

Washington State Register

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MARCH 17, 1982

OLYMPIA, WASHINGTON

ISSUE 82-06



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CITATION

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

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$95 per year, post-paid to points in the United States. Second-class postage paid at Olympia, Washington.

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

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

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

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

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1981 - 1982

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Action Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
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82-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1983

¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³"No proceeding may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-05-006
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 5, 1982]

a.m., Wednesday, April 7, 1982, Room 412, 300 West Harrison Building, Seattle, WA 98119.

Dated: February 4, 1982

By: Sam Kinville
 Director

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-150B WAC, standards for mobile homes, commercial coaches and recreational vehicles. These proposed rules describe the administrative procedures for obtaining approval of design plans and for obtaining insignia from the department; and the procedures by which the department will enforce the mobile home, commercial coach, and recreational vehicle law. Although these rules are drafted differently from the current rules, there are few substantive changes from the requirements that mobile homes, commercial coach, and recreational vehicle manufacturers and dealers currently must meet. No new requirements are added; however, a few of the current requirements are deleted. The primary purpose of these rules is to simplify the administrative and enforcement procedures.

Proposed WAC 296-150B-990 sets new, higher fees for inspections, examination of design plans, and other departmental services. The fees for mobile homes set by the federal department of housing and urban development, however, are not changed. The fee increase is necessary to enable the department to cover the actual cost of the inspections, examinations, and services.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

James Louvier
 300 West Harrison Street
 Seattle, WA 98119
 (206) 576-6580;

that such agency will at 9:30 a.m., Wednesday, April 7, 1982, in the 300 West Harrison Building, Room 412, Seattle, WA 98119, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Friday, April 16, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 43.22.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 7, 1982, and/or orally at 9:30

STATEMENT OF PURPOSE

Title and Number of Rule Chapter: New chapter 296-150B WAC, Standards for mobile homes, commercial coaches, and recreational vehicles. This new chapter combines and clarifies the rules for mobile homes currently contained in chapter 296-48 WAC, the rules for recreational vehicles in current chapter 296-48A WAC, and parts of current chapter 296-48B WAC, which covers commercial coaches.

Statutory Authority: RCW 43.22.340.

Summary of the Rules: The three chapters that cover mobile homes, commercial coaches, and recreational vehicles each have rules governing applications for insignia, approval of design plans, alterations, quality control, and inspections. The rules in the three chapters often differ from each other in minor ways. The differences in these rules are costly for the department and the manufacturers because they must follow different procedures for each type of structure. These proposed rules eliminate the differences between the three chapters to the extent possible, and replace the current rules with one generally applicable group of rules. Proposed WAC 296-150B-990 sets increased fees for inspections of structures, issuance of insignias, checking design plans, travel costs, and other services.

Description of the Purpose of the Rules: The Department of Labor and Industries has proposed these rules to eliminate costly and inefficient differences in administering three different chapters and to raise its fees to enable the department to pay for the costs of its services.

Reasons Supporting the Proposed Rules: The current rules are inefficient because they are in three different chapters. Many rules have not been amended for several years, and their requirements no longer keep pace with new practices in the industry. The department's current fees do not cover the cost of providing its services.

The Agency Personnel Responsible for Drafting: Thornton Wilson, Assistant Attorney General, 300 West Harrison, Seattle, Washington 98119, (206) 464-6436; Implementation and Enforcement: James Louvier, Chief, Factory Assembled Structures Section, 300 West Harrison, Seattle, Washington 98119, (206) 464-6580.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: The fees will raise a manufacturer's costs for insignia, inspections, and plan checking. However, the raise in fees is necessary to enable the department to cover its costs, as it is required to do by law. The costs to manufacturers, dealers, owners, and others should be lessened by combining and clarifying the rules in the current three chapters.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any other information that may be of assistance in identifying the rule or its purpose: None.

Chapter 296-150B WAC

STANDARDS FOR FACTORY ASSEMBLED STRUCTURES

WAC

296-150B-005	Application and scope.
296-150B-010	Enforcement.
296-150B-015	Definitions.
296-150B-020	Insignia of approval—In general.
296-150B-025	Application for approval of a design plan.
296-150B-030	Requirements for design plans.
296-150B-035	Engineering analysis and test procedures.
296-150B-040	Department approval of the design plan.
296-150B-045	Resubmittal of corrected design plan.
296-150B-050	Application for approval of a quality control manual.
296-150B-055	Changes to an approved design plan or quality control manual.
296-150B-060	Expiration of design plan approval.
296-150B-065	Trade secrets.
296-150B-070	Applications for HUD insignia for mobile homes.
296-150B-075	Applications for inspection and insignia for commercial coaches, recreational vehicles, and components.
296-150B-080	Applications for insignia for commercial coaches, recreational vehicles, and components.
296-150B-085	Inspections at a manufacturer's plant by a local enforcement agency, an independent inspection agency, or the manufacturer.
296-150B-090	Other inspections by the department.
296-150B-095	Action after inspection.
296-150B-100	Inspection of commercial coaches after installation at the building site.
296-150B-105	Complaint investigations.
296-150B-110	Fee required if a structure or component is not ready for inspection.
296-150B-115	Alterations.
296-150B-120	Application for insignia and approval of alteration.
296-150B-125	Identification of commercial coaches and recreational vehicles.
296-150B-130	Lost or damaged insignia.
296-150B-135	Notice of noncompliance.
296-150B-140	Prohibited sale or lease notice.
296-150B-145	Approval of equipment.
296-150B-150	Department approval of listing and testing agencies, licensed professional engineers, and licensed architects.
296-150B-155	Approval of alternates.
296-150B-160	Manufacturing in more than one location.
296-150B-165	Change of name or address.
296-150B-170	Discontinuance of a product line.
296-150B-175	Change of ownership.
296-150B-180	Reciprocal agreements.
296-150B-200	General installation requirements for mobile homes.
296-150B-990	Fees.

NEW SECTION

WAC 296-150B-005 APPLICATION AND SCOPE. (1) This chapter implements the provisions of RCW 43.22.340 through RCW 43.22.445, which cover the construction and approval of mobile homes, commercial coaches, and recreational vehicles. The purpose of this chapter is to combine under one heading all applications, procedures, requirements, and codes relating to mobile homes, commercial coaches, and recreational vehicles. Many of the applications and procedures are the same for each kind of structure; occasionally, they will differ. These rules specify when a person must follow a procedure other than the general procedure.

(2) This chapter applies to:

(a) mobile homes, commercial coaches, and recreational vehicles manufactured after 1 January 1968, other than mobile homes labeled by the Department of Housing and Urban Development (HUD) after 15 June 1976. HUD-labeled mobile homes are governed by the federal

mobile home standards in 24 CFR Part 3280 and 24 CFR Part 3282 until they are sold or leased to a dealer, distributor, or consumer;

(b) alterations to the plumbing, heating, or electrical systems, or to the body or frame of a mobile home not labeled by HUD, commercial coach, or recreational vehicle, regardless of the date of manufacture;

(c) alterations to the plumbing, heating, or electrical systems, or to the body or frame, of a HUD-labeled mobile home after the manufacturer has sold the mobile home to a dealer, distributor, or consumer;

(d) components; and

(f) equipment and installations intended to be used in mobile homes, commercial coaches, recreational vehicles, and components.

NEW SECTION

WAC 296-150B-010 ENFORCEMENT. The department administers and enforces the provisions of this chapter. Pursuant to approval by HUD, it also administers and enforces the federal mobile home law by acting as a production inspection primary inspection agency (PIPA) and as the state administrative agency (SAA).

An officer, agent, or employee of the department may enter any premises, during working hours or at other reasonable times, where structures or components are manufactured, sold, leased, or offered for sale or lease. He or she may examine a manufacturer's quality control and production records, and may inspect any construction, equipment, or installations to ensure that the manufacturer is complying with this chapter. If necessary to make a proper inspection, he or she may require a manufacturer, dealer, distributor, or consumer to remove part of the structure or component.

NEW SECTION

WAC 296-150B-015 DEFINITIONS. For the purposes of this chapter:

(1) "Alteration" means the replacement, addition, modification, or removal of any equipment or installations that affect the construction, structural members, fire safety, or occupancy classification, or the plumbing, heating, or electrical systems, of a structure or component.

The following are not alterations unless they are made to repair damage caused by fires, floods, or damage in transit or during installation.

(a) repairs with approved parts;

(b) modification of a listed fuel-burning appliance in accordance with the terms of its listing;

(c) replacement of equipment with similar equipment; and

(d) adjustment and maintenance of equipment.

(2) "Approved" means approved by the department.

(3) "Anchoring System" means a system of straps, cables, turn-buckles, bolts, fasteners, or other approved components that secures a mobile home to ground anchors or to other approved fastening devices.

(4) "Audit" means an inspection to examine for compliance a manufacturer's production and quality control procedures.

(5) "Building Site" means a tract, parcel, or subdivision of land, including a mobile home park, on which a structure other than a recreational vehicle is or will be installed.

(6) "Component" means a discrete element that is:

(a) designed to be installed in a structure;

(b) manufactured as a unit; and

(c) designed for a particular function or group of functions. "Component" includes service cores.

(7) "Consumer" means a person, firm, corporation, agency, or governmental body, other than a manufacturer or dealer, that buys or leases a structure for his, her, or its own use.

(8) "Custom Structure" means a one-of-a-kind structure.

(9) "Dealer" means a person, company, or corporation authorized to engage in the business of leasing, selling, offering for sale or lease, buying, or trading structures.

(10) "Department" means the department of labor and industries.

(11) "Design Option" means a design that a manufacturer may use as an option to its design plan.

(12) "Design Plan" means a plan for construction of a structure or component.

(13) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of structures and components.

(14) "Footing" means the portion of a foundation system that transmits loads from a mobile home to the soil.

(15) "Foundation Facia" means the materials that enclose the entire perimeter of a mobile home and form a plane between the exterior wall of the mobile home and the ground.

(16) "Foundation System" means the footings, piers, caps, and shims that support a mobile home.

(17) "HUD" means the federal Department of Housing and Urban Development.

(18) "Independent Inspection Agency" means an organization that is in the business of inspecting structures, components, or equipment.

(19) "Insignia" means a label, stamp, or tag issued by the department to indicate that the structure or component bearing the insignia complies with this chapter or the HUD mobile home standards.

(20) "Install" means to erect, construct, assemble, or set in place a structure, component, or piece of equipment at a building site or in another structure or building.

(21) "Labeled" means bearing the department's insignia, HUD's insignia, or a label of approval from a testing or listing agency.

