolution, acceptable educational testing organizations and equivalency examinations when and if acceptable organizations and examinations exist. Effective July 1, 2000, the board will discontinue this provision for equivalent education.))~~ as at least:

(i) Twenty-four semester hours or the equivalent in accounting subjects of which at least fifteen semester hours must be at the upper division or graduate level (an upper division course is defined as a course only available to students who have standing as a junior, senior, or graduate; frequently carries completion of an elementary course(s) as a prerequisite for admission; and is usually designated as "upper division" by the school offering the course); and

(ii) Twenty-four semester hours or the equivalent in business administration subjects at the undergraduate or graduate level.

(d) The board will not recognize accounting concentration credits awarded for "life experience" or similar activities retroactively evaluated and recognized by colleges or universities. This restriction is not intended to apply to internships prospectively approved by colleges or universities.

If you expect to meet the education requirements of this section within one hundred twenty days following the examination, you are eligible to take the CPA examination provided you submit, on a form provided by the board's designee, signed confirmation from the university you are enrolled in stating you will meet the education requirements within one hundred twenty days following the examination. If you are admitted to the examination on the expectation that you will complete the educational requirement within one hundred twenty days, you will not be given credit for the examination or any section of the examination unless you demonstrate you meet the education requirements within one hundred twenty days of that sitting.

(2) **Education obtained outside the United States**~~((—In the case of education))~~: If you obtained all or a portion of

your education outside the United States (~~(, the board may, at its discretion, rely on bona fide)~~) you must have your education evaluated by a board approved foreign education credential evaluation service(s). The board will establish the criteria for board approval of foreign education credential evaluation services. The board will not provide (~~(such)~~) education credential evaluation services (~~(, but will designate acceptable foreign education evaluation services, by board resolution, upon application from service providers)~~).

(3) **Semester versus quarter hours:** As used in these rules, a "semester hour" means the conventional college semester hour. Your quarter hours (~~(may)~~) will be converted to semester hours by multiplying them by two-thirds.

(4) **Accreditation standards** (~~(-)~~): For purposes of this rule, the board will recognize colleges and universities which are accredited in accordance with (a) through (c) of this subsection.

(a) An accredited college or university is a four-year degree-granting college or university accredited at the time (~~(the applicant's)~~) your degree was received by virtue of membership in one of the following accrediting agencies:

- (i) Middle States Association of College and Secondary Schools;
- (ii) New England Association of Schools and Colleges;
- (iii) North Central Association of Colleges and Secondary Schools;
- (iv) Northwest Association of Schools and Colleges;
- (v) Southern Association of Colleges and Schools;
- (vi) Western Association of Schools and Colleges; and
- (vii) Accrediting Commission for Independent Colleges and Schools, or its predecessor, the Accrediting Commission of the Association of Independent Colleges and Schools.

(b) If an institution was not accredited at the time (~~(an applicant's)~~) your degree was received but is so accredited at the time (~~(the)~~) your application is filed with the board, the institution will be deemed to be accredited for the purpose of (a) of this subsection provided that it:

- (i) Certifies that (~~(the applicant's)~~) your total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and
- (ii) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the pre-accrediting courses used to qualify (~~(the applicant)~~) you for a concentration in accounting are substantially equivalent to postaccrediting courses.

(c) If (~~(an applicant's)~~) your degree was received at an accredited college or university as defined by (a) or (b) of this subsection, but the educational program which was used to qualify (~~(the applicant)~~) you for a concentration in accounting included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which (~~(applicant's)~~) your degree was received, provided the accredited institution either:

- (i) Has accepted such courses by including them in its official transcript; or
- (ii) Certifies to the board that it will accept such courses for credit toward graduation.

(5) **Alternative to accreditation** (~~(-A graduate of)~~): If you graduated from a four-year degree-granting institution that was not accredited at the time (~~(the applicant's)~~) your degree was received or at the time (~~(the)~~) your application was filed, you will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service approved by the board certifies that (~~(the applicant's)~~) your degree is equivalent to a degree from an accredited college or university as defined in subsection (4) of this section.

~~((6) Accounting concentration. Until June 30, 2000, a concentration in accounting for holders of baccalaureate degrees, for purposes of this rule, shall consist of at least:~~

- ~~(a) Twenty four semester hours or the equivalent, in accounting subjects including no more than ten semester hours of lower division elementary accounting courses; and~~
- ~~(b) Twenty four semester hours or the equivalent, in business administration subjects which shall include business law, finance, and economics.~~

~~(c) A concentration in accounting for holders of graduate degrees for purposes of this rule shall consist of at least:~~

- ~~(i) Sixteen semester hours or the equivalent in graduate level accounting subjects. Undergraduate accounting courses may be substituted at two thirds of the stated undergraduate credit; and~~

~~(ii) Sixteen semester hours or the equivalent in graduate level business administration subjects which shall include business law, finance, and economics. Undergraduate business courses may be substituted at two thirds of the stated undergraduate credit.~~

~~(7) Accounting concentration. After June 30, 2000, a concentration in accounting, for purposes of this rule, shall consist of at least:~~

- ~~(a) Twenty four semester hours or the equivalent in accounting subjects of which at least fifteen semester hours must be at the upper division or graduate level (an upper division course is defined as a course only available to students who have standing as a junior, senior or graduate; frequently carries completion of an elementary course(s) as a prerequisite for admission; and is usually designated as "upper division" by the school offering the course); and~~

~~(b) Twenty four semester hours or the equivalent in business administration subjects at the undergraduate or graduate level.~~

~~The board will not recognize accounting concentration credits awarded for "life experience" or similar activities retroactively evaluated and recognized by colleges or universities. This restriction is not intended to apply to internships prospectively approved by colleges or universities.)~~

**AMENDATORY SECTION** (Amending WSR 93-12-070, filed 5/27/93, effective 7/1/93)

**WAC 4-25-720** (~~(CPA examination Application.)~~) **How do I apply to take the CPA examination?** (1) **Application form and due dates:** Your application(s) to take the (~~(certified public accountant)~~) CPA examination must be made on a form provided by the board's designee and filed with the board's designee on or before March 1 for the May examination and September 1 for the November examina-

tion. Applications, including all required documentation, for the May examination must be postmarked by March 1 (and received by March 10). Applications, including all required documentation, for the November examination must be postmarked by September 1 (and received by September 10). An application ~~((will))~~ is not ~~((be))~~ considered filed until the examination fee has been received by the board's designee.

~~((An applicant who))~~ **(2) Failure to attend the exam:** If you fail((s)) to appear for examination or reexamination ((shall)) you forfeit the fees charged for examination and reexamination. ((The board may, upon showing of good cause, refund a portion of the examination fee:))

**(3) Notice of admittance to the examination or denial of your application:** Notice of the denial of your application, or notice of your admittance to the examination along with the time and place of the examination ((shall)) will be mailed to you at least ten days prior to the date set for the examination ((to each candidate whose application to sit for the examination has been approved by the board)).

~~((1))~~ A passing grade for each section shall be seventy-five. The board uses the Advisory Grading Services of the American Institute of Certified Public Accountants.

An applicant, at each sitting of the examination in which the applicant takes any section of the examination, must take all sections not previously passed.

~~((2))~~ **(4) Examination, grading and conditioning:** The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants. Seventy-five or better is a passing grade for each section of the examination. Each time you sit for the examination you must take all sections you have not previously passed. You are required to pass all sections of the examination in order to qualify for a license. If at a given sitting of the examination you pass two or more, but not all sections of the examination, then you will receive credit for those sections that you pass and you will not be required to take those sections again provided:

(a) You took all unpassed sections of the examination at that sitting;

(b) You attained a minimum grade of fifty on each section of the examination not passed at that sitting;

(c) You pass the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(d) At each subsequent sitting you take all sections not yet passed and you attain a minimum grade of fifty on those sections taken but not passed at that sitting; and

(e) In order to receive credit for passing additional sections in a subsequent sitting you attain a minimum grade of fifty on sections taken but not passed at that sitting.

~~((In addition to the uniform))~~ **(5) Ethics exam:** Upon passing the CPA examination, ~~((candidates shall be))~~ applicants for licensure are required to ~~((pass an examination, or alternatively to complete a course of study, prescribed by or acceptable to the board, in professional ethics))~~ attain and demonstrate a passing grade of ninety percent or better on the AICPA professional code of conduct examination.

~~((3))~~ **(6) Proctoring CPA exam candidates((-):** The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out-of-state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.

~~((4))~~ **CPA exam — Completion of education requirement.** A person who has met the education requirement of WAC 4-25-710, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived, is eligible to take the uniform CPA examination provided all other requisites have been satisfied. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any section of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application:))

AMENDATORY SECTION (Amending WSR 01-11-127, filed 5/22/01, effective 6/30/01)

WAC 4-25-721 What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs? (1) Cheating includes, but is not limited to:

(a) Communication between candidates inside or outside of the examination room during the examination;

(b) Unauthorized communication with others outside of the examination room during the examination;

(c) Substitution by a candidate of another person to write one or more of the examination papers for him/her;

(d) Referencing crib sheets, text books, or other material inside or outside the examination room during the examination;

(e) Copying or attempting to copy another candidate's answers;

(f) Taking, removing, copying, transmitting, attempting to take, attempting to remove, attempting to copy, or attempting to transmit an examination booklet or paper, answer sheet, essay question paper, or notes from the examination site;

(g) Disclosing or attempting to disclose examination questions and/or answers to others;

(h) Bringing unauthorized prohibited items into the examination site; or

(i) Possessing unauthorized prohibited items in the examination site.

(2) Cheating on the CPA examination is dishonesty directly related to the professional responsibilities of a CPA and demonstrates a lack of good character. ~~((All candidates involved in cheating may be subject to penalties, although not necessarily of the same severity:))~~ When determining appropriate sanctions for cheating, the board may impose one or more of the following penalties:

(a) Communication between candidates inside or outside of the examination room during the examination;

(b) Unauthorized communication with others outside of the examination room during the examination;

(c) Substitution by a candidate of another person to write one or more of the examination papers for him/her;

(d) Referencing crib sheets, text books, or other material inside or outside the examination room during the examination;

(e) Copying or attempting to copy another candidate's answers;

(f) Taking, removing, copying, transmitting, attempting to take, attempting to remove, attempting to copy, or attempting to transmit an examination booklet or paper, answer sheet, essay question paper, or notes from the examination site;

(g) Disclosing or attempting to disclose examination questions and/or answers to others;

(h) Bringing unauthorized prohibited items into the examination site; or

(i) Possessing unauthorized prohibited items in the examination site.

PERMANENT

(a) Enter a failing grade for any or all parts of the candidate's examination;

(b) Bar a candidate from writing future examinations; or

(c) ~~((Impose a fine up to one thousand dollars and recovery of investigative and legal costs;~~

(d)) Notify other jurisdictions of the board's conclusions and order.

(3) If a candidate is suspected of cheating, a board representative may expel the candidate from the examination, move the candidate suspected of cheating away from other candidates and/or confiscate unauthorized prohibited items. The board representatives may require a candidate suspected of cheating, or a candidate who may have observed cheating, to respond to board inquiry. The board may schedule a hearing to determine the validity of the charge of cheating.

**AMENDATORY SECTION** (Amending WSR 01-03-011, filed 1/5/01, effective 6/30/01)

**WAC 4-25-730 What are the experience requirements in order to obtain a CPA license?** ~~((Qualifying experience may be obtained through:~~

~~• The practice of public accounting in a CPA firm that participates in a board approved peer or quality review program;~~

~~• Other employment provided you obtain the competencies defined by subsection (2)(a) of this section; or~~

~~• A combination of the two alternatives listed above provided you obtain the competencies defined by subsection (2)(a) of this section.~~

~~For both full-time and part-time employment, your experience must:~~

~~• Cover a minimum twelve-month period;~~

~~• Consist of at least two thousand hours; and~~

~~• Be obtained no more than eight years prior to applying for an initial license.~~

~~Your experience may be obtained through one or more employers, with or without compensation, and may consist of a combination of full-time and part-time employment.~~

~~(1) **Public accounting experience:** You may obtain all or a portion of your qualifying experience through employment in a licensed CPA firm that participates in a board approved peer or quality review program. Your experience must be:~~

~~(a) Obtained through performing services that meet the definition of the practice of public accounting as defined by RCW 18.04.025(5); and~~

~~(b) Under the supervision of a member of the firm who holds a valid CPA license and is actively engaged in the practice of public accounting;~~

~~(2) **Experience equivalent to public accounting:** You may obtain all or a portion of your qualifying experience in an entity other than a CPA firm participating in a board approved peer or quality review program. However, to qualify this experience must support your attainment of the competencies identified in (a) of this subsection and your attainment of these competencies must be supervised and verified by a licensed CPA meeting the requirements identified in (b) of this subsection.~~

~~(a) **Competencies:** The competencies that must be obtained to meet the experience requirements of this subsection are as follows. The candidate must demonstrate the ability to:~~

~~(i) Understand the profession's code of conduct;~~

~~(ii) Assess the achievement of an entity's objectives;~~

~~(iii) Prepare working papers that contain sufficient data to support analysis and conclusions;~~

~~(iv) Understand transaction streams and information systems;~~

~~(v) Assess risk and design appropriate procedures;~~

~~(vi) Make decisions, solve problems, and think critically in the context of analysis; and~~

~~(vii) Communicate scope of work, findings and conclusions effectively.~~

~~(b) **Supervising CPA:** To supervise and verify a candidate's attainment of the competencies, you must have held a valid CPA license in Washington or another state for:~~

~~(i) A minimum of five years prior to supervising the candidate's experience; and~~

~~(ii) During the entire period of supervision.~~

~~(3) **Experience affidavit:** Your qualifying experience must be verified by the licensed CPA supervising your experience on the appropriate form(s) provided by the board.~~

~~(4) **Applicants holding a certificate for four years or more:** If you held a certificate for more than four years prior to the date you file your application for license, you must also meet the continuing professional education requirements of RCW 18.04.215 (1)(a). You must obtain and submit proof of completion for one hundred twenty hours of continuing professional education within the three-year period immediately preceding the date you submit your application with the board.~~

~~(5) **Applicants who passed the CPA examination prior to May 1988:** If you passed the CPA examination prior to May 1988, you are not limited to experience obtained within the eight-year period prior to submitting your application. However, if you elect to utilize experience from a period more than eight years prior to your application, you must obtain and submit proof of completion for one hundred twenty hours of continuing professional education within the three-year period immediately preceding the date you submit your application with the board.~~

~~(6) **Supervision:** Supervision as used in this rule means that there is a definite relationship between the supervising CPA and the candidate being supervised. The supervising CPA must have frequent in-person meetings with the candidate and must be able to evaluate the candidate's work through:~~

~~(a) Personal knowledge and review of the candidate's work and work environment;~~

~~(b) Discussions with the candidate's work supervisor; and~~

~~(c) Obtaining an in-depth understanding of the type and quality of the candidate's work.~~

~~(7) **Audit:** The board may audit compliance with these experience requirements.) Qualifying experience may be obtained through the practice of public accounting and/or employment in industry, academia, or government. Your~~

experience may be obtained through one or more employers, with or without compensation, and may consist of a combination of full-time and part-time employment.

(1) Your experience must support the attainment of the competencies defined by subsection (2) of this section and:

(a) Cover a minimum twelve-month period (this time period does not need to be consecutive);

(b) Consist of a minimum of two thousand hours;

(c) Be obtained through the use of accounting, attest, management advisory, financial advisory, tax, tax advisory or consulting skills;

(d) Be verified by a licensed CPA as meeting the requirements identified in subsection (3) of this section; and

(e) Unless you meet the requirements of subsection (4) of this section, be obtained no more than eight years prior to the date the board receives your complete license application.

(2) Competencies: The experience must support the attainment of the following competencies:

(a) Understand the rules of professional conduct contained in chapter 4-25 WAC;

(b) Assess the achievement of an entity's objectives;

(c) Develop documentation and sufficient data to support analysis and conclusions;

(d) Understand transaction streams and information systems;

(e) Assess risk and design appropriate procedures;

(f) Make decisions, solve problems, and think critically in the context of analysis; and

(g) Communicate scope of work, findings and conclusions effectively.

(3) Verifying CPA: To verify that the candidate has had experience supporting the attainment of the competencies, you must have a valid CPA license to practice public accounting in Washington or another jurisdiction for a minimum of five years prior to verifying the candidate's experience (the five years do not need to be consecutive).

(4) Certificateholders applying for a license: If you held a Washington state certificate on June 30, 2001, and you submit your application for a license by June 30, 2004, you may include experience obtained at any time during your lifetime.

(5) Experience affidavit: Both you and the CPA must verify that you have met the experience requirements of this section on the appropriate form(s) provided by the board.

(6) Audit: The board may audit compliance with these experience requirements.

#### NEW SECTION

**WAC 4-25-735 What rules must a certificateholder comply with and how does a certificateholder apply for licensure?** Certificateholders are persons who held a valid certificate on June 30, 2001, but did not hold a valid Washington state license to practice public accounting on that date. Licensees and individuals who did not hold a valid certificate on June 30, 2001, are not eligible for certificateholder status.

(1) If you are a certificateholder you:

(a) May not practice public accounting as that term is defined in WAC 4-25-410(31);

(b) Must meet the CPE requirements of WAC 4-25-830 and supporting documentation requirements of WAC 4-25-833;

(c) Must comply with the Act and board rules;

(d) Must meet the renewal requirements of WAC 4-25-790; and

(e) May use the title CPA within the limitations of WAC 4-25-410(31) except, beginning with the first day of your first renewal period beginning after July 1, 2001, you must print or display the word "Inactive" immediately following the CPA title whenever the CPA title is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the CPA title.

(2) If you are a certificateholder, to qualify for licensure you must:

(a) Meet the experience requirements of WAC 4-25-730 or have had an approved experience affidavit on file with the board on or before June 30, 2001; and

(b) Meet the CPE requirements of WAC 4-25-830.

(3) To apply for a license you must use the form(s) provided by the board. An application is not complete and cannot be processed until all fees, required documentation, required information, and other documentation deemed necessary by the board are received by the board. To apply for a license, you must submit to the board:

(a) A complete application form(s) including your certification, under the penalty of perjury, that you have:

(i) Not held out in public practice during the time in which you were a certificateholder; and

(ii) Met the CPE requirements in WAC 4-25-830;

(b) All applicable fees; and

(c) Other required documentation, required information, and other documentation deemed necessary by the board.

Upon approval of your application, your license will be mailed to the last address you provided to the board. Your CPE reporting period and your renewal cycle will remain the same. You may not practice public accounting in association with the title "CPA" or "Certified Public Accountant" until you receive notice from the board that your Washington state CPA license has been granted. Attest services may only be offered or provided in a licensed CPA firm meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 99-18-115, filed 9/1/99, effective 1/1/00)

**WAC 4-25-745 How do I apply for an initial CPA license ((and/or certificate))?** To qualify to apply for an initial license you must meet the:

(1) Good character requirements of RCW 18.04.105 (1)(a);

(2) Education requirements of WAC 4-25-710;

(3) Examination requirements of WAC 4-25-720;

(4) Experience requirements of WAC 4-25-730; and

(5) If more than four years have lapsed since you passed the examination, you must meet the CPE requirements of WAC 4-25-830 (1)(a).

To apply for an initial license ((and/or certificate)) you must use the application form(s) provided by the board. You

~~((need to))~~ must fully complete the form(s) ~~((, have your signature notarized,))~~ and submit the form(s), all applicable fees, and all required documentation to the board's office.

An initial application is not complete and cannot be processed until all fees, required information, ~~((and))~~ required documentation or other documentation or information the board may deem necessary is received by the board. When the processing of your application is complete, ~~((notification))~~ your license will be mailed to the last address you provided to the board.

Your initial license ~~((and/or certificate))~~ will expire on June 30 of the third calendar year following initial licensure ~~((and/or certification))~~.

You may not use the title CPA until you receive ~~((written))~~ notice from the board ~~((of))~~ that your Washington state CPA ((certificate number)) license has been approved. ~~((You may not hold out as a CPA in public practice until you receive written notice from the board of your Washington state CPA license and certificate number. A licensee))~~ Attest services may ((only practice public accountancy)) only be offered or provided in a licensed CPA firm meeting the requirements of WAC 4-25-750.

**AMENDATORY SECTION** (Amending WSR 99-18-116, filed 9/1/99, effective 1/1/00)

**WAC 4-25-746 How do I apply for a Washington state CPA license ~~((and/or certificate))~~ if I hold a valid CPA ~~((certificate,))~~ license ~~((or permit))~~ in another state?** Pursuant to RCW 18.04.180 and 18.04.215~~((3))~~(6) the board may issue a ~~((certificate and/or))~~ license through interstate reciprocity if you hold a CPA ~~((certificate,))~~ license ~~((or permit))~~ to practice public accounting issued by another state provided your state of licensure makes similar provisions for granting reciprocity to holders of a valid certificate or license in this state.

To qualify to apply for a Washington state CPA license under the interstate reciprocity provisions you must:

(1) Meet the good character requirements of RCW 18.04.105 (1)(a);

(2) Meet the CPE requirements in WAC 4-25-830; and

(3) You must have:

(a) Passed the examination required for issuance of your certificate or license in the other state with grades that would have been passing grades at that time in this state and:

(i) Met all current requirements for licensure at the time you apply; or

(ii) Met, at the time of the issuance of your license in the other state, all the requirements applicable at that time to obtain a license in this state; or

(iii) Had five years of experience in the practice of public accountancy within the ten years immediately preceding your filing an application in this state; or

(b) The board may accept NASBA's designation of the applicant as substantially equivalent to national standards as meeting the requirements of (a) of this subsection.

To apply for a Washington state CPA license ~~((and/or certificate))~~ under the interstate reciprocity provisions you must use the application form(s) provided by the board ~~((and~~

~~satisfy CPE requirements in WAC 4-25-830)).~~ You ~~((need to))~~ must fully complete the form(s) ~~((, have your signature notarized,))~~ and submit the form(s), all applicable fees, and all required documentation to the board's office.

An application is not complete and cannot be processed until all fees, required information, ~~((and))~~ required documentation, or other documentation or information the board may deem necessary is received by the board. When the processing of your application is complete, notification will be mailed to the last address you provided to the board.

Your Washington state CPA license ~~((and/or certificate))~~ will expire on June 30 of the third calendar year following initial licensure ~~((and/or certification))~~.

~~((You may not use the title CPA and you may not hold out as a CPA in public practice until you have filed a complete application with the board. A licensee may only practice public accountancy in a licensed CPA firm meeting the requirements of WAC 4-25-750.))~~

Provided no sanctions or investigations by other jurisdictions are in process and you have met the requirements for applying for licensure through interstate reciprocity, upon filing a completed application with the board, you may use the CPA title in Washington state.

Attest services may only be offered or provided in a licensed CPA firm meeting the requirements of WAC 4-25-750.

If you are granted a license under these reciprocity provisions, you must notify the board within thirty days if your license or certificate issued by the other jurisdiction has lapsed or otherwise become invalid.

**AMENDATORY SECTION** (Amending WSR 00-11-074, filed 5/15/00, effective 6/30/00)

**WAC 4-25-750 What are the CPA firm licensing requirements? ~~((A licensee))~~ Attest services may only ~~((practice public accountancy))~~ be offered or performed in a ~~((licensed))~~ CPA firm licensed in Washington. An entity wishing to ~~((practice as a CPA firm))~~ use "CPA(s)" or "certified public accountant(s)" in the firm name must first obtain a ~~((CPA firm))~~ license from the board.**

(1) How may a CPA firm be organized? A CPA firm may be organized as:

(a) A proprietorship;

(b) A partnership;

(c) A professional corporation (PC) or professional service corporation (PS);

(d) A limited liability company (LLC);

(e) A limited liability partnership (LLP); or

(f) Any other form of legal entity authorized by statute for use by a CPA firm.

~~((Each proprietor, partner, shareholder or member who is either resident or practicing public accountancy in this state must hold a valid Washington state CPA license. A nonresident owner must be a licensee of at least one state.))~~

(2) What happens when a CPA firm alters its legal form? A change in the legal form of a firm constitutes a new firm. Accordingly, the new entity must first obtain a CPA firm license from the board.



**((2)) (3) What are the ownership requirements for a CPA firm?**

(a) All owners of a licensed CPA firm are required to:

(i) Be natural persons;

(ii) Fully comply with the provisions of chapter 18.04

RCW;

(iii) Subject to discipline by the board for violations of chapter 18.04 RCW or 4-25 WAC;

(b) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners, owners, or shareholders must be:

(i) Licensees in this state or holders of a valid license to practice public accountancy issued by another state;

(ii) Entitled to practice public accounting in this state; and

(iii) Principally employed by the corporation or actively engaged in its business.

(c) At least one general partner of a partnership, one shareholder of a corporation, and one manager of a limited liability company must be a licensee.

(d) Each CPA proprietor, partner, shareholder or manager who is either a resident or is entering the state and practicing public accountancy in this state must hold a valid Washington state license or practice privileges.

(e) The principal partner of the partnership and any partner having authority over issuing reports on financial statements must be a licensee under the Act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accounting in this state.

(f) The principal officer of the corporation and any officer or director having authority over issuing reports on financial statements must be a licensee under the Act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.

(g) The principal manager or member of a limited liability company and any member having authority over issuing reports on financial statements must be a licensee under the Act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.

(h) A nonresident CPA owner must be licensed to practice public accountancy in at least one state.

(i) A nonlicensee owner must:

(i) Be a natural person;

(ii) Meet the good character requirements of RCW 18.04.105 (1)(a);

(iii) Comply with the Act and board rules; and

(iv) Be an active individual participant in the licensed firm or affiliated entities as these terms are defined in WAC 4-25-410; and

(j) A resident nonlicensee firm owner must meet the requirements of WAC 4-25-752 and register with the board concurrent with submission of the firm license, or submission of an amendment to the firm license, to the board.

**(4) What are the requirements for the firm's main office and a branch office?** The firm's main office must be under the direct supervision of a resident licensee.

A branch office is an office of a licensed CPA firm which is physically separated from the main office. ~~((A branch office must be under the direct supervision of a resident licensee manager who is present a minimum of eighty percent of the time the branch office is open for business.))~~ A branch office operates under the CPA firm license of the main office.

**((3)) (5) How do I apply for an initial CPA firm license?** To apply for an initial CPA firm license you must use the application form(s) provided by the board ~~((You must))~~ and submit the completed form(s), all applicable fees, ~~((and))~~ all required documentation including the following to the board's office ~~((When completing the application for a CPA firm license, you must include the following information))~~:

((\*) (a) The firm name;

((\*) (b) Address and telephone number of the main office and any branch offices of the firm;

((\*) (c) Name of the managing licensee of the main office ~~((and the managing licensee of each branch office));~~

((\*) (d) Licensee owners' names and the states in which they hold CPA licenses;

((\*) (e) Name(s) of all nonlicensee owners;

(f) Complete registration form(s), including the appropriate fee, for each resident nonlicensee owner;

(g) Names of corporate directors, limited liability company managers, and all officers; and

((\*) (h) Type of legal organization under which the firm operates.

An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, a CPA firm license will be mailed to the main office at the last address provided to the board.

The initial CPA firm license will expire on June 30 of the third calendar year following initial licensure.

**((4)) (6) How do I renew a CPA firm license?** To renew a CPA firm license you must use the form(s) provided by the board. In January of the year of expiration, a renewal form(s) will be mailed to the main office at the last address provided to the board. ~~((To renew a CPA firm license))~~ You must submit a properly completed renewal form(s), all applicable fees and all required documentation to the board by April 30th of the year of expiration. A renewal application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, the CPA firm license will be mailed to the main office at the last address provided to the board.

The CPA firm license will expire on June 30 of the third calendar year following the date of renewal.

**((5)) (7) When must I notify the board of changes in the CPA firm?** A CPA firm must provide the board written notification of the following within ~~((ninety))~~ thirty days of its occurrence:

(a) ~~((Formation of))~~ Dissolution of a CPA firm;

(b) The occurrence of any event that would cause the firm to be in violation of the provisions of the Public Accountancy Act (chapter 18.04 RCW) or these rules;

(c) An event that requires an amendment to a firm license.

(8) What events require a firm amendment? A CPA firm must provide written notification to the board, by submitting a firm amendment form and the appropriate amendment fee, within sixty days of the following events' occurrence:

- (a) Admission or departure of an owner;
- ((e)) (b) Any change in the name of the firm;
- ((d)) (c) Change in the managing licensee of the main office ((or of any branch office)); and
- ((e)) (d) Opening, closing, or relocating of the main office or of any branch office((and
- (f) The occurrence of any event that would cause the firm to be in violation of the provisions of the Public Accountancy Act (chapter 18.04 RCW) or these rules).

(9) How long do I have to correct noncompliance with licensure requirements due to a change in ownership or an owner's credentials? A CPA firm must notify the board within sixty days of any change in ownership or lapse of an owner's license, certificate, registration or practice privilege that has caused the firm's license to be out of compliance with licensure requirements and must correct the noncompliance within ninety days of the lapse, unless the board grants a longer time period due to individual hardship.