(22) "Lease" means an oral or written contract for the use, possession, or occupancy of property. It includes rent.

(23) "Listed" means that a piece of equipment, a component, or an installation appears in a list published by an approved testing or listing agency.

(24) "Listing Agency" means an organization that is in the business of approving equipment or installations.

(25) "Local Enforcement Agency" means a city or county agency that enforces laws or ordinances governing the construction and installation of structures and components.

(26) "Main Frame" means the structural component on which the structure may be mounted.

(27) "Manufacturing" means making, fabricating, forming, or assembling a structure, service core, component, equipment, or installation.

(28) "Mobile Home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. "Mobile home" shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by HUD and complies with the standards established by HUD.

(29) "Ordinance" means the part of a code adopted by this chapter that prescribes an item other than a method of construction, such as room sizes, floor plans, lighting, ventilation, ceiling heights, and exits.

(30) "Pier" means the part of the mobile home foundation system between the footing and the floor frame or floor joist, excluding caps and shims.

(31) "Quality Control" means the plan and method for ensuring that the manufacture, fabrication, assembly, or erection of structures, components, and installations, and the storing, handling, and use of materials, complies with this chapter.

(32) "Recreational Vehicle" means a motor home, travel trailer, truck camper, or camping trailer that is:

(a) with or without motive power;

(b) designed for human habitation in an emergency or for recreation; and

(c) has a living area of less than 220 square feet.

The living area excludes built-in spaces such as wardrobes, closets, cabinets, kitchen units and fixtures, and bath or toilet rooms.

(33) "Structure" means a mobile home, commercial coach, or recreational vehicle that is entirely or substantially prefabricated or assembled at a factory or a place other than the building site on which the structure will be installed.

(34) "System" means a part of a structure or component that is designed to serve a particular function, such as a structural, plumbing, electrical, heating, or mechanical system.

(35) "Testing Agency" means an organization that is in the business of testing equipment, installations, or systems.

insignia for each structure or component before it sells, leases, or allows the use of the structure or component.

(b) A person who has altered or intends to alter a structure must obtain a new insignia before it offers for sale, sells, or leases the structure.

(c) A person who brought a structure or component into Washington from another state must obtain an insignia before he or she uses, sells, or leases the structure or component, unless the structure or component has been used outside the state for at least six months.

(2) A manufacturer need not obtain an insignia for a component or structure, except for HUD mobile homes, if:

(a) the structure or component is manufactured in Washington but the manufacturer has designated it for delivery, and delivered it to, a purchaser in another state;

(b) the structure or component is delivered in Washington, but is purchased by a common carrier, shipped by the seller via the purchaser, carried under a bill of lading, and the structure or component is transported to a destination in another state;

(c) the structure or component is delivered in Washington, but is purchased from a dealer or manufacturer in another state for use outside this state, and the purchaser transports the structure or component from Washington to a point outside Washington within 30 days of the date of delivery.

NEW SECTION

WAC 296-150B-025 APPLICATION FOR APPROVAL OF A DESIGN PLAN. (1)(a) A manufacturer of a component or structure, except for HUD mobile homes, must obtain the department's approval of a design plan for the structure or component. The department will not grant an insignia unless the design plan is approved.

(2)(a) The application must include:

(i) A completed application form. The manufacturer may obtain a form from the department.

(ii) An application for approval of a quality control manual, if necessary. (See WAC 296-150B-050).

(iii) One complete set of design plans, specifications, engineering data, and test results, plus one additional complete set for each location at which the manufacturer will manufacture the structure or component.

(iv) The filing fee and the minimum fee for examining the design plan (see WAC 296-150B-990).

(b) If a manufacturer is from out of state, the application must also include a statement from the manufacturer that it agrees to submit to the department annually the names and addresses of all Washington dealers and distributors for the manufacturer's product.

(3) A manufacturer of mobile homes, pursuant to HUD's rules, must have a Design Approval Primary Inspection Agency (DAPIA) check its design plan instead of applying for approval with the department.

NEW SECTION

WAC 296-150B-030 REQUIREMENTS FOR DESIGN PLANS. (1) General requirements. A design plan must include plan and elevation views of the structure or component, and the specifications, engineering data, and test results necessary for a complete evaluation of the design. A manufacturer may submit the specifications, engineering data, and test results separately from the drawings.

If the specifications, engineering data, and test reports are not included on the plan drawings, they must be fastened together. The cover sheet of the plan must note that the documents are part of the plan.

The plan and elevation views for the design plan must be drawn to scale on uniformly sized standard drawing sheets. The applicant must submit prints of the drawings; the department will not accept originals.

The applicant must provide, on the cover or face sheet of the design plan, information that describes the plan, including the plan designation, description of design options, sheet numbers, and titles. The cover sheet should also have space for the department to insert the plan number and the approval date.

The plan must indicate where the manufacturer will affix the insignia to the structure or component. A plan that covers three or more modules must have a "key" drawing to show the arrangement of the modules.

(2) If a manufacturer is applying for approval of a design plan for a commercial coach, the manufacturer must designate the occupancy

NEW SECTION

WAC 296-150B-020 INSIGNIA OF APPROVAL—IN GENERAL. (1)(a) A manufacturer of a structure or component that is intended to be sold, leased, or used in Washington must obtain an

class of the commercial coach pursuant to the occupancy classifications given in the uniform building code.

(3) Specific requirements. The department has numerous specific requirements for design plans. When an applicant asks for an application form for approval of its design plan, it should specify the kind of structure or component it intends to manufacture, and the kind of design plan it intends to submit. The department will send the applicant a copy of the specific requirements.

NEW SECTION

WAC 296-150B-035 ENGINEERING ANALYSIS AND TEST PROCEDURES. (1) When a manufacturer must show that a structural design, method of construction, installation, or piece of equipment is adequate to fulfill its intended function, the manufacturer must submit to the department information on and the results of an engineering analysis or a physical test.

(2) If the manufacturer does an engineering analysis of the design, method, installation, or equipment, the analysis must be made in accordance with generally established principles of engineering and must be signed by an architect or professional engineer licensed in Washington.

(3) If the manufacturer tests the design, method, installation, or equipment, the tests must be performed by a testing agency or must be directed, witnessed, and evaluated by an approved architect or professional engineer licensed in Washington.

Test reports must contain the following items:

- (a) a description of the method or standards that applied to the test;
 - (b) a description and drawings of the item tested;
 - (c) a description of the test set-up;
 - (d) a description of the procedure used to load the item for, and to measure, each condition;
 - (e) test data (and graphs, where applicable), including pertinent observations of the characteristics and behavior of the item tested;
 - (f) engineering data; and
 - (g) analysis, comments, and conclusion.
- (4) The results of the tests or analyses must be in writing and must identify the design plan to which the results relate.

NEW SECTION

WAC 296-150B-040 DEPARTMENT APPROVAL OF THE DESIGN PLAN. (1) The department shall approve a design plan if it complies with this chapter. If the department approves a design plan, it will return an approved copy of the plan to the applicant. The applicant must keep a copy of the approved plan at each location at which it is building the structure or component described by the design plan.

(2) If the design plan does not comply with this chapter, the department shall notify the applicant in writing of the deficiencies in the plan. The applicant may resubmit a corrected design plan pursuant to WAC 296-150B-045.

NEW SECTION

WAC 296-150B-045 RESUBMITTAL OF CORRECTED DESIGN PLAN. An applicant who has been notified of deficiencies in its design plan may correct the plan and resubmit it within 90 days after it receives the notice. If the applicant does not meet this deadline, the department may treat the resubmittal as a new application for approval of the design plan.

Each resubmittal must include the minimum resubmittal fee set out in WAC 296-150B-990.

NEW SECTION

WAC 296-150B-050 APPLICATION FOR APPROVAL OF A QUALITY CONTROL MANUAL. (1) A manufacturer of a recreational vehicle or commercial coach must apply, and a manufacturer of a component may apply, to the department for approval of a quality control manual. The application must include:

- (a) A completed application form. The manufacturer may obtain a form from the department.
- (b) One copy of the quality control manual plus one additional copy for each location at which the manufacturer will build the structure or component. The copies must be printed on substantial 8 1/2 by 11 inch paper and must be fastened together.
- (c) An outline of the quality control procedure.

(d) The name of the corporate officer, partner, or manager who is responsible for the quality control program and for maintaining the inspection records for each unit.

(e) An application fee.

(2) If the department has previously approved a quality control manual for the manufacturer, the manufacturer need not submit copies of the manual with the application.

(3) When the manufacturer asks the department for an application form, it should inform the department of what kind of product it intends to manufacture. The department will send the manufacturer the specific requirements for the quality control manual.

NEW SECTION

WAC 296-150B-055 CHANGES TO AN APPROVED DESIGN PLAN OR QUALITY CONTROL MANUAL. If a manufacturer wants to change its design plan or quality control manual, or a change is required because the department has amended the rules in this chapter, the manufacturer must apply for approval of the new design plan pursuant to WAC 296-150B-025, or the new quality control manual pursuant to WAC 296-150B-050.

If the manufacturer must change the design plan or quality control manual to comply with changes in this chapter, the manufacturer may continue to manufacture its product under the old design plan or quality control manual for 90 days after the changes in this chapter become effective. The manufacturer should submit its new design plan or quality control manual within 30 days after the change takes effect to ensure that the department will have time to examine and approve the plan or manual.

NEW SECTION

WAC 296-150B-060 EXPIRATION OF DESIGN PLAN APPROVAL. (1) Approval of a design plan expires 12 months after the date the department approves the plan.

(2) A manufacturer must apply to the department for renewal of the design plan approval at least two months before the approval expires to ensure that the department will have time to examine and approve the application. The manufacturer may obtain an application for renewal of plan approval from the department. The manufacturer must submit:

- (a) a completed application form; and
- (b) the renewal fee required by WAC 296-150B-990. The renewed plan must be identical to the original design plan, except that the manufacturer may change the model name or designation.

NEW SECTION

WAC 296-150B-065 TRADE SECRETS. The department will keep confidential all material, design plans, specifications, engineering data, test results, quality control manuals, and other design information that a manufacturer submits to the department. The department will release this information to public scrutiny only if ordered to do so by a court.

NEW SECTION

WAC 296-150B-070 APPLICATIONS FOR HUD INSIGNIA FOR MOBILE HOMES. A manufacturer of mobile homes may apply to the department for HUD insignias for its mobile homes. The manufacturer may obtain an application for insignia from the department. The manufacturer must submit with the application a fee for the insignias. Upon receipt of the application and the fee, the department will send the insignias to the manufacturer. The manufacturer must notify the department immediately of any changes in the information it provided under this section.

NEW SECTION

WAC 296-150B-075 APPLICATIONS FOR INSPECTION AND INSIGNIA FOR COMMERCIAL COACHES, RECREATIONAL VEHICLES, AND COMPONENTS. (1) Inspections in general. A manufacturer of commercial coaches, recreational vehicles, or components must apply to the department for inspections of its products. The department will not issue an insignia for a unit until it has completed inspecting the unit.

The manufacturer may obtain an inspection application form from the department. It must submit the form and an application fee. The department must receive the application at least five days before the proposed date of inspection.

A manufacturer need not apply to the department for inspection if the department has approved an independent inspection agency, a local enforcement agency, or the manufacturer itself to inspect its products. See WAC 296-150B-085.

Each unit of the manufacturer's product must have a specific serial number to ensure that the department has inspected each unit. The manufacturer must have the approved design plan and, if applicable, the approved quality control manual at the location at which it is manufacturing the product. A manufacturer with a quality control manual must provide a control card or other quality control document for each unit.

(2) The department shall generally inspect each commercial coach and component twice. The department shall make an "ok to cover" inspection of a unit before the electrical, plumbing, mechanical, heating, and structural systems are covered or sealed during the construction. After the unit is completed, the department shall make a "final" inspection.

If a commercial coach is built to a simple design, the department may choose to make only a final inspection of the commercial coach.

(3) The department may inspect a recreational vehicle either before or after it has been completed.

NEW SECTION

WAC 296-150B-080 APPLICATIONS FOR INSIGNIA FOR COMMERCIAL COACHES, RECREATIONAL VEHICLES, AND COMPONENTS. The manufacturer of a commercial coach, recreational vehicle, or component must apply to the department for an insignia for each unit. The manufacturer may obtain an application form from the department. The manufacturer must submit with the application a fee for each insignia. The department will give an insignia to a manufacturer for installation on a unit if it has received the application and fees, and if the final inspection reveals that the unit complies with this chapter.

NEW SECTION

WAC 296-150B-085 INSPECTIONS AT A MANUFACTURER'S PLANT BY A LOCAL ENFORCEMENT AGENCY, AN INDEPENDENT INSPECTION AGENCY, OR THE MANUFACTURER. (1) This section applies to manufacturers of components and factory-built structures.

(2) A manufacturer who wants to be inspected by a local enforcement agency or an independent inspection agency may ask the agency to inspect it. The local enforcement agency or independent inspection agency may do so if it obtains approval from the department.

If the department approves of the agency, it shall by contract allow the agency to perform the inspections. The contract shall require the agency to comply with and enforce the requirements of this chapter, and shall list all manufacturers that the agency may inspect. The parties may amend the contract at any time to add or delete a manufacturer. The manufacturer may obtain the departmental insignia from the agency instead of the department.

(3) A manufacturer may contract with the department to inspect its own products. The contract shall require the manufacturer to comply with and enforce the requirements of this chapter and the manufacturer's quality control manuals. The contract shall specify the management procedures by which the manufacturer will assure that the inspections are carried out, and shall designate the officer, partner, or owner who is responsible for the inspections.

(4) The department shall audit the agency's or manufacturer's inspections to ensure they are complying with the contract and this chapter. If the agency or manufacturer is not complying with the contract or this chapter, the department may require the agency or manufacturer to allow the department to perform the inspections.

NEW SECTION

WAC 296-150B-090 OTHER INSPECTIONS BY THE DEPARTMENT. (1) A person must ask the department to inspect a structure or component if:

(a) the person is selling, leasing, or offering for sale or lease a structure or component that does not bear an insignia and is required to bear an insignia;

(b) the person is altering or has altered the structure or component; and

(c) the department has issued a correction notice and a reinspection is necessary.

(2) An applicant for an inspection must submit an application on forms supplied by the department at least five working days before the desired date of inspection. The applicant must submit with the application an application fee pursuant to WAC 296-150B-990.

(3) For any inspection, the applicant must provide to the department the design plans, specifications, engineering data, and test results on request.

NEW SECTION

WAC 296-150B-095 ACTION AFTER INSPECTION. After an inspection, if the structure or component meets the requirements of this chapter, and the applicant submits completed insignia application forms, insignia fees, and inspection fees, the department shall issue an insignia for the structure or component.

NEW SECTION

WAC 296-150B-100 INSPECTION OF COMMERCIAL COACHES AFTER INSTALLATION AT THE BUILDING SITE.

(1) A manufacturer, dealer, or owner must obtain the approval of the local enforcement agency for each installation of a commercial coach at a building site. After the department performs a final inspection of a unit, it may send a notice to the local enforcement agency that specifies what connections, standards, and items the agency should check when the unit is installed.

(2) The local enforcement agency may require the manufacturer to provide a set of design plans and specifications for the unit, and to obtain all necessary permits, before it allows the manufacturer to transport the unit to the building site.

(3) The local enforcement agency may not open for inspection any commercial coach or component that bears the department's insignia.

(4) The local enforcement agency shall notify the department if a unit has been damaged en route to the building site, or during installation, so that the department can inspect the damage to the unit.

NEW SECTION

WAC 296-150B-105 COMPLAINT INVESTIGATIONS. A person may complain in writing to the department about a structure or component. The complaint should describe the items that the person feels do not comply with this chapter. The department will send a copy of the complaint to the manufacturer and the dealer. The manufacturer and dealer have 30 days to respond. The department shall base its actions on the response.

If the department decides an investigation is necessary and discovers that the unit inspected violates this chapter, the manufacturer or dealer shall pay the cost of the inspection. If the department does not discover any violations, the complainant must pay the fees.

NEW SECTION

WAC 296-150B-110 FEE REQUIRED IF A STRUCTURE OR COMPONENT IS NOT READY FOR INSPECTION. If a manufacturer or person applies to the department for an inspection of a structure or component, and the structure or component is not ready to be inspected at the time or place specified in the application, the manufacturer or person must pay the department the application fee and any travel and per diem expenses.

NEW SECTION

WAC 296-150B-115 ALTERATIONS. (1) No person may alter a mobile home, commercial coach, or recreational vehicle unless the person has first applied for and obtained the department's approval of the alteration. "Alteration" is defined in WAC 296-150B-015(1).

(2) If a person alters a structure in violation of subsection 1, the insignia affixed to the structure is void and may be confiscated by the department.

NEW SECTION

WAC 296-150B-120 APPLICATION FOR ALTERATION INSIGNIA AND APPROVAL OF ALTERATION. (1) If a person proposes to alter a structure, the person must file an application for an alteration insignia and an alteration fee with the department. The person may obtain an application form from the department.

(2) As a condition to approval of an alteration, the department may require inspections of the structure during the alteration to ensure that

the alteration complies with this chapter. If the department indicates that inspections are required, the person altering the structure must apply for inspections pursuant to WAC 296-150B-090.

After the final inspection of the alteration, if the alteration complies with this chapter and the applicant has paid the inspection and insignia fees, the department shall issue an insignia for the altered structure.

NEW SECTION

WAC 296-150B-125 IDENTIFICATION OF COMMERCIAL COACHES AND RECREATIONAL VEHICLES. (1) Each commercial coach or recreational vehicle manufactured, sold, leased, or offered for sale or lease in Washington shall bear a permanently affixed identification label that contains the following information:

- (a) the name of the manufacturer;
- (b) the month and year of manufacture;
- (c) the vehicle identification number;
- (d) the manufacturer's assigned identification number; and
- (e) where applicable, the plan approval number.

(2) The identification label shall be permanently attached either on the forward half of the left side of the exterior wall of the commercial coach or recreational vehicle, not less than six inches above the floor line, or in proximity to the insignia.

NEW SECTION

WAC 296-150B-130 LOST OR DAMAGED INSIGNIA. If an insignia is lost or damaged after it is affixed to a structure or component, the manufacturer, owner, or user must notify the department in writing immediately. The manufacturer or owner must specify the manufacturer, the vehicle identification number or serial number of the structure, and the insignia number if possible. The manufacturer, owner, or user must also return a damaged insignia if possible.

The department shall replace a damaged or lost insignia on payment of the insignia replacement fee pursuant to WAC 296-150B-990.

NEW SECTION

WAC 296-150B-135 NOTICE OF NONCOMPLIANCE. If an inspection or investigation reveals that a structure or component violates this chapter, the department shall give or mail a notice of violations to the owner, dealer, manufacturer, or other person responsible for the violation. The notice of violation shall describe how the structure or component violates this chapter.

A person who receives a notice of violations must, within ten days after receipt, notify the department in writing of the action he or she has taken or will take to correct the violation. If the person has not corrected the violation within ten days after receipt of the notice, or within any other period of time allowed by the department, the department may confiscate the insignia assigned to the structure or component.

No person who has received a notice of violations may move, cause to be moved, or allow another person to move the structure or component to which the notice refers until the violations have been corrected, the corrections have been inspected and approved by the department, and the person has paid the appropriate inspection and insignia fees.

NEW SECTION

WAC 296-150B-140 PROHIBITED SALE OR LEASE NOTICE. If an inspection or investigation reveals that a structure violates this chapter, the department may post the structure with a prohibited sale or lease notice. No person may sell or lease a structure that is posted with a prohibited sale or lease notice. No person may remove, cause to be removed, or allow to be removed a prohibited sale or lease notice until the violations have been corrected, the corrections have been inspected and approved by the department, and the person has paid the appropriate inspection and insignia fees.

The department may also prohibit the occupancy or use of a structure if it is not occupied or used at the time the violation is discovered.

NEW SECTION

WAC 296-150B-145 APPROVAL OF EQUIPMENT. Equipment used in the body and frame, or the fire safety, plumbing, heating, mechanical, and electrical systems of structures and components must comply with this chapter and must be approved by the department. The department may approve equipment that is listed or labeled by an approved testing or listing agency. The department may approve

equipment that is not listed or labeled if it determines that the equipment is adequate to protect health and safety.

The department may refuse to approve equipment that is listed or labeled if it determines that the equipment is not adequate to protect health and safety.

NEW SECTION

WAC 296-150B-150 DEPARTMENT APPROVAL OR LISTING AND TESTING AGENCIES, LICENSED PROFESSIONAL ENGINEERS, AND LICENSED ARCHITECTS. (1) The department will consider the following information in determining whether to approve a listing or testing agency, professional engineer, or licensed architect:

- (a) the names of agents or officers;
- (b) the location of offices;
- (c) a description of services the agency, engineer, or architect furnishes or proposes to furnish;
- (d) a description of the employees' qualifications and responsibilities;
- (e) a summary of the agency's, engineer's, or architect's experience;
- (f) a description of the procedures and facilities the agency, engineer, or architect will use to evaluate a product, inspect the product manufacturer's operations and quality control, and label the units of a product;
- (g) a description of the specific information the agency, engineer, or architect will furnish with its listings;
- (h) a description of how the agency, engineer, or architect will deal with errors in its procedures that result in defective or unacceptable products;
- (i) proof of independence and absence of conflict of interest; and
- (j) a published directory that includes a list of product manufacturers and product information.