#### NEW SECTION

**WAC 4-25-752 How do I register to be a resident nonlicensee owner of a licensed firm and with which rules must a nonlicensee firm owner comply?** To qualify as a nonlicensee owner of a licensed CPA firm, you must:

- (1) Be a natural person;
- (2) Meet the good character requirements of RCW 18.04.105 (1)(a);
- (3) Comply with the Act and board rules;
- (4) Be an active individual participant in the licensed firm or affiliated entities as these terms are defined in WAC 4-25-410; and
- (5) If you are a resident of Washington state, you must:
  - (a) File a complete registration with the board; and
  - (b) Demonstrate a passing grade of ninety percent or better on the AICPA professional ethics examination.

To register as a resident nonlicensee firm owner, you must use the form(s) provided by the board. You need to fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

An initial registration is not complete and cannot be processed until all fees, required documentation, required information, and other documentation deemed necessary by the board are received by the board. When the processing of your registration is complete, your registration will be mailed to the last address you provided to the board.

Your initial registration will expire on June 30 of the third calendar year following initial issuance of the registration.

You must submit your registration concurrent with or prior to submission of the firm license application or firm

license amendment, pursuant to WAC 4-25-750. If you are a Washington state resident, you may not hold ownership interest in a CPA firm licensed in Washington state until you receive written notice from the board of your Washington state registration number.

All nonlicensee firm owners are subject to discipline for violation of the Act or board rules.

#### NEW SECTION

**WAC 4-25-756 I am licensed in another state—How do I notify the board of my intent to enter the state in order to obtain practice privileges in the state of Washington?** If you hold a valid license to practice public accountancy in another state, you may practice public accountancy in Washington state under a grant of practice privileges if:

- (1) You are an individual;
- (2) Your qualifications are found to be substantially equivalent to a Washington licensee because:
  - (a) Your education, examination, and experience are deemed by the board to be substantially equivalent to Washington's requirements for initial licensure; or
  - (b) Your original license was issued by a state the board has deemed to be substantially equivalent to Washington's requirements;
- (3) Your principal place of business is not in Washington state; and
- (4) You comply with the Act and all board rules applicable to Washington state licensees and subject yourself to discipline for violation of the Act or board rules.
- (5) You notify the board of your intent to enter the state using the form(s) provided by the board.

You need to fully complete the form(s) and submit the form(s), all applicable fees, and all required documentation to the board's office.

Notification is not complete and cannot be processed until all fees, required documentation, required information, and other documentation deemed necessary by the board are received by the board. The board will mail its confirmation of the receipt of your notification to the last address you provided to the board.

Your notification will expire on June 30 of the third calendar year following the date you submit your notification.

Provided no sanctions or investigations by other jurisdictions are in process and you have met the requirements for practice privileges, upon filing your notification with the board, you may use the CPA title in Washington state.

You must notify the board within thirty days if your license or certificate issued by another jurisdiction has lapsed or otherwise becomes invalid.

Unless you are a sole practitioner, you may only offer to provide attest services in a licensed CPA firm meeting the requirements of WAC 4-25-750.

**AMENDATORY SECTION** (Amending WSR 00-11-076, filed 5/15/00, effective 6/30/00)

**WAC 4-25-783 How do I renew a Washington CPA certificate and/or license granted through foreign reci-**

procuity? In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board.

To renew ~~((a CPA))~~ your individual license or certificate originally ~~((issued in reliance on a))~~ granted through foreign ~~((professional accounting credential))~~ reciprocity, you must~~((:~~

~~(1) Submit an application for renewal, including appropriate fees and documentation, at the time and in the same manner prescribed for all Washington state CPAs; and~~

~~(2))~~ submit to the board by April 30th of the year of expiration:

(1) A completed renewal application form including:

(a) Your certification that you have complied with the CPE requirements of WAC 4-25-830 and the supporting documentation requirements of WAC 4-25-833; and

(b) Documentation from the foreign issuing body certifying:

~~((a))~~ (i) Your foreign credential is in good standing and valid for the practice of public accountancy in the foreign jurisdiction; and

~~((b))~~ (ii) You are not currently under disciplinary investigation or action; or

~~((c))~~ (iii) If you are currently under disciplinary investigation or action, a statement as to the nature of the allegations((-)); and

~~((3))~~ (c) If you no longer hold the foreign credential used to qualify for a Washington state CPA license and/or certificate, you must submit documentation from the foreign issuing body certifying that you were not the subject of any investigations or disciplinary proceedings at the time the foreign credential lapsed.

(2) All applicable fees; and

(3) All required documentation.

A renewal application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board is received by the board. Upon completion of processing, your individual license or confirmation of your certificate renewal will be mailed to the last address you provided to the board.

An individual license or certificate renewal expires on June 30 of the third calendar year following the renewal.

Failure to file a complete application for an individual license or certificate renewal by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship.

If you fail to file a complete application for individual license or certificate renewal by June 30 of the year of expiration, your individual license or certificate will lapse.

If you are a certificateholder and are renewing your certificate, beginning with the first day of your first renewal period beginning after July 1, 2001, you must print or display the word "Inactive" immediately following the CPA title whenever the CPA title is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the CPA title.

If your individual license or certificate has lapsed, you may not use the title CPA or CPA-Inactive.

AMENDATORY SECTION (Amending WSR 99-18-120, filed 9/1/99, effective 1/1/00)

WAC 4-25-790 How do I renew my ((CPA)) individual license ((and/or)), certificate, or registration as a resident nonlicensee firm owner? To renew your individual license ~~((and/or)),~~ certificate, or registration as a resident nonlicensee firm owner, you must use the form(s) provided by the board and satisfy CPE requirements in WAC 4-25-830. In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board. ~~((Renewal of your license constitutes renewal of your certificate.))~~

To renew your individual license ~~((and/or)),~~ certificate, or registration as a resident nonlicensee firm owner, you must submit to the board by April 30th of the year of expiration:

~~((a))~~ (1) A complete renewal ((application)) form including:

(a) Your certification that you have complied with the CPE requirements of WAC 4-25-830 and the supporting documentation requirements of WAC 4-25-833; and

(b) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or permit to practice;

~~((a))~~ (2) All applicable fees; and

~~((a))~~ (3) All required documentation, required information, and other documentation deemed necessary by the board.

A licensee may not renew as a certificateholder.

A renewal ~~((application))~~ form is not complete and cannot be processed until all fees, required information, ~~((and))~~ required documentation ~~((is)),~~ and other documentation deemed necessary by the board are received by the board. Upon completion of processing, confirmation of your individual license ((or confirmation of your renewal)), certificate renewal, or registration as a resident nonlicensee firm owner will be mailed to the last address you provided to the board.

~~((A))~~ An individual license ((and/or)), certificate, or registration as a resident nonlicensee firm owner renewal expires on June 30 of the third calendar year following the renewal.

Failure to file a complete ~~((application))~~ renewal form for an individual license, certificate ~~((and/or license renewal)),~~ or registration as a resident nonlicensee firm owner by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship.

If you fail to file a complete ~~((application))~~ renewal form for an individual license, certificate ~~((and/or license renewal)),~~ or registration as a resident nonlicensee firm owner by June 30 of the year of expiration your individual license ~~((and/or)),~~ certificate, or registration as a resident nonlicensee firm owner will lapse. If your individual license ~~((and/))~~ or certificate has lapsed, you may not use the title CPA ~~((or hold out as a CPA in public practice))~~ or CPA-Inactive, or exercise other privileges that are dependent upon the

renewal, including privileges pertaining to ownership of a CPA firm.

AMENDATORY SECTION (Amending WSR 99-18-121, filed 9/1/99, effective 1/1/00)

WAC 4-25-791 ((If I hold a certificate under the reasonable cause exemption to the CPE requirements,)) I am a certificateholder. Prior to July 1, 2001, I held a license. How do I apply to return to my previous status as a licensee ((or a certificate holder))? Certificateholders who held a license at any time prior to July 1, 2001, may apply to return to their previous status as a licensee. If you ((hold a certificate under the reasonable cause exemption)) are a certificateholder, you may not ((hold out as a CPA in public)) practice ((or use the title CPA)) public accounting in association with the title "CPA" or "Certified Public Accountant" until ((your license and/or certificate is returned to its previous status)) you return to your previous status as a licensee.

If you hold a valid certificate, to apply to return to your ((previous)) previously held status as a licensee ((or a certificate holder)), you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830. An application is not complete and cannot be processed until all ((fees,)) required information, ((and)) required documentation ((is)), and other documentation deemed necessary by the board are received by the board.

To apply to return to your previous status as a licensee you must submit to the board:

((\*) (1) A complete application form including your certification, under the penalty of perjury, that you have:

((+)) (a) Not held out in public practice ((and/or used the title CPA)) during the time in which you were a ((certificate holder under the reasonable cause exemption)) certificateholder; and

((2)) (b) Met the CPE requirements ((to return to your previous status in)) of WAC 4-25-830;

((- All applicable fees; and

\*) (2) Other ((documents or information the board may deem necessary)) required documentation, required information, and other documentation deemed necessary by the board.

Upon approval of your application, your license ((or notification of certification)) will be mailed to the last address you provided to the board.

You may not hold out in public practice until you receive notice from the board that your Washington state CPA license has been approved. A licensee may only offer to provide attest services in a licensed CPA firm meeting the requirements of WAC 4-25-750.

AMENDATORY SECTION (Amending WSR 99-18-122, filed 9/1/99, effective 1/1/00)

WAC 4-25-792 How do I ((apply for reinstatement of)) **reinst**ate a lapsed ((CPA)) **individual** license ((and/or)), certificate, or registration as a resident nonlicensee firm owner? If your ((CPA)) individual license ((and/or)) or certificate has lapsed, you may not ((hold out as

a)) use the title CPA ((in public practice or use the title CPA)) or CPA-Inactive until your individual license ((and/or)) or certificate is reinstated by the board.

Individuals who held a valid license on June 30, 2001, and individuals obtaining a license after June 30, 2001, are not eligible to reinstate as certificateholders.

If your registration as a resident nonlicensee firm owner has lapsed, you may not be an owner of a CPA firm until your registration is reinstated by the board.

To ((apply for reinstatement of)) **reinst**ate a lapsed individual license ((and/or)), certificate, or registration as a nonlicensee firm owner you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830. An application is not complete and cannot be processed until all fees, required information, ((and)) required documentation ((is)), and other documentation deemed necessary by the board are received by the board.

To ((apply for reinstatement)) **reinst**ate, you must submit to the board:

((\*) (1) A complete reinstatement form including your certification, under the penalty of perjury, that you have:

((+)) (a) For those who wish to reinstate a license or certificate: Not ((held out in public practice and/or)) used the title CPA or CPA-Inactive during the time in which your individual license ((and/or)) or certificate was lapsed; or

((2)) (b) For those who wish to reinstate a registration as a resident nonlicensee firm owner: Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

(c) Met the CPE requirements for reinstatement in WAC 4-25-830; and

((3)) (d) Met the CPE supporting documentation requirements in WAC 4-25-833;

((\*) (2) Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

((\*) (3) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or practice privileges;

(4) All applicable fees; and

((- Other documents or information the board may deem necessary-)) (5) Other required documents, required information, and other documentation deemed necessary by the board.

Upon approval of your ((application)) **reinst**atement, a notice that your license ((reinstatement)), registration as a resident nonlicensee owner, or ((notification of)) certification ((reinstatement)) has been reinstated will be mailed to the last address you provided to the board.

## NEW SECTION

WAC 4-25-793 If I am retired, how do I apply to return to my previous status as a licensee or a certificateholder? If you notified the board that you are retired prior to your renewal cycle, pursuant to RCW 18.04.215(7), you may renew your license or certificate at a later date and are not subject to the requirements of reinstatement; however, you

may not use the title CPA or CPA-Inactive or exercise the privileges related to those titles until you return to your previous status.

To apply to return to your previously held status as either a licensee or a certificateholder you must use the form(s) provided by the board and satisfy CPE requirements in WAC 4-25-830. An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board are received by the board.

If you previously held a license, you are not eligible to apply for certificateholder status.

To apply to return to your previous status, you must submit to the board:

(1) A complete application form including your certification, under the penalty of perjury, that you have:

(a) Not used the title CPA or CPA-Inactive during the time in which you were in retiree status; and

(b) Met the CPE requirements to return to your previous status in WAC 4-25-830;

(2) All applicable fees; and

(3) Other required documentation, required information, or other documentation deemed necessary by the board.

Upon approval of your application, your license or notification of your status as a certificateholder will be mailed to the last address you provided to the board.

You may not use the title CPA or CPA-Inactive until your application has been approved.

Attest services may only be performed in a licensed CPA firm meeting the requirements of WAC 4-25-750.

**AMENDATORY SECTION** (Amending WSR 99-18-123, filed 9/1/99, effective 1/1/00)

**WAC 4-25-795 How do I ((~~apply for reinstatement of~~) reinstate a revoked or suspended ((~~CPA~~) license ((~~and/or~~), certificate, or registration as a resident nonlicensee firm owner? If your ((~~CPA~~) license ((~~and~~)) or certificate was revoked or suspended by the board pursuant to ((~~RCW 18.04.295, 18.04.305 and/or 18.04.335~~)) the Act, you may not ((~~hold out as a CPA in public practice or~~) use the title CPA or CPA-Inactive until your license ((~~and~~)) or certificate is reinstated by the board.**

If your registration as a resident nonlicensee firm owner was revoked or suspended by the board pursuant to the Act, you may not be a firm owner until your registration is reinstated by the board.

You may ((~~apply to the board for modification of~~) request that the board modify the suspension or revocation after ((~~one~~) three years ((~~has~~) have elapsed from the effective date of the board's order revoking or suspending your license ((~~and~~)) or certificate unless the board sets some other period by order. However, if you made a previous ((~~application~~) request with respect to the same order, no additional ((~~application~~) request will be considered before the lapse of an additional three years following the board's decision on the last such previous application.

To ((~~apply for~~) request reinstatement of a revoked or suspended license ((~~and/or~~), certificate, or registration as a

resident nonlicensee firm owner you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830. ((~~An application~~)) A request is not complete and cannot be processed until all fees, required information, ((~~and~~)) required documentation ((~~is~~)), and other documentation deemed necessary by the board are received by the board.

To ((~~apply for~~) request reinstatement, you must submit to the board:

((~~\*~~)) (1) A complete reinstatement form including your certification under the penalty of perjury, that you have:

((~~1~~)) (a) For those who wish to reinstate a license or certificate: Not ((~~held out in public practice and/or~~)) used the title CPA during the time in which your license ((~~and~~)) or certificate was suspended or revoked; or

((~~2~~)) (b) For those who wish to reinstate a registration as a resident nonlicensee firm owner: Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

(c) Met the CPE requirements for reinstatement in WAC 4-25-830; and

((~~3~~)) (d) Met the CPE supporting documentation requirements in WAC 4-25-833;

((~~\*~~)) (2) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, permit, or practice privilege under substantial equivalence;

(3) All applicable fees;

((~~\*~~)) (4) Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

((~~\*~~)) (5) Written substantiation of the reasons constituting good cause for the reinstatement;

((~~\*~~)) (6) Two supporting recommendations, under penalty of perjury, from ((~~CPA~~)) licensees who have personal knowledge of your activities since the suspension or revocation was imposed; and

((~~\*~~)) (7) Other ((~~documents or information which the board may deem necessary~~)) required documentation, required information, and other documentation deemed necessary by the board.

In considering the reinstatement application, the board may consider all relevant factors, including but not limited to:

((~~\*~~)) (a) The offense for which you were disciplined;

((~~\*~~)) (b) Your activities since the disciplinary penalty was imposed;

((~~\*~~)) (c) Your activities during the time the license, certificate ((or permit)), or registration as a resident nonlicensee firm owner was in good standing;

((~~\*~~)) (d) Your rehabilitative efforts;

((~~\*~~)) (e) Restitution to damaged parties in the matter for which the penalty was imposed; and

((~~\*~~)) (f) Your general reputation for truth and professional probity.

If the board decides to consider the merits of your application for reinstatement, in the board's discretion, a hearing may be held following such procedures as the board deems suitable for the particular case. If the board decides that it will not consider the merits of your application for reinstatement,

ment, then this constitutes final agency action and there is no further administrative review available to you. As a condition of reinstatement, the board may impose such terms and conditions as it deems suitable.

The board will not consider ~~((an application))~~ a request for reinstatement while you are under sentence for any criminal offense, including any period during which you are on court-imposed probation or parole.

AMENDATORY SECTION (Amending WSR 94-02-071, filed 1/4/94, effective 2/4/94)

**WAC 4-25-820 What are the requirements for participating in quality assurance review (QAR) ~~((program))~~?** (1) **Purpose.** The Washington state board of accountancy is charged with protection of the public interest as it relates to the licensure of certified public accountants (CPAs). The purpose of the QAR program ~~((hereinafter referred to as program))~~ is to monitor licensees' compliance with ~~((professional))~~ attest standards.

**(2) Structure and implementation.**

(a) The board will annually appoint a quality review committee ~~((hereinafter referred to as committee))~~ to perform the following functions:

(i) Review of financial statements and the reports of licensees thereon to assess their compliance with applicable professional standards;

(ii) Improvement of reporting practices of licensees through education and rehabilitative measures;

(iii) Referral of cases requiring further investigation to the board or its designee(s); and

(iv) Such other functions as the board may assign to the committee.

(b) Once every three years the board may request from each ~~((CPA))~~ licensed firm ~~((licensed by the board))~~, and such firm shall submit, for each of its offices, a compilation report, a review report, and an audit report. A firm shall select these reports from all reports prepared during the twelve months preceding the date of board request or, if no reports have been issued within the last twelve months, from all reports during the preceding three years.

~~((c))~~ If reports issued by all offices of a firm are reviewed and issued in a controlled, centralized process, only one of each of the reports specified above need be submitted by the firm as a whole. ~~((c))~~

(c) The board may exempt from the requirement of (b) of this subsection any firm which has participated in a board-approved peer ~~((or quality))~~ review program within the three years immediately preceding the date of board request. Firms requesting exemption must submit a copy of an unmodified report, letter of comments, response to letter of comments, if applicable, and letter of acceptance from ~~((a))~~ the reviewing organization ~~((acceptable to the board))~~. Firms that receive modified peer ~~((or quality))~~ review reports may request exemption, but must submit copies of such reports and related correspondence, at the discretion of the board, for consideration on an individual basis.

(d) Any documents submitted in accordance with (b) of this subsection may have the name of the client, the client's

address, and other identifying factors omitted, provided that the omission does not render the type or nature of the enterprise undeterminable. Dates may not be omitted.

(e) The ~~((quality review))~~ committee may ~~((also))~~ solicit and review financial statements and related reports of licensees from clients, public agencies, banks, and other users of financial statements.

(f) In gathering information about the ~~((professional))~~ attest work of licensees, the committee may make use of investigators, either paid or unpaid, who are not themselves members of the committee.

(g) The identities of the sources of financial statements and reports received by the board or the committee from other than the licensees who issued the reports shall be preserved in confidence. Reports submitted to the committee pursuant to (b) of this subsection and comments of reviewers, the committee and the board on such reports or workpapers relating thereto, shall also be preserved in confidence except to the extent that they are communicated by the board to the licensees who issued the reports or disclosure is required under administrative procedure rules or by direction of a court of law.

(h) The committee's review of financial statements and reports of the licensees thereon shall be directed toward the following:

(i) Presentation of financial statements in conformity with generally accepted accounting principles;

(ii) Compliance by licensees with generally accepted auditing standards;

(iii) Compliance by licensees with other professional standards; and

(iv) Compliance by licensees with the rules of the board and other regulations relating to the practice of public accounting.

(i) If the board determines that a report referred to the board by the committee is substandard or seriously questionable with respect to applicable professional standards, the board may take one or more of the following actions:

(i) Send the licensee firm a letter of comment detailing the perceived deficiencies and require the licensee to develop quality control procedures to ~~((insure))~~ ensure that similar occurrences will not occur in the future;

(ii) Require any individual licensee who had responsibility for issuance of a report, or who substantially participated in preparation of the report and/or related workpapers, to successfully complete specific courses or types of continuing education as specified by the board;

(iii) Require that the office responsible for a substandard report submit all or specified categories of its reports to a pre-issuance review in a manner and for a duration prescribed by the board;

(iv) Require the office or the licensee firm responsible for a substandard report to submit to a peer review conducted in accordance with standards acceptable to the board. The cost of the peer review will be at the firm's expense;

(v) Require the licensee firm responsible for substandard work to submit to on-site review or other investigative procedures of work product and practices by board representatives in order to assess the degree or pervasiveness of substandard work. The board may assess the costs of such procedures to

the firm if the results of such investigative efforts substantiate the existence of substandard work product;

(vi) Initiate an investigation pursuant to RCW 18.04.295, 18.04.305, and/or 18.04.320 if it appears that the professional conduct reflected in a substandard report is so serious as to warrant consideration of possible disciplinary action.

**AMENDATORY SECTION** (Amending WSR 00-11-077, filed 5/15/00, effective 6/30/00)

**WAC 4-25-830 What are the CPE requirements?** (1) ~~((For CPE reporting periods beginning January 1, 2000, or later,))~~ The following CPE is required during the three calendar year period prior to renewal:

(Category)	Maximum CPE Allowed in Nontechnical Subject Areas	Minimum CPE in Ethics Applicable to Practice in WA State	Total CPE
(a) A licensee.	24	4	120
(b) A certificateholder whose activities during the 3-year calendar period prior to renewal do not require a license to practice public accounting.	Exempt	4	120

**(2) Subject area requirements:**

(a) Licensees are limited to a maximum of 24 CPE credit hours in nontechnical subject areas during the CPE reporting period.

(b) ~~If you are a certificateholder, you are exempt from the limitation of CPE credit hours in nontechnical subject areas.)~~

(a) A licensee must complete 120 CPE credit hours which is limited to 24 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics applicable to the practice of public accounting in Washington state;

(b) A certificateholder or a resident nonlicensee firm owner must complete 4 CPE credit hours in ethics applicable to the practice of public accounting in Washington state; and

(c) Individuals holding practice privileges are exempt from CPE.

**(2) CPE requirements for renewal of a license that was issued less than three years before the end of a certificate renewal cycle:** When you convert your status from a certificateholder to a licensee, your CPE reporting period (the three calendar year period prior to renewal) and renewal cycle will remain the same. The CPE requirements for renewal are as follows:

(a) If your license was issued during the first calendar year of your CPE reporting period, you must have completed 80 CPE credit hours which is limited to 16 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics applicable to the practice of public accounting in Washington state.

(b) If your license was issued during the second calendar year of your CPE reporting period, you must have completed

40 CPE credit hours which is limited to 8 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics applicable to the practice of public accounting in Washington state.

(c) If your license was issued during the third calendar year of your CPE reporting period, you must have completed 4 CPE credit hours in ethics applicable to the practice of public accounting in Washington state.

(3) **Ethics applicable to practice in ((WA)) Washington state:** During each CPE reporting period all licensees ((and)), certificateholders, and resident nonlicensee firm owners are required to complete a four-hour course on professional ethics with specific application to the practice of public accounting in Washington state.

(4) **20 hours a year minimum:** ~~((For CPE reporting periods beginning after December 31, 1999, you))~~ Licensees must complete a minimum of 20 hours of CPE each calendar year. This requirement is waived for the first calendar year of a ~~((certificateholder's))~~ licensee's initial CPE reporting cycle.

~~(5) ((Reasonable cause exemption: Retirees and certificateholders who will not make any public, professional, commercial, or occupational use of the title CPA during the upcoming three year period are deemed to have met the reasonable cause exemption and may therefore renew their certificate under the reasonable cause exemption and be exempt from the CPE requirements. However, individuals holding a certificate under the reasonable cause exemption may not hold out in public practice nor may they make any professional, occupational, commercial or public use of the CPA title.)) CPE requirements for renewal following retirement:~~

(a) In order to renew as a licensee you must meet the CPE requirements of subsection (1)(a) of this section.

(b) In order to renew as a certificateholder you must meet the CPE requirements of subsection (1)(b) of this section.

~~(6) ((Return to previous status:)) CPE requirements for a certificateholder to either qualify to apply for a license or return to their previously held status as a licensee: If you ((seek)) hold a valid certificate and you wish to apply for a license or you want to ((change)) return to your previously held status as a ((certificateholder exempted from the CPE requirements under the reasonable cause exemption to a:~~

~~(a)) licensee, you must ((satisfy the requirements of subsection (1)(a) of this section within the three year period immediately preceding the date the application for change in status was received by the board; or~~

~~(b) Certificateholder, you must satisfy the requirements of subsection (1)(b) of this section within the three year period immediately preceding the date the application for change in status was received by the board)) meet the following CPE requirements:~~

(a) If your certificate was issued less than a year prior to the date you apply for a license, there is no CPE requirement for licensure.

(b) If your certificate was issued more than a year but less than two years from the date you apply for a license, you must have completed 40 CPE credit hours within the twelve

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months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 8 CPE credit hours in nontechnical subject areas.

(c) If your certificate was issued more than two years but less than three years from the date you filed your renewal, you must have completed 80 CPE credit hours within the twenty-four months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 16 CPE credit hours in nontechnical subject areas.

(d) If your certificate was issued more than three years from the date you apply for a license, you must have completed 120 CPE credit hours within the thirty-six months immediately preceding the date you file your application. If more than four years has lapsed since you passed the CPA examination, you are limited to 24 CPE credit hours in nontechnical subject areas.

**(7) Reinstatement of a lapsed, suspended, or revoked license (~~and/or~~), certificate, or registration as resident nonlicensee firm owner:**

(a) If you seek to reinstate a lapsed, suspended, or revoked license (~~and certificate~~), you must satisfy the requirements of subsection (1)(a) of this section within the three-year period immediately preceding the date the application for reinstatement was received by the board.

(b) If you seek to reinstate a lapsed, suspended, or revoked certificate, or registration as a resident nonlicensee firm owner, you must satisfy the requirements of subsection (1)(b) of this section within the (~~three-year~~) six-month period immediately preceding the date the application for reinstatement was received by the board.

**(8) Reciprocity:** If you are applying for an initial Washington state CPA license (~~and/or certificate~~) under the reciprocity provisions of (~~RCW 18.04.180 or 18.04.183~~) the Act, you must satisfy the (~~applicable~~) requirements in subsection (1)(a) of this section within the three-year period immediately preceding the date the application was received by the board. For purposes of (~~an~~) initial (~~license and/or certificate~~) license, you do not need to satisfy the ethics requirements of subsection (~~(3)~~) (1)(a) of this section. Thereafter, in order to renew your Washington state (~~CPA~~) license (~~and/or certificate~~), you must comply with all the (~~applicable~~) renewal requirements in subsection (1) (~~of this section, including the ethics requirements in subsection (3) of this section~~) (a).

**(9) CPE waiver request:** In order to renew your license (~~and/or~~), certificate, or registration as a nonlicensee firm owner you must complete the required CPE by the end of the CPE reporting period preceding your renewal unless you can demonstrate your failure to meet the CPE requirements was due to reasonable cause. The board may (~~make~~) provide limited (~~exceptions~~) extensions to the CPE requirements for reasons of individual hardship including health, military service, foreign residence, or other reasonable cause. You must request such an (~~exception~~) extension in writing on the form(s) provided by the board. The request must include justification for the request and your plan to correct your CPE deficiency.

AMENDATORY SECTION (Amending WSR 00-11-078, filed 5/15/00, effective 6/30/00)

**WAC 4-25-910 What are the bases for the board to impose discipline?** RCW 18.04.055, 18.04.295, and 18.04.305 authorize(~~(s)~~) the board to revoke, suspend, refuse to renew (~~(a)~~) or reinstate an individual or firm license (~~and/or~~), certificate, practice privilege, or registration as a resident nonlicensee firm owner; impose a fine not to exceed (~~(one)~~) ten thousand dollars(~~(, and)~~); recover investigative and legal costs; impose full restitution to injured parties; impose remedial sanctions; impose conditions precedent to renew; or prohibit a nonlicensee from holding an ownership interest in a licensed firm for the specific acts listed below.

The following are specific examples of prohibited acts that constitute grounds for discipline under RCW 18.04.295 and 18.04.305. The board does not intend this listing to be all inclusive.

(1) Fraud or deceit in obtaining a (~~CPA~~) license (~~and/or certificate~~) or in any filings with the board.

(2) Making a false or misleading statement in support of another's application for a license and/or certificate.

(3) Dishonesty, fraud, or negligence while representing oneself as a CPA, CPA firm, or a nonlicensee firm owner including but not limited to:

(a) Practicing public (~~accountancy~~) accounting in Washington state prior to obtaining a license;

(b) Making misleading, deceptive, or untrue representations;

(c) Engaging in acts of fiscal dishonesty;

(d) Purposefully, knowingly, or negligently failing to file a report or record, or filing a false report or record, required by local, state, or federal law;

(e) Unlawfully selling unregistered securities;

(f) Unlawfully acting as an unregistered securities salesperson or broker-dealer;

(g) Discharging a trustee's duties in a negligent manner or breaching one's fiduciary duties; or

(h) Withdrawing or liquidating, as fees earned, funds received by a CPA, CPA firm, or a nonlicensee firm owner from a client as a deposit or retainer when the client contests the amount of fees earned, until such time as the dispute is resolved.