(2) To obtain departmental approval, a listing or testing agency, professional engineer, or licensed architect may not be under the control of a manufacturer, dealer, or supplier for the structures, components, equipment, or installations that it approves or lists.

A listing or testing agency must publish at least annually a list of the equipment, components, or installations it has approved. The listing must certify that the equipment, components, and installations have been tested and meet nationally approved standards and must specify the permissible uses for the equipment, components, and installations.

A listing agency must periodically inspect the manufacture of equipment, components, and installations that it has approved. A testing agency must test at least annually the equipment, components, and installations it has approved.

NEW SECTION

WAC 296-150B-155 APPROVAL OF ALTERNATES. The department may approve the use of an alternative design, material, appliance, system, device, arrangement, or method of construction if this chapter does not specifically proscribe the use of the alternative, and the alternative equals or betters the quality, strength, effectiveness, fire resistance, durability, and safety of the design, material, appliance, system, device, arrangement, or method of construction required by this chapter.

NEW SECTION

WAC 296-150B-160 MANUFACTURING IN MORE THAN ONE LOCATION. A manufacturer that is manufacturing its product at more than one location must notify the department in writing of each location. A manufacturer of structures must keep an approved design plan and an approved quality control manual at each location.

NEW SECTION

WAC 296-150B-165 CHANGE OF NAME OR ADDRESS. If a manufacturer changes its name or address, it must notify the department in writing of the change within ten days. The notice must be accompanied with the appropriate fee.

NEW SECTION

WAC 296-150B-170 DISCONTINUANCE OF A PRODUCT LINE. When a manufacturer discontinues producing a product that it is manufacturing pursuant to an approved design plan, the manufacturer must notify the department in writing within ten days and must return all unused insignia issued to the manufacturer for that product.

NEW SECTION

WAC 296-150B-175 CHANGE OF OWNERSHIP. If a manufacturer changes ownership, the new owner must notify the department in writing within ten days. The notice must be accompanied with the appropriate fee. The new owner need not submit a new application for design plan approval if it continues to manufacture the product in accordance with previously approved design plans.

half-hour or fraction of a half-hour over one hour.

NEW SECTION

WAC 296-150B-180 RECIPROCAL AGREEMENTS. In accordance with RCW 43.22.400, the director has examined the statutes and rules of several states and finds that the statutes and rules provide construction standards that are equal to those of Washington, and that the states enforce their statutes and rules. The department has entered into reciprocal agreements with those states. The department has all reciprocal agreements on file at the factory-assembled structures section. The public may inspect and copy the agreements during regular business hours.

- (7) Insignia fees.
- (a) For each recreational vehicle: \$10.00
- (b) For each single width commercial coach, or for the first section of a multiple section commercial coach: \$15.00
- (c) For each additional section of a multiple section commercial coach: \$10.00
- (d) For each service core: \$50.00
- (e) For each component other than a service core: \$10.00
- (f) For each reissuance of a mobile home, commercial coach, or recreational vehicle insignia: \$10.00
- (8) Fee for each notification to a local enforcement agency: \$15.00
- (9) Travel fees and expenses. If a manufacturer or other person outside the state of Washington requests an inspection or other technical service outside the state, the manufacturer must prepay the travel expenses of the department's employees on an estimated basis to be corrected after the inspections are completed. The expenses shall be calculated pursuant to the following list:

NEW SECTION

WAC 296-150B-200 GENERAL INSTALLATION REQUIREMENTS FOR MOBILE HOMES. (1) All HUD-labeled mobile homes shall be installed in compliance with the mobile home manufacturer's installation recommendations. The recommendations must be approved by HUD. The manufacturer shall send two copies of its approved installation recommendations to the department.

- (a) Surface travel, per mile: \$.185
- (b) Air travel: Cost of air fare based on published rates.
- (c) Hourly charge for air travel time: \$25.00 per half-hour or fraction of a half-hour.
- (d) Expenses: expenses include, but are not limited to, car rental, parking lot charges, and personal expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances and costs set by the Washington State Office of Financial Management.
- (10) Fee for change in manufacturer's or dealer's name, address, or ownership: \$15.00
- (11) Alteration fee (includes insignia): \$25.00

A mobile home not labeled by HUD shall be installed in accordance with installation recommendations provided by a professional engineer or architect licensed in Washington.

(2) To the extent that the installation of a mobile home is not covered by a manufacturer's, engineer's, or architect's recommendations, the mobile home shall comply with the installation requirements set out in WAC 296-150B-225 through 296-150B-255.

(3) No person, firm, partnership, corporation, or other entity may install a mobile home unless he, she, or it owns the mobile home or is a licensed mobile home dealer or a contractor registered under chapter 18.27 RCW.

NEW SECTION

WAC 296-150B-990 FEES.

- (1) Initial manufacturer filing fee: \$25.00
- (2) Fees for application for design plan approval. The fees listed in this subsection cover the application filing fee and one hour of examination time. The applicant will be required to pay for examination time beyond the base hours pursuant to the fees set in subsection (6).
 - (a) Fee for application for commercial coach, recreational vehicle, or component design plan approval: \$70.00
 - (b) Fees for resubmittals of a design plan for a commercial coach, recreational vehicle, or component: \$50.00
 - (3) Design plan renewal fees.
 - (a) Renewal of an unexpired and unrevoked commercial coach or recreational vehicle design plan or related group of plans: \$30.00
 - (b) Renewal of an expired or revoked design plan: 100% of fee for new design plan.
 - (4) Fee for transfer of design plan approval to a different manufacturer: \$100.00
 - (5) Fee for filing a commercial coach, recreational vehicle, or component quality control manual: \$10.00
 - (6)(a) Fee for inspections, examinations of design plans, and other technical services performed by the department; other than inspections, examinations, and services for a HUD-labeled mobile home before it is sold or leased to a consumer: \$50.00 minimum plus \$25.00 for every half-hour or fraction of a half-hour over one hour.
 - (b) Fee for inspections, examinations, and other technical services performed by the department for a HUD-labeled mobile home before it is sold or leased to a consumer: \$32.00 minimum plus \$16.00 for every

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 296-48-005 ADMINISTRATIVE—AUTHORITY FOR MOBILE HOME CODE.
- (2) WAC 296-48-010 APPLICATION AND SCOPE.
- (3) WAC 296-48-020 ALTERATION OF MOBILE HOMES.
- (4) WAC 296-48-051 DEFINITIONS.
- (5) WAC 296-48-600 ENFORCEMENT.
- (6) WAC 296-48-602 STATE ENFORCEMENT OF FEDERAL RULES AND REGULATIONS.
- (7) WAC 296-48-604 LIMITED APPLICATION OF REMAINING SECTIONS.
- (8) WAC 296-48-605 EQUIPMENT AND INSTALLATIONS.
- (9) WAC 296-48-610 DEPARTMENT DISAPPROVAL OF LISTED OR LABELED EQUIPMENT AND INSTALLATIONS.
- (10) WAC 296-48-615 APPROVAL OF ALTERNATES AND EQUIVALENTS.
- (11) WAC 296-48-620 MANUFACTURER'S APPROVAL.
- (12) WAC 296-48-625 REQUIRED INSPECTION.
- (13) WAC 296-48-630 INSPECTION APPROVAL.
- (14) WAC 296-48-635 NOTICE OF VIOLATIONS.
- (15) WAC 296-48-636 COMPLAINT INVESTIGATION.
- (16) WAC 296-48-640 ACTION AFTER REQUESTED INSPECTION.
- (17) WAC 296-48-645 FIELD TECHNICAL SERVICE.
- (18) WAC 296-48-701 APPLICATION FOR STRUCTURAL SYSTEM APPROVAL.
- (19) WAC 296-48-702 APPLICATION FOR ELECTRICAL, MECHANICAL AND PLUMBING SYSTEM APPROVAL.
- (20) WAC 296-48-703 APPLICATION FOR MODEL PLAN APPROVAL.
- (21) WAC 296-48-704 APPLICATION FOR IN-PLAN QUALITY CONTROL MANUAL APPROVAL.
- (22) WAC 296-48-706 CALCULATIONS AND TEST PROCEDURE.
- (23) WAC 296-48-710 MODEL MANUFACTURED IN MORE THAN ONE LOCATION.

- (24) WAC 296-48-715 OUT-OF-STATE APPLICANT.
 (25) WAC 296-48-720 NON-CONFIRMING APPLICATION AND PLANS.
 (26) WAC 296-48-725 EVIDENCE OF DEPARTMENT'S APPROVAL.
 (27) WAC 296-48-730 PLAN APPROVAL EXPIRATION.
 (28) WAC 296-48-735 IN-PLANT QUALITY CONTROL.
 (29) WAC 296-48-740 CHANGES TO APPROVED PLANS.
 (30) WAC 296-48-745 CHANGE OF OWNERSHIP.
 (31) WAC 296-48-750 CHANGE OF NAME OR ADDRESS.
 (32) WAC 296-48-755 DISCONTINUANCE OF MANUFACTURE.
 (33) WAC 296-48-760 VEHICLE IDENTIFICATION.
 (34) WAC 296-48-761 LABELS FOR EXTERIOR LOCATIONS.
 (35) WAC 296-48-765 INSIGNIA REQUIRED.
 (36) WAC 296-48-770 INSIGNIA NOT REQUIRED.
 (37) WAC 296-48-775 APPLICATION FOR INSIGNIA PURSUANT TO PLAN APPROVAL.
 (38) WAC 296-48-776 APPLICATION FOR INSIGNIA PURSUANT TO REQUESTED INSPECTION.
 (39) WAC 296-48-780 ALTERATION OR CONVERSION.
 (40) WAC 296-48-781 NOT APPLICABLE.
 (41) WAC 296-48-782 APPLICATION REQUIREMENTS.
 (42) WAC 296-48-785 DENIAL OF INSIGNIA.
 (43) WAC 296-48-790 INSIGNIA REMOVAL.
 (44) WAC 296-48-795 LOST OR DAMAGED INSIGNIA.
 (45) WAC 296-48-800 FEES.
 (46) WAC 296-48-825 PUBLIC HEARING.
 (47) WAC 296-48-830 AGGRIEVANCE HEARING REQUEST.
 (48) WAC 296-48-890 APPENDIX—ANSI A119.1—COPIES.
 (49) WAC 296-48A-001 STANDARDS FOR RECREATIONAL VEHICLES.
 (50) WAC 296-48A-200 INDIVIDUAL VENTS.
 (51) WAC 296-48A-400 SIZING AND CAPACITY OF GAS PIPING.
 (52) WAC 296-48A-405 DESCRIPTION OF TABLES.
 (53) WAC 296-48A-410 USE OF CAPACITY TABLES.
 (54) WAC 296-48A-600 LOW-VOLTAGE WIRING MATERIALS.
 (55) WAC 296-48A-605 POWER-SUPPLY ASSEMBLY.
 (56) WAC 296-48A-610 GROUND-FAULT CIRCUIT PROTECTION.
 (57) WAC 296-48A-615 LABELING AT THE ELECTRICAL ENTRANCE.
 (58) WAC 296-48A-700 ADMINISTRATIVE—AUTHORITY FOR RECREATIONAL VEHICLE CODE.
 (59) WAC 296-48A-750 CONDITIONS OF RECIPROCITY.
 (60) WAC 296-48A-755 AGREEMENTS WITH OUT-OF-STATE JURISDICTIONS.
 (61) WAC 296-48A-770 DEFINITIONS.
 (62) WAC 296-48A-780 ENFORCEMENT.
 (63) WAC 296-48A-800 APPROVALS, INSPECTIONS, QUALITY CONTROL, IDENTIFICATION.
 (64) WAC 296-48A-990 APPENDIX.

WSR 82-05-007
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 5, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-150A WAC, standards for factory-built housing and commercial structures. These proposed rules describe the administrative procedures for obtaining approval of design plans and insignia from the

department, and the procedures by which the department will enforce the factory-built housing and commercial structures law. Although these rules are drafted differently from the current rules, there are few substantive changes from the requirements that factory-built housing and commercial structure manufacturers currently must meet. No new requirements are added; however, a few of the current requirements are deleted. The primary purpose of these rules is to simplify the administrative and enforcement procedures.

Proposed WAC 296-150A-300 updates the construction standards for factory-built housing and commercial structures to comply with the latest national codes. The rule adds a new requirement that manufacturers comply with the Washington state energy code. Proposed WAC 296-150A-990 sets new, higher fees for inspections, examination of design plans, and other services the department offers. The fee increase is necessary to enable the department to cover the actual cost of the inspections, examinations, and services.

The factory-built housing and commercial structures advisory board has recommended that the department propose these rules, including the new fee rule.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

James Louvier
 300 West Harrison Street
 Seattle, Washington 98119
 (206) 576-6580

that such agency will at 9:30 a.m., Thursday, May 6, 1982, in the 300 West Harrison Building, Room 412, Seattle, WA 98119, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Tuesday, May 18, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 43.22.475 and 43.22.480.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1982, and/or orally at 9:30 a.m., Thursday, May 6, 1982, 300 West Harrison Building, Room 412, Seattle, WA 98119.

Dated: February 4, 1982
 By: Sam Kinville
 Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapter: Chapter 296-150A WAC, Standards for factory-built housing and commercial structures. This chapter clarifies the current rules for factory-built housing and commercial structures.

Statutory Authority: RCW 43.22.475 and 43.22.480.

Summary of the Rules: The current factory-built housing and commercial structures rules are confusing and contain unnecessary requirements. These proposed rules eliminate the confusion through a comprehensive redraft of the current rules, and eliminate the unnecessary requirements. The proposed rules, with two exceptions, do not make substantive changes to the current rules. Proposed WAC 296-150A-300, however, updates the construction requirements for factory-built housing and commercial structures to comply with the latest applicable national codes. The rule also adds a new requirement that factory-built housing and commercial structures comply with the Washington state energy code. Proposed WAC 296-150A-990, Fees contains the other change. The rule increases the fees the department charges for its inspections, insignias, design plan checks, travel costs, and other services. The factory-built housing and commercial structures advisory board has recommended that the department note these rules for a public hearing.

Description of the Purpose of the Rules: The department has proposed these rules to: Eliminate confusion among members of the public and employees of the department as to the meaning of the rules: eliminate unnecessary requirements; raise its fees to enable the department to pay for the cost of its services; and update the construction standards for factory-built housing and commercial structures.

Reasons Supporting the Proposed Rules: The current rules are poorly drafted and organized. The department and the attorney general's office have received many calls from members of the public that are confused by the rules. Often, the rules do not accurately describe the procedures a person must follow to obtain a departmental insignia. These proposed rules will eliminate the confusion. The current construction standards rules have not been amended for several years, and they no longer keep pace with new codes, technology, and methods of construction. The rules update the construction standards. The department's current fees do not cover the cost of providing its services. The department is required by law to charge fees that cover its costs; the new fee rule will enable it to do so.

The Agency Personnel Responsible for the Drafting: Thornton Wilson, Assistant Attorney General, 300 West Harrison, Seattle, Washington 98119, (206) 464-6436; Implementation and Enforcement: James Louvier, Chief, Factory Assembled Structures Section, 300 West Harrison, Seattle, Washington 98119, (206) 464-6580.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: The fees will raise a manufacturer's costs for insignia, inspections, and plan checking. However, the raise in fees is necessary to enable the department to cover its costs, as it is required to do by law. The costs to manufacturers, dealers, owners, and others should be lessened by clarifying the current rules.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any other information that may be of assistance in identifying the rule or its purpose: None.

Chapter 296-150A WAC
STANDARDS FOR FACTORY BUILT
HOUSING AND COMMERCIAL STRUCTURES

WAC

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296-150A-070	Applications for inspection and insignia for factory-built structures and components.
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296-150A-150	Manufacturing in more than one location.
296-150A-155	Change of name or address.
296-150A-160	Discontinuance of a product line.
296-150A-165	Change of ownership.
296-150A-170	Reciprocal agreements.
296-150A-300	Construction standards for factory-built structures.
296-150A-950	Hearing on aggrievances.
296-150A-990	Fees.

NEW SECTION

WAC 296-150A-005 APPLICATION AND SCOPE. (1) This chapter implements the provisions of RCW 43.22.450 through RCW 43.22.490, which cover the construction and approval of factory-built structures.

(2) This chapter applies to:

- (a) factory-built structures until the first installation of the structure at a building site is completed;
- (b) components; and
- (c) equipment and installations intended to be used in factory-built structures and components.

NEW SECTION

WAC 296-150A-011 ENFORCEMENT. The department administers and enforces the provisions of this chapter. An officer, agent, or employee of the department may enter any premises, during working hours or at other reasonable times, where structures or components are manufactured, sold, leased, or offered for sale or lease. He or she may examine a manufacturer's compliance control and production records, and may inspect any construction, equipment, or installations to ensure that the manufacturer is complying with this chapter. If necessary to make a proper inspection, he or she may require a manufacturer, dealer, distributor, or consumer to remove part of the structure or component.

NEW SECTION

WAC 296-150A-016 DEFINITIONS. For the purposes of this chapter:

- (1) "Alteration" means the replacement, addition, modification, or removal of any equipment or installations that affect the construction, structural members, fire safety, or occupancy classification, or the plumbing, heating, or electrical systems, of a structure or component.

The following are not alterations unless they are made to repair damage caused by fires, floods, or wrecks in transit or during installation:

- (a) repairs with approved parts;
- (b) modification of a listed fuel-burning appliance in accordance with the terms of its listing;
- (c) replacement of equipment with similar equipment; and
- (d) adjustment and maintenance of equipment.
- (2) "Approved" means approved by the department.
- (3) "Audit" means an inspection to examine for compliance a manufacturer's production and compliance control procedures.
- (4) "Building Site" means a tract, parcel, or subdivision of land including mobile home parks on which a structure is or will be installed.
- (5) "Compliance Control" means the plan and method for ensuring that the manufacture, fabrication, assembly, or erection of structures, components, and installations, and the storing, handling, and use of materials, complies with this chapter.
- (6) "Component" means a discrete element that is:
 - (a) designed to be installed in a structure;
 - (b) manufactured as a unit; and
 - (c) designed for a particular function or group of functions.

A component may be a roof truss, floor, wall panel, roof panel, plumbing wall, electrical service wall, heating assembly, or similar assemblies. "Component" includes service cores.

- (7) "Consumer" means a person, firm, corporation, agency, or governmental body, other than a manufacturer or dealer, that buys or leases a structure for his, her, or its own use.

- (8) "Custom Structure" means a one-of-a-kind structure.
- (9) "Dealer" means a person, company, or corporation authorized to engage in the business of leasing, selling, offering for sale or lease, buying, or trading structures.

- (10) "Department" means the department of labor and industries.
- (11) "Design Option" means a design that a manufacturer may use as an option to its design plan.
- (12) "Design Plan" means a plan for construction of a structure or component.

- (13) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of structures and components.

- (14) "Factory-Built Structure" means a structure that is designed for occupation or use, or is occupied or used by persons; and that complies with the uniform building code. "Factory-built structure" includes factory-built housing and commercial structures.

- (15) "Independent Inspection Agency" means an organization that is in the business of inspecting structures, components, or equipment.

- (16) "Insignia" means a label, stamp, or tag issued by the department to indicate that the structure or component bearing the insignia complies with this chapter.

- (17) "Install" means to erect, construct, assemble, or set in place a structure, component, or piece of equipment at a building site or in another structure or building.

- (18) "Labeled" means bearing the department's insignia or a label of approval from a testing or listing agency.

- (19) "Lease" means an oral or written contract for the use, possession, or occupancy of property. It includes rent.

- (20) "Listed" means that a piece of equipment, a component, or an installation appears in a list published by an approved testing or listing agency.

- (21) "Listing Agency" means an organization that is in the business of approving equipment or installations.

- (22) "Local Enforcement Agency" means a city or county agency that enforces laws or ordinances governing the construction and installation of structures and components.

- (23) "Manufacturing" means making, fabricating, forming, or assembling a structure, component, equipment, or installation.

- (24) "Ordinance" means the part of a code adopted by this chapter that prescribes an item other than a method of construction, such as room sizes, floor plans, lighting, ventilation, ceiling heights, and exits.

- (25) "Structure" means a factory-built structure that is entirely or substantially prefabricated or assembled at a factory or a place other than the building site on which the structure will be installed.

- (26) "System" means a part of a structure or component that is designed to serve a particular function, such as a structural, plumbing, electrical, heating, or mechanical system.

- (27) "Testing Agency" means an organization that is in the business of testing equipment, installation, or systems.