(4) The following shall be prima facie evidence that a CPA, CPA firm, or a nonlicensee firm owner has engaged in dishonesty, fraud, or negligence while representing (~~himself or herself~~) oneself as a CPA, CPA firm, or a nonlicensee firm owner:

(a) An order of a court of competent jurisdiction finding the CPA, CPA firm, or the nonlicensee firm owner to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's, CPA firm's, or nonlicensee firm owner's fitness to represent himself or herself as a CPA, CPA firm, or a nonlicensee firm owner;

(b) An order of a federal, state, local or foreign jurisdiction regulatory body finding the CPA, CPA firm, or nonlicensee firm owner to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's, the nonlicensee firm owner's, or CPA firm's fitness to



represent (~~(himself or herself)~~) itself as a CPA, a nonlicensee firm owner, or a CPA firm;

(c) Cancellation, revocation, suspension, or refusal to renew the right to practice as a CPA or a nonlicensee firm owner by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state; or

(d) Suspension or revocation of the right to practice before any state or federal agency.

~~(5) ((Conviction of a crime or an act constituting a crime under Federal law, the laws of Washington state, or the laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state.))~~  
Any state or federal criminal conviction or commission of any act constituting a crime under the laws of this state, or of another state, or of the United States.

(6) A conflict of interest such as:

(a) Self dealing as a trustee, including, but not limited to:

(i) Investing trust funds in entities controlled by or related to the trustee;

(ii) Borrowing from trust funds, with or without disclosure; and

(iii) Employing persons related to the trustee or entities in which the trust has a beneficial interest to provide services to the trust (unless specifically authorized by the trust creation document).

(b) Borrowing funds from a client unless the client is in the business of making loans of the type obtained by the ~~((certificateholder))~~ CPA, CPA firm, or nonlicensee firm owner and the loan terms are not more favorable than loans extended to other persons of similar credit worthiness.

(7) A violation of the Public Accountancy Act or failure to comply with a board rule contained in chapter 4-25 WAC.

(8) Violation of one or more of the rules of professional conduct included in chapter 4-25 WAC or concealing another's violation of the Public Accountancy Act or board rules.

(9) Failure to cooperate with the board by failing to:

(a) Furnish any papers or documents requested or ordered to produce by the board;

(b) Furnish in writing a full and complete explanation related to a complaint as requested by the board;

(c) Respond to an inquiry of the board;

(d) Respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

(10) Failure to comply with an order of the board.

(11) A CPA's or nonlicensee firm owner's adjudication as mentally incompetent is prima facie evidence that the CPA or nonlicensee firm owner lacks the professional competence required by the rules of professional conduct.

**WSR 02-04-068**

**PERMANENT RULES  
CLARK COLLEGE**

[Filed January 31, 2002, 10:37 a.m.]

Date of Adoption: January 28, 2002.

Purpose: To establish regulations governing the use of college facilities. Adopt new rules, chapter 132N-150 WAC, College facilities.

Citation of Existing Rules Affected by this Order: Repealing WAC 132N-144-010 and 132N-144-020.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 01-22-016 on October 26, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 28, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

January 28, 2002

Tana L. Hasart

President

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**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 132N-144-010	Board policy statement— Rental regulations (campus facilities).
WAC 132N-144-020	Administrative procedures— Rental regulations (campus facilities).

**Chapter 132N-150 WAC**

**COLLEGE FACILITIES**

**NEW SECTION**

**WAC 132N-150-010 General. Use of college facilities.** The college is committed to providing quality educational and cultural services to the college district. On this basis, college facilities are made available for use by organizations conducting educational, cultural, civic, or community activities. College-related activities of public educational, cultural, civic, or community service nature are given first priority consideration for the use of college facilities.

College facilities may be rented by for-profit, private, or not-for-profit entities, provided that the activity does not conflict with college functions and that charges reflecting the full cost of the facility usage are paid.

College facilities may not be used in ways that interfere with the college's teaching, research, public service, or support programs; conflict with published rules or regulations; or interfere with the flow of pedestrian or vehicular traffic.

#### NEW SECTION

**WAC 132N-150-020 Nondiscrimination.** The college reserves the right to deny an application by any group, organization, or individual that discriminates in membership or limits participation in a manner inconsistent with the college's nondiscrimination policy.

#### NEW SECTION

**WAC 132N-150-030 Administrative control.** The board of trustees delegates to the president authority to establish policies and procedures for proper review and approval of the use of college facilities, to establish regulations governing such use, and to establish and revise fee schedules for facilities use. Such policies and procedures may include, but are not limited to, building security, advertising or promotion, signage, use of bulletin boards and display racks, and the sale or distribution of retail and public information materials.

#### NEW SECTION

**WAC 132N-150-040 Reservations/fees.** Reservations/fees and financial arrangements are made through the facilities use office and are not final until approved by that office. Exemptions to the published rental fee schedule may be authorized by the president or designee, if deemed to be in the best interests of the college, its faculty, staff, or students.

#### NEW SECTION

**WAC 132N-150-050 Responsibility/hold harmless.** All groups using college facilities must identify one person or representative who is legally responsible for theft, damage, or claims to college equipment and/or facilities. This representative must report any damage or claims to the facilities use office.

Permission to use college facilities is with the express understanding and condition that the individual or organization assumes full responsibility for any loss, damage, or claims resulting from such use and agrees to hold harmless and indemnify the college against any loss or damage claim arising out of such use.

#### NEW SECTION

**WAC 132N-150-060 Proof of insurance.** When an event in or on college facilities or grounds involves physical activity, or otherwise increases the risk of bodily injury above the level inherent in the facility to be used, the college may require users to furnish proof of liability insurance naming the college as an additional insured, with limits of not less than one million dollars per occurrence, prior to approval for the requested use.

#### NEW SECTION

**WAC 132N-150-070 Occupancy.** At no time may the occupancy of a college facility exceed the maximum occupancy as defined by the fire marshal; the fire, life, and safety code; or as posted by the college.

Building occupants are required to comply with all fire, health, and safety rules and regulations. When a building is occupied, required exits and aisles may not be blocked or rendered inoperable.

#### NEW SECTION

**WAC 132N-150-080 Student occupancy and use.** Students have the right of access to college facilities, subject to ordinary schedules, regulations, and administrative procedures governing each facility. When using college facilities, students have the responsibility to respect regulations and to comply with the spirit and intent of facilitating the educational purposes of the college. Students are subject to WAC 132N-120-065, Denial of access to Clark College.

#### NEW SECTION

**WAC 132N-150-090 Commercial use/solicitation.** The use of college grounds or facilities for commercial or private gain is prohibited except where commercial activity, such as the sale of books, instructional supplies, or food, directly supports an instructional program or purpose or where limited sale is specifically authorized by written permission of the president or designee for the benefit of an approved college activity.

The distribution of materials on college property is subject to reasonable limitations as to time, place, and manner that are consistent with applicable federal and state law. Material that contains or constitutes unprotected speech or expression is not permitted on college property.

Solicitation in or on college-owned or college-operated facilities is expressly prohibited (unless at the specific request of the person or group being solicited) except by written permission of the president or designee, or when conducted pursuant to a contract, lease, or other formal arrangement with the college.

#### NEW SECTION

**WAC 132N-150-100 Bulletin boards.** The college intends bulletin boards to be an effective means of communicating to students and employees important information from the college, college organizations, or public agencies serving students. Bulletin boards are not ordinarily to be used for commercial advertising.

#### NEW SECTION

**WAC 132N-150-110 Campus building exteriors/promotional materials and banners.** Hanging signs, banners, or flyers on campus building exteriors and grounds, or otherwise marking campus surfaces for advertising or promotion,

is prohibited. The facilities use office may authorize the use of outside banners at specified locations.

#### NEW SECTION

**WAC 132N-150-120 Responsibility for personal property.** The college is not responsible for loss or damage to personal property brought onto the campus.

#### NEW SECTION

**WAC 132N-150-130 Alcohol consumption.** Consumption of alcoholic beverages in or on college-owned or college-operated facilities is expressly prohibited unless approved by the president or designee.

All groups qualifying for use of alcoholic beverages must adhere to the rules and regulations set forth by the Washington state liquor control board and the Clark College board of trustees.

#### NEW SECTION

**WAC 132N-150-140 Food and beverages.** Consumption of food and beverages may be prohibited in or on certain college facilities or grounds at the option of the administration.

#### NEW SECTION

**WAC 132N-150-150 Children on campus.** Other than usage associated with the college's services for children and families and other specific college-sponsored programs for children, the general policy of the college is that its facilities are not available for unrestricted usage by children under sixteen years of age. In no cases are children permitted in college-owned or college-operated facilities (including the library, food services areas, lounges, and study areas) without supervision by an adult.

Children are not to be left unattended on campus grounds or in vehicles.

Children are permitted in classrooms only with the specific approval of the faculty member responsible for the class, on an emergency basis and for a specified, limited period of time.

#### NEW SECTION

**WAC 132N-150-160 Animals on campus.** All animals (other than laboratory animals) on campus must be under the immediate physical control of the owner at all times, e.g., on leash or carried. Animals cannot be tied to buildings or fixtures, left unattended, or permitted to run at large on campus. Animals must remain outside campus buildings, with the exception of guide or service dogs and laboratory animals. Large animals are not allowed on campus grounds unless specifically approved by the president. A formal complaint may be filed with Clark County animal control authorities against violators of these rules.

#### NEW SECTION

**WAC 132N-150-170 Climbing on college buildings.** College buildings, structures, and grounds may not be used for climbing, rappelling, jumping, or other such activities.

#### NEW SECTION

**WAC 132N-150-180 Electronic devices.** Radio transmitters, bull horns, amplifiers, and other electronic devices that disrupt college programs or operations are prohibited on college property.

#### NEW SECTION

**WAC 132N-150-190 Fireworks.** The use or discharge of fireworks as defined in RCW 70.77.126, Definitions—"Fireworks," is prohibited on or in facilities and grounds owned or operated by the college except in limited areas designated by the president or designee.

#### NEW SECTION

**WAC 132N-150-200 Overnight use.** No person shall remain overnight on or in college property or facilities without the express written permission of the president or designee. This policy does not apply to employees specifically directed by their supervisors to work a graveyard shift. Individuals remaining on or in college property or facilities overnight must contact the security/safety office.

#### NEW SECTION

**WAC 132N-150-210 Temporary structures.** The erection of tents, awnings, canopies, or similar structures must be cleared with the security/safety office.

#### NEW SECTION

**WAC 132N-150-220 Recreational devices.** The use of skateboards, snowmobiles, roller skates, snow sleds, snow boards, scooters, roller blades, and other recreational devices that present a safety hazard or have the potential to damage college property is prohibited.

#### NEW SECTION

**WAC 132N-150-230 Smoking.** The inhaling, exhaling, burning, or carrying of any lighted smoking equipment, including cigarettes, cigars, or pipes, is prohibited in the interior of all buildings and vehicles owned or operated by the college. The use of other tobacco products, such as smokeless or chewing tobacco, in college facilities is also prohibited. In addition, smoking is prohibited at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

#### NEW SECTION

**WAC 132N-150-240 Weapons on campus.** Weapons, unless otherwise permitted by law, are not permitted on the

college campus, at any other facilities leased or operated by the college, or at any activity under the administration or sponsorship of the college.

Exceptions to this policy are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer or campus security officer.

#### NEW SECTION

**WAC 132N-150-250 Denial/revocation.** The college reserves the right to deny any application or to revoke any rental agreement at any time if actions resulting from the application or permission constitute unlawful activity or, in the judgment of the administration, present imminent danger or unlawful activity; or if a prospective user has previously violated the provisions of rules and regulations of the college; or if activities, in the judgment of the president or designee, conflict with, directly compete with, or are incompatible with the programs or mission of the college.

#### NEW SECTION

**WAC 132N-150-260 Denial/trespass.** When faced with a situation that he/she judges to be disruptive to the order of the college, to impede the movement of persons or vehicles, or to interfere with the ingress and/or egress of persons from college facilities, the president or designee has the authority to: Advise individuals or groups of the specific nature of any violation; request such individuals to leave college premises; or prohibit the entry or withdraw the license, privilege, or permit of any individual or group to enter or remain in or on any portion of a college facility. Individuals who persist in disruptive or unlawful conduct or remain upon college premises will be subject to arrest under chapter 9A.52 RCW, Burglary and trespass.

#### NEW SECTION

**WAC 132N-150-270 Violation and/or termination of facilities use agreement.** The college, at its discretion, has the right to cancel and terminate a contract or revoke any permit for facilities use immediately and without notice upon its discovery of a violation of any term, condition, or provision listed within college procedures. Individuals in violation will be advised of the specific nature of the violation. If they persist in the violation, they will be requested to leave college property. Failure to comply with the request to leave may subject such individuals to arrest under provisions of the criminal trespass statute or other applicable laws and civil sanctions.

#### NEW SECTION

**WAC 132N-150-280 Appellant process.** A facilities use decision may be appealed to the vice-president of administrative services. This section applies only if a specific appeal procedure has not otherwise been provided, e.g., chapter 132N-156 WAC, Parking and traffic rules and regulations, or chapter 132N-120 WAC, Code of student conduct.

Upon receipt of an appeal, the vice-president will conduct a brief adjudicative proceeding.

#### WSR 02-04-075

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed February 1, 2002; 4:11 p.m.]

Date of Adoption: February 1, 2002.

Purpose: Update the model traffic ordinance to incorporate recent statutory changes.

Citation of Existing Rules Affected by this Order: Amending WAC 308-330-305, 308-330-307, 308-330-320, 308-330-464, 308-330-481, and 308-330-705.

Statutory Authority for Adoption: RCW 46.90.010.

Adopted under notice filed as WSR 01-21-111 on October 23, 2001.

Changes Other than Editing from Proposed to Adopted Version: Corrected mistaken chapter number in session law reference in amendment to WAC 308-330-705.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 1, 2002

Denise M. Movius

Assistant Director

AMENDATORY SECTION (Amending WSR 97-10-068, filed 5/5/97, effective 6/5/97)

**WAC 308-330-305 RCW sections adopted—Vehicle licenses.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140, 46.16.145, 46.16.160, ((46.16.170,)) 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.316, 46.16.350, 46.16.381, 46.16.390, 46.16.500, 46.16.505, 46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680.

**AMENDATORY SECTION** (Amending WSR 00-18-067, filed 9/1/00, effective 10/2/00)

**WAC 308-330-307 RCW sections adopted—Driver licenses and identicards.** The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.001, 46.20.005, 46.20.015, 46.20.017, 46.20.021, 46.20.022, 46.20.024, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.075, 46.20.0921, 46.20.109, 46.20.220, 46.20.308, 46.20.3101, 46.20.338, 46.20.342, 46.20.345, 46.20.349, 46.20.391, 46.20.394, 46.20.410, 46.20.500, 46.20.510, 46.20.720, 46.20.740, and 46.20.750.

**AMENDATORY SECTION** (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

**WAC 308-330-320 RCW sections adopted—Size, weight, load.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, 46.44.015, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.043, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, ((and)) 46.44.180, and section 3, chapter 262, Laws of 2001.

**AMENDATORY SECTION** (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

**WAC 308-330-464 RCW sections adopted—Operation and restrictions.** The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, ((and)) 46.61.730, and section 1, chapter 325, Laws of 2001.

**AMENDATORY SECTION** (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

**WAC 308-330-481 RCW sections adopted—Operation of nonmotorized vehicles.** The following sections of the Revised Code of Washington (RCW) pertaining to the operation of nonmotorized vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all

respects as though such sections were set forth herein in full: RCW 46.61.750, 46.61.755, 46.61.758, 46.61.760, 46.61.765, 46.61.770, 46.61.775, ((and)) 46.61.780, and 46.61.790.

**AMENDATORY SECTION** (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

**WAC 308-330-705 RCW sections adopted—Enforcement.** The following sections of the Revised Code of Washington (RCW) pertaining to traffic enforcement agencies as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.025, 46.64.030, 46.64.035, 46.64.048, ((and)) 46.64.050, and section 3, chapter 289, Laws of 2001.

## WSR 02-04-076

### PERMANENT RULES

### DEPARTMENT OF LICENSING

[Filed February 1, 2002, 4:12 p.m.]

Date of Adoption: February 1, 2002.

Purpose: Clarifies a recent amendment to the department's criteria for determining the need to enter into an agreement with third parties to test applicants for commercial driver's licenses.

Citation of Existing Rules Affected by this Order: Amending WAC 308-100-140.

Statutory Authority for Adoption: RCW 46.01.110 and 46.25.060.

Adopted under notice filed as WSR 01-21-112 on October 23, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 1, 2002

Denise M. Movius

Assistant Director

AMENDATORY SECTION (Amending WSR 01-09-062, filed 4/16/01, effective 5/17/01)

**WAC 308-100-140 Third party tester.** The department may enter into an agreement with third party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third party tester exists in the location covered by the third party tester, and that the third party tester is otherwise qualified. In counties where there are no third party testers, or where not extending or renewing an agreement would result in no third party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an agreement with a third party tester for any length of time upon a showing of good cause. An agreement between the department and a third party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion. The department may renew an agreement if it has determined that a need for a third party tester still exists in the location covered by the third party tester.

**WSR 02-04-094**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed February 5, 2002, 12:01 p.m.]

Date of Adoption: February 5, 2002.

Purpose: To update and streamline the division's rules on the addition of groups to a credit union's field of membership.

Citation of Existing Rules Affected by this Order: Repealing WAC 208-472-012, 208-472-041, 208-472-045, 208-472-050, 208-472-060, 208-472-065, 208-472-070, 208-472-075 and 208-472-080; and amending WAC 208-472-010, 208-472-015, 208-472-020, and 208-472-025.

Statutory Authority for Adoption: RCW 31.12.382, 31.12.516 (2), (4), 43.320.040.

Adopted under notice filed as WSR 02-01-103 on December 17, 2001.

Changes Other than Editing from Proposed to Adopted Version: Based on comments received, the division changed the rule in its final version to require notice to other credit unions only if the FOM group to be added exceeds five hundred persons. The proposed rule would have required such notice for every FOM group, no matter the size.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 4, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 4, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 5, 2002

Mark Thomson

Acting Director

**Chapter 208-472 WAC**

**CREDIT UNION FIELD OF MEMBERSHIP ((~~EXPAN-~~  
~~SION~~))**

AMENDATORY SECTION (Amending WSR 96-06-011, filed 2/23/96, effective 6/1/96)

**WAC 208-472-010 ((~~Purpose~~)) Authority.** ((~~This chapter is adopted by the director for the purpose of establishing the application process for a credit union to include in its field of membership a separate group:~~

(1) ~~With a common bond of occupation or association; or~~

(2) ~~That constitutes a community.))~~ A credit union may

admit to membership those persons qualified for membership who are within its field of membership as stated in its bylaws.

A credit union may amend its field of membership bylaws to add one or more occupational groups, associational groups and communities to its field of membership, as approved by the director pursuant to this chapter. The FOM groups may be located inside or outside the state.

The director may waive any provision of this chapter as the director deems appropriate to facilitate credit union service to low and moderate income persons.

In addition to the field of membership powers or authorities reflected in this chapter, a credit union has the field of membership powers and authorities granted pursuant to RCW 31.12.404.

AMENDATORY SECTION (Amending WSR 96-17-070, filed 8/20/96, effective 9/20/96)

**WAC 208-472-015 Definitions.** Unless the context clearly requires otherwise, as used in this chapter:

(1) "Affiliate" of an enterprise or organization means a person that controls, is controlled by, or is under common control with, the enterprise or organization. "Control" means twenty-five percent or greater stock ownership.

(2) ((~~"Common bond of association" means a current, unifying factor among a group of natural persons, that is based on membership in a bona fide organization whose primary purpose is other than providing eligibility for credit union services. Such an organization must be primarily composed of natural persons who are eligible to participate in the organization's activities. Such an organization also must have clearly defined membership eligibility and must hold regular meetings at least once each year.~~

~~Matriculating students of an accredited college or university, who are members of an identified organization, other than general members of the applicant's credit union, are deemed to have a common bond of association. The organization need not satisfy the requirements set forth in the prior paragraph.~~

~~(3) "Common bond of occupation" means a current, unifying factor among a group of natural persons that is based on employment by or a work-related relationship with an enterprise. The group may include only the following categories of persons:~~

- ~~(a) Employees of the enterprise, and their family members;~~
- ~~(b) Employees of any subsidiaries of the enterprise, and their family members;~~
- ~~(c) Employees of the affiliates of the enterprise, and their family members;~~
- ~~(d) Nonemployee officials of the enterprise, and their family members; and~~
- ~~(e) Natural persons under contract to work regularly for the enterprise, and their family members.~~

~~Each of these categories may be included if they are separately identified in the credit union's bylaws.~~

~~(4) "Community" means a current unifying factor among a group of natural persons, that is based on residence or employment within a well-defined and relatively limited geographic area, with a relatively limited population, that is recognized by those who live or work there as a neighborhood, community, or rural district.~~

~~For example, the city of Seattle and King County do not constitute a community for this purpose, because they do not have a relatively limited population. On the other hand, the city of Chelan and Chelan school district are within a well-defined and relatively limited geographic area, with a relatively limited population, and may constitute a community if they are recognized by those who live or work there as a neighborhood, community or rural district. (These examples are based on circumstances existing on December 1, 1994.)~~

~~(5)) "Associational group" is a group with a common bond of association related to membership in an organization, or a portion of such a group. The organization must satisfy each of the following criteria:~~

- ~~(a) The organization's primary purpose must be other than providing eligibility for credit union services;~~
- ~~(b) The organization's membership must be primarily composed of natural persons; and~~
- ~~(c) The organization's organizational documents must define membership eligibility.~~

~~In regard to an associational group within a credit union's FOM bylaws, the credit union may admit to membership:~~

- ~~(i) Members of the organization;~~
- ~~(ii) Directors, employees, volunteers and retirees of the organization or its subsidiaries or affiliates;~~
- ~~(iii) Natural persons under contract to work for the organization or its subsidiaries or affiliates;~~
- ~~(iv) Family members (as determined by the credit union) of any of the above-described natural persons;~~
- ~~(v) The spouse of any of the above-described natural persons if the person qualified for membership at the time of his or her death;~~

~~(vi) The organization and its subsidiaries and affiliates;~~  
~~(vii) Organizations and enterprises more than half of whose owners, members or employees are eligible to be members of the credit union; and~~

~~(viii) Other persons approved by the director.~~

~~Students of a school, college or university are deemed to be members of an organization that constitutes an associational group. In regard to such an associational group within a credit union's FOM bylaws, the credit union may admit to membership the students of the school, college or university as well as the family members (as determined by the credit union) of the students.~~

~~(3) "CAMEL" means the CAMEL rating system used by the division, or a successor rating system used by the division.~~

~~(4) "Community" is a well-defined geographic area that is recognized by those who live or work there as a neighborhood, community, or rural district, or a portion of such an area.~~

~~In regard to a community within a credit union's FOM bylaws, the credit union may admit to membership:~~

~~(a) Natural persons who live, work, worship or go to school in the community;~~

~~(b) Enterprises and organizations that have offices within the community, and natural persons under contract to work for the enterprises or organizations;~~

~~(c) Directors, employees, volunteers and retirees of the above-described enterprises or organizations;~~

~~(d) Family members (as determined by the credit union) of any of the above-described natural persons;~~

~~(e) The spouse of any of the above-described natural persons if the person qualified for membership at the time of his or her death;~~

~~(f) Enterprises and organizations more than half of whose owners, members or employees are eligible to be members of the credit union; and~~

~~(g) Other persons approved by the director.~~

~~(5) "Credit union" means a credit union organized (or chartered) and operating under chapter 31.12 RCW, and an out-of-state or foreign credit union operating in this state in accordance with RCW 31.12.471.~~

~~(6) "Director" means the director of ((the Washington state department of)) financial institutions.~~

~~(7) ("Number of potential members" means the sum of: (a) The number of actual members of the applicant credit union; and~~

~~(b) The number of employees or members (as appropriate) of the group applied for.~~

~~(8) "Required number" means:~~

~~(a) If the number of employees or members (as appropriate) of the specified group is two thousand one or more, the required number is at least five percent of the number of these individuals (rounded up to the nearest whole number).~~

~~(b) If the number of employees or members (as appropriate) of the specified group is from three hundred thirty to two thousand, the required number is at least one hundred of these individuals.~~

~~(c) If the number of employees or members (as appropriate) of the specified group is three hundred twenty nine or less, the required number is at least thirty percent of the num-~~

ber of these individuals (rounded up to the nearest whole number-)) "Division" means the division of credit unions of the Washington state department of financial institutions.

(8) "FOM" means field of membership.

(9) "FOM groups" includes occupational groups, associational groups and communities.

(10) "Occupational group" is a group with a common bond of occupation related to employment by, or work for, an enterprise, or a portion of such a group. The group must be primarily composed of natural persons.

In regard to an occupational group within a credit union's FOM bylaws, the credit union may admit to membership:

(a) Employees of the enterprise;

(b) Directors, employees, volunteers and retirees of the enterprise or its subsidiaries or affiliates;

(c) Natural persons under contract to work for the enterprise or its subsidiaries or affiliates;

(d) Family members (as determined by the credit union) of any of the above-described natural persons;

(e) The spouse of any of the above-described natural persons if the person qualified for membership at the time of his or her death;

(f) The enterprise and its subsidiaries and affiliates;

(g) Enterprises and organizations more than half of whose owners, members or employees are eligible to be members of the credit union; and

(h) Other persons approved by the director.

(11) "Primarily" or "primary" means more than one-half.

(12) "Qualified associational group" means an associational group located wholly or partly in the state. However, if the members of the organization in Washington exceed 6,299, the group will not be considered qualified unless the group is within the FOM bylaws of another credit union or federal credit union.

An associational group that does not satisfy this definition is considered to be a nonqualified associational group.

(13) "Qualified community" means a community in the state that constitutes a:

(a) School district;

(b) City; or

(c) County with a population of no more than 75 people per square mile.

A community that does not satisfy this definition is considered to be a nonqualified community.

(14) "Qualified occupational group" means an occupational group located wholly or partly in the state. However, if the members of the enterprise in Washington exceed 6,299, the group will not be considered qualified unless it is within the FOM bylaws of another credit union or federal credit union.

An occupational group that does not satisfy this definition is considered to be a nonqualified occupational group.

(15) "SOG" means a small occupational group added pursuant to a SOG enabling amendment approved by the director prior to . . . . . (the effective date of the 2002 revisions to this chapter).

AMENDATORY SECTION (Amending WSR 96-17-071, filed 8/20/96, effective 9/20/96)

WAC 208-472-020 ((~~Inclusion of a group with a common bond of occupation.~~) FOM bylaws; addition of FOM groups. ((Except as permitted by WAC 208-472-041, if a credit union wants to include a separate group with a common bond of occupation in its field of membership, it must make application to the director to amend its bylaws in accordance with RCW 31.12.115. The application must be submitted to the director in duplicate and must include the information as required by WAC 208-472-025-)) (1) General. Each credit union must keep its FOM bylaws substantially in the form of the model FOM bylaws prescribed by the division. Credit unions that have not converted to the model FOM bylaws prior to . . . . . (the effective date of the 2002 revisions to this chapter) must do so by December 31, 2002. Each credit union must maintain accurate, complete and up-to-date FOM bylaws.

(2) CAMEL 1s and 2s.

A credit union rated a composite CAMEL 1 or 2 by the division:

(a) May add qualified occupational groups, qualified associational groups and qualified communities to its field of membership bylaws if the credit union satisfies each of the following:

(i) If the FOM group has more than 500 employees, members or residents, as applicable, in Washington, the credit union has, before its board of directors approves the amendment, mailed or otherwise provided notice of the addition to each credit union and federal credit union headquartered in the county(ies) in Washington in which the FOM group is primarily located; and

(ii) The credit union's board has approved the amendment, which names the underlying enterprise, organization or community, as applicable, and indicates the date that the board approved the amendment.

Additions made in accordance with this subsection (2)(a) are deemed approved by the director; and

(b) May not add nonqualified occupational and associational groups and nonqualified communities to its field of membership bylaws without the prior approval of its board of directors and the prior written approval of the director under WAC 208-472-025.

(3) CAMEL 3s, 4s and 5s. A credit union rated a composite CAMEL 3, 4 or 5 by the division may not add the following FOM groups to its field of membership bylaws without the prior approval of its board of directors and the prior written approval of the director under WAC 208-472-025:

(a) Occupational groups, except for SOGs;

(b) Associational groups; and

(c) Communities.

In general, the director will not approve:

(i) The addition of a community to a credit union's bylaws if the credit union is rated a composite CAMEL 3 by the division; or

(ii) The addition of an occupational or associational group or a community to a credit union's bylaws if the credit union is rated a composite CAMEL 4 or 5 by the division.



(4) Other changes. A credit union may, upon approval of its board of directors, amend its FOM bylaws to:

- (a) Delete exclusionary clauses;
- (b) Delete FOM groups that no longer exist;
- (c) Delete its SOG enabling amendment;

(d) Revise its SOG enabling amendment to delete the SOG requirements other than the limitation on the number of employees, which is 500 per SOG;

(e) Aggregate communities into a larger community. For example, if a credit union has added each of the school districts within a county as communities, it may amend its FOM bylaws to designate the county as a community rather than listing each of the school districts as a community; and

- (f) Make nonsubstantive changes.

The board may delegate the authority to delete FOM groups that no longer exist.

In amending its FOM bylaws under this subsection (4), other than deletions, the credit union must indicate in its bylaws the date that the board approved the amendment.