NEW SECTION

WAC 296-150A-021 INSIGNIA OF APPROVAL—IN GENERAL. (1) A manufacturer of a structure or component that is intended to be sold, leased, or used in Washington must obtain an insignia for each structure or component before it sells, leases, or allows the use of the structure or component.

- (2) A manufacturer need not obtain an insignia for a component or structure if:

- (a) the structure or component is manufactured in Washington but the manufacturer has designated it for delivery, and delivered it to, a purchaser in another state;

- (b) the structure or component is delivered in Washington, but is purchased by a common carrier, shipped by the seller via the purchaser, carried under a bill of lading, and the structure or component is transported to a destination in another state;

- (c) the structure or component is delivered in Washington, but is purchased from a dealer or manufacturer in another state for use outside this state, and the purchaser transports the structure or component from Washington to a point outside Washington within 30 days of the date of delivery.

NEW SECTION

WAC 296-150A-024 APPLICATION FOR APPROVAL OF A DESIGN PLAN. (1)(a) A manufacturer of a component or structure must obtain the department's approval of a design plan for the structure or component. The department will not grant an insignia unless the design plan is approved.

- (2)(a) The application must include:
 - (i) A completed application form. The manufacturer may obtain a form from the department.

- (ii) An application for approval of a compliance control manual, if necessary. (See WAC 296-150A-051).

- (iii) One complete set of design plans, specifications, engineering data, and test results, plus one additional complete set for each location at which the manufacturer will manufacture the or component.

- (iv) The filing fee and the minimum fee for examining the design plan (see WAC 296-150A-990).

- (b) If a manufacturer is from out of state, the application must also include a statement from the manufacturer that it agrees to submit to the department annually the names and addresses of all Washington dealers and distributors for the manufacturer's product.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-150A-030 REQUIREMENTS FOR DESIGN PLANS. (1) General requirements. A design plan must include plan and elevation views of the structure or component, and the specifications, engineering data, and test results necessary for a complete evaluation of the design. A manufacturer may submit the specifications, engineering data, and test results separately from the drawings.

If the specifications, engineering data, and test reports are not included on the plan drawings, they must be fastened together. The cover sheet of the plan must note that the documents are part of the plan.

The plan and elevation views for the design plan must be drawn to scale on uniformly sized standard drawing sheets. The applicant must submit prints of the drawings; the department will not accept originals.

The applicant must provide, on the cover or face sheet of the design plan, information that describes the plan, including the plan designation, description or design options, sheet numbers, and titles. The cover sheet should also have space for the department to insert the plan number and the approval date.

The plan must indicate where the manufacturer will affix the insignia to the structure or component. A plan that covers three or more modules must have a "key" drawing to show the arrangement of the modules.

(2) An application for approval of the design plan for factory-built structures, other than one- and two-family dwellings, must be accompanied by a plot plan or side measurements that show the location of the building on the property, the dimensions of the property lines, the dimensions to other buildings on the property, and the fire zone classification.

(3) Specific requirements. The department has numerous specific requirements for design plans. When an applicant asks for an application form for approval of its design plan, it should specify the kind of structure or component it intends to manufacture, and the kind of design plan it intends to submit. The department will send the applicant a copy of the specific requirements.

NEW SECTION

WAC 296-150A-035 ENGINEERING ANALYSIS AND TEST PROCEDURES. (1) When a manufacturer must show that a structural design, method of construction, installation, or piece of equipment is adequate to fulfill its intended function, the manufacturer must submit to the department information on and the results of an engineering analysis or a physical test.

(2) If the manufacturer does an engineering analysis of the design, method, installation, or equipment, the analysis must be made in accordance with generally established principles of engineering and must be signed by an architect or professional engineer licensed in Washington.

(3) If the manufacturer tests the design, method, installation, or equipment, the tests must be performed by a testing agency. The tests must be directed, witnessed, and evaluated by an architect or professional engineer licensed in Washington.

Test reports must contain the following items:

- (a) a description of the method or standards that applied to the test;
 - (b) a description and drawings of the item tested;
 - (c) a description of the test set-up;
 - (d) a description of the procedure used to load the item for, and to measure, each condition;
 - (e) test data (and graphs, where applicable), including pertinent observations of the characteristics and behavior of the item tested;
 - (f) engineering data; and
 - (g) analysis, comments, and conclusion.
- (4) The results of the tests or analyses must be in writing and must identify the design plan to which the results relate.

NEW SECTION

WAC 296-150A-040 DEPARTMENT APPROVAL OF THE DESIGN PLAN. (1) The department shall approve a design plan if it complies with this chapter. If the department approves a design plan, it will return an approved copy of the plan to the applicant. The applicant must keep a copy of the approved plan at each location at which it is building the structure or component described by the design plan.

(2) If the design plan does not comply with this chapter, the department shall notify the applicant in writing of the deficiencies in the plan. The applicant may resubmit a corrected design plan pursuant to WAC 296-150A-045.

NEW SECTION

WAC 296-150A-045 RESUBMITTAL OF CORRECTED DESIGN PLAN. An applicant who has been notified of deficiencies in its design plan may correct the plan and resubmit it within 90 days after it receives the notice. If the applicant does not meet this deadline, the department may treat the resubmittal as a new application for approval of the design plan.

Each resubmittal must include the minimum resubmittal fee set out in WAC 296-150A-990.

NEW SECTION

WAC 296-150A-051 APPLICATION FOR APPROVAL OF A COMPLIANCE CONTROL MANUAL. (1) A manufacturer of a component must apply, and a manufacturer of a factory-built structure may apply, to the department for approval of a compliance control manual. The application must include:

(a) A completed application form. The manufacturer may obtain a form from the department.

(b) One copy of the compliance control manual plus one additional copy for each location at which the manufacturer will build the structure or component. The copies must be printed on substantial 8 1/2 by 11 inch paper and must be fastened together.

(c) An outline of the compliance control procedure.

(d) The name of the corporate officer, partner, or manager who is responsible for the compliance control program and for maintaining the inspection records for each unit.

(e) An application fee.

(2) If the department has previously approved a compliance control manual for the manufacturer, the manufacturer need not submit copies of the manual with the application.

(3) When the manufacturer asks the department for an application form, it should inform the department of what kind of product it intends to manufacture. The department will send the manufacturer the specific requirements for the compliance control manual.

NEW SECTION

WAC 296-150A-055 CHANGES TO AN APPROVED DESIGN PLAN OR COMPLIANCE CONTROL MANUAL. If a manufacturer wants to change its design plan or compliance control manual, or a change is required because the department has amended the rules in this chapter, the manufacturer must apply for approval of the new design plan pursuant to WAC 296-150A-024, or the new compliance control manual pursuant to WAC 296-150A-051.

If the manufacturer must change the design plan or compliance control manual to comply with changes in this chapter, the manufacturer may continue to manufacture its product under the old design plan or compliance control manual for 90 days after the changes in this chapter become effective. The manufacturer should submit its new design plan or compliance control manual within 30 days after the change takes effect to ensure that the department will have time to examine and approve the plan or manual.

NEW SECTION

WAC 296-150A-060 EXPIRATION OF DESIGN PLAN APPROVAL. (1) Approval of a design plan expires 12 months after the date the department approves the plan.

(2) A manufacturer must apply to the department for renewal of the design plan approval at least two months before the approval expires to ensure that the department will have time to examine and approve the application. The manufacturer may obtain an application for renewal of plan approval from the department. The manufacturer must submit:

(a) a completed application form; and

(b) the renewal fee required by WAC 296-150A-990. The renewed plan must be identical to the original design plan, except that the manufacturer may change the model name or designation.

NEW SECTION

WAC 296-150A-065 TRADE SECRETS. The department will keep confidential all material, design plans, specifications, engineering data, test results, compliance control manuals, and other design information that a manufacturer submits to the department. The department will release this information to public scrutiny only if ordered to do so by a court, or if otherwise required by law.

NEW SECTION

WAC 296-150A-070 APPLICATIONS FOR INSPECTION AND INSIGNIA FOR FACTORY-BUILT STRUCTURES AND COMPONENTS. (1) Inspections in general. A manufacturer of factory-built structures or components must apply to the department for inspections of its products. The department will not issue an insignia for a unit until it has completed inspecting the unit.

The manufacturer may obtain an inspection application form from the department. It must submit the form and an application fee. The department must receive the application at least five days before the proposed date of the inspection.

A manufacturer need not apply to the department for inspection if the department has approved an independent inspection agency, a local enforcement agency, or the manufacturer itself to inspect its products. See WAC 296-150A-080.

Each unit of the manufacturer's product must have a specific serial number to ensure that the department has inspected each unit. The manufacturer must have the approved design plan and, if applicable, the approved compliance control manual at the location at which it is manufacturing the product. A manufacturer with a compliance control manual must provide a control card or other compliance control document for each unit.

(2) The department shall generally inspect each factory-built structure and component twice. The department shall make an "ok to cover" inspection of a unit before the electrical, plumbing, mechanical, heating, and structural systems are covered or sealed during the construction. After the unit is completed, the department shall make a "final" inspection.

NEW SECTION

WAC 296-150A-075 APPLICATIONS FOR INSIGNIA FOR FACTORY-BUILT STRUCTURES AND COMPONENTS. The manufacturer of a factory-built structure or component must apply to the department for an insignia for each unit. The manufacturer may obtain an application form from the department. The manufacturer must submit with the application a fee for each insignia. The department will give an insignia to a manufacturer for installation on a unit if it has received the application and fees, and if the final inspection reveals that the unit complies with this chapter.

NEW SECTION

WAC 296-150A-080 INSPECTIONS AT A MANUFACTURER'S PLANT BY A LOCAL ENFORCEMENT AGENCY, AN INDEPENDENT INSPECTION AGENCY, OR THE MANUFACTURER. (1) A manufacturer who wants to be inspected by a local enforcement agency or an independent inspection agency may ask the agency to inspect it. The local enforcement agency or independent inspection agency may do so if it obtains approval from the department.

If the department approves of the agency, it shall by contract allow the agency to perform the inspections. The contract shall require the agency to comply with and enforce the requirements of this chapter, and shall list all manufacturers that the agency may inspect. The parties may amend the contract at any time to add or delete a manufacturer. The manufacturer may obtain the departmental insignia from the agency instead of the department.

(2) A manufacturer may contract with the department to inspect its own products. The contract shall require the manufacturer to comply with and enforce the requirements of this chapter and the manufacturer's compliance control manuals. The contract shall specify the management procedures by which the manufacturer will assure that the inspections are carried out, and shall designate the officer, partner, or owner who is responsible for the inspections.