(5) A person that is a member of a credit union may continue to be a member even though the person is no longer within the field of membership bylaws of the credit union, subject to the credit union's right to terminate the person's membership. The family members (as determined by the credit union) of a credit union member continue to be eligible to join the credit union, even though the credit union member is no longer within the FOM bylaws of the credit union.

AMENDATORY SECTION (Amending WSR 96-17-071, filed 8/20/96, effective 9/20/96)

WAC 208-472-025 ((Application to include a separate occupational group.)) **Application for addition of FOM groups—Approval of director.** (1) ((The application to include a separate group with a common bond of occupation must include at least the following information:

- (a) The name of the applicant credit union;
- (b) Evidence that the applicant's board of directors has complied with the notice and voting requirements of RCW 31.12.115;

(c) A description of the enterprise including its name, number of employees, and the geographic location of those employees. The categories of persons specified in WAC 208-472-015(2) that are included in the group must be separately identified;

- (d) A statement from an officer of the enterprise:

(i) That the enterprise desires membership for its employees in the applicant; and

(ii) Whether its employees are currently eligible for membership, based upon such employment, in another state or federally chartered credit union. If the employees of the enterprise are eligible for membership in another credit union based upon such employment, the applicant must make best efforts to provide a statement of nonobjection from the other credit union.

(2) In addition, the application must also include the following information if applicable:

- (a) If the number of potential members of the applicant exceeds one hundred twenty percent of the number of its

actual members, then the following information must also be submitted:

(i) A copy of the applicant's most recent monthly financial statement;

(ii) A copy of the applicant's plan or other document demonstrating its ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels;

(b) If the number of employees of the enterprise exceeds five hundred, then the following must also be submitted:

(i) An analysis whether the group has sufficient size and resources to form a credit union of its own;

(ii) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

(iii) Documentation that the applicant has given written notice to all other credit unions headquartered in this state, both state and federally chartered, that have a staffed office in any county in which the offices of the enterprise are located. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application.

(3) If the applicant cannot obtain the letter of nonobjection described in subsection (1)(d) of this section, after having made a best efforts attempt to do so, it must submit documentation that:

(a) The required number of employees of the enterprise desire membership in the applicant; or

(b) The other credit union has failed to adequately serve the group after a reasonable period of time, and how the applicant plans to improve this service.

The applicant must supply a copy of the information required in (a) and (b) of this subsection to the other credit union, which will be given sixty days following receipt of such information to submit to the department any comments on the overlap.

This subsection (3) does not apply to overlaps arising out of merger-type transactions between enterprises.)) In order to request the approval of the director to add an FOM group to its bylaws under WAC 208-472-020 (2)(b) or (3), a credit union must submit a written application in duplicate to the director. The application must include the following items, and any other information and materials requested by the director:

(a) The name of the FOM group that the applicant desires to add to its bylaws;

(b) A copy of the resolution of its board of directors approving the bylaws amendment, certified by the board chairperson or secretary;

(c) A detailed description of the FOM group, including, but not limited to, location and number of employees, members or residents, as applicable, with supporting documentation;

(d) An explanation how the FOM group satisfies the definition of such a group in WAC 208-472-015;

(e) If the applicant is applying to add an associational group, an explanation of the qualifications for membership in the organization, and a copy of the organization's organizational documents;

(f) An explanation how the addition of the FOM group will affect the financial condition of the applicant. In addition, if the applicant is applying for a community, three year pro forma income statements and balance sheets and key ratios (including, but not limited to, return on average assets, net worth, asset growth and share growth);

(g) If the applicant is applying to add a nonqualified occupational or associational group in excess of 6,299 employees or members, as applicable, a reasoned justification why the group does not have sufficient size or resources, including individual and sponsor support, and financial, physical and human resources, to support a viable credit union of its own; and

(h) If the group has more than 500 employees, members, or residents, as applicable, a statement that the applicant has mailed or otherwise provided notice of the application to each credit union and federal credit union headquartered in the county(ies) in Washington in which the FOM group is primarily located.

The director may waive any of the items in this subsection as the director deems appropriate, such as in the case of the addition of FOM groups located wholly out-of-state.

(2) An application filed pursuant to subsection (1) of this section is deemed complete when the director has received all of the information required by subsection (1) of this section. If an incomplete application is received, the director will give written notice to the applicant no more than thirty days from the date the original application was received that additional information is necessary. The applicant will be allowed thirty days after receipt of the notice to provide the requested information. If the applicant fails to do so, the director will return the application and it will be deemed withdrawn.

(3) The director will give the applicant written notice of approval or denial within thirty days after the application is deemed complete. The director's determination whether to approve an application will be based on consideration of the safety and soundness of the applicant and the applicant's compliance with this chapter.

(4) To add a separate FOM group located wholly out-of-state to its field of membership bylaws, a credit union should first contact the director to determine how to proceed with the application to the director and whether the credit union is required to file an application or notice with the credit union supervisory authority in the other state.

**NEW SECTION**

**WAC 208-472-030 Direct marketing restriction.** A credit union may not conduct direct marketing targeted primarily at the persons in an occupational or associational group unless:

(1) The group was included in the FOM bylaws of the credit union prior to . . . . . (the effective date of the 2002 revisions to this chapter). An occupational or associational group is "included" in the FOM bylaws of a credit union if the underlying enterprise or organization, as applicable, is named or within an industry described in the credit union's FOM bylaws. A group that does not satisfy the prior sentence, but that is within a community in a credit union's FOM bylaws, is

not considered "included" in the FOM bylaws of the credit union; or

(2) A management official of the underlying enterprise or organization has provided the credit union with a written statement, signed by the official, that the group desires service by the credit union.

**NEW SECTION**

**WAC 208-472-035 Application.** (1) This chapter also applies to the conversion of an out-of-state, foreign or federal credit union to a credit union chartered and operating under chapter 31.12 RCW.

(2) This chapter does not apply to mergers where the continuing credit union is organized (or chartered) and operating under chapter 31.12 RCW. The continuing credit union may amend its FOM bylaws to add the FOM groups of the merging credit union.

(3) This chapter does not restrict FOM groups added to a credit union's bylaws prior to . . . . . (the effective date of the 2002 revisions to this chapter).

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 208-472-012 General requirement.
- WAC 208-472-041 Streamlined procedure for small occupational groups.
- WAC 208-472-045 Inclusion of a group with a common bond of association.
- WAC 208-472-050 Application to include a separate associational group.
- WAC 208-472-060 Inclusion of a community group.
- WAC 208-472-065 Application to include a separate community group.
- WAC 208-472-070 Application deemed complete.
- WAC 208-472-075 Approval of application.
- WAC 208-472-080 Special circumstances.

PERMANENT

**WSR 02-04-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)

[Filed January 23, 2002, 3:53 p.m.]

Date of Adoption: January 22, 2002.

Purpose: To provide authority to recalculate the medians set for the July 1, 2001, rebase. Current WAC precludes recalculating the medians. Recalculating the medians follows the administrative review process used to resolve issues about the cost adjustments the department made for July 1, 2001, rebase. Because the costs used to recalculate the medians have been subject to administrative review under WAC 388-96-904, administrative review of the recalculation will be precluded.

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-713 and 388-96-901.

Statutory Authority for Adoption: RCW 74.46.800.

Under 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: Amending the WAC to allow for median recalculation will result in increased funding to nursing facilities that serve Medicaid eligible residents. The more funding available to nursing facilities increases the probability that the health, safety and general welfare of all nursing facility residents will be maintained or improved. Regular adoption would delay by four months or more the increased Medicaid nursing facility payment rates. Delay threatens the health, safety and general welfare of all nursing facility residents.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Immediately.

January 22, 2002

Bonnie H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

**WAC 388-96-713 Rate determination.** (1) Each nursing facility's Medicaid payment rate for services provided to medical care recipients will be determined, adjusted and updated prospectively as provided in this chapter and in chapter 74.46 RCW. The department will calculate any limit, lid, and/or median only when it rebases each nursing facility's July 1 Medicaid payment rate in accordance with chapter 74.46 RCW and this chapter, unless for the July 1, 2001 rates, the department determines the review of the 1999 cost report examination adjustments under WAC 388-96-904 results in an increase in the cost base significant enough to require one recalculation of the median cost limits (MCL) and the home office median.

(2) If the contractor participated in the program for less than six months of the prior calendar year, its rates will be determined by procedures set forth in WAC 388-96-710.

(3) Contractors submitting correct and complete cost reports by March 31st, shall be notified of their rates by July 1st, unless circumstances beyond the control of the department interfere.

(4) In setting rates, the department will use the greater of actual days from the cost report period on which the rate is based or days calculated at eighty-five percent occupancy.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

**WAC 388-96-901 Disputes.** (1) If a contractor wishes to contest the way in which the department applied a statute or department rule to the contractor relating to the nursing facility Medicaid payment system (~~(was applied to the contractor by the department)~~), the contractor shall pursue the administrative review process prescribed in WAC 388-96-904.

(a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative review under WAC 388-96-904 include but are not limited to:

- (i) Determining a nursing facility payment rate;
- (ii) Calculating a nursing facility settlement;
- (iii) Imposing a civil fine on the nursing facility;
- (iv) Suspending payment to a nursing facility; or
- (v) Refusing to contract with a nursing facility.

(b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to ((those taken)):

(i) Actions taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421.

(ii) Case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;

(iii) Quarterly rate updates to reflect changes in a facility's resident case mix;

(iv) Exceptional therapy care and exceptional direct care programs codified at WAC 388-96-779 through 388-96-782;

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- (v) Actions taken under WAC 388-96-218 (2)(c); and
- (vi) Recalculation of medians under the authority of WAC 388-96-713.

(2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding officer shall dismiss such issue with prejudice to further review under the provisions of WAC 388-96-904, but without prejudice to other administrative or judicial review as may be provided by law. Unrelated or ancillary actions not eligible for administrative review under WAC 388-96-904 include but are not limited to:

(a) Challenges to the adequacy or validity of the public process followed by department in proposing or making a change to the nursing facility Medicaid payment rate methodology, as required by 42 U.S.C. 1396a (a)(13)(A) and WAC 388-96-718;

(b) Challenges to the nursing facility Medicaid payment system that are based in whole or in part on federal laws, regulations, or policies;

(c) Challenges to a contractor's rate that are based in whole or in part of federal laws, regulations, or policies;

(d) Challenges to the legal validity of a statute or regulation; and

(e) ~~((Issues relating to case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;~~

~~(f) Quarterly rate updates to reflect changes in a facility's resident case mix;~~

~~(g) Issues relating to any))~~ Actions of the department affecting a Medicaid beneficiary or provider that were not commenced by the office of rates management, aging and adult services administration, for example, entitlement to or payment for durable medical equipment or other services(;

~~(h) Issues relating to exceptional therapy care and exceptional direct care programs codified at WAC 388-96-779 through 388-96-782; and~~

~~(i) Department actions taken under WAC 388-96-218 (2)(e)).~~

(3) If a contractor wishes to challenge the legal validity of a statute or regulation relating to the nursing facility Medicaid payment system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

**WSR 02-04-019  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-14—Filed January 24, 2002, 3:46 p.m., effective February 1, 2002]

Date of Adoption: January 24, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900N; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 nontreaty allocation of one hundred seventy wild steelhead is anticipated to be taken by January 31, 2002. Hatchery steelhead remain available for harvest. Sport anglers will be able to continue to fish for and retain hatchery steelhead until the closing date. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 1, 2002.

January 24, 2002

J. P. Koenings

Director

**NEW SECTION**

**WAC 232-28-61900N Exceptions to statewide rules—Green/Duwamish River (King County)** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. February 1 through February 28, 2002, in those waters of the Green/Duwamish River from first Avenue South Bridge (mouth) upstream to Tacoma Headworks wild steelhead must be released.

**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.

**REPEALER**

The following section of the Washington Administrative is repealed effective 12:01 a.m. March 1, 2002:

WAC 232-28-61900N	Exceptions to statewide rules—Green/Duwamish River (King County)
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**EMERGENCY**

**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.

**WSR 02-04-030**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 0201—Filed January 25, 2002, 3:16 p.m.]

Date of Adoption: January 25, 2002.

**Purpose:** Law enforcement agencies within the state of Washington confiscate drugs, including controlled substances, during the course of their work. The controlled substances are kept as evidence until the case is adjudicated. When no longer needed as evidence, law enforcement agencies follow their own policies for the destruction of the controlled substances. These policies include incineration, witnessed by a law enforcement officer. There is only one waste-to-energy facility in Washington that is able to take these wastes; however its permit prohibits the burning of dangerous waste. Some controlled substances designate as dangerous wastes in the state of Washington. This conditional exclusion will make it possible for these wastes to be disposed of at the waste-to-energy facility.

Controlled substances collected by law enforcement agencies within the state of Washington must be handled according to law enforcement policy to assure consistency in handling procedures. Deviations from the policy can put the law enforcement agency at risk for liability, loss of accreditation of their evidence rooms, and may impact case development. Law enforcement agencies have limited budgets for evidence disposal and varying disposal needs. The absence of the option for incinerating controlled substances is an impediment to a necessary element of police work.

This conditional exclusion from the dangerous waste regulations applies only to wastes that are regulated as state-only dangerous waste; that is, they are not also regulated under federal hazardous waste regulations. Ecology does not have the authority to exempt from regulation any drug that is a regulated waste under federal law. The drugs that are regulated as state-only dangerous waste are regulated primarily due to their toxicity. Incineration is an appropriate method of disposal for these low volume, low toxicity wastes.

**Citation of Existing Rules Affected by this Order:** Amending chapter 173-303 WAC.

**Statutory Authority for Adoption:** Chapter 70.105 RCW.

**Other Authority:** Chapter 43.21A RCW.

Under 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:** Law enforcement agencies have no in-state options for disposal of confiscated controlled substances that are state-only dangerous wastes. Due to a sudden loss of the last in-state disposal option and an ever

increasing backlog in evidence rooms, law enforcement agencies need a safe, acceptable, immediately available option to dispose of these substances. Conditional exclusion from chapter 173-303 WAC will allow for disposal outside of the requirements of dangerous waste regulation.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted on the Agency's Own Initiative:** New 0, Amended 1, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

**Effective Date of Rule:** Immediately.

January 25, 2002

Tom Fitzsimmons

Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-05 issue of the Register.

**WSR 02-04-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-16—Filed January 25, 2002, 3:34 p.m., effective January 28, 2002]

Date of Adoption: January 24, 2002.

**Purpose:** Amend commercial fishing rules.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 220-52-07300T; and amending WAC 220-52-073.

**Statutory Authority for Adoption:** RCW 77.12.047.

Under 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:** Harvestable amounts of red and green sea urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. The closures at Eagle Harbor and Sinclair Inlet protect public health and promote an orderly fishery. There is insufficient time to promulgate permanent rules.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal**

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 28, 2002.

January 24, 2002

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 220-52-07300U Sea urchins.** Notwithstanding the provisions of WAC 220-52-073, effective January 28, 2002 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1, 2, 3 and 4 and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, 26C, 26D, and 28A are open only on Mondays, Tuesdays, Wednesdays and Thursdays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of the spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Mondays, Tuesdays and Wednesdays of each week. Sea Urchin District 3 is open only on January 28, 2002. The maximum daily landing for a vessel in Sea Urchin District 3 on January 28, 2002 is 1,400 pounds of red sea urchins. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in largest test diameter exclusive of the spines).

(a) District 1 and 2 - 4.0 minimum to 5.5 maximum inches.

(b) District 3 - 3.25 minimum to 5.0 maximum inches.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources on Saturdays and Sundays of each week.

(4) The following areas are closed to the harvest of sea urchins at all times:

(a) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then due west to the shore on Bainbridge Island.

(b) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective January 28, 2002:

WAC 220-52-07300T Sea urchins. (02-15)

**WSR 02-04-039**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 02-17—Filed January 28, 2002, 3:29 p.m., effective January 29, 2002, 12:01 p.m.]

Date of Adoption: January 28, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000L and 220-56-36000M; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 29, 2002, 12:01 p.m.

January 28, 2002

Evan Jacoby

for Jeff Koenings

Director

**NEW SECTION**

**WAC 220-56-36000M Razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-360, it

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is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

(1) Effective 12:01 p.m. January 29 through 11:59 p.m. February 1, 2002, razor clam digging is allowed in Razor Clam Area 1 and Razor Clam Area 2. Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(2) Effective 12:01 p.m. January 29 through 11:59 p.m. February 1, 2002, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the Copalis River (Grays Harbor County) and that portion of Razor Clam Area 3 that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(3) Effective 12:01 p.m. February 27 through 11:59 p.m. March 2, 2002, razor clam digging is allowed in Razor Clam Area 1 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation and the portion that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000L Razor clams—Areas and seasons. (02-10)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 3, 2002:

WAC 220-56-36000M Razor clams—Areas and seasons.

**WSR 02-04-060  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-19—Filed January 31, 2002, 9:32 a.m.]

Date of Adoption: January 30, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000H; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: These rules were adopted by the Pacific Fisheries Management Council, and provided for harvest of available stocks of bottom fish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules and to provide for a fishery.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

January 30, 2002

Evan Jacoby

for Jeff Koenings

Director

**NEW SECTION**

**WAC 220-44-05000I Coastal bottom fish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice: (1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 67, No. 18, published January 28, 2002. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

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(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000H Coastal bottomfish catch limits. (01-269)

**WSR 02-04-061**

**EMERGENCY RULES**

**CASCADIA COMMUNITY COLLEGE**

[Filed January 31, 2002, 10:36 a.m., effective February 6, 2002]

Date of Adoption: January 28, 2002.

Purpose: To provide traffic and parking rules specifically for the colocated Cascadia Community College/University of Washington, Bothell campus. Since both institutions share the same campus location and parking infrastructure, the identical new rules are being filed separately - as chapter 132Z-116 WAC for Cascadia Community College and chapter 478-117 WAC for University of Washington, Bothell.

Statutory Authority for Adoption: RCW 28B.50-140(10).

Under 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: Cascadia Community College files these emergency rules to provide the highest level of safety and general welfare to students, faculty, staff and guests of the campus. The institutions' administration needs

these rules in place immediately to enforce traffic and parking rules on the CCC/UWB campus. With the opening of the lower campus roadway, the amount of traffic has grown significantly. From January to July 2001 the department of safety made three hundred forty-three traffic stops. Of these traffic stops two hundred twenty-nine or two-thirds, were for failure to stop. Many drivers are ignoring stop signs and pedestrian crosswalks. A continued lack of enforcement has resulted in excessive speed on campus roads, endangerment to pedestrians, and illegal access to or use of state property. Consequently, these rules need immediate implementation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 26, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 26, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This emergency rule follows a previous emergency rule which went into effect October 8, 2001, (see WSR 01-21-008). Cascadia Community College is actively undertaking permanent rule making for these rules as evidenced by WSR 01-23-030 (proposed statement of inquiry) and WSR 02-03-089 (proposed rules).

Effective Date of Rule: February 6, 2002.

January 28, 2002

Victoria Munoz Richart, Ed.D.

President

**Chapter 132Z-116 WAC**

**Parking and Traffic Rules of the Cascadia Community College**

**NEW SECTION**

**WAC 132Z-116-005 Authority.** RCW 28B.50.140(10) authorizes the board of trustees of Cascadia Community College to adopt rules for pedestrian and vehicular traffic on the college campus. RCW 28B.10.560 similarly authorizes the board of regents of the University of Washington to adopt rules governing pedestrian and vehicular traffic and parking upon lands and facilities of the university. The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the two institutions.

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NEW SECTION

**WAC 132Z-116-010 Objectives of parking and traffic rules.** The objectives of these rules are:

- (1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia Community College.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the institutions by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

NEW SECTION

**WAC 132Z-116-020 Definitions.** The following definitions apply to this chapter:

- (1) Campus: The co-located campus of University of Washington, Bothell and Cascadia Community College.
- (2) College: Cascadia Community College, and collectively those responsible for its control and operations.
- (3) Employee: An employee of the college or the university.
- (4) Institutions: The college and the university.
- (5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.
- (6) Student: A person enrolled in the college or the university.
- (7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.
- (8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.
- (9) Visitor: A person who is neither an employee nor a student of the college or the university.

NEW SECTION

**WAC 132Z-116-030 Applicable parking and traffic rules.** The applicable parking and traffic rules upon the campus are:

- (1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.
- (2) The traffic code of the city of Bothell.
- (3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern.

NEW SECTION

**WAC 132Z-116-040 Enforcement of parking and traffic rules.** The institutions share responsibility for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules.

NEW SECTION

**WAC 132Z-116-050 Permits required for vehicles on campus.** No person shall park, or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by display of a valid permit.

- (1) A valid permit is:
  - (a) A current vehicle permit displayed in accordance with WAC 132Z-116-110. Vehicle permits are valid until revoked.
  - (b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.
  - (c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.
  - (d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.
- (2) Parking permits are not transferable, except as provided in WAC 132Z-116-060 and 132Z-116-090.
- (3) The college and university reserve the right to refuse to issue parking permits.
- (4) This section does not apply to vehicles that the institutions own or operate.
- (5) The institutions may allow persons without permits to drive through the campus without parking.
- (6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

NEW SECTION

**WAC 132Z-116-060 Carpool and disability parking permits.** (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

- (2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

NEW SECTION

**WAC 132Z-116-070 Permit revocations.** Parking permits are the property of the institutions, and may be recalled by the issuer for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used by an unauthorized individual.
- (3) Falsification on a parking permit application.
- (4) Multiple or continued violations of parking rules.
- (5) Counterfeiting or altering permits.
- (6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

NEW SECTION

**WAC 132Z-116-080 Right to appeal revocation.** Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 132Z-116-320.

NEW SECTION

**WAC 132Z-116-090 Transfer of permits limited.** (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but is not limited to, the wrongful sale, lending, or transfer of a parking permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

NEW SECTION

**WAC 132Z-116-100 Responsibility of person to whom permit issued.** The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

**WAC 132Z-116-110 Display of permits.** (1) Parking permits shall be displayed by hanging from the rear view mirror or displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.

(2) When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(3) Motorcycle and scooter permits shall be registered with the affiliated institution.

(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

NEW SECTION

**WAC 132Z-116-200 Parking fees.** The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. Each institution shall sell quarterly and yearly permits to the employees and students only of its own institution. Each institution may also sell quarterly and yearly permits in its discretion to regular visitors to that institution.

NEW SECTION

**WAC 132Z-116-210 Allocation of parking spaces.** The parking space available on the campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the institutions may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

NEW SECTION

**WAC 132Z-116-220 Parking within designated spaces.** (1) No motor vehicle shall be parked on the campus except in areas designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

NEW SECTION

**WAC 132Z-116-230 Parking—Operator's responsibility.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

(1) Stopping the engine, locking the ignition, and removing the key.

(2) Effectively setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

**WAC 132Z-116-240 Regulatory signs, markings, barricades, etc.** (1) The institutions may erect signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by public safety officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the traffic guides or parking checkers in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

NEW SECTION

**WAC 132Z-116-250 Speed.** No vehicle shall be operated on the campus at a speed in excess of posted limits. If no limit is posted, no vehicle shall exceed twenty miles per hour or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION**WAC 132Z-116-260 Pedestrian's right of way.** (1)

The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk is provided, pedestrians shall proceed upon the sidewalk.

NEW SECTION**WAC 132Z-116-270 Motorcycles, bicycles, scooters.**

(1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including but not limited to skateboards, roller skates, and roller blades.

NEW SECTION**WAC 132Z-116-280 Distribution of literature.**

No person may distribute literature by placing it on motor vehicles parked on the campus. Literature includes but is not limited to pamphlets, flyers, and stickers.

NEW SECTION**WAC 132Z-116-300 Issuance of traffic citations.**

Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

NEW SECTION

**WAC 132Z-116-310 Fines and impounding.** (1) The current schedule of fines shall be published by the institutions and made available for review in the Central Plant Building.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

(a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.

(b) Delay registration for the following quarter.

(c) Impound the violator's vehicle.

(d) Deny future parking privileges to the violator.

(e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to the following:

(a) Blocking a roadway so as to impede the flow of traffic.

(b) Blocking a walkway so as to impede the flow of pedestrian traffic.

(c) Blocking a fire hydrant or fire lane.

(d) Creating a safety hazard.

(e) Blocking another legally parked vehicle.

(f) Parking in a marked "tow-away" zone.

(g) Leaving a vehicle unattended on campus for longer than two days.

(h) Failing to pay a fine imposed under this chapter.

Not more than twenty-four hours after impoundment of any vehicle, the institution shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

NEW SECTION**WAC 132Z-116-320 Appeals of fines and impoundments.**

(1) Any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The institutions will make appeal forms available at the university's cashiers office in Room UW1 176 and at the college's cashiers office

in Room CC1 103. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

#### NEW SECTION

**WAC 132Z-116-400 Report of accident.** The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of \$500, shall within twenty-four hours report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

#### NEW SECTION

**WAC 132Z-116-410 Liability of institutions.** Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus.

**WSR 02-04-069  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-23—Filed January 31, 2002, 11:14 a.m.]

Date of Adoption: January 31, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-77-090.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Legislative authority (RCW 77.120.020) regarding reporting from nondischarging vessels has not been granted. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

January 31, 2002

J. P. Koenings

Director

#### NEW SECTION

**WAC 220-77-09000A Ballast water management and control—Reporting and sampling requirements.** Notwithstanding the provisions of WAC 220-77-090, effective immediately until further notice vessels not intending to discharge ballast water into Washington state waters are exempted from reporting to the department.

**WSR 02-04-072  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-22—Filed February 1, 2002, 2:42 p.m.]

Date of Adoption: February 1, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-04000N and 220-33-04000P; and amending WAC 220-33-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 smelt fishery regulations are consistent with Level 2 fisheries in the "Washington and Oregon Eulachon Management Plan" for the Columbia River. Level 2 fisheries are defined in part as "productivity indices are favorable, yet it is still uncertain whether the run is moderate or strong." Rule is consistent with Columbia River Compact action of January 31, 2002. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 1, 2002  
Evan Jacoby  
for Jeff Koenings  
Director

**NEW SECTION**

**WAC 220-33-04000P Smelt—Areas and seasons.**

Notwithstanding the provisions of WAC 220-33-040, effective immediately through March 31, 2002, the Columbia River and Washington tributaries are closed to fishing for smelt except under the following provisions:

- 1) Area:** Columbia River
- Dates:** Sundays and Wednesdays and Fridays  
3:00 a.m. to 9:00 p.m. daily
- Gear:** Gillnets, dipnets and trawl nets.
- Allowable sales:** Smelt.
- Other:** Notwithstanding the provisions of WAC 220-20-010, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard

their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/ sturgeon season.

- 2) Area:** Cowlitz River downstream of Peterson's Eddy.
- Dates:** 6:00 p.m. Sundays to 6:00 a.m. Mondays  
6:00 p.m. Tuesdays to 6:00 a.m. Wednesdays  
6:00 p.m. Wednesdays to 6:00 a.m. Thursdays  
Dipnets.
- Gear:**
- Allowable sales:** Smelt.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-33-04000N Smelt—Areas and seasons.

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2002:

**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.

**WSR 02-04-073**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 02-20—Filed February 1, 2002, 2:44 p.m., effective February 1, 2002, 12:00 p.m.]

Date of Adoption: January 31, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100K and 220-32-05100L; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Sets tribal winter season. Fisheries are consistent with the Interim Management Agreement and the Biological Opinion. Rule is consistent with action of the Columbia River Compact on January 31, 2002. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

EMERGENCY

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 1, 2002, 12:00 p.m.

January 31, 2002

J. P. Koenings

Director

## NEW SECTION

**WAC 220-32-05100L Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, walleye, shad, carp, or sturgeon under the following provisions:

1) Open Periods: 12:00 p.m. February 1, 2002 through 4:00 p.m. March 21, 2002.

2) Open Areas: SMCRA 1F, 1G, 1H

3) Gear: No mesh restriction on gillnets. Hoop nets, dip bag nets, and rod and reel with hook and line.

4) Allowable sale includes: salmon, steelhead, walleye, shad, carp, and sturgeon. Sturgeon between 4 feet and 5 feet in length may be sold.

5) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

3) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100K Columbia River salmon seasons above Bonneville Dam. (01-228)

The following section of the Washington Administrative Code is repealed effective 4:01 p.m. March 21, 2002:

WAC 220-32-05100L Columbia River salmon seasons above Bonneville Dam.

**WSR 02-04-077  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-21—Filed February 1, 2002, 4:33 p.m., effective February 4, 2002, 12:00 noon]

Date of Adoption: February 1, 2002.  
Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-33-01000I; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Harvestable numbers of sturgeon are available. The fishery will provide an opportunity for the commercial fishers to harvest a portion of their sturgeon allocation during a time frame when impacts to salmonids is minimal. Fishery was requested by constituents. Regulation is consistent with the Joint State Sturgeon Accord adopted by the Fish and Wildlife Commission and is consistent with compact action of January 31, 2002. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 4, 2002, 12:00 noon.  
February 1, 2002

J. P. Koenings  
Director

NEW SECTION

**WAC 220-33-01000I Columbia River season below Bonneville.** Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

AREA: SMCRA 1A, 1B, 1C, 1D, and 1E  
SEASON: Noon Monday February 4, 2002 to 6:00 p.m. Tuesday, February 5, 2002  
Noon Monday February 11, 2002 to 6:00 p.m. Tuesday, February 12, 2002  
Noon Thursday February 14, 2002 to 6:00 p.m. Friday, February 15, 2002  
GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh

ALLOWABLE SALE: Sturgeon and adipose fin-clipped salmon.  
SANCTUARIES: Sandy River.  
OTHER: Notwithstanding the provisions of WAC 220-20-010, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/sturgeon season.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. February 15, 2002:

WAC 220-33-01000I Columbia River season below Bonneville.

**WSR 02-04-078  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-24—Filed February 1, 2002, 4:36 p.m., effective February 4, 2002]

Date of Adoption: February 1, 2002.  
Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-07300U; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Harvestable amounts of red and green sea urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. The closures at Eagle Harbor and Sinclair Inlet protect public health and promote an orderly fishery. There is insufficient time to promulgate permanent rules.

EMERGENCY

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 4, 2002.

February 1, 2002

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-52-07300V Sea urchins.** Notwithstanding the provisions of WAC 220-52-073, effective February 4, 2002 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1 and 2 are open on February 4, 5, 6, and 7, 2002. The maximum daily landing of green sea urchins for a vessel in Sea Urchin Districts 1 and 2 is 1,800 pounds. Sea Urchin Districts 3 and 4 and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, 26C, 26D, and 28A are open only on Mondays, Tuesdays, Wednesdays and Thursdays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of the spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Mondays, Tuesdays, Wednesdays and Thursdays of each week. Sea Urchin District 3 is open only on February 5, 2002. The maximum daily landing of red sea urchins for a vessel in Sea Urchin District 3 is 1,400 pounds. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in largest test diameter exclusive of the spines).

(a) District 1 and 2 - 4.0 minimum to 5.5 maximum inches.

(b) District 3 - 3.25 minimum to 5.0 maximum inches.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources on Saturdays and Sundays of each week.

(4) The following areas are closed to the harvest of sea urchins at all times:

(a) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then due west to the shore on Bainbridge Island.

(b) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective February 4, 2002:

WAC 220-52-07300U Sea urchins. (02-16)

**WSR 02-04-087**

**EMERGENCY RULES**

**UNIVERSITY OF WASHINGTON**

[Filed February 4, 2002, 11:58 a.m., effective February 6, 2002]

Date of Adoption: January 25, 2002.

Purpose: To provide traffic and parking rules specifically for the collocated University of Washington, Bothell/Cascadia Community College campus. Since both institutions share the same campus location and parking infrastructure, the identical new rules are being filed separately - as chapter 478-117 WAC, Parking and traffic rules of the University of Washington, Bothell, and as chapter 132Z-116 WAC for Cascadia Community College. Additionally, the University of Washington seeks to amend WAC 478-108-010, the university's list of matters subject to brief adjudication, by adding the appeals process for parking and traffic violations outlined in new chapter 478-117 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 478-108-010.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130 for chapter 478-117 WAC; chapter 34.05 RCW for WAC 478-108-010.

Under 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 University of Washington, Bothell (UWB), and Cascadia Community College (CCC) file these same emergency rules to provide the highest level of safety and general welfare to students, faculty, staff and guests of the UWB/CCC campus. The institutions' administrations need these rules in place immediately to enforce traffic and parking rules on the UWB/CCC campus. With the opening of the lower campus roadway, the amount of traffic has grown significantly. From January to July 2001 the department of public safety made three hundred forty-three traffic stops. Of these traffic stops two hundred twenty-nine, or two thirds, were for failure to stop. Many drivers are ignoring stop signs and pedestrian crosswalks. A continued lack of enforcement has resulted in excessive speed on campus roads, endangerment to pedestrians, and illegal access to or use of state property. Consequently, these rules need immediate implementation as we begin the 2001-02 academic year.



Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 26, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 26, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This emergency rule follows a previous emergency rule which went into effect October 8, 2001 (see WSR 01-21-004). Per RCW 34.05.350(2) the University of Washington is actively undertaking permanent rule making for these rules as evidenced by WSR 01-22-027 (preproposal statement of inquiry) and WSR 02-03-085 (proposed rules).

Effective Date of Rule: February 6, 2002.

January 25, 2002

Richard L. McCormick  
President

**AMENDATORY SECTION** (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

**WAC 478-108-010 Matters subject to brief adjudication.** This rule is adopted in accordance with RCW 34.05.479 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;
- (2) Appeals from traffic and parking violations as provided for in chapters 478-116 and 478-117 WAC;
- (3) Challenges to contents of educational records as provided for in chapter 478-140 WAC;
- (4) Proceedings under the animal control policy as detailed in chapter 478-124 WAC;
- (5) Requests for reconsideration of admission decisions as provided for in chapter 478-160 WAC;
- (6) Appeals of library charges as provided in chapter 478-168 WAC;
- (7) Reviews of denials of public records requests as provided in chapter 478-276 WAC;
- (8) Federal financial aid appeals as provided for by federal law;
- (9) Collection of outstanding debts owed by students or employees; and
- (10) Appeals from areas exempt from the rules requirements of chapter 34.05 RCW including standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships

(except for all aspects of faculty and librarian employment relationships), and fiscal processes.

**Chapter 478-117 WAC**  
**Parking and Traffic Rules of**  
**the University of Washington, Bothell**

**NEW SECTION**

**WAC 478-117-005 Authority.** RCW 28B.50.140(10) authorizes the board of trustees of Cascadia Community College to adopt rules for pedestrian and vehicular traffic on the college campus. RCW 28B.10.560 similarly authorizes the board of regents of the University of Washington to adopt rules governing pedestrian and vehicular traffic and parking upon lands and facilities of the university. The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the two institutions.

**NEW SECTION**

**WAC 478-117-010 Objectives of parking and traffic rules.** The objectives of these rules are:

- (1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia Community College.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the institutions by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

**NEW SECTION**

**WAC 478-117-020 Definitions.** The following definitions apply to this chapter:

- (1) Campus: The colocated campus of University of Washington, Bothell and Cascadia Community College.
- (2) College: Cascadia Community College, and collectively those responsible for its control and operations.
- (3) Employee: An employee of the college or the university.
- (4) Institutions: The college and the university.
- (5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.
- (6) Student: A person enrolled in the college or the university.
- (7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.
- (8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.

(9) Visitor: A person who is neither an employee nor a student of the college or the university.

#### NEW SECTION

**WAC 478-117-030 Applicable parking and traffic rules.** The applicable parking and traffic rules upon the campus are:

(1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.

(2) The traffic code of the city of Bothell.

(3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern.

#### NEW SECTION

**WAC 478-117-040 Enforcement of parking and traffic rules.** The institutions share responsibility for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules.

#### NEW SECTION

**WAC 478-117-050 Permits required for vehicles on campus.** No person shall park, or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by display of a valid permit.

(1) A valid permit is:

(a) A current vehicle permit displayed in accordance with WAC 478-117-110. Vehicle permits are valid until revoked.

(b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.

(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.

(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 478-117-060 and 478-117-090.

(3) The college and university reserve the right to refuse to issue parking permits.

(4) This section does not apply to vehicles that the institutions own or operate.

(5) The institutions may allow persons without permits to drive through the campus without parking.

(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

#### NEW SECTION

**WAC 478-117-060 Carpool and disability parking permits.** (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the

institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

(2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

#### NEW SECTION

**WAC 478-117-070 Permit revocations.** Parking permits are the property of the institutions, and may be recalled by the issuer for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used by an unauthorized individual.

(3) Falsification on a parking permit application.

(4) Multiple or continued violations of parking rules.

(5) Counterfeiting or altering permits.

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

#### NEW SECTION

**WAC 478-117-080 Right to appeal revocation.** Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 478-117-320.

#### NEW SECTION

**WAC 478-117-090 Transfer of permits limited.** (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but is not limited to, the wrongful sale, lending, or transfer of a parking permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

#### NEW SECTION

**WAC 478-117-100 Responsibility of person to whom permit issued.** The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit.

#### NEW SECTION

**WAC 478-117-110 Display of permits.** (1) Parking permits shall be displayed by hanging from the rear view mirror or displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.

(2) When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(3) Motorcycle and scooter permits shall be registered with the affiliated institution.

(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

#### NEW SECTION

**WAC 478-117-200 Parking fees.** The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. Each institution shall sell quarterly and yearly permits to the employees and students only of its own institution. Each institution may also sell quarterly and yearly permits in its discretion to regular visitors to that institution.

#### NEW SECTION

**WAC 478-117-210 Allocation of parking spaces.** The parking space available on the campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the institutions may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

#### NEW SECTION

**WAC 478-117-220 Parking within designated spaces.**

(1) No motor vehicle shall be parked on the campus except in areas designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

#### NEW SECTION

**WAC 478-117-230 Parking—Operator's responsibility.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

(1) Stopping the engine, locking the ignition, and removing the key.

(2) Effectively setting the brake and transmission to prevent movement of the vehicle.

#### NEW SECTION

**WAC 478-117-240 Regulatory signs, markings, barricades, etc.** (1) The institutions may erect signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures,

markings, and directions. Drivers of vehicles shall comply with directions given to them by public safety officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the traffic guides or parking checkers in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

#### NEW SECTION

**WAC 478-117-250 Speed.** No vehicle shall be operated on the campus at a speed in excess of posted limits. If no limit is posted, no vehicle shall exceed twenty miles per hour or such lower speed as is reasonable and prudent in the circumstances.

#### NEW SECTION

**WAC 478-117-260 Pedestrian's right of way.** (1) The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk is provided, pedestrians shall proceed upon the sidewalk.

#### NEW SECTION

**WAC 478-117-270 Motorcycles, bicycles, scooters.**

(1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including, but not limited to, skateboards, roller skates, and roller blades.

#### NEW SECTION

**WAC 478-117-280 Distribution of literature.** No person may distribute literature by placing it on motor vehicles parked on the campus. Literature includes, but is not limited to, pamphlets, flyers, and stickers.

NEW SECTION

**WAC 478-117-300 Issuance of traffic citations.** Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

NEW SECTION

**WAC 478-117-310 Fines and impounding.** (1) The current schedule of fines shall be published by the institutions and made available for review in the central plant building.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.
- (b) Delay registration for the following quarter.
- (c) Impound the violator's vehicle.
- (d) Deny future parking privileges to the violator.
- (e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to, the following:

- (a) Blocking a roadway so as to impede the flow of traffic.
- (b) Blocking a walkway so as to impede the flow of pedestrian traffic.
- (c) Blocking a fire hydrant or fire lane.
- (d) Creating a safety hazard.
- (e) Blocking another legally parked vehicle.
- (f) Parking in a marked "tow-away" zone.
- (g) Leaving a vehicle unattended on campus for longer than two days.
- (h) Failing to pay a fine imposed under this chapter.

Not more than twenty-four hours after impoundment of any vehicle, the institution shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobili-

zation, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

NEW SECTION

**WAC 478-117-320 Appeals of fines and impoundments.** (1) Any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The institutions will make appeal forms available at the university's cashier's office in Room UW1 176 and at the college's cashier's office in Room CC1 103. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

**WAC 478-117-400 Report of accident.** The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to

either or both vehicles of five hundred dollars shall, within twenty-four hours, report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

**NEW SECTION**

**WAC 478-117-410 Liability of institutions.** Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus.

**WSR 02-04-089  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-25—Filed February 4, 2002, 2:57 p.m.]

Date of Adoption: February 1, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-77-09000A; and amending WAC 220-77-090.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Legislative authority (RCW 77.120.020) regarding required reporting from nondischarging vessels has not been granted. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 1, 2002  
J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-77-09000B Ballast water management and control—Reporting and sampling requirements.** Notwithstanding the provisions of WAC 220-77-090, effective immediately until further notice vessels not intending to discharge ballast water into Washington state waters may notify the department in one of the following ways:

(a) Vessel operators who do not wish to file a ballast water reporting form may send a signed letter to the state ANS coordinator, at Department of Fish and Wildlife, 600 Capitol Way No., Olympia, WA 98501-1091, which includes the following information:

(i) Vessel name, identification number (International Maritime Organization, Lloyds of London or U.S. Coast Guard registry number), owner, agent and vessel type; and

(ii) A statement that the vessel will not discharge ballast water.

(b) Vessels that would normally discharge ballast water, but will not discharge on any given trip, may continue to file the ballast water reporting form, with "not discharging" written in the ballast water history section.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-77-09000A Ballast water management and control—Reporting and sampling requirements. (02-23)

**WSR 02-04-093  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-26—Filed February 5, 2002, 11:23 a.m., effective February 5, 2002]

Date of Adoption: February 4, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600C; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 regulation (1) carries over the Cultus Bay and Useless Bay commercial zone fixes to reflect current state/tribal management plans, (2) closes all of Region 2E on February 16 due to crab softshell timing, and (3) opens the Similk Bay tribal exclusive zone until February 16 to help maintain state/tribal allocation objectives. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 5, 2002.

February 4, 2002

Evan Jacoby

for Jeff Koenigs

Director

#### NEW SECTION

**WAC 220-52-04600D Crab fishery—Areas and seasons.** Notwithstanding the provisions of WAC 220-52-046, it will be lawful to fish for Dungeness Crab for commercial purposes except as provided herein:

(1) Effective immediately until further notice, commercial crab harvest is allowed in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(2) Effective immediately through March 14, 2002, commercial crab harvest is allowed in those waters of 26A north and east of a line from the south end of the Double Bluff State Park seawall (47° 58.782"N, 122° 30.84"W) projected 110° true to the boulder on shore (47° 57.690"N, 122° 26.742"W).

(3) Effective 12:01 February 16, 2002 until further notice commercial crab harvest is closed in all waters of Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D, and that portion of 26A, north of a line that extends from Possession Point eastward to the Shipwreck located .8 nautical miles north of Picnic Point.

(4) Effective 8:00 a.m. February 5, 2002 until 12:01 February 16, 2002, commercial crab harvest is allowed in that portion of Marine Fish-Shellfish Catch Reporting Area 24A east of a line drawn from the most westerly tip of Skagit Island due north to Fidalgo Island and east of a line extending south from the most westerly tip of Skagit Island to the most westerly tip of Hope Island, thence extending southeast to Seal Rocks, thence southeast to the green can at the mouth of the Swinomish Channel, thence easterly to the west side of Goat Island and thence due north to Fidalgo Island.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600C Crab fishery—Seasons and areas. (02-07)

**WSR 02-04-095**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed February 5, 2002, 12:41 p.m.]

Date of Adoption: February 1, 2002.

Purpose: The Division of Employment and Assistance Programs, Office of Refugee and Immigrant Assistance, is amending WAC 388-400-0030 Refugee cash assistance—Summary of eligibility requirements, to bring it in compliance with new WAC 388-466-0120 Refugee cash assistance and 388-466-0140 Income and resources for refugee cash assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0030.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 74.08A.320.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: In response to change in federal and state regulations and in order to continue to meet the federal refugee funding requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 1, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-06-031, filed 3/2/01, effective 4/1/01)

**WAC 388-400-0030 ((How do I qualify for)) Refugee cash assistance((?))—Summary of eligibility requirements.** (1) To be eligible for refugee cash assistance (RCA), you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled you; ~~((and))~~

(b) Meet the ~~((and))~~ immigration status requirements of WAC 388-466-0005;

~~((iii) Work)) (c) Meet employment and training requirements of WAC ((388-466-0015)) 388-466-0150;~~

~~((iii)) and~~ (d) Meet income and resource requirements ~~((under chapters 388-450 and 388-470 WAC with exceptions as provided under WAC 388-466-0010)) of WAC 388-466-0140.~~

(2) You are not eligible to receive RCA if you:

(a) Are eligible for temporary assistance for needy families (TANF) or Supplemental Security Income;

(b) Have been denied TANF or have been terminated from TANF due to intentional noncompliance with TANF eligibility requirements; or

(c) Are a full-time student in an institution of higher education.

(3) ~~((If you are a refugee family and have children who are United States citizens, we treat you as a single assistance unit under chapter 388-408 WAC.~~

(4)) We determine your eligibility and benefit level for RCA using the TANF payment standards under WAC 388-478-0020.

~~((5)) (4) If you are eligible for RCA ((and are pregnant or have a dependent child)) you may also be eligible for additional requirements for emergent needs under WAC 388-436-0002.~~

~~((6)) (5) If you meet the requirements of this section you are eligible for refugee cash assistance only during the eight-month period beginning((~~

~~(a) The date asylum is granted if you are an asylee; or (b)) in the first month you entered the United States ((if you are not an asylee)) (WAC 388-466-0120).~~

#### WSR 02-04-102

#### EMERGENCY RULES

#### DEPARTMENT OF

#### FISH AND WILDLIFE

[Order 02-27—Filed February 5, 2002, 4:17 p.m.]

Date of Adoption: February 5, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-04000P and 220-33-04000Q; and amending WAC 220-33-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Sufficient numbers of smelt are present to allow a commercial harvest and the action is consistent with the 2002 Columbia River smelt management plan. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 5, 2002

J. P. Koenings

Director

#### NEW SECTION

#### **WAC 220-33-04000Q Smelt—Areas and seasons.**

Notwithstanding the provisions of WAC 220-33-040, effective immediately through March 31, 2002, the Columbia River and Washington tributaries are closed to fishing for smelt except under the following provisions:

**1) Area:** Columbia River  
**Dates:** Sundays and Wednesdays and Fridays  
3:00 a.m. to 9:00 p.m. daily

**Gear:** Gillnets, dipnets and trawl nets.

**Allowable sales:** Smelt.

**Other:** Notwithstanding the provisions of WAC 220-20-010, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/sturgeon season.

**2) Area:** Cowlitz River - downstream of Peterson's Eddy.  
Kalama River - downstream from Modrow Bridge.

Lewis River - mainstem and the north fork downstream from the overhead power lines near Eagle Island.

**Dates:** 6:00 p.m. Sundays to 6:00 a.m. Mondays

6:00 p.m. Tuesdays to 6:00 a.m. Wednesdays

6:00 p.m. Wednesdays to 6:00 a.m. Thursdays  
**Gear:** Dipnets.  
**Allowable sales:** Smelt.

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.  
 Effective Date of Rule: February 6, 2002.

February 5, 2002  
 J. P. Koenings  
 Director

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-04000P Smelt—Areas and seasons.  
 (02-22)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2002:

WAC 220-33-04000Q Smelt—Area and seasons.

### WSR 02-04-103 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-18—Filed February 5, 2002, 4:19 p.m., effective February 6, 2002]

Date of Adoption: February 5, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Washington hatcheries have been clipping adipose fins on spring chinook to identify them as hatchery fish. 2002 is the first year that all age classes of hatchery spring chinook returning to Washington lower Columbia tributaries will be missing adipose fins. Adult spring chinook returns to the Cowlitz and Lewis rivers are not expected to be sufficient to allow full season fishing opportunities. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

### NEW SECTION

**WAC 232-28-61900P Exceptions to statewide rules—Cowlitz, Cispus, Deep, Green, Kalama and Lewis rivers.** Notwithstanding the provisions of WAC 232-28-619, the following rules apply:

(1) Effective February 6, 2002 until further notice, it is unlawful to possess chinook salmon with adipose fins intact from the following waters:

(a) Cispus River - from posted markers at the Lewis County PUD Kayak launch upstream to the North Fork.

(b) Cowlitz River - from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam and those waters from upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) upstream to the confluence of Muddy and Ohanapecosh rivers..

(c) Deep River - from mouth upstream to town bridge.

(d) Kalama River - from boundary markers at the mouth upstream to 1000 feet below the upper salmon hatchery.

(e) Lewis River from boundary markers at the mouth upstream to mouth of East Fork.

(f) North Fork Lewis River - from mouth upstream to overhead power lines below Merwin Dam.

(2) Effective April 1, 2002 until further notice, it is unlawful to possess chinook salmon with adipose fins intact from the following waters:

(b) Green River (Cowlitz County) - from mouth upstream to 2800 Road Bridge.

(3) Effective February 6, 2002 until further notice special daily limit of six salmon no more than one may be an adult salmon in the following waters:

(a) Cowlitz River - from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam and those waters from upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) upstream to the confluence of Muddy and Ohanapecosh rivers.

(b) Cispus River - from posted markers at Lewis County PUD Kayak launch upstream to the North Fork.

(4) Effective February 6, 2002 until further notice in those waters of the Cowlitz River from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam the minimum size for salmon is 12 inches in length.

(5) Effective May 1, 2002 until further notice special daily limit of six salmon no more than one may be an adult salmon in the following waters:

(a) Lewis River - from boundary markers at mouth to mouth of East Fork.

(b) North Fork Lewis River - from mouth to Colvin Creek

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



**WSR 02-04-005**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Apprenticeship and Training Council)  
 [Memorandum—January 23, 2002]

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.  
 January 22, 2002  
 E. A. Myers, Manager  
 Rules and Publications Section

Public Meeting Schedule - Revised from January 8, 2002, submittal

As per chapter 42.30 RCW, the Open Public Meetings Act, the time and place of the regular meetings for the Washington State Apprenticeship and Training Council are as follows:

DATE	TIME	LOCATION
January 17-18, 2002	9:00 a.m.	Labor and Industries Building 7273 Linderson Way Southwest Tumwater, WA 98504
April 18-19, 2002	9:00 a.m.	WestCoast Tri-Cities Hotel 1101 North Columbia Center Boulevard Kennewick, WA 99336-1192
July 18-19, 2002	9:00 a.m.	Heathman Lodge 7801 Northeast Greenwood Drive Vancouver, WA 78662-7900
October 17-18, 2002	9:00 a.m.	WestCoast Ridpath Hotel 515 West Sprague Avenue Spokane, WA 99201

Please call (360) 902-5322 if you have any questions.

**WSR 02-04-006**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed January 23, 2002, 3:47 p.m.]

**WSR 02-04-007**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed January 23, 2002, 3:48 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-80 MAA.  
 Subject: Ambulatory surgery centers - Year 2002 changes and additions to CPT® and HCPCS codes.  
 Effective Date: Dates of service on and after January 1, 2002.

Document Description: **Effective for claims with dates of service on and after January 1, 2002**, the Medical Assistance Administration (MAA) will begin using the Year 2002 CPT® and HCPCS Level II code additions as discussed in this memorandum. New ambulatory surgery center (ASC) codes and groupings are included in this memorandum.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

January 22, 2002  
 E. A. Myers, Manager  
 Rules and Publications Section

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-82 MAA.  
 Subject: Update to the oxygen and respiratory therapy billing instructions fee schedule.  
 Effective Date: Dates of service on and after January 1, 2002.

Document Description: **Effective for claims with dates of service on and after January 1, 2002**, MAA has updated the Fee Schedule section in MAA's Oxygen and Respiratory Therapy Billing Instructions, dated January 2000. The changes are listed in this memorandum.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on

**WSR 02-04-008**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed January 23, 2002, 3:49 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-79 MAA.  
 Subject: Blood banks - Year 2002 changes and additions to CPT® and HCPCS codes.  
 Effective Date: Dates of service on and after January 1, 2002.

Document Description: **Effective for claims with dates of service on and after January 1, 2002**, the Medical Assistance Administration (MAA) will begin using the Year 2002 CPT® and HCPCS Level II code additions as discussed in this memorandum. Maximum allowable fees for the Year 2002 additions are also included.

MISC.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [mailto:sullikm@dshs.wa.gov](mailto:mailto:sullikm@dshs.wa.gov).

January 22, 2002  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 02-04-009**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed January 23, 2002, 3:50 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-81 MAA.  
Subject: Family planning providers - Year 2002 changes and additions to CPT® and HCPCS codes.

Effective Date: Dates of service on and after January 1, 2002.

Document Description: **Effective for claims with dates of service on and after January 1, 2002**, the Medical Assistance Administration (MAA) will begin using the Year 2002 CPT® and HCPCS Level II code additions as discussed in this memorandum. Maximum allowable fees for the Year 2002 additions are also included.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

January 22, 2002  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 02-04-010**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed January 23, 2002, 3:52 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-78 MAA.  
Subject: Outpatient hospitals - Year 2002 changes and additions to CPT® and HCPCS codes.

Effective Date: Dates of service on and after January 1, 2002.

Document Description: **Effective for claims with dates of service on and after January 1, 2002**, the Medical Assistance Administration (MAA) will begin using the Year 2002 CPT® and HCPCS Level II code additions listed in this memorandum. Additions to the maximum allowable fees for the Year 2002 are also listed.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

January 22, 2002  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 02-04-021**  
**NOTICE OF PUBLIC MEETINGS**  
**CONSERVATION COMMISSION**

[Memorandum—January 23, 2002]

The Washington State Conservation Commission holds regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington (WAC 135-04-020).

The following is a change in the published schedule for 2002.

The Conservation Commission will meet on Friday, March 22, 2002.

For further information, contact Vicki Flynn, Conservation Commission, P.O. Box 47721, Olympia, WA 98504-7721, phone (360) 407-6202.

**WSR 02-04-026**  
**NOTICE OF PUBLIC MEETINGS**  
**CLOVER PARK**  
**TECHNICAL COLLEGE**

[Memorandum—January 9, 2002]

The board of trustees of Clover Park Technical College, at their regularly scheduled meeting on September 12, 2001, identified the following dates for their monthly meetings in the year 2002, in compliance with RCW 42.30.075:

- January 9, 2002
- February 6, 2002 (Special Meeting)
- March 13, 2002
- April 10, 2002
- May 8, 2002
- June 19, 2002 (Special Meeting)
- July 10, 2002
- August 14, 2002

MISC.

September 11, 2002  
 October 9, 2002  
 November 13, 2002  
 December 11, 2002

All meetings will begin at 4 p.m. in the boardroom, located in Building #15, on the Clover Park Technical College campus at 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098.

**WSR 02-04-027**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**

[Memorandum—January 16, 2002]

At the December 13, 2001, meeting of the Edmonds Community College board of trustees, Resolution No. 01-12-1, 2002 EdCC Board of Trustees Meeting Schedule, was passed by the board of trustees.

**2002 Schedule of Board of Trustees Meetings**

The board of trustees of Edmonds Community College adopt the following schedule for its 2002 meetings, and directs the president or designee to file this schedule in the Office of the Code Reviser.

**2002 EdCC Board of Trustees Meeting Schedule**

	January 17	4:00 p.m.	Thursday
	February 21	4:00 p.m.	Thursday
	March 21	4:00 p.m.	Thursday
*	April 18	4:00 p.m.	Thursday
	May 16	4:00 p.m.	Thursday
	June 20	4:00 p.m.	Thursday
**	July 18	4:00 p.m.	Thursday
	August 15	4:00 p.m.	Thursday
***	September 19	4:00 p.m.	Thursday
	October 17	4:00 p.m.	Thursday
	November 21	4:00 p.m.	Thursday
****	December 12	4:00 p.m.	Thursday

\* Conflict with SBCTC meeting at EdCC.  
 \*\* Will meet if necessary.  
 \*\*\* Conflict with ACCT in Philadelphia.  
 \*\*\*\* December meeting held one week early due to holidays.

**WSR 02-04-028**  
**NOTICE OF PUBLIC MEETINGS**  
**NOXIOUS WEED CONTROL BOARD**

[Memorandum—January 24, 2002]

The Washington State Noxious Weed Control Board 2002 meetings will be held as follows:

March 19, 8:30 a.m.  
 West Coast Wenatchee Center Hotel  
 201 North Wenatchee Avenue  
 Wenatchee, WA 98801  
 May 21, 8:30 a.m.  
 Conference Center  
 4700 N.E. 78th Street  
 Vancouver, WA 98665  
 July 16, 8:30 a.m.  
 Walla Walla School District Board Room  
 364 South Park  
 Walla Walla, WA 99362  
 September 17, 8:30 a.m.  
 Ferry County Fairgrounds  
 14 Lawson Way  
 Republic, WA  
 November 5, 8:30 a.m.  
 21 North First Avenue, Room 238  
 Yakima, WA 98902

**WSR 02-04-029**  
**POLICY STATEMENT**  
**WASHINGTON STATE LOTTERY**

[Filed January 25, 2002, 8:52 a.m.]

The Washington State Lottery has recently adopted or revised the following policies:

**POL 130.020 - Disseminating and Maintaining Criminal History Information (New)**

This policy documents guidelines for disseminating information outside of the lottery and for maintaining information received through background investigations on retailers, employees/applicants, vendors/contractors, and persons under investigation.

Signed December 19, 2001.

**POL 210.002 - Inventoriable Assets (Revised)**

Changed the references to "fixed" assets to "inventoriable" assets. Clarified that we now have two inventory officers; redid their responsibilities and general accounting's responsibilities. Clarified that most assets are tagged when valued over \$5,000. However, computer equipment is tagged when valued over \$300. Inventory adjustments are now done on-line; a hard copy of the form is not used unless documenting a "scrap" adjustment; added a definition of "scrap." Removed references to inventorying supplies and merchandise from this document, as it is covered elsewhere.

Signed October 10, 2001.

**POL 220.002 - Travel Reimbursement (Revised)**

Eliminated the financial services manager reviewing the director's travel authorization forms; he/she only reviews the travel expense voucher.

MISC.

In-state fare requests (without travel advance requests) are now done via e-mail, rather than on a form.

Signed October 1, 2001.

**POL 220.016 - State-Sponsored Charge Cards (Revised)**

Eliminated specific instructions on what forms to fill out, and refers the reader to POL 220.002 and POL 420.002. (See also the summaries for POL 220.002 and POL 420.002.)

Eliminated note re: Filling out LOT O-57 if making air travel or rental car arrangements.