(3) The department shall audit the agency's or manufacturer's inspections to ensure they are complying with the contract and this chapter. If the agency or manufacturer is not complying with the contract or this chapter, the department may require the agency or manufacturer to allow the department to perform the inspections.

NEW SECTION

WAC 296-150A-085 OTHER INSPECTIONS BY THE DEPARTMENT. (1) A person must ask the department to inspect a structure or component if:

(a) the person is selling, leasing, or offering for sale or lease a structure or component that does not bear an insignia and is required to bear an insignia;

(b) the person is altering or has altered the component, or the structure before or during installation of the structure on the building site; or

(c) the department has issued a correction notice and a reinspection is necessary.

(2) An applicant for an inspection must submit an application on forms supplied by the department at least five working days before the desired date of inspection. The applicant must submit with the application an application fee pursuant to WAC 296-150A-990.

(3) For any inspection, the applicant must provide to the department the design plans, specifications, engineering data, and test results on request.

NEW SECTION

WAC 296-150A-090 ACTION AFTER INSPECTION. After an inspection, if the structure or component meets the requirements of this chapter, and the applicant submits completed insignia application forms, insignia fees, and inspection fees, the department shall issue an insignia for the structure or component.

NEW SECTION

WAC 296-150A-095 INSPECTION OF FACTORY-BUILT STRUCTURES AFTER INSTALLATION AT THE BUILDING SITE. (1) A manufacturer, dealer, or owner must obtain the approval of the local enforcement agency for each installation of a factory-built structure at a building site. After the department performs a final inspection of a unit, it may send a notice to the local enforcement agency that specifies what connections, standards, and items the agency should check when the unit is installed.

(2) The local enforcement agency may require the manufacturer to provide a set of design plans and specifications for the unit, and to obtain all necessary permits, before it allows the manufacturer to transport the unit to the building site.

(3) The local enforcement agency may not open for inspection any factory-built structure or component that bears the department's insignia.

(4) The local enforcement agency shall notify the department if a unit has been damaged en route to the building site, or during installation, so that the department can inspect the damage to the unit.

NEW SECTION

WAC 296-150A-100 COMPLAINT INVESTIGATIONS. A person may complain in writing to the department about a structure or component. The complaint should describe the items that the person feels do not comply with this chapter. The department will send a copy of the complaint to the manufacturer and the dealer. The manufacturer and dealer have 30 days to respond. The department shall base its actions on the response.

If the department decides an investigation is necessary and discovers that the unit inspected violates this chapter, the manufacturer or dealer shall pay the cost of the inspection. If the department does not discover any violations, the complainant must pay the fees.

NEW SECTION

WAC 296-150A-105 FEE REQUIRED IF A STRUCTURE OR COMPONENT IS NOT READY FOR INSPECTION. If a manufacturer or person applies to the department for an inspection of a structure or component, and the structure or component is not ready to be inspected at the time or place specified in the application, the manufacturer or person must pay the department the application fee and any travel and per diem expenses.

Reviser's Note: The underlining in the caption of the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-150A-110 ALTERATIONS. (1) No person may alter a factory-built structure before or during the installation of the factory-built structure unless the person has first applied for and obtained the department's approval of the alternation. "Alteration" is defined in WAC 296-150A-016(1).

(2) If a person alters a structure in violation of subsection 1, the insignia affixed to the structure is void and may be confiscated by the department.

NEW SECTION

WAC 296-150A-115 APPLICATION FOR ALTERATION INSIGNIA AND APPROVAL OF ALTERATION. (1) If a person proposes to alter a factory-built structure before or during the installation of the factory-built structure, the person must file an application for an alteration insignia and an alteration fee with the department. The person may obtain an application form from the department.

(2) As a condition to approval of an alteration, the department may require inspections of the structure during the alteration to ensure that the alteration complies with this chapter. If the department indicates that inspections are required, the person altering the structure must apply for inspections pursuant to WAC 296-150A-085.

After the final inspection of the alteration, if the alteration complies with this chapter and the applicant has paid the inspection and insignia fees, the department shall issue an insignia for the altered structure.

NEW SECTION

WAC 296-150A-120 LOST OR DAMAGED INSIGNIA. If an insignia is lost or damaged after it is affixed to a structure or component, the manufacturer, owner, or user must notify the department in writing immediately. The manufacturer or owner must specify the manufacturer, the vehicle identification number or serial number of the structure, and the insignia number if possible. The manufacturer, owner, or user must also return a damaged insignia if possible.

The department shall replace a damaged or lost insignia on payment of the insignia replacement fee pursuant to WAC 296-150A-990.

NEW SECTION

WAC 296-150A-125 NOTICE OF VIOLATIONS. If an inspection or investigation reveals that a structure or component violates this chapter, the department shall give or mail a notice of violations to the owner, dealer, manufacturer, or other person responsible for the violation. The notice of violation shall describe how the structure or component violates this chapter.

A person who receives a notice of violations must, within ten days after receipt, notify the department in writing of the action he or she has taken or will take to correct the violation. If the person has not corrected the violation within ten days after receipt of the notice, or within any other period of time allowed by the department, the department may confiscate the insignia assigned to the structure or component.

No person who has received a notice of violations may move, cause to be moved, or allow another person to move the structure or component to which the notice refers until the violations have been corrected, the corrections have been inspected and approved by the department, and the person has paid the appropriate inspection and insignia fees.

NEW SECTION

WAC 296-150A-130 PROHIBITED SALE OR LEASE NOTICE. If an inspection or investigation reveals that a structure violates this chapter, the department may post the structure with a prohibited sale or lease notice. No person may sell or lease a structure that is posted with a prohibited sale or lease notice. No person may remove, cause to be removed, or allow to be removed a prohibited sale or lease notice until the violations have been corrected, the corrections have been inspected and approved by the department, and the person has paid the appropriate inspection and insignia fees.

The department may also prohibit the occupancy or use of a structure if it is not occupied or used at the time the violation is discovered.

NEW SECTION

WAC 296-150A-135 APPROVAL OF EQUIPMENT. Equipment used in the body and frame, or the fire safety, plumbing, heating, mechanical, and electrical systems of structures and components must comply with this chapter and must be approved by the department. The department may approve equipment that is listed or labeled by an approved testing or listing agency. The department may approve equipment that is not listed or labeled if it determines that the equipment is adequate to protect health and safety.

The department may refuse to approve equipment that is listed or labeled if it determines that the equipment is not adequate to protect health and safety.

NEW SECTION

WAC 296-150A-140 DEPARTMENT APPROVAL OF LISTING AND TESTING AGENCIES, LICENSED PROFESSIONAL ENGINEERS, AND LICENSED ARCHITECTS. (1) The department will consider the following information in determining whether to approve a listing or testing agency, professional engineer, or licensed architect:

- (a) the names of agents or officers;
- (b) the location of offices;
- (c) a description of services the agency, engineer, or architect furnishes or proposes to furnish;
- (d) a description of the employees' qualifications and responsibilities;
- (e) a summary of the agency's, engineer's, or architect's experience;
- (f) a description of the procedures and facilities the agency, engineer, or architect will use to evaluate a product, inspect the product manufacturer's operations and compliance control, and label the units of a product;

(g) a description of the specific information the agency, engineer, or architect will furnish with its listings;

(h) a description of how the agency, engineer, or architect will deal with errors in its procedures that result in defective or unacceptable products;

- (i) proof of independence and absence of conflict of interest; and
- (j) a published directory that includes a list of product manufacturers and product information.

(2) To obtain departmental approval, a listing or testing agency, professional engineer, or licensed architect may not be under the control of a manufacturer, dealer, or supplier for the structures, components, equipment, or installations that it approves or lists.

A listing or testing agency must publish at least annually a list of the equipment, components, or installations it has approved. The listing must certify that the equipment, components, and installations have been tested and meet nationally approved standards and must specify the permissible uses for the equipment, components, and installations.

A listing agency must periodically inspect the manufacture of equipment, components, and installations that it has approved. A testing agency must test at least annually the equipment, components, and installations it has approved.

NEW SECTION

WAC 296-150A-145 APPROVAL OF ALTERNATES. The department may approve the use of an alternative design, material, appliance, system, device, arrangement, or method of construction if this chapter does not specifically proscribe the use of the alternative, and the alternative equals or betters the quality, strength, effectiveness, fire resistance, durability, and safety of the design, material, appliance, system, device, arrangement, or method of construction required by this chapter.

NEW SECTION

WAC 296-150A-150 MANUFACTURING IN MORE THAN ONE LOCATION. A manufacturer that is manufacturing its product at more than one location must notify the department in writing of each location. Manufacturers of factory-built structures must keep an approved design plan and may be required to keep an approved compliance control manual at each location.

NEW SECTION

WAC 296-150A-155 CHANGE OF NAME OR ADDRESS. If a manufacturer changes its name or address, it must notify the department in writing of the change within ten days. The notice must be accompanied with the appropriate fee.

NEW SECTION

WAC 296-150A-160 DISCONTINUANCE OF A PRODUCT LINE. When a manufacturer discontinues producing a product that it is manufacturing pursuant to an approved design plan, the manufacturer must notify the department in writing within ten days and must return all insignia issued to the manufacturer for that product.

NEW SECTION

WAC 296-150A-165 CHANGE OF OWNERSHIP. If a manufacturer changes ownership, the new owner must notify the department in writing within ten days. The notice must be accompanied with the appropriate fee. The new owner need not submit a new application for design plan approval if it continues to manufacture the product in accordance with previously approved design plans.

NEW SECTION

WAC 296-150A-170 RECIPROCAL AGREEMENTS. In accordance with RCW 43.22.485, the director has examined the statutes and rules of several states and finds that the statutes and rules provide construction standards that are equal to those of Washington, and that the states enforce their statutes and rules. The department has entered into reciprocal agreements with those states. The department has all reciprocal agreements on file at the factory-assembled structures section. The public may inspect and copy the agreements during regular business hours.

NEW SECTION

WAC 296-150A-300 CONSTRUCTION STANDARDS FOR FACTORY-BUILT STRUCTURES. Factory-built structures must comply with the following codes, except where a state law supersedes a code provision.

(1)(a) The design and fabrication of factory-built structures must comply with the uniform building code, appendix (except for chapter 35), and standards (1979 editions). The "building official" mentioned in the uniform building code means the assistant director of the department's building and construction safety inspection services division or his or her authorized representative.

(b) Live loading designs must comply with the uniform building code. Live loading for roofs must comply with Section 2305(d), Snow Loads, and may not be less than 25 pounds per square foot.