Clarified that the aging report is not "on-line."

Signed October 4, 2001.

**POL 250.005 - Prize Claim Validation and Payment (Revised)**

Lucky for Life lifetime cash winners can no longer select weekly payments.

Questionable claims are now logged onto the mail log, rather than a separate tracking log.

Nonwinning tickets are kept for one complete audit period (rather than one hundred eighty days). Nonwinning scratch tickets are no longer returned to the player.

Added sections on hand issued checks and on protecting personal information.

The financial services manager determines the amount of walk-in claims that will be paid via the cash box (rather than specifying claims with a cumulative total of approximately \$600 or less).

Clarified that for debts, the creditor agency has two working days following the date the claim was validated (rather than two working days) to respond.

Disputed nonwinning tickets are not returned to the claimant - they are kept at the lottery. If a hearing is requested, the tickets go to legal services; if no hearing is requested, they are filed with other nonwinning tickets.

The weekly audit process is no longer checked by anyone above the customer service supervisor.

Signed October 1, 2001.

**POL 250.010 - Prize Payments to Minors (Revised)**

Clarified that retailers (not just lottery offices) must also follow the guidelines listed.

Added a note to clarify that minors cannot purchase lottery tickets.

Updated the notation that will appear on checks for payments over \$5,000.

Added information on prizes paid by cash (given to an adult member of the minor's family, or the minor's guardian).

Minors (not custodians) are responsible for the tax liability on prizes, unless the minor and custodian complete Form 5754.

Signed October 1, 2001.

**POL 310.021 - Sporting Events Tickets (Revised)**

Lottery family and friends can now receive a ticket if working a promotion, etc., without first having to have an insufficient number of lottery volunteers. Family and friends still cannot attend if lottery staff is attending with a retailer for recognition night, etc. Vendors can attend a retailer rec-

ognition night if the director determines it is beneficial to the lottery (such as attending with retailers they have trained). Vendors' family and friends can never receive a ticket to attend.

Clarified that regional sales managers must also follow the guidelines outlined for the communications division's distribution of tickets. Eliminated being able to use tickets as a good will gesture with consumers - consumers may only receive tickets as a prize that promotes lottery sales at a retailer location.

Clarified that regions use retailer award forms only when tickets are awarded to a retailer. Employees who receive tickets must now sign a receipt.

Signed December 3, 2001.

**POL 420.002 - Air Transportation**

In-state requests are now done via e-mail, rather than on an authorization form (unless requesting a travel advance).

The administrative services manager or designee (rather than the director) can approve employees or their designees making air travel arrangements. (The director's area can make travel arrangements without this special permission.)

For authorized changes to an itinerary: The employee contacts the travel agency directly. Also clarified that this applies to changes that require payment.

Administrative services no longer enters the travel information in a travel log; they do keep a copy of the itinerary.

Signed October 1, 2001.

To receive a copy of any of these policies, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4816, fax (360) 664-4817.

January 22, 2002

Becky L. Zopolis

MISC.

**WSR 02-04-036**

**NOTICE OF PUBLIC MEETINGS  
LOWER COLUMBIA COLLEGE**

[Memorandum—January 10, 2002]

Instead of their regularly scheduled meeting on February 20, 2002, the board of trustees of Lower Columbia College will be holding an all-day workshop February 13, 2002, beginning at 9:00 a.m. in the Heritage Room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA.

**WSR 02-04-040**

**AGENDA**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed January 29, 2002, 10:47 a.m.]

The Employment Security Department Rule-making agenda for January 2002 is submitted for filing in accordance with E2SHB 1032, section 206.

Employment Security Department  
Semiannual Rule-making Agenda  
(January 31, 2002 - July 31, 2002)

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-150 WAC Chapter 192-170 WAC Chapter 192-180 WAC	Job separations; Availability to accept work; Job search requirements	Juanita Myers (360) 902-9665	CR-101 - 5/97 CR-102 - 9/99 Hearing - 11/99 2nd CR-102 - 2/01 Hearing - 3/01 3rd CR-102 - 9/01 Hearing - 11/01 CR-103 - To be determined	Adopt rules regarding availability, suitable work, and job search requirements for disabled claimants, including those with pregnancy-related disabilities.
Chapter 192-210 WAC	Reasonable assurance for educational employees	Juanita Myers (360) 902-9665	CR-101 - 5/01 CR-102 - 3/02 Hearing - To be determined	Revise rules related to reasonable assurance of continuing employment for school employees, to comply with new legislation passed by the 2001 legislature. (Note: <i>Emergency rules filed.</i> )
Title 192 WAC	To be determined (Subject: Tribal employers; changes in payment methods for non-profits)	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 8/02 Hearing - To be determined	Adopt rules clarifying the action that will be taken regarding tribal entities in default of their unemployment insurance taxes. Clarify tax rate for nonprofit entities who change payment method from reimbursement to contribution-paying (taxable).
Chapter 192-240 WAC	Extended and additional benefits	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 6/02 Hearing - To be determined	Adopt rules clarifying the availability and job search requirements of claimants receiving regular shareable and extended benefits. (Note: <i>Emergency rules filed.</i> )
Chapter 192-170 WAC Chapter 192-180 WAC	Availability to accept work; Job search requirements ( <i>referral union members</i> )	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 8/02 Hearing - To be determined	Adopt rules to clarify job search and availability requirements for individuals who are members of full referral unions, and the conditions under which an employer creates a cause for doubting an individual's availability for work. Clarify requirements of unions participating in the referral union program.
Chapter 192-210 WAC	Special category occupations	Juanita Myers (360) 902-9665	CR-101 - 11/99 CR-102 - 1/03 Hearing - To be determined	Adopt rules for individuals who work or worked for a temporary services or employee leasing agency. These will include policies related to job separations and availability requirements.
Title 192 WAC	Various	Juanita Myers (360) 902-9665	CR-105 - 3/02	Expedited adoption of various housekeeping measures, correcting typographical errors or editing for clarity.

Barney Hilliard  
Rules Coordinator

WSR 02-04-044  
AGENDA  
DEPARTMENT OF HEALTH  
[Filed January 29, 2002, 2:50 p.m.]

questions regarding State Board of Health rule-making activities please contact Don Sloma at (360) 236-4102.

State Board of Health and Department of Health  
January 2002 Rules Agenda

This report details the anticipated rule-making activities of the State Board of Health and the Department of Health for the next six months. If you have any questions regarding this report or Department of Health rule-making activities, please contact Michelle Davis at (360) 236-4044. If you have any

## State Board of Health Rules

WAC	RCW	Authority	Subject	SBOH Staff and DOH Program Contact	WSR/Date
<b>Pre-CR 101</b>					
246-100-160	28A.210	State Board of Health	Immunizations	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	Anticipate CR-101 by 4/02
246-290	70.90	State Board of Health delegated* to secretary 6/01	Public water supplies	Marianne Seifert (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	Anticipate CR-101 by 9/01
<b>CR-101 Filed</b>					
246-100	70.24.380	State Board of Health	AIDS/HIV testing	Don Sloma (360) 236-4102 Community and Family Health Michelle Davis (360) 236-4044	01-08-088 4/4/01
246-101	43.20.050	State Board of Health	Notifiable conditions	Craig McLaughlin (360) 236-4106 Office of Secretary Michelle Davis (360) 236-4044	01-24-102 12/5/01
246-205	64.44	State Board of Health delegated* to secretary 5/00	Meth lab clean up standards	Marianne Seifert (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	99-21-063 10/19/99
246-215	43.20.050	State Board of Health	Food service	Marianne Seifert (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	01-23-096 11/21/01
246-217-025	69.06	State Board of Health	Food worker card fees	Marianne Seifert (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	99-23-087 11/16/99
246-260	70.90.120, 70.90.150, 43.20.050	State Board of Health	Water recreation facilities	Marianne Seifert (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	00-22-112 11/1/00
246-272	43.20.050	State Board of Health	On-site wastewater sewage systems	Marianne Seifert (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	02-03-137 1/23/02
246-360	70.62	State Board of Health	Transient accommodations	Marianne Seifert (360) 236-4103 Facilities and Services Licensing Michelle Davis (360) 236-4044	02-01-084 12/17/01
246-491	43.70.040, 26.33.330	State Board of Health	Certificate revision	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	01-08-090 4/4/01

MISC.

WAC	RCW	Authority	Subject	SBOH Staff and DOH Program Contact	WSR/Date
246-650	70.83, 43.20	State Board of Health	Newborn screening	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	02-03-136 1/23/02
246-680	48.21.244, 48.443.344, 48.46.375	State Board of Health	Prenatal screening	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	01-08-093 4/4/01 Anticipate CR-102 by 5/02
246-760	28A.210.020	State Board of Health	Auditory and visual standards— School districts	Doreen Garcia (360) 236-4101 Community and Family Health Michelle Davis (360) 236-4044	99-11-030 5/13/99 Anticipate CR-102 by 2/02
246-762	28A.210.020	State Board of Health	Scoliosis screening— School districts	Doreen Garcia (360) 236-4101 Community and Family Health Michelle Davis (360) 236-4044	99-11-031 5/13/99 Anticipate CR-102 by 2/02

\*Note: The State Board of Health may delegate rule making or rescind delegation to the Department of Health under RCW 43.20.050(3).

**Department of Health Rules**

WAC	RCW	Authority	Subject	SBOH Staff and DOH Program/Contact	WSR/ Date
<b>CR-105 Expedited Rule Making</b>					
246-810	18.19	Secretary	Certified counselors- repeal	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-20-117 10/3/01
246-810	18.19	Secretary	CE for licensed counselor	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-22-064 11/1/01
246-828-290	18.35.161	Speech and Hearing Board	Purchaser recision rights	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-02-045 12/27/01
246-851-200	18.54.070	Optometry Board	Dual acceptance of CE credits	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-02-048 12/27/01
246-935	18.92.030	Veterinary Board	Veterinary animal technician	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-23-098 11/21/01
246-937-010, 246-937-020, 246-937-030, 246-937-040, 246-937-050, 246-937-060, 246-937-0070, 246-937-090, 246-937-110	18.92.030	Veterinary Board	Registered veterinary medication clerks	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-02-044 12/27/01
<b>Pre CR-101 and Rules exempt from RCW 34.05.310</b>					
246-243 246-244	70.98.050	Secretary	Dosimetry and well logging	Environmental Health Programs Jan Haywood (360) 236-3011	Anticipate CR-102 by 2/02
<b>CR-101 Filed</b>					
246-XXX	18.225	Secretary	Confidential communications for licensed counselors, therapist, and social workers	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-04-032 1/25/02
246-XXX	18.83.050, 18.83.075	Psychology Board	Temporary practice permits	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-23-070 11/17/98
246-XXX	18.64.005	Pharmacy Board	Legal use of needles and syringes	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-03-071 1/19/00

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WAC	RCW	Authority	Subject	SBOH Staff and DOH Program/Contact	WSR/ Date
246-XXX	18.57.080, 18.57.005, 18.130.050	Osteopathic Board	COMSPEX—USA exam	Health Professions Quality Assurance/ Pam Lovinger (360) 236-4985	99-11-035. 5/13/99
246-XXX	18.57A.020	Osteopathic Board	Review of controlled substances issued by physician assistants	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-07-078 3/17/98
246-224, 229	70.98	Secretary	X-ray machines and particle	Environmental Health Programs Jan Haywood (360) 236-3011	02-02-017 12/21/01
246-224, 246-225, 246-227, 246-228, 246-229	70.98	Secretary	X-ray rules (radiation protection)	Environmental Health Programs Jan Haywood (360) 236-3011	00-16-106 8/2/00
246-249-080	70.98.050, 70.98.080	Secretary	Naturally occurring radioactive materials	Environmental Health Programs Jan Haywood (360) 236-3011	96-11-129 5/22/96
246-290	43.20.050	Secretary	Group "A" public water system	Environmental Health Programs Jan Haywood (360) 236-3011	01-17-111 8/22/01
246-310	70.38.135, chapter 59, Laws of 2000	Secretary	Certificate of need-cardiac methodologies	Facilities and Services Licensing Yvette Lenz (360) 705-6655	00-08-097 4/5/00
246-314-990	43.70.250, 43.20B.020	Secretary	Construction review fees	Facilities and Services Licensing Yvette Lenz (360) 705-6655	01-10-123 5/2/01
246-320	70.41.150	Secretary	Disclosure of hospital	Facilities and Services Licensing Yvette Lenz (360) 705-6655	01-22-066 11/1/01
246-323, 246-325, 246-327	71.12	Secretary	Residential care facilities	Facilities and Services Licensing Yvette Lenz (360) 705-6655	00-05-097 2/16/00
246-327 246-331, 246-336	70.127	Secretary	In-home services (home health, hospice and home care agencies)	Facilities and Services Licensing Yvette Lenz (360) 705-6655	00-15-079 7/19/00
246-338-990	70.42	Secretary	Medical test site fees	Facilities and Services Licensing Yvette Lenz (360) 705-6655	02-03-138 1/23/02
246-380	43.70.040, 43.70.130	Secretary	Sanitation and health care standards for state institutions	Facilities and Services Licensing Yvette Lenz (360) 705-6655	98-15-088 7/16/98
246-50	43.70.510	Secretary	Coordinated quality improvement program	Office of the Secretary Michelle Davis (360) 236-4044	98-20-066 10/2/98
246-790	43.70.120	Secretary	Special supplemental nutrition program for women, infants, and children	Community and Family Health Rick McNeely (360) 236-3713	01-13-115 6/20/01
246-808	18.130.050	Chiropractic Commission	Independent chiropractic exams	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-22-123 11/1/00
246-809	chapter 251, Laws of 2001	Secretary	Licensed counselor—Experience requirements	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-22-068 11/1/01
246-809	chapter 251, Laws of 2001	Secretary	CE for mental health counselor, marriage and family therapist, and social worker	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-22-067 11/1/01
246-811	18.205.100	Secretary	CDP—Education programs, alternative training, fees	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-16-048 7/30/99
246-816	chapter 93, Laws of 2001	Secretary	Access to dental care	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-12-094 6/6/01

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WAC	RCW	Authority	Subject	SBOH Staff and DOH Program/Contact	WSR/ Date
246-826-080	18.135	Secretary	Health care assistants update of chapter	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	96-15-072 7/18/96
246-828	18.35.40 [18.35.040]	Hearing and Speech Board	Fitter/dispenser program	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-02-043 12/27/01
246-828	18.130.250	Hearing and Speech Board	Retired active status—Hearing and speech	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-20-055 10/1/99
246-828-020	43.70.280	Hearing and Speech Board	Examinations hearing and speech	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-02-042 12/27/01
246-828-080 to 246-828-100	18.35.161	Hearing and Speech Board	Minimum standards of practice—Hearing and speech	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-22-089 11/2/99
246-828-320	18.35.161	Hearing and Speech Board	Hearing and speech	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-22-088 11/2/99
246-828-510	18.35.090	Hearing and Speech Board	Hearing/speech—Continuing education requirements	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	97-15-097 7/21/97
246-828-020	18.35.40 [18.35.040]	Hearing and Speech Board	Hearing aid/dispenser, audiologist and speech language pathologist fees and renewal cycle	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-02-041 12/27/01
246-830	18.108.025	Secretary	Massage therapy examinations	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-21-080 10/21/98
246-830	18.108	Message [Massage] Board	Animal therapy	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-17-112 8/22/01
246-834	18.122.140	Secretary	Reactivation of midwifery license	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-21-081 10/21/98
246-834-220, 246-834-230, and 246-834-240	18.50.040	Secretary	Educational requirements for nonlicensed midwives	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	97-22-024 10/29/97
246-834-990	18.130.250	Secretary	Retired active status—Midwives	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-06-090 3/3/99
246-840	18.79.110	Nursing Commission	Telenursing	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-11-033 5/13/99
246-840-010, 246-840-760, 246-840-920, 246-840-020, 246-840-565	18.79.110	Nursing Commission	Nursing definitions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-11-032 5/13/99
246-840-020, 246-840-030, 246-840-040, 246-840-050, 246-840-060, 246-840-070	18.79.110	Nursing Commission	Nursing licensing rules	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-04-033 1/25/02
246-840-080, 246-840-090	18.79.110	Nursing Commission	Licensure of graduates of foreign schools & licensure by interstate endorsement	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	02-04-031 1/25/02
246-840-500 to 246-840-575	18.70.110	Nursing Commission	Approval of RN and PN education	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-11-163 5/24/00
246-840-840 to 246-840-900	18.79.110, 18.13.180	Nursing Commission	Nursing technicians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-14-002 6/23/99

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WAC	RCW	Authority	Subject	SBOH Staff and DOH Program/Contact	WSR/ Date
246-841-400 through 246-841-510	18.88A	Secretary	Nursing assistants	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-03-072 1/19/00
246-843-150, 246-843-180, 246-843-330	18.52, 43.70	Nursing Commission	Nursing home administrators licenses	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-13-093 6/21/00
246-843-220	18.52	Nursing Commission	NHA administration, complaints and hearing procedures	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-01-162 12/22/97
246-850	18.200	Secretary	Continuing competency for orthotists and prosthetist	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-08-098 4/5/00
246-851	18.54.070	Board of Optometry	Definition of vision therapy	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	97-20-155 10/1/97
246-853	18.57.005, 18.57.020	Osteopathic Board	Approved schools of osteopathic medicine	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-13-020 6/7/99
246-853-225	18.57.005, 18.57.020	Osteopathic Board	Osteopathic pain management guidelines	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-086 11/3/98
246-865, 246-869, 246-887	69.50.301, 18.64.005	Pharmacy Board	Faxing of prescriptions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-14-090 7/5/01
246-870-090	18.64.005, 69.41, 69.50	Pharmacy Board	Electronic communication of prescription information transfer	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-14-118 7/1/98
246-879-090	18.64.005, 18.64.046	Pharmacy Board	Exporting drugs wholesaler	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-09-087 4/18/01
246-883, 246-889	69.43, 18.64.005	Pharmacy Board	Restricting the sale of ephedrine, pseudoephedrine or phenylpropanolamine	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-13-116 6/20/01
246-883-030	18.64.450	Pharmacy Board	Ephedrine prescription restrictions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	97-10-033 4/30/97
246-887-040	69.50.402	Pharmacy Board	Nonnarcotic stimulants	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-23-097 11/21/01
246-887-160	69.50.201	Pharmacy Board	Uniform Controlled Substances Act—Schedule III	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	96-24-097 12/4/96
246-904	18.64.005	Pharmacy Board	Health care entity definitions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-04-037 1/29/98
246-915	18.74.023	Physical Therapy Board	Sexual misconduct—Physical therapist	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-106 6-17-98
246-915-010, 246-915-085	18.74.023	Physical Therapy Board	Continuing competency—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-15-088 7/16/98
246-915-020, 246-915-030, 246-915-120	18.74.023, 18.74.035	Physical Therapy Board	Application requirements—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-107 6/17/98
246-915-010, 246-915-078, 246-915-140-246-915-170	18.74.023	Physical Therapy Board	Defining professional responsibilities—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-104 6/17/98
246-915-150	18.74.023, 18.74.010	Physical Therapy Board	Physical therapy supervision ratio	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-105 6/17/98

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WAC	RCW	Authority	Subject	SBOH Staff and DOH Program/Contact	WSR/ Date
246-915-210 to 246-915-280	18.74.023, 18.130.070	Physical Therapy Board	Mandatory reporting—Physi- cal therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-103 6/17/98
246-918-120	18.71A	Medical Commis- sion	Physician assistant remote site criteria	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-15-089 7/18/01
246-922-195	18.22.015	Podiatry Board	Podiatry pain management	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-084 11/3/98
246-924	18.83.050, 18.83.070	Psychology Board	Psychology education requirements/prerequisites	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-088 11/3/98
246-924-370	18.83.050, 18.83.121	Psychology Board	Child custody evaluations	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-087 11/3/98
246-930-050	18.155.040	Secretary	Sex offender treatment pro- vider	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-24-103 12/5/01
246-930-330	18.155.040, 18.13.050	Secretary	Standards for treatment sexual offender treatment providers	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-14-001 6/23/99
246-933-255	18.92.030, [18.92.]070	Veterinary Board	Exams for out of state veteri- narians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-11-157 5/24/00
246-935	18.92.030	Veterinary Board	Continuing education and com- petency for animal technicians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-15-102 7/21/99
246-935-070	18.92.030	Veterinary Board	Examination for registration as animal technician	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-21-133 10/24/01
246-976-031, 246-976-960, 246-976-970	18.73.081, 70.168.120	Secretary	Senior EMS instructor, regional emergency medical services and trauma care coun- cils, local emergency medical; services and trauma care coun- cils	Emergency Medical and Trauma Preven- tion Tami Schweppe (360) 705-6748	01-11-162 5/23/01
246-976-500, 246- 976-510, 246-976- 560, 246-976-600, 246-976-610, 246- 976-650, 246-976- 720, 246-976-730, 246-976-770, 246- 976-780, 246-976- 810, 246-976-820, 246-976-885	70.168	Secretary	Pediatric education require- ments for TCS and TCS	Emergency Medical Services and Trauma Tami Schweppe (360) 705-6748	01-10-131 5/2/01
<b>Pending Hearing, CR-102 Filed</b>					
246-145	70.54	Secretary	Sterilization tattooing and elec- trology Hearing date: February 7, 2002	Office of Secretary Michelle Davis (360) 236-4044	02-02-076 12/31/01
246-054-053	43.70.250	Secretary	Radiation machine facility reg- istration fees Hearing date: March 12, 2002	Environmental Health Programs Jan Haywood (360) 236-3011	02-04-034 1/25/02
246-851	18.54.070	Board of Optometry	Optometry Hearing date: March 22, 2002	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-24-106 12/5/01
<b>Pending Adoption</b>					
246-811	18.205.100	Secretary	Chemical dependency counse- lors, retired active status	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-23-100 11/21/01

MISC.

WAC	RCW	Authority	Subject	SBOH Staff and DOH Program/Contact	WSR/ Date
246-811	18.205.060	Secretary	Chemical dependency counselors, continuing competency	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-24-040 11/28/01
246-840-700, 246-840-705, 246-840-710, 246-840-715	18.79.110	Nursing Commission	Standard of conduct or practice	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-21-135 10/24/01
246-918-990 246-919-990	18.71, 43.70.280	Secretary	Physician assistant fees and medical fees	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-24-105 12/5/01
246-928	18.135.030, chapter 22, Laws of 2001	Secretary	Health care assistants: Credentialing of hemodialysis technicians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-23-099 11/21/01
246-976-935	70.168.040	Secretary	EMS and trauma care system trust account	Emergency Medical Services and Trauma Tami Schewpe (360) 705-6748	01-22-063 11/01/01

**KEY:**

- CR-101 Filed:* The statement of inquiry has been filed with the Code Reviser's Office.
- Pending Hearing:* The CR-102 has been filed but the hearing has not been held yet.
- Pending Adoption:* The hearing has been held OR the rule qualifies under the expedited repeal or adoption processes (RCW 34.05.354 and RCW 34.05.356), but the CR-103 has not been filed.

**WSR 02-04-046**

**NOTICE OF PUBLIC MEETINGS**

**MARINE EMPLOYEES' COMMISSION**

[Memorandum—January 28, 2002]

There will be a change in the previously adopted schedule for the 2002 meeting schedule of the Marine Employees' Commission. The March 22, 2002, meeting location has been changed from Olympia to Seattle. The meeting will be held in Seattle at the Dolphin Conference Room, Colman Building, 3rd Floor, 811 First Avenue, and will begin at **10:00 a.m.** As previously published, the quarterly management team meeting will be held immediately following the commission meeting.

For further information, please call (360) 586-6354 or send an e-mail to [mec@olywa.net](mailto:mec@olywa.net).

**WSR 02-04-047**

**NOTICE OF PUBLIC MEETINGS**

**COMMISSION ON  
ASIAN PACIFIC AMERICAN AFFAIRS**

[Memorandum—January 25, 2002]

**2002 Commission Meeting Schedule**

- January 5
- May 4
- June 22
- October 5
- November 9

**WSR 02-04-048**

**NOTICE OF PUBLIC MEETINGS**

**UNIFORM LEGISLATION COMMISSION**

[Memorandum—January 23, 2002]

The commission will meet on the second Wednesday of the following months: February, April, July and October. The meetings will begin at 12:00 p.m. at the chambers of Judge Marlin Appelwick, 26th Floor, One Union Square Building, 600 University Street, Seattle, WA 98101, (206) 389-3926. The next meeting will be held on February 13, 2002.

**WSR 02-04-050**

**AGENDA**

**DEPARTMENT OF  
FINANCIAL INSTITUTIONS**

[Filed January 30, 2002, 10:37 a.m.]

**Semiannual Agenda for Rules Under Development  
January 1, 2002 - June 30, 2002**

**DIVISION OF BANKS**

1. Amending WAC 208-512-290 (8)(h) governing lending limits of state-chartered commercial banks to eliminate renewals from the definition of "loans and extensions of credit."

2. Amendments to WAC 208-512-230(8) to bring the definition of "surplus" in line with the definition in RCW 30.04.111(8).

3. Amending chapter 208-544 WAC to raise fees under I-601 for the 03-05 biennium.

**DIVISION OF CONSUMER SERVICES**

1. Amendments to chapter 208-680 WAC to provide guidance to escrow agents performing collection escrows, to

MISC.

address technical concerns in the area of trust accounting, to provide additional definitions of terms, provide for licensing options and possibly to specify bonding requirements.

2. Amendments to chapter 208-620 WAC to address deceptive advertising practices and to update the regulations to reflect amendments to the statute.

3. Amendments to chapter 208-660 WAC to address deceptive advertising practices.

4. HB 2661/SB 6414 - Money transmitters. If either of these bills currently before the legislature pass this session, rules will need to be written implementing it.

**DIVISION OF CREDIT UNIONS**

1. Amendments to chapter 208-436 WAC regarding credit union investment practices.

2. Amendments to chapter 208-472 WAC regarding credit union field of membership expansion.

3. Propose a new rule waiving the application of certain statutes and rules to credit unions with assets under \$10 million to reduce regulatory burden.

**DIVISION OF SECURITIES**

1. WAC 460-10A-215 Viatical settlement contracts. The division plans to propose a rule that would clarify when a viatical settlement contract is a security.

2. WAC 460-12A-010 Insider trading. The division will propose a companion rule to SEC Rule 10b5-1(c) concerning insider training.

**WSR 02-04-051**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY  
(Public Employees Benefits Board)**  
[Memorandum—January 28, 2002]

Please publish the following revised 2002 Public Employees Benefits Board (PEBB) meeting information in the Washington State Register.

Please contact Cyndi Presnell at 923-2802, if you have any questions or need further information.

**PUBLIC EMPLOYEES BENEFITS BOARD  
2002 Meeting Schedule**

Date	Time	Location
January 29, 2002 CANCELLED	1:00-3:30 p.m.	Health Care Authority 676 Woodland Square Loop S.E. Room E402 Lacey, WA
February 21, 2002	9:00 a.m.	Health Care Authority 676 Woodland Square Loop S.E. Room E402 Lacey, WA
March 19, 2002	1:00-3:30 p.m.	Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA
April 23, 2002	1:00-3:30 p.m.	Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA

May 21, 2002	1:00-3:30 p.m.	Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA
July 30, 2002		TBA
August 6, 2002		TBA
October 22, 2002		(Planning Session Retreat) TBA
November 26, 2002		Telephone

If you are a person with a disability and need a special accommodation, please contact Shelley Westall at (360) 923-2829.

**WSR 02-04-052  
NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**  
[Memorandum—January 30, 2002]

**NOTICE OF SPECIAL MEETING**

**BOARD OF TRUSTEES  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE**

2405 East College Way  
Mount Vernon, WA 98273  
Monday, January 28, 2002  
3:00 p.m.

Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Monday, January 28, 2002, at 3:00 p.m.** This meeting is being held as an executive session to review personnel issues, no action will be taken.

**WSR 02-04-053  
ATTORNEY GENERAL'S OFFICE**  
[Filed January 30, 2002, 12:28 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION  
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by February 27, 2002. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been

received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

**02-01-02 Request by Hans Dunshee  
State Representative, 39th District**

1. Section 3(3) of Initiative 713 makes unlawful the use of "any steel-jawed leghold trap or any other body-gripping trap to capture any animal." Section 2 of the Initiative defines body-gripping trap as "a trap that grips an animal's body or body part." (a). Does the definition of "body-gripping trap" provided in I-713 include mole traps that utilize a spring mechanism to pierce, and not grip, the mole's body? (b). If no, does any other section of I-713 relate to the use of a body-piercing mole trap? 2. Section 2(1) of I-713 makes it unlawful to trap or capture any mammal for recreation or commerce in fur. Section 2(3) makes it unlawful to use certain traps to capture any animal. Moles are not trapped for recreation or commerce in fur; however, moles are animals. (a). Do these two provisions create internal inconsistencies within I-713 as they relate to the trapping of moles? (b). If yes, does I-713 ban the trapping of moles by any method? 3. Section 1 of I-713 is the intent section. In this section, the people of Washington have said that it was their intent to protect people, pets and wildlife "from the dangers of cruel and indiscriminate steel-jawed leghold traps and poisons." (a). Given the intent of the people, was I-713 intended to make the trapping of moles unlawful? (b). If yes, was I-713 intended to make the trapping of moles using body-piercing traps unlawful?

**WSR 02-04-055**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed January 30, 2002, 1:39 p.m.]

**CANCELLATION OF INTERPRETIVE STATEMENT**

This announcement of the cancellation of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following audit directive (AD) effective January 30, 2002.

**AD 8251.1 Point at which sewage collection ends—**

Two different taxes apply to sewerage. The public utility tax applies to sewerage collection, while the B&O tax applies to sewerage transfer and treatment. This document explains that sewerage collection ends at the last point prior [to] the treatment facility. It notes that WAC 458-20-251 states that the collection activity ceases when sewage reaches a common point or points for disposal or transfer to treatment for disposal, and provides a diagram to illustrate how this applies.

The instructions provided in AD 8251.1 are incorrect. The Washington State Supreme Court in *City of Spokane v. Dep't of Rev.*, Docket #70765-1 (2002), adopted a substantial use test for purposes of determining the point at which sewerage collection ends.

Questions regarding the cancellation of this directive may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt  
Policy Counsel

**WSR 02-04-056**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed January 30, 2002, 1:40 p.m.]

**Issuance of Interpretive Statement**

**ETA 2007.04.190—Taxability of federal instrumentalities  
and federally created corporate entities**

This announcement of the issuance of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230.

The Department of Revenue has issued Excise Tax Advisory (ETA) 2007 to provide guidance regarding the tax status of federal instrumentalities and federally created corporate entities. This document explains that the mere fact that an entity is a federal instrumentality or federally created corporate entity does not itself mean that the entity is immune from tax under Washington state law. It explains that the relevant portion of federal law must be examined to determine the taxable status of these entities. The document also provides guidance with respect to when the doctrine of implied constitutional immunity applies.

Requests for copies of this advisory may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Claire Hesselholt  
Policy Counsel

## WSR 02-04-065

## AGENDA

## PUBLIC DISCLOSURE COMMISSION

[Filed January 31, 2002, 4:35 p.m.]

**Agenda for Rules Under Development:  
January - June, 2002**

This agenda is being filed with the code reviser in accordance with RCW 34.05.314 and represents rule-making activity that may be considered by the commission during the first six months of 2002. Other matters that are not anticipated at this time may also be the subject of rule making.

Agency Contact: Doug Ellis, Director of Public Outreach, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov.

At present, the Public Disclosure Commission may amend the following rules:

**1. Topic:** Independent expenditures.

**Status:** Development of rule amendment to reflect changes under SB 6109 and possible rule clarifying RCW 42.17.510(2).

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.105 and 42.17.510.

**WAC Cite:** WAC 390-16-060.

**2. Topic:** Exempt activities.

**Status:** Development of rule amendments to clarify definitions and reporting requirements.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.640.

**WAC Cite:** WAC 390-17-030, 390-17-060, and 390-17-065.

**3. Topic:** Clean up of enforcement language.

**Status:** Possible amendments to make enforcement regulations uniform in language.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** Chapter 42.17 RCW.

**WAC Cite:** None.

**4. Topic:** Definition of caucus of the state legislature.

**Status:** Development of an amendment revising the definition to reflect current statutory language.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.610 - 42.17.790.

**WAC Cite:** WAC 390-17-011.

**5. Topic:** Out of state or federal committee contributions.

**Status:** Development of rule amendment to clarify reporting requirements.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.090 (1)(I).

**WAC Cite:** WAC 390-16-055.

A complete listing of rule-making activity from 1999 to present can be found on the Public Disclosure Commission website at [www.pdc.wa.gov](http://www.pdc.wa.gov) under rule making activity.

January 31, 2002

Douglas J. Ellis

Director of Public Outreach

## WSR 02-04-066

**NOTICE OF PUBLIC MEETINGS  
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—January 29, 2002]

The Eastern Washington University board of trustees' meeting schedule for 2002 was REVISED at the January 25, 2002, meeting of the board. The schedule is as follows:

Friday, January 25	12:00 p.m.	Pence Union Building Banquet Room 265
Friday, April 5	9:00 a.m.	Riverpoint Campus Room 118
Friday, June 21	9:00 a.m.	Pence Union Building Banquet Room 265
Tuesday, June 25 (RETREAT)	12:00 - 8:00 p.m.	Mukogawa Ft. Wright Institute
Wednesday, June 26 (RETREAT)	8:00 a.m. - 12:00 p.m.	Mukogawa Ft. Wright Institute
Friday, August 23	9:00 a.m.	Spokane Center Second Floor Mall
Friday, October 18	9:00 a.m.	Pence Union Building Banquet Room 265
Friday, December 6	12:00 p.m.	Pence Union Building Banquet Room 265

Board meetings will convene at 9:00 a.m., an executive session will be held from approximately 12:00 - 1:00 p.m. The open public meeting will reconvene following the executive session.

Board committees will set their own schedule of meetings during the months that the full board does not meet.

If you have questions concerning this schedule, please contact Connie Gross at (509) 359-6598.

## WSR 02-04-067

**NOTICE OF PUBLIC MEETINGS  
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—January 31, 2002]

**Eastern Washington University**

**BOARD OF TRUSTEES**

**ANNOUNCEMENT**

**of**

**Special Board Meeting**

**by Conference Call**

**January 30, 2002**

**Eastern Washington University**

**Showalter Hall, Room 214  
Cheney, Washington**

The board of trustees of Eastern Washington University will participate in a special meeting by conference call beginning at 2:30 p.m. on Wednesday, January 30, 2002. The purpose of the meeting is to discuss and take action on a net lease agreement between Eastern Washington University and Millennium III Partners, Inc. A speaker telephone will be available in the President's Conference Room, Showalter Hall 214. No other business will be conducted at this meeting.

**WSR 02-04-070  
OFFICE OF  
INSURANCE COMMISSIONER**  
[Filed February 1, 2002, 12:07 p.m.]

**TECHNICAL ASSISTANCE ADVISORY  
T 02-01**

**TO:** Authorized Property/Casualty Insurers  
**ATTENTION:** State Filings Manager  
**SUBJECT:** PROPERTY CASUALTY RATE, RULE AND FORM FILINGS  
**DATE:** February 1, 2002

The Office of the Insurance Commissioner (OIC) is committed to reducing the time necessary to approve filings while maintaining the regulatory review standards necessary for consumer protection. The OIC has instituted new procedures and reallocated resources to help accomplish this reduction. Our effort will not be successful without the active participation of the filers. We ask that filers make increased efforts to respond in a timely manner to OIC correspondence.

In 1997, the OIC issued Technical Assistance Advisory T 97-3 to explain the operation of the new use-and-file filing laws for commercial lines. T 97-3 established 90 days as the normal time for companies to respond to an OIC disapproval of personal and commercial line filings. Effective immediately, the time allowed companies to respond to our disapproval is reduced to 60 days, unless another time is specified in the disapproval letter. If a rate or rule filing or a form is disapproved, the new OIC procedure is to give 60 days' notification. This means that the commercial lines filing or form is considered disapproved 60 days from the date of the letter (personal lines filings are subject to prior approval). If no reply is received within 60 days, the personal or commercial lines filing will be closed. After a filing is closed, any further consideration of the disapproved rate or rule filing or form(s) will require the submission of a new filing.

All other aspects of Technical Assistance Advisory T 97-3 remain applicable. T 97-3 is accessible on our webpage at: <http://www.insurance.wa.gov/oicactions/ta/t97-3.html>.

For specific questions concerning the submission of rate filings, contact Lee Barclay at (360) 586-3685 or [LeeB@oic.wa.gov](mailto:LeeB@oic.wa.gov); for questions concerning form filings, contact Ter-

ence Nordahl at (360) 586-2371 or [TerryN@oic.wa.gov](mailto:TerryN@oic.wa.gov). General questions or filing status questions should be directed to our Insurance Technician at (360) 664-3789 or [PCHelpDesk@oic.wa.gov](mailto:PCHelpDesk@oic.wa.gov). Filing forms and procedures can be found on our webpage at: <http://www.insurance.wa.gov/p&c/guidelines.htm>.

**WSR 02-04-071  
NOTICE OF PUBLIC MEETINGS  
PUBLIC WORKS BOARD**  
[Memorandum—February 1, 2002]

The location for the Public Works Board regular meeting and policy retreat scheduled for May 7-9, 2002, will be the DoubleTree Hotel - Yakima Valley in Yakima, Washington.

Board business will be conducted from the published agenda at the regular meeting on Tuesday, May 7, 2002, beginning at 1:00 p.m.

**WSR 02-04-074  
AGENDA  
FOREST PRACTICES BOARD**  
[Filed February 1, 2002, 3:35 p.m.]

**Rule Development Agenda  
February-July 2002**

The board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development:

**1. Chapter 222-21 WAC, Small landowner forestry riparian easement permanent rules.** The board has initiated permanent rule making designed to implement changes to the small forest landowner forestry riparian easement program contained in SHB 2105 passed by the 2001 legislature in the regular session. Other changes included in this permanent rule making that the board will consider include a change to the title of the "Postharvest Questionnaire" to "Harvest Status Questionnaire," RCW references that were incorrect and clarification on board manual references. The board will consider permanent rule adoption at its February 13, 2002, meeting. Public hearings were held on this proposal on January 15, 2002, in Olympia and January 17, 2002, in Spokane.

**2. Procedural and Ethics Rules.** At the November 14, 2001, board meeting the board directed staff to develop a rule proposal to update the board's administrative procedures and provide new rules on public record requests and executive ethics rules.

**3. Reasonable Use Rule.** At the August 8, 2001, meeting, the board decided to solicit comments from the public on a proposal that creates a reasonable use exception to the forest practices rules. The board will determine whether to proceed with rule making at the February 13, 2002, meeting.

MISC.



**4. Modification to Notice Rule.** In May 2000, the board denied a rule-making petition regarding scenic trail corridors. The governor's office agreed the denial was appropriate but suggested the board consider a rule that would require reasonable notice of proposed harvest applications on a particular piece of property to local media outlets, advocacy groups, and nearby landowners who have registered with the department. This recommendation will be reviewed at the February 13, 2002, meeting and could result in a rule proposal.

**5. Editorial and Minor Rule Changes.** The current permanent rules are being reviewed for editorial and minor clarification changes which may result in a rule proposal.

**6. Salvage Logging Rule Change.** The board will consider an emergency rule proposal at its February 13, 2002, meeting. The emergency rule will clarify how salvage logging is interpreted. A permanent rule proposal will also be considered.

**7. SEPA Wildlife Rule.** The board decided to develop a SEPA wildlife rule proposal using negotiated rule making at its August 8, 2001, meeting. This rule proposal is designed to exempt forest practices activities under a wildlife conservation agreement from standard SEPA guidelines if the agreement has already been through public review and comment under National Environmental Policy Act, State Environmental Policy Act, or Endangered Species Act. The board will consider whether to proceed with rule making on the negotiated proposal at the February 13, 2002, meeting.

**Contact Person:** Patricia Anderson, Forest Practices Board, Rules Coordinator, DNR-Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@wadnr.gov.

**WSR 02-04-084**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF AGRICULTURE**

(Barley Commission)

[Filed February 4, 2002, 11:55 a.m.]

To keep in compliance with the Open Public Meeting Act the Washington Barley Commission is filing the following schedule of the times, dates, and locations of our 2002 scheduled meetings:

Meeting Type	Date	Time
Regular Meeting	March 14, 2002	9:00 a.m.
Annual Meeting	June 27, 2002	9:00 a.m.
Regular Meeting	October 3, 2002	9:00 a.m.
Regular Meeting	December 9, 2002	9:00 a.m.

All of the meetings will be held in the Washington Wheat Commission's Conference Room, West 907 Riverside Avenue, Spokane, WA.

If you have any questions, please call our office at (509) 456-4400.

**WSR 02-04-085  
NOTICE OF PUBLIC MEETINGS  
EDMONDS COMMUNITY COLLEGE**

[Memorandum—January 31, 2002]

**EDMONDS COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
NOTICE OF SPECIAL MEETINGS  
TO MEDIA/OTHER**

- February 2, 2002\* Reception for Center for Families Campaign Committees, Home of Don and Karen Shaw, Everett, Washington, 6:30 p.m.  
*Purpose: Reception to honor campaign committees for The Center for Families Campaign.*
- February 3-5, 2002\* Trustees Association for Community and Technical Colleges (TACTC) Winter Conference, West Coast Olympia Hotel, 2300 Evergreen Park Drive, Olympia, WA, 8:00 - 5:00 p.m.  
*Purpose: Winter conference for trustees.*
- February 4, 2002\* TACTC Legislative Reception, Anthony's Homeport Restaurant, 704 Columbia Street N.W., Olympia, WA, 6:30 - 9:30 p.m.  
*Purpose: Reception for legislators, trustees, and college representatives.*
- February 5, 2002\* Center for Families Opening Night Party, Northwest Flower and Garden Show, Washington State Convention Center, Seattle, Washington, 6:30 p.m.  
*Purpose: Celebration for the EdCC Center for Families.*
- February 25, 2002\* Edmonds Community College Board of Trustees Study Session, EdCC, Snohomish Hall, Room 304, 20226 68th Avenue West, Lynnwood, WA, 1:30 - 3:30 p.m.  
*Purpose: Study session to discuss college budget.*
- February 25, 2002 Edmonds Community College Board of Trustees Special Board Meeting, EdCC, Snohomish Hall, Room 304, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.  
*Purpose: To address routine college business.*
- March 1, 2002\* Echelbarger/Sherman Faculty Award Ceremony, EdCC, Culinary Connections, 20000 68th Avenue West, Lynnwood, WA, 1:30 - 3:30 p.m.  
*Purpose: Reception to honor recipient of faculty award.*

\* This event is being scheduled as a special meeting, which is a study session where no action will be taken.

**WSR 02-04-086  
NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Memorandum—January 31, 2002]

Following is a copy of the schedule of meetings of the Washington State Human Rights Commission for 2002.

With the exception of the conference calls, the usual format for the meetings is a planning session or community meeting on Thursday evening from 7:00 p.m. - 9:00 p.m. and a regular business meeting beginning at 9:00 a.m. on Friday.

MISC.

Please contact Tanya Y. Calahan at 753-4876 or tcalahan@hum.wa.gov if you have questions or need additional information.

**COMMISSION MEETING DATES AND LOCATIONS  
FOR 2002**

**(Thursday/Friday Meetings  
Unless Otherwise Indicated)**

DATES	LOCATION
January 24-25	Seattle
February 21-22	Tacoma
March 28-29	Olympia
April 25-26	Wenatchee
May 16-17	Bellingham
June 27-28	Spokane
July 25-26	Vancouver
August 23 (Friday)	Olympia (conference call)
September 26-27	Tri-Cities
October 24-25	Yakima
November 22 (Friday)	Olympia (conference call)
December 20 (Friday)	Olympia (conference call)

**WSR 02-04-092  
NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
SERVICES FOR THE BLIND  
(Statewide Rehabilitation Council)  
[Memorandum—February 5, 2002]**

**Statewide Rehabilitation Council Meeting**

The date and location for the next Washington State Department of Services for the Blind Statewide Rehabilitation Council meeting is as follows:

Saturday, March 2, 2002  
9 a.m. - 4 p.m.  
Washington State Department of Services for the Blind  
3411 South Alaska Street  
Seattle, WA 98118-1631

**WSR 02-04-098  
INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
[Filed February 5, 2002, 12:44 p.m.]**

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 02-03 MAA.  
Subject: Enhanced reimbursement to ambulance providers who transport Medicaid clients with major trauma.

Effective Date: Retroactive to dates of service on and after July 1, 2001.

Document Description: Retroactive to dates of service on and after July 1, 2001, the Medical Assistance Administration (MAA) offers enhanced reimbursement to ambulance transportation providers who transport eligible Medicaid (Title XIX) clients with major trauma to a designated trauma center.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

January 31, 2002

E. A. Myers, Manager

Rules and Publications Section

**WSR 02-04-099**

**INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed February 5, 2002, 12:44 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 02-04 MAA.  
Subject: Change in coverage of over-the-counter pregnancy test kits.

Effective Date: Effective for dates of service on and after February 1, 2002.

Document Description: Effective for dates of service on and after February 1, 2002, the Medical Assistant Administration (MAA) will not cover over-the-counter pregnancy test kits for family planning only or TAKE CHARGE family planning clients.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

January 31, 2002

E. A. Myers, Manager

Rules and Publications Section

MISC.

**WSR 02-04-100**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 5, 2002, 12:44 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 02-05 MAA.  
 Subject: Update to the billing procedures for outpatient hospital claims.

Effective Date: Effective for dates of service on and after July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will require hospitals to bill outpatient claims using the line item date of service and the appropriate revenue codes with Health Care Financing Administration common procedure coding system (HCPCS) codes, current procedural terminology (CPT®) codes, and modifiers. Also effective July 1, 2002, MAA will standardize billing procedures and payment for outpatient observation room services.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

January 31, 2002

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 02-04-101**  
**NOTICE OF PUBLIC MEETINGS**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**

[Memorandum—February 4, 2002]

**COUNTY ROAD ADMINISTRATION BOARD**

- MEETING NOTICE:** April 18-19, 2002  
 County Road Administration Board  
 2404 Chandler Court S.W., Suite 240  
 Olympia, WA 98504  
 1:00 p.m. to 5:00 p.m.
- PUBLIC HEARING:** April 18, 2002  
 County Road Administration Board  
 2404 Chandler Court S.W., Suite 240  
 Olympia, WA 98504  
 2:00 p.m.
- MEETING NOTICE:** April 18-19, 2002  
 County Road Administration Board  
 2404 Chandler Court S.W., Suite 240  
 Olympia, WA 98504  
 9:00 a.m. to 12:00 p.m.

\*Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Cheryl Heinemeyer at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

**WSR 02-04-104**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Memorandum—February 6, 2002]

**NOTICE OF SPECIAL MEETING**

**BOARD OF TRUSTEES**  
**COMMUNITY COLLEGE DISTRICT NO. 4**  
**SKAGIT VALLEY COLLEGE**

2405 East College Way  
 Mount Vernon, WA 98273  
 Tuesday, February 5, 2002  
 3:30 p.m.

Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Tuesday, February 5, 2002, at 3:30 p.m.** This meeting is being held as an executive session to review personnel issues, no action will be taken.



KEY TO TABLE

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.

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
- OBJECT = 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 of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-410	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-158-060	REP-P	02-04-109
4-25-520	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-158-080	REP-P	02-04-109
4-25-540	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-158-090	REP-P	02-04-109
4-25-610	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-620	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-158-110	REP-P	02-04-109
4-25-626	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-158-120	REP-P	02-04-109
4-25-630	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-158-130	REP-P	02-04-109
4-25-631	AMD	02-04-064	16-156-010	REP-P	02-04-109	16-158-135	REP-P	02-04-109
4-25-640	AMD-W	02-04-062	16-156-020	REP-P	02-04-109	16-158-150	REP-P	02-04-109
4-25-640	PREP	02-04-063	16-156-030	REP-P	02-04-109	16-162-010	REP-P	02-04-109
4-25-660	AMD	02-04-064	16-156-035	REP-P	02-04-109	16-162-025	REP-P	02-04-109
4-25-710	PREP	02-04-063	16-156-040	REP-P	02-04-109	16-162-030	REP-P	02-04-109
4-25-710	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-162-034	REP-P	02-04-109
4-25-720	AMD	02-04-064	16-156-060	REP-P	02-04-109	16-162-036	REP-P	02-04-109
4-25-721	AMD	02-04-064	16-156-070	REP-P	02-04-109	16-162-037	REP-P	02-04-109
4-25-730	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-162-040	REP-P	02-04-109
4-25-735	NEW	02-04-064	16-157-020	NEW-P	02-04-109	16-162-045	REP-P	02-04-109
4-25-745	AMD	02-04-064	16-157-030	NEW-P	02-04-109	16-162-050	REP-P	02-04-109
4-25-746	AMD	02-04-064	16-157-100	NEW-P	02-04-109	16-162-070	REP-P	02-04-109
4-25-750	AMD	02-04-064	16-157-110	NEW-P	02-04-109	16-162-100	REP-P	02-04-109
4-25-752	NEW	02-04-064	16-157-120	NEW-P	02-04-109	16-164-010	REP-P	02-04-109
4-25-756	NEW	02-04-064	16-157-200	NEW-P	02-04-109	16-164-020	REP-P	02-04-109
4-25-783	AMD	02-04-064	16-157-210	NEW-P	02-04-109	16-164-035	REP-P	02-04-109
4-25-790	AMD	02-04-064	16-157-220	NEW-P	02-04-109	16-164-037	REP-P	02-04-109
4-25-791	AMD	02-04-064	16-157-230	NEW-P	02-04-109	16-164-040	REP-P	02-04-109
4-25-792	AMD	02-04-064	16-157-240	NEW-P	02-04-109	16-164-050	REP-P	02-04-109
4-25-793	NEW	02-04-064	16-157-250	NEW-P	02-04-109	16-164-055	REP-P	02-04-109
4-25-795	AMD	02-04-064	16-157-255	NEW-P	02-04-109	16-164-060	REP-P	02-04-109
4-25-820	AMD	02-04-064	16-157-260	NEW-P	02-04-109	16-164-070	REP-P	02-04-109
4-25-830	AMD	02-04-064	16-157-270	NEW-P	02-04-109	16-164-080	REP-P	02-04-109
4-25-910	AMD	02-04-064	16-157-275	NEW-P	02-04-109	16-164-085	REP-P	02-04-109
16-154-010	REP-P	02-04-109	16-157-280	NEW-P	02-04-109	16-164-090	REP-P	02-04-109
16-154-030	REP-P	02-04-109	16-157-290	NEW-P	02-04-109	16-164-100	REP-P	02-04-109
16-154-040	REP-P	02-04-109	16-158-010	REP-P	02-04-109	16-164-110	REP-P	02-04-109
16-154-050	REP-P	02-04-109	16-158-020	REP-P	02-04-109	16-228-1231	AMD	02-04-041
16-154-053	REP-P	02-04-109	16-158-027	REP-P	02-04-109	16-303-200	PREP	02-03-127
16-154-060	REP-P	02-04-109	16-158-028	REP-P	02-04-109	16-303-210	PREP	02-03-127
16-154-070	REP-P	02-04-109	16-158-030	REP-P	02-04-109	16-303-230	PREP	02-03-127
16-154-080	REP-P	02-04-109	16-158-040	REP-P	02-04-109	16-303-250	PREP	02-03-127
16-154-090	REP-P	02-04-109	16-158-050	REP-P	02-04-109	16-303-300	PREP	02-03-127

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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16-303-317	PREP	02-03-127	132H-410-040	NEW-P	02-03-107	132Z-116-200	NEW-P	02-03-089
16-303-320	PREP	02-03-127	132H-410-050	NEW-P	02-03-107	132Z-116-200	NEW-E	02-04-061
16-303-330	PREP	02-03-127	132H-410-060	NEW-P	02-03-107	132Z-116-210	NEW-P	02-03-089
16-324	PREP	02-03-132	132H-410-070	NEW-P	02-03-107	132Z-116-210	NEW-E	02-04-061
16-325-015	AMD-X	02-04-020	132H-410-080	NEW-P	02-03-107	132Z-116-220	NEW-P	02-03-089
16-403-190	PREP	02-03-128	132H-410-090	NEW-P	02-03-107	132Z-116-220	NEW-E	02-04-061
36- 12-010	REP	02-03-069	132H-410-100	NEW-P	02-03-107	132Z-116-230	NEW-P	02-03-089
36- 12-011	AMD	02-03-069	132H-410-110	NEW-P	02-03-107	132Z-116-230	NEW-E	02-04-061
36- 12-020	AMD	02-03-069	132N-144-010	REP	02-04-068	132Z-116-240	NEW-P	02-03-089
36- 12-030	AMD	02-03-069	132N-144-020	REP	02-04-068	132Z-116-240	NEW-E	02-04-061
36- 12-040	AMD	02-03-069	132N-150-010	NEW	02-04-068	132Z-116-250	NEW-P	02-03-089
36- 12-050	AMD	02-03-069	132N-150-020	NEW	02-04-068	132Z-116-250	NEW-E	02-04-061
36- 12-060	REP	02-03-069	132N-150-030	NEW	02-04-068	132Z-116-260	NEW-P	02-03-089
36- 12-070	AMD	02-03-069	132N-150-040	NEW	02-04-068	132Z-116-260	NEW-E	02-04-061
36- 12-080	REP	02-03-069	132N-150-050	NEW	02-04-068	132Z-116-270	NEW-P	02-03-089
36- 12-100	AMD	02-03-069	132N-150-060	NEW	02-04-068	132Z-116-270	NEW-E	02-04-061
36- 12-110	AMD	02-03-069	132N-150-070	NEW	02-04-068	132Z-116-280	NEW-P	02-03-089
36- 12-120	REP	02-03-069	132N-150-080	NEW	02-04-068	132Z-116-280	NEW-E	02-04-061
36- 12-130	AMD	02-03-069	132N-150-090	NEW	02-04-068	132Z-116-300	NEW-P	02-03-089
36- 12-140	AMD	02-03-069	132N-150-100	NEW	02-04-068	132Z-116-300	NEW-E	02-04-061
36- 12-150	AMD	02-03-069	132N-150-110	NEW	02-04-068	132Z-116-310	NEW-P	02-03-089
36- 12-160	REP	02-03-069	132N-150-120	NEW	02-04-068	132Z-116-310	NEW-E	02-04-061
36- 12-170	AMD	02-03-069	132N-150-130	NEW	02-04-068	132Z-116-320	NEW-P	02-03-089
36- 12-190	AMD	02-03-069	132N-150-140	NEW	02-04-068	132Z-116-320	NEW-E	02-04-061
36- 12-200	AMD	02-03-069	132N-150-150	NEW	02-04-068	132Z-116-400	NEW-P	02-03-089
36- 12-210	REP	02-03-069	132N-150-160	NEW	02-04-068	132Z-116-400	NEW-E	02-04-061
36- 12-220	REP	02-03-069	132N-150-170	NEW	02-04-068	132Z-116-410	NEW-P	02-03-089
36- 12-240	AMD	02-03-069	132N-150-180	NEW	02-04-068	132Z-116-410	NEW-E	02-04-061
36- 12-250	AMD	02-03-069	132N-150-190	NEW	02-04-068	137- 28	PREP	02-03-075
36- 12-260	AMD	02-03-069	132N-150-200	NEW	02-04-068	173-030-071	AMD-E	02-04-030
36- 12-270	AMD	02-03-069	132N-150-210	NEW	02-04-068	180- 77	AMD	02-04-018
36- 12-280	AMD	02-03-069	132N-150-220	NEW	02-04-068	180- 77-002	AMD	02-04-018
36- 12-285	NEW	02-03-069	132N-150-230	NEW	02-04-068	180- 77-003	AMD	02-04-018
36- 12-290	AMD	02-03-069	132N-150-240	NEW	02-04-068	180- 77-005	AMD	02-04-018
36- 12-300	AMD	02-03-069	132N-150-250	NEW	02-04-068	180- 77-012	AMD	02-04-018
36- 12-310	AMD	02-03-069	132N-150-260	NEW	02-04-068	180- 77-014	AMD	02-04-018
36- 12-320	AMD	02-03-069	132N-150-270	NEW	02-04-068	180- 77-014	AMD	02-04-018
36- 12-330	REP	02-03-069	132N-150-280	NEW	02-04-068	180- 77-020	AMD	02-04-018
36- 12-340	REP	02-03-069	132Z-116-005	NEW-P	02-03-089	180- 77-025	AMD	02-04-018
36- 12-350	REP	02-03-069	132Z-116-005	NEW-E	02-04-061	180- 77-031	AMD	02-04-018
36- 12-360	AMD	02-03-069	132Z-116-010	NEW-P	02-03-089	180- 77-041	AMD	02-04-018
36- 12-363	REP	02-03-069	132Z-116-010	NEW-E	02-04-061	180- 77-068	AMD	02-04-018
36- 12-364	AMD	02-03-069	132Z-116-020	NEW-P	02-03-089	180- 77-070	AMD	02-04-018
36- 12-465	AMD	02-03-069	132Z-116-020	NEW-E	02-04-061	180- 77-075	AMD	02-04-018
130- 14-010	AMD-P	02-03-131	132Z-116-030	NEW-P	02-03-089	180- 77-080	AMD	02-04-018
130- 14-030	AMD-P	02-03-131	132Z-116-030	NEW-E	02-04-061	180- 77-110	AMD	02-04-018
130- 14-050	AMD-P	02-03-131	132Z-116-040	NEW-P	02-03-089	180- 77-120	AMD	02-04-018
130- 14-060	AMD-P	02-03-131	132Z-116-040	NEW-E	02-04-061	180- 77-122	AMD	02-04-018
132H-120-030	AMD-P	02-03-106	132Z-116-050	NEW-P	02-03-089	180- 77A	AMD	02-04-018
132H-120-050	AMD-P	02-03-106	132Z-116-050	NEW-E	02-04-061	180- 77A-004	AMD	02-04-018
132H-120-200	AMD-P	02-03-106	132Z-116-060	NEW-P	02-03-089	180- 77A-006	AMD	02-04-018
132H-120-220	AMD-P	02-03-106	132Z-116-060	NEW-E	02-04-061	180- 77A-025	AMD	02-04-018
132H-120-300	AMD-P	02-03-106	132Z-116-070	NEW-P	02-03-089	180- 77A-029	AMD	02-04-018
132H-120-350	AMD-P	02-03-106	132Z-116-070	NEW-E	02-04-061	180- 77A-030	AMD	02-04-018
132H-120-410	AMD-P	02-03-106	132Z-116-080	NEW-P	02-03-089	180- 77A-033	AMD	02-04-018
132H-120-420	AMD-P	02-03-106	132Z-116-080	NEW-E	02-04-061	180- 77A-037	AMD	02-04-018
132H-120-440	AMD-P	02-03-106	132Z-116-090	NEW-P	02-03-089	180- 77A-040	AMD	02-04-018
132H-120-450	AMD-P	02-03-106	132Z-116-090	NEW-E	02-04-061	180- 77A-057	AMD	02-04-018
132H-152-135	PREP	02-03-104	132Z-116-100	NEW-P	02-03-089	180- 77A-165	AMD	02-04-018
132H-410-010	NEW-P	02-03-107	132Z-116-100	NEW-E	02-04-061	180- 77A-180	AMD	02-04-018
132H-410-020	NEW-P	02-03-107	132Z-116-110	NEW-P	02-03-089	180- 77A-195	AMD	02-04-018
						180- 78A-209	AMD	02-04-018

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180- 78A-255	AMD	02-04-014	212- 12-280	NEW-E	02-03-060	230- 04-202	AMD-W	02-02-090
180- 78A-261	AMD	02-04-014	212- 12-290	NEW-E	02-03-060	232- 28-42500C	NEW-E	02-03-052
180- 78A-264	AMD	02-04-014	212- 12-300	NEW-E	02-03-060	232- 28-42500C	REP-E	02-03-052
180- 78A-270	AMD	02-04-018	212- 12-310	NEW-E	02-03-060	232- 28-61900H	REP-E	02-03-014
180- 79A-030	AMD	02-04-015	212- 12-320	NEW-E	02-03-060	232- 28-61900I	NEW-E	02-03-022
180- 79A-117	AMD	02-04-018	212- 12-330	NEW-E	02-03-060	232- 28-61900I	REP-E	02-03-022
180- 79A-130	AMD	02-04-018	212- 12-340	NEW-E	02-03-060	232- 28-61900J	NEW-E	02-03-023
180- 79A-140	AMD	02-04-018	212- 12-350	NEW-E	02-03-060	232- 28-61900K	NEW-E	02-03-014
180- 79A-150	AMD	02-04-018	212- 12-360	NEW-E	02-03-060	232- 28-61900L	NEW-E	02-03-015
180- 79A-211	AMD	02-04-018	212- 12-370	NEW-E	02-03-060	232- 28-61900L	REP-E	02-03-015
180- 82-105	AMD	02-04-018	212- 12-380	NEW-E	02-03-060	232- 28-61900M	NEW-E	02-03-066
180- 82-202	AMD	02-04-018	212- 12-390	NEW-E	02-03-060	232- 28-61900N	NEW-E	02-04-019
180- 82-322	AMD	02-04-018	212- 12-400	NEW-E	02-03-060	232- 28-61900N	REP-E	02-04-019
180- 82-346	AMD	02-04-016	212- 12-410	NEW-E	02-03-060	232- 28-61900P	NEW-E	02-04-103
180- 82-350	AMD	02-04-018	212- 12-420	NEW-E	02-03-060	232- 28-61900U	REP-E	02-03-022
180- 82A-002	NEW	02-04-013	220- 32-05100K	REP-E	02-04-073	246-215-150	AMD-P	02-04-091
180- 82A-200	NEW	02-04-013	220- 32-05100L	NEW-E	02-04-073	246-254-053	AMD-P	02-04-034
180- 82A-202	NEW	02-04-013	220- 32-05100L	REP-E	02-04-073	246-254-070	AMD	02-04-025
180- 82A-204	NEW	02-04-013	220- 33-01000I	NEW-E	02-04-077	246-254-080	AMD	02-04-025
180- 82A-206	NEW	02-04-013	220- 33-01000I	REP-E	02-04-077	246-254-090	AMD	02-04-025
180- 82A-215	NEW	02-04-013	220- 33-04000N	REP-E	02-04-072	246-254-100	AMD	02-04-025
180- 85-035	AMD	02-04-017	220- 33-04000P	NEW-E	02-04-072	246-254-120	AMD	02-04-025
180- 85-075	AMD	02-04-017	220- 33-04000P	REP-E	02-04-072	246-272	PREP	02-03-137
180- 86-020	PREP	02-03-084	220- 33-04000P	REP-E	02-04-102	246-338-020	PREP	02-03-138
180- 86-055	PREP	02-03-084	220- 33-04000Q	NEW-E	02-04-102	246-338-990	PREP	02-03-138
192- 16-033	REP-E	02-03-074	220- 33-04000Q	REP-E	02-04-102	246-650	PREP	02-03-136
192- 16-036	REP-E	02-03-074	220- 44-05000H	REP-E	02-04-060	246-650	PREP-W	02-04-024
192- 16-040	REP-E	02-03-074	220- 44-05000I	NEW-E	02-04-060	246-840-020	PREP	02-04-033
192- 16-042	REP-E	02-03-074	220- 52-04000F	REP-E	02-03-068	246-840-030	PREP	02-04-033
192- 16-045	REP-E	02-03-074	220- 52-04600A	REP-E	02-03-024	246-840-040	PREP	02-04-033
192- 16-047	REP-E	02-03-074	220- 52-04600B	NEW-E	02-03-024	246-840-050	PREP	02-04-033
192-240-010	NEW-E	02-03-074	220- 52-04600B	REP-E	02-03-050	246-840-060	PREP	02-04-033
192-240-015	NEW-E	02-03-074	220- 52-04600C	NEW-E	02-03-050	246-840-070	PREP	02-04-033
192-240-020	NEW-E	02-03-074	220- 52-04600C	REP-E	02-04-093	246-840-080	PREP	02-04-031
192-240-025	NEW-E	02-03-074	220- 52-04600D	NEW-E	02-04-093	246-840-090	PREP	02-04-031
192-240-030	NEW-E	02-03-074	220- 52-07300Q	REP-E	02-03-025	246-851-150	AMD-C	02-04-090
192-240-035	NEW-E	02-03-074	220- 52-07300R	NEW-E	02-03-025	246-851-160	AMD-C	02-04-090
192-240-040	NEW-E	02-03-074	220- 52-07300R	REP-E	02-03-067	246-851-250	AMD-C	02-04-090
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208-472-010	AMD	02-04-094	220- 52-07300S	REP-E	02-03-090	246-851-310	AMD-C	02-04-090
208-472-012	REP	02-04-094	220- 52-07300T	NEW-E	02-03-090	246-851-330	AMD-C	02-04-090
208-472-015	AMD	02-04-094	220- 52-07300T	REP-E	02-04-035	246-851-520	AMD-C	02-04-090
208-472-020	AMD	02-04-094	220- 52-07300U	NEW-E	02-04-035	246-976-935	AMD	02-04-045
208-472-025	AMD	02-04-094	220- 52-07300U	REP-E	02-04-078	251- 01-240	AMD-P	02-04-081
208-472-030	NEW	02-04-094	220- 52-07300V	NEW-E	02-04-078	251- 12-073	REP-P	02-04-079
208-472-035	NEW	02-04-094	220- 56-23500L	NEW-E	02-03-002	251- 17-200	AMD-P	02-04-080
208-472-041	REP	02-04-094	220- 56-33000D	NEW-E	02-03-051	251- 19-120	AMD-P	02-04-081
208-472-045	REP	02-04-094	220- 56-36000L	NEW-E	02-03-053	292-120-030	AMD	02-04-003
208-472-050	REP	02-04-094	220- 56-36000L	REP-E	02-03-053	292-120-035	NEW	02-04-003
208-472-060	REP	02-04-094	220- 56-36000L	REP-E	02-04-039	296- 05-007	AMD-X	02-04-004
208-472-065	REP	02-04-094	220- 56-36000M	NEW-E	02-04-039	296- 05-300	AMD-X	02-04-004
208-472-070	REP	02-04-094	220- 56-36000M	REP-E	02-04-039	296- 05-316	AMD-X	02-04-004
208-472-075	REP	02-04-094	220- 77-09000A	NEW-E	02-04-069	296- 05-402	AMD-X	02-04-004
208-472-080	REP	02-04-094	220- 77-09000A	REP-E	02-04-089	296- 150C	PREP	02-04-106
212- 12-200	NEW-E	02-03-060	220- 77-09000B	NEW-E	02-04-089	296- 150F	PREP	02-04-106
212- 12-210	NEW-E	02-03-060	220-130-040	AMD-W	02-02-089	296- 150M	PREP	02-04-106
212- 12-220	NEW-E	02-03-060	226- 01-040	AMD-X	02-03-038	296- 150P	PREP	02-04-106
212- 12-230	NEW-E	02-03-060	226- 01-050	AMD-X	02-03-038	296- 150R	PREP	02-04-106
212- 12-240	NEW-E	02-03-060	226- 12-080	AMD-X	02-03-038	296- 150V	PREP	02-04-106
212- 12-250	NEW-E	02-03-060	226- 16-160	AMD-X	02-03-038	296- 17-35203	AMD-P	02-03-123
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296- 52-69055	NEW	02-03-125	308- 12-081	AMD-P	02-04-114	308-124A-600	AMD	02-03-080
296- 52-69060	NEW	02-03-125	308- 12-085	AMD-P	02-04-114	308-124A-605	NEW	02-03-080
296- 52-69065	NEW	02-03-125	308- 12-115	AMD-P	02-04-114	308-124B-150	AMD	02-03-054
296- 52-69070	NEW	02-03-125	308- 12-150	AMD-P	02-04-114	308-124H-014	NEW	02-03-055
296- 52-69080	NEW	02-03-125	308- 12-210	AMD-P	02-04-114	308-124H-025	AMD	02-03-055
296- 52-69085	NEW	02-03-125	308- 12-220	AMD-P	02-04-114	308-124H-061	AMD	02-03-056
296- 52-69090	NEW	02-03-125	308- 12-230	AMD-P	02-04-114	308-124H-062	AMD	02-03-056
296- 52-69095	NEW	02-03-125	308- 12-240	AMD-P	02-04-114	308-125-085	AMD-P	02-04-083
296- 52-69105	NEW	02-03-125	308- 12-320	AMD-P	02-04-114	308-125-120	AMD	02-03-011
296- 52-69110	NEW	02-03-125	308- 12-321	REP-P	02-04-114	308-125-200	AMD	02-03-012
296- 52-69115	NEW	02-03-125	308- 12-322	REP-P	02-04-114	308-330-305	AMD	02-04-075
296- 52-69120	NEW	02-03-125	308- 12-323	REP-P	02-04-114	308-330-307	AMD	02-04-075
296- 52-69125	NEW	02-03-125	308- 12-324	REP-P	02-04-114	308-330-320	AMD	02-04-075
296- 52-700	NEW	02-03-125	308- 12-325	REP-P	02-04-114	308-330-464	AMD	02-04-075
296- 52-70005	NEW	02-03-125	308- 12-330	NEW-P	02-04-114	308-330-481	AMD	02-04-075
296- 52-70010	NEW	02-03-125	308- 13-005	AMD-P	02-04-113	308-330-705	AMD	02-04-075
296- 52-70015	NEW	02-03-125	308- 13-020	AMD-P	02-04-113	314- 02-010	AMD-P	02-04-115
296- 52-70020	NEW	02-03-125	308- 13-024	AMD-P	02-04-113	314- 02-015	AMD-P	02-04-115
296- 52-70025	NEW	02-03-125	308- 13-036	NEW-P	02-04-113	314- 02-020	AMD-P	02-04-115
296- 52-70030	NEW	02-03-125	308- 13-050	AMD-P	02-04-113	314- 02-025	AMD-P	02-04-115
296- 52-70035	NEW	02-03-125	308- 13-100	AMD-P	02-04-113	314- 02-030	AMD-P	02-04-115
296- 52-70040	NEW	02-03-125	308- 17-150	AMD-P	02-03-130	314- 02-033	NEW-P	02-04-115
296- 52-70045	NEW	02-03-125	308- 18-150	AMD-P	02-02-096	314- 02-035	AMD-P	02-04-115
296- 52-70050	NEW	02-03-125	308- 19-130	AMD-P	02-02-095	314- 02-045	AMD-P	02-04-115
296- 52-70055	NEW	02-03-125	308- 19-240	AMD-P	02-02-095	314- 02-050	REP-P	02-04-115
296- 52-70060	NEW	02-03-125	308- 20-010	AMD	02-04-012	314- 02-055	AMD-P	02-04-115
296- 52-70065	NEW	02-03-125	308- 20-030	REP	02-04-012	314- 02-115	AMD-P	02-04-115
296- 52-70070	NEW	02-03-125	308- 20-040	AMD	02-04-012	314- 02-125	AMD-P	02-04-115
296- 52-70080	NEW	02-03-125	308- 20-045	REP	02-04-012	314- 02-130	AMD-P	02-04-115
296- 52-70085	NEW	02-03-125	308- 20-080	AMD	02-04-012	314- 11-015	AMD-P	02-04-110
296- 52-710	NEW	02-03-125	308- 20-090	AMD	02-04-012	314- 11-020	AMD-P	02-04-110
296- 52-71015	NEW	02-03-125	308- 20-105	AMD	02-04-012	314- 11-025	AMD-P	02-04-110
296- 52-71020	NEW	02-03-125	308- 20-107	AMD	02-04-012	314- 11-030	AMD-P	02-04-110
296- 52-71025	NEW	02-03-125	308- 20-110	AMD	02-04-012	314- 11-035	AMD-P	02-04-110
296- 52-71035	NEW	02-03-125	308- 20-120	AMD	02-04-012	314- 11-040	AMD-P	02-04-110
296- 52-71040	NEW	02-03-125	308- 20-122	NEW	02-04-012	314- 11-045	AMD-P	02-04-110
296- 52-71045	NEW	02-03-125	308- 20-130	REP	02-04-012	314- 11-060	AMD-P	02-04-110
296- 52-71055	NEW	02-03-125	308- 20-150	REP	02-04-012	314- 11-065	AMD-P	02-04-110
296- 52-71060	NEW	02-03-125	308- 20-155	REP	02-04-012	314- 11-070	AMD-P	02-04-110
296- 52-71065	NEW	02-03-125	308- 20-171	REP	02-04-012	314- 11-072	NEW-P	02-04-110
296- 52-71075	NEW	02-03-125	308- 20-172	REP	02-04-012	314- 11-095	AMD-P	02-04-110
296- 52-71080	NEW	02-03-125	308- 20-210	AMD-P	02-04-088	314- 16-190	REP-P	02-04-115
296- 52-71090	NEW	02-03-125	308- 20-310	REP	02-04-012	314- 16-196	REP-P	02-04-115
296- 52-71095	NEW	02-03-125	308- 20-590	REP	02-04-012	314- 21-005	NEW-P	02-04-112
296- 52-71100	NEW	02-03-125	308- 66	PREP	02-04-059	314- 21-015	NEW-P	02-04-112
296- 52-71105	NEW	02-03-125	308- 93-230	AMD	02-04-001	314- 21-025	NEW-P	02-04-112
296- 52-720	NEW	02-03-125	308- 93-250	REP	02-04-001	314- 60-040	AMD-P	02-04-111
296- 52-725	NEW	02-03-125	308- 93-270	AMD	02-04-001	315- 20-010	AMD-C	02-03-108
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296- 78-56501	AMD	02-03-124	308- 93-280	AMD	02-04-001	315- 37-020	NEW-P	02-03-109
296- 78-56505	AMD	02-03-124	308- 96A-101	PREP	02-03-086	315- 37-030	NEW-P	02-03-109
296- 96	PREP	02-04-106	308- 96A-110	PREP	02-03-086	315- 37-040	NEW-P	02-03-109
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296-150M-0020	AMD	02-03-048	308- 96A-306	AMD	02-04-002	315- 37-060	NEW-P	02-03-109
296-150M-0049	NEW	02-03-048	308- 96A-311	AMD	02-04-002	315- 37-070	NEW-P	02-03-109
296-150M-0140	AMD	02-03-048	308- 96A-312	AMD	02-04-002	315- 37-080	NEW-P	02-03-109
296-150M-0302	NEW	02-03-048	308- 96A-313	AMD	02-04-002	315- 37-090	NEW-P	02-03-109
296-307	PREP	02-04-107	308- 96A-314	AMD	02-04-002	315- 37-100	NEW-P	02-03-109
296-800	PREP	02-04-107	308- 96A-316	AMD	02-04-002	315- 37-110	NEW-P	02-03-109
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332-30-139	AMD-P	02-03-111	388-15-109	NEW-P	02-03-118	388-290-0135	PREP	02-04-097
332-30-144	AMD-P	02-03-111	388-15-113	NEW-P	02-03-118	388-290-0145	PREP	02-04-097
332-30-148	AMD-P	02-03-111	388-15-117	NEW-P	02-03-118	388-290-0150	PREP	02-04-097
332-30-171	NEW-P	02-03-111	388-15-121	NEW-P	02-03-118	388-290-0155	PREP	02-04-097
356-05-389	NEW	02-03-063	388-15-125	NEW-P	02-03-118	388-290-0160	PREP	02-04-097
356-05-415	AMD-S	02-04-082	388-15-129	NEW-P	02-03-118	388-290-0165	PREP	02-04-097
356-18-100	AMD	02-03-061	388-15-130	REP-P	02-03-118	388-290-0180	PREP	02-04-097
356-18-112	AMD-S	02-04-082	388-15-131	REP-P	02-03-118	388-290-0190	PREP	02-04-097
356-26-040	AMD	02-03-062	388-15-132	REP-P	02-03-118	388-290-0200	PREP	02-04-097
356-26-130	AMD	02-03-063	388-15-133	NEW-P	02-03-118	388-290-0205	PREP	02-04-097
356-26-140	AMD-P	02-04-080	388-15-134	REP-P	02-03-118	388-290-0225	PREP	02-04-097
356-30-025	AMD-S	02-04-082	388-15-135	NEW-P	02-03-118	388-290-0230	PREP	02-04-097
356-30-065	AMD-S	02-04-082	388-15-141	NEW-P	02-03-118	388-290-0240	PREP	02-04-097
356-30-067	AMD-S	02-04-082	388-15-202	PREP	02-04-096	388-290-0245	PREP	02-04-097
356-30-140	AMD-S	02-04-082	388-15-203	PREP	02-04-096	388-290-0270	PREP	02-04-097
356-30-331	AMD-P	02-04-080	388-15-204	PREP	02-04-096	388-310-0600	AMD	02-04-058
388-01-015	NEW-P	02-03-119	388-71-0410	PREP	02-04-096	388-400-0030	AMD-E	02-04-095
388-14A-2000	PREP	02-03-010	388-71-0430	PREP	02-04-096	388-406	PREP	02-03-091
388-14A-2025	PREP	02-03-010	388-71-0435	PREP	02-04-096	388-410-0020	AMD-P	02-03-100
388-14A-2080	PREP	02-03-010	388-71-0440	PREP	02-04-096	388-410-0025	AMD-P	02-03-100
388-14A-3130	AMD-P	02-03-096	388-71-0445	PREP	02-04-096	388-410-0030	AMD-P	02-03-100
388-14A-3800	PREP	02-03-010	388-71-0450	PREP	02-04-096	388-410-0033	NEW-P	02-03-100
388-14A-3810	PREP	02-03-010	388-71-0500	PREP	02-04-096	388-424-0010	AMD	02-03-008
388-14A-3925	AMD-P	02-03-096	388-71-0515	PREP	02-04-096	388-450-0045	AMD	02-03-019
388-14A-4000	PREP	02-03-010	388-71-0600	PREP	02-04-096	388-450-0070	AMD	02-03-020
388-14A-4300	PREP	02-03-010	388-71-0820	PREP	02-04-096	388-450-0140	AMD-P	02-03-021
388-14A-4301	PREP	02-03-010	388-76-535	AMD-P	02-03-117	388-450-0210	AMD	02-03-009
388-14A-4302	PREP	02-03-010	388-76-540	PREP	02-04-096	388-452-0005	PREP	02-03-091
388-14A-4303	PREP	02-03-010	388-76-61510	AMD-P	02-03-117	388-466-0010	REP	02-04-057
388-14A-4304	PREP	02-03-010	388-76-640	REP-P	02-03-117	388-466-0120	NEW	02-04-057
388-14A-5520	AMD-P	02-03-096	388-76-64005	NEW-P	02-03-117	388-466-0140	NEW	02-04-057
388-14A-5525	AMD-P	02-03-096	388-76-64010	NEW-P	02-03-117	388-472-0005	PREP	02-03-091
388-14A-5530	AMD-P	02-03-096	388-76-64015	NEW-P	02-03-117	388-474	PREP	02-03-094
388-15	AMD-P	02-03-118	388-76-64020	NEW-P	02-03-117	388-478-0075	AMD-P	02-03-097
388-15-001	NEW-P	02-03-118	388-76-64025	NEW-P	02-03-117	388-490-0005	PREP	02-03-091
388-15-005	NEW-P	02-03-118	388-76-64030	NEW-P	02-03-117	388-530	PREP	02-03-093
388-15-009	NEW-P	02-03-118	388-76-64035	NEW-P	02-03-117	388-530	PREP-W	02-03-116
388-15-011	NEW-P	02-03-118	388-76-710	AMD-P	02-03-117	388-533-0400	AMD-P	02-03-098
388-15-013	NEW-P	02-03-118	388-96-713	AMD-E	02-04-011	388-534-0100	AMD-P	02-03-099
388-15-017	NEW-P	02-03-118	388-96-901	AMD-E	02-04-011	388-534-0200	NEW-P	02-03-099
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388-15-025	NEW-P	02-03-118	388-110-210	PREP	02-04-096	388-550	PREP-W	02-03-115
388-15-029	NEW-P	02-03-118	388-110-230	PREP	02-04-096	390	PREP	02-04-049
388-15-033	NEW-P	02-03-118	388-151-020	AMD-P	02-03-095	390-05-200	AMD	02-03-018
388-15-037	NEW-P	02-03-118	388-151-097	AMD-P	02-03-095	390-05-205	AMD	02-03-018
388-15-041	NEW-P	02-03-118	388-151-230	AMD-P	02-03-095	390-12-040	AMD	02-03-018
388-15-045	NEW-P	02-03-118	388-155-320	AMD-P	02-03-095	390-13-010	AMD	02-03-018
388-15-049	NEW-P	02-03-118	388-290-0010	PREP	02-04-097	390-13-100	AMD	02-03-018
388-15-053	NEW-P	02-03-118	388-290-0015	PREP	02-04-097	390-14-025	AMD	02-03-018
388-15-057	NEW-P	02-03-118	388-290-0020	PREP	02-04-097	390-14-045	AMD	02-03-018
388-15-061	NEW-P	02-03-118	388-290-0035	PREP	02-04-097	390-16-032	AMD	02-03-018
388-15-065	NEW-P	02-03-118	388-290-0040	PREP	02-04-097	390-16-033	AMD	02-03-018
388-15-069	NEW-P	02-03-118	388-290-0045	PREP	02-04-097	390-16-038	AMD	02-03-018
388-15-073	NEW-P	02-03-118	388-290-0050	PREP	02-04-097	390-16-050	AMD	02-03-018
388-15-077	NEW-P	02-03-118	388-290-0055	PREP	02-04-097	390-16-060	AMD	02-03-018
388-15-081	NEW-P	02-03-118	388-290-0080	PREP	02-04-097	390-16-105	AMD	02-03-018
388-15-085	NEW-P	02-03-118	388-290-0085	PREP	02-04-097	390-16-226	AMD	02-03-018
388-15-089	NEW-P	02-03-118	388-290-0095	PREP	02-04-097	390-16-308	AMD	02-03-018
388-15-093	NEW-P	02-03-118	388-290-0105	PREP	02-04-097	390-17-060	AMD	02-03-018
388-15-097	NEW-P	02-03-118	388-290-0120	PREP	02-04-097	390-17-315	AMD	02-03-018
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390-20-110	AMD	02-03-018	434-236-025	NEW-P	02-03-133	478-117-050	NEW-P	02-03-085
390-20-111	AMD	02-03-018	434-236-030	AMD-P	02-03-133	478-117-050	NEW-E	02-04-087
390-20-120	AMD	02-03-018	434-236-040	REP-P	02-03-133	478-117-060	NEW-P	02-03-085
390-20-125	AMD	02-03-018	434-236-050	REP-P	02-03-133	478-117-060	NEW-E	02-04-087
390-20-130	AMD	02-03-018	434-236-055	NEW-P	02-03-133	478-117-070	NEW-P	02-03-085
390-24-200	AMD	02-03-018	434-236-060	AMD-P	02-03-133	478-117-070	NEW-E	02-04-087
392-122-900	AMD-E	02-04-023	434-236-070	AMD-P	02-03-133	478-117-080	NEW-P	02-03-085
392-141-200	AMD-E	02-04-023	434-236-080	AMD-P	02-03-133	478-117-080	NEW-E	02-04-087
415-02-130	AMD	02-03-120	434-236-090	AMD-P	02-03-134	478-117-090	NEW-P	02-03-085
415-10-010	AMD	02-03-120	434-236-100	AMD-P	02-03-133	478-117-090	NEW-E	02-04-087
415-10-020	AMD	02-03-120	434-236-110	AMD-P	02-03-133	478-117-100	NEW-P	02-03-085
415-10-030	AMD	02-03-120	434-236-140	AMD-P	02-03-133	478-117-100	NEW-E	02-04-087
415-10-080	AMD	02-03-120	434-236-180	AMD-P	02-03-133	478-117-110	NEW-P	02-03-085
415-10-100	AMD	02-03-120	434-236-210	REP-P	02-03-133	478-117-110	NEW-E	02-04-087
415-10-110	REP	02-03-120	434-240-010	AMD-P	02-03-133	478-117-200	NEW-P	02-03-085
415-108-315	AMD	02-03-120	434-240-020	AMD-P	02-03-133	478-117-200	NEW-E	02-04-087
415-108-324	AMD	02-03-120	434-240-025	REP-P	02-03-133	478-117-210	NEW-P	02-03-085
415-108-340	AMD	02-03-120	434-240-027	NEW-P	02-03-133	478-117-210	NEW-E	02-04-087
415-108-425	NEW	02-03-120	434-240-060	AMD-P	02-03-133	478-117-220	NEW-P	02-03-085
415-108-441	AMD	02-03-120	434-240-080	NEW-P	02-03-133	478-117-220	NEW-E	02-04-087
415-108-443	AMD	02-03-120	434-240-090	AMD-P	02-03-133	478-117-230	NEW-P	02-03-085
415-108-445	AMD	02-03-120	434-240-120	AMD-P	02-03-133	478-117-230	NEW-E	02-04-087
415-108-456	AMD	02-03-120	434-240-130	AMD-P	02-03-133	478-117-240	NEW-P	02-03-085
415-108-458	AMD	02-03-120	434-240-150	AMD-P	02-03-133	478-117-240	NEW-E	02-04-087
415-108-464	AMD	02-03-120	434-240-160	REP-P	02-03-133	478-117-250	NEW-P	02-03-085
415-108-465	AMD	02-03-120	434-240-190	AMD-P	02-03-133	478-117-250	NEW-E	02-04-087
415-108-466	AMD	02-03-120	434-240-200	AMD-P	02-03-134	478-117-260	NEW-P	02-03-085
415-108-480	AMD	02-03-120	434-240-205	AMD-P	02-03-133	478-117-260	NEW-E	02-04-087
415-108-491	AMD	02-03-120	434-240-230	AMD-P	02-03-133	478-117-270	NEW-P	02-03-085
415-108-570	AMD	02-03-120	434-240-235	AMD-P	02-03-133	478-117-270	NEW-E	02-04-087
415-108-640	AMD	02-03-120	434-240-240	AMD-P	02-03-134	478-117-280	NEW-P	02-03-085
415-108-679	AMD	02-03-120	434-240-250	AMD-P	02-03-133	478-117-280	NEW-E	02-04-087
415-108-690	AMD	02-03-120	434-240-320	AMD-P	02-03-133	478-117-300	NEW-P	02-03-085
415-108-720	AMD	02-03-120	434-253-043	NEW-P	02-03-134	478-117-300	NEW-E	02-04-087
415-108-727	NEW	02-03-120	434-253-045	NEW-P	02-03-134	478-117-310	NEW-P	02-03-085
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TABLE

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the instruments used.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend in the behavior of the system under investigation.

4. The fourth part of the document discusses the implications of the results and the potential applications of the findings. It highlights the need for further research in this area and suggests possible directions for future work.

5. The fifth part of the document provides a conclusion and a summary of the key findings. It reiterates the importance of the study and the need for continued research in this field.

6. The sixth part of the document includes a list of references and a bibliography. It cites the works of other researchers in the field and provides a comprehensive overview of the current state of knowledge.

7. The seventh part of the document contains a list of figures and tables. It provides a detailed description of each figure and table and explains how they relate to the overall findings of the study.

8. The eighth part of the document includes a list of appendices. It provides additional information and data that are not included in the main body of the text but are relevant to the study.

9. The ninth part of the document contains a list of footnotes and a glossary. It provides definitions for key terms and explains the meaning of the symbols and abbreviations used in the text.

10. The tenth part of the document includes a list of acknowledgments and a list of authors. It expresses gratitude to those who have supported the research and identifies the individuals who contributed to the work.

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