(2) Electrical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the National Electrical Code (1981 edition) published by the National Fire Protection Association, as amended by chapter 19.28 RCW and the rules adopted under that chapter.

(3) Mechanical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the uniform mechanical code (1979 edition) published by the international association of plumbing and mechanical officials, including Appendix B of chapter 22 and the standards.

(4)(a) Plumbing equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the uniform plumbing code (1979 edition) published by the international association of plumbing and mechanical officials. The code, however, shall not apply to gas piping, water heaters, or vents for water heaters.

(b) A manufacturer may use plastic drain, waste, and vent piping, as specified in chapter 2 of the uniform plumbing code, for residential occupancies groups R that are not over two stories in height and for commercial structures that are not over two stories in height or larger than 15,000 square feet. However, a manufacturer may not use plastic pipe for laundries, laundromats, cleaners, service stations, repair garages, restaurants, snack bars, hospitals, nursing homes, medical clinics, manufacturing plants, factories, assembly buildings, theatres, or schools, or other buildings used for education, unless the pipes will carry only domestic sewage.

(5) All factory-built structures that are not residential dwellings must comply with the rules adopted pursuant to RCW 19.27.030(5), which requires manufacturers to make buildings and facilities accessible to and usable by the physically handicapped and elderly persons.

(6) All factory-built structures must comply with the Washington State Energy Code set by chapter 51-12 WAC as of March 1, 1982.

NEW SECTION

WAC 296-150A-950 HEARING ON AGGRIEVANCES. A person who is aggrieved by an order, notice, or decision of the department under this chapter may request a hearing. The request must be in writing and must describe briefly the cause of the grievance.

The director of the department may hear the matter, or may assign the hearing to his or her representative. The department shall notify the complainant of the time, date, and place for the hearing. The

hearing shall be held no later than 30 days after the department receives the request for the hearing. If the complainant fails to appear at the scheduled hearing, the department may dismiss the matter.

Upon conclusion of the hearing, the director or his or her representative shall notify the petitioner in writing of his or her decision in the matter.

NEW SECTION

WAC 296-150A-990 FEES.

- (1) Initial manufacturer filing fee: \$25.00.
- (2) Fees for application for design plan approval. The fees listed in this subsection cover the application filing fee and, with the exception of the fees for factory-built structure structural plans and system plans, one hour of examination time. The fees for factory-built structure structural plans cover four hours of examination time, and the fees for factory-built structure system plans cover two hours. The applicant will be required to pay for examination time beyond the base hours pursuant to the fees set in subsection (6).
 - (a) Prototype plans for factory-built structures.
 - (i) Structural: \$200.00
 - (ii) Ordinance: \$ 50.00
 - (iii) Plumbing: \$ 50.00
 - (iv) Electrical: \$ 50.00
 - (v) Heating: \$ 50.00
 - (vi) Air conditioning: \$ 50.00
 - (vii) Design option: \$ 50.00
 - (b) System plan for factory-built structures: \$100.00
 - (c) Custom factory-built structure design plan:
 - (i) Original issuance. \$60.00 minimum plus \$10.00 for each 100 square feet over 600 square feet.
 - (ii) Additional issuance within one year of original issuance: 50% of original fee
 - (d) Fee for application for component design plan approval: \$70.00
 - (e) Fees for resubmittals of design plans:
 - (i) First resubmittal of a factory-built structure design plan: No charge.
 - (ii) Each additional resubmittal of a factory-built structure design plan: 50% of original fee.
 - (iii) Resubmittal of design plan for a component: \$50.00
 - (3) Design plan renewal fees.
 - (a) Renewal of an unexpired and unrevoked design plan: 25% of the original fee.
 - (b) Renewal of an expired or revoked design plan: 100% of fee for new design plan.
 - (4) Fee for transfer of design plan approval to a different manufacturer: \$100.00
 - (5) Fees related to compliance control programs.
 - (a) Fee for filing a component compliance control manual: \$10.00
 - (b) Fee for filing and examining a factory-built structure compliance control manual: \$250.00
 - (c) Fee for resubmittal of a factory-built structure compliance control manual: \$100.00
 - (d) Fee for revisions to a factory-built structure compliance control manual: \$10.00 per page.
 - (e) Renewal of approval of a factory-built structure compliance control manual: \$50.00
 - (f) Transfer of approval of a factory-built structure compliance control manual: \$125.00
 - (6) Fee for inspections, examinations of design plans, and other technical services performed by the department: \$50.00 minimum plus \$25.00 for every half-hour or fraction of a half-hour over one hour.

(7) Insignia fees.

(a) For each single section factory-built structure, or for the first section of a multiple section factory-built structure: \$100.00

(b) For each additional section of a multiple section factory-built structure: \$10.00

(c) For each service core: \$50.00

(d) For each component other than a service core: \$10.00

(e) For each reissuance of a factory-built structure insignia: \$25.00

(f) For each notification to a local enforcement agency: \$15.00

(8) Travel fees and expenses. If a manufacturer or other person outside the state of Washington requests an inspection or other technical service outside the state, the manufacturer must pay the travel expenses of the department's employees. The expenses shall be calculated pursuant to the following list:

(a) Surface travel, per mile: \$.185
(b) Air travel: Cost of air fare based on published rates.

(c) Hourly charge for air travel time: \$25.00 per half-hour or fraction of a half-hour.

(d) Expenses: expenses include, but are not limited to, car rental, parking lot charges, and personal expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances and costs set by the Washington State Office of Financial Management.

(9) Fee for change in manufacturer's or dealer's name, address, or ownership: \$15.00

(10) Alteration fee (includes insignia): \$10.00

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 296-150A-010 ADMINISTRATION—AUTHORITY FOR FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES CODE.

(2) WAC 296-150A-015 APPLICATION AND SCOPE.

(3) WAC 296-150A-020 DEPARTMENT SERVICES.

(4) WAC 296-150A-025 CONDITIONS OF RECIPROCITY.

(5) WAC 296-150A-026 ACCEPTANCE FROM OUT-OF-STATE JURISDICTIONS.

(6) WAC 296-150A-027 EDUCATIONAL.

(7) WAC 296-150A-050 DEFINITIONS—GENERAL.

(8) WAC 296-150A-315 CONSTRUCTION REQUIREMENTS.

(9) WAC 296-150A-320 ELECTRICAL REQUIREMENTS.

(10) WAC 296-150A-325 MECHANICAL REQUIREMENTS.

(11) WAC 296-150A-330 PLUMBING REQUIREMENTS.

(12) WAC 296-150A-333 HANDICAP STANDARDS.

(13) WAC 296-150A-335 CODE RESEARCH AND MATERIALS EVALUATION SERVICE.

(14) WAC 296-150A-400 ENFORCEMENT AND ADMINISTRATION—ENFORCEMENT.

(15) WAC 296-150A-405 EQUIPMENT AND SYSTEMS.

(16) WAC 296-150A-410 DEPARTMENT DISAPPROVAL OF LISTED OR LABELED EQUIPMENT AND SYSTEMS.

(17) WAC 296-150A-415 ALTERNATES AND EQUIVALENTS.

(18) WAC 296-150A-417 PROHIBITED NOTICE.

(19) WAC 296-150A-420 INSPECTIONS.

(20) WAC 296-150A-423 COMPLIANCE CONTROL PROGRAMS (CC).

(21) WAC 296-150A-424 FACTORY-BUILT—COMPLIANCE CONTROL (FB-CC).

(22) WAC 296-150A-425 LOCAL ENFORCEMENT AGENCY—COMPLIANCE CONTROL (LEA-CC).

(23) WAC 296-150A-430 LOCAL ENFORCEMENT AGENCY APPLICATION.

(24) WAC 296-150A-435 THE LOCAL ENFORCEMENT AGENCY.

(25) WAC 296-150A-440 THE LOCAL ENFORCEMENT AGENCY RESPONSIBILITY.

(26) WAC 296-150A-445 MANUFACTURER COMPLIANCE CONTROL (M-CC).

(27) WAC 296-150A-450 INDEPENDENT INSPECTION AGENCY COMPLIANCE CONTROL (IIA-CC).

(28) WAC 296-150A-500 DESIGN PLAN APPROVAL—GENERAL.

(29) WAC 296-150A-505 DESIGN PLAN APPROVAL APPLICATION.

(30) WAC 296-150A-506 DESIGN PLAN TYPES AND DESCRIPTIONS.

(31) WAC 296-150A-510 ENGINEERING AND TEST PROCEDURES.

(32) WAC 296-150A-515 DESIGN PLAN REQUIREMENTS.

(33) WAC 296-150A-516 TECHNICAL REPORT.

(34) WAC 296-150A-520 LIVE LOADS.

(35) WAC 296-150A-521 PLASTIC DWV PIPING.

(36) WAC 296-150A-525 MANUFACTURING IN MORE THAN ONE LOCATION.

(37) WAC 296-150A-530 OUT-OF-STATE APPLICANT.

(38) WAC 296-150A-535 NONCONFORMING APPLICATION AND PLANS.

(39) WAC 296-150A-540 MANUFACTURERS EVIDENCE OF DEPARTMENT APPROVAL.

(40) WAC 296-150A-545 DESIGN PLAN APPROVAL EXPIRATION.

(41) WAC 296-150A-550 REVOCATION OF APPROVAL.

(42) WAC 296-150A-555 CHANGES TO APPROVED PLANS.

(43) WAC 296-150A-560 TRANSFER OF APPROVALS.

(44) WAC 296-150A-565 CHANGE OF NAME OR ADDRESS.

(45) WAC 296-150A-570 DISCONTINUANCE OF MANUFACTURER.

(46) WAC 296-150A-575 EXISTING APPROVALS.

(47) WAC 296-150A-580 COMPLIANCE.

(48) WAC 296-150A-585 CONTINGENCY.

(49) WAC 296-150A-590 FIELD ERECTION.

(50) WAC 296-150A-595 PROPRIETARY MATERIAL.

(51) WAC 296-150A-600 INSIGNIA—INSIGNIA REQUIRED.

(52) WAC 296-150A-605 APPLICATION FOR INSIGNIA.

(53) WAC 296-150A-606 NOTIFICATION TO LOCAL ENFORCEMENT AGENCY.

(54) WAC 296-150A-610 ALTERATION OR CONVERSION.

(55) WAC 296-150A-615 DENIAL OF INSIGNIA.

(56) WAC 296-150A-620 INSIGNIA REMOVAL.

(57) WAC 296-150A-625 LOST OR DAMAGED INSIGNIA.

(58) WAC 296-150A-630 CUSTOM BUILDING.

(59) WAC 296-150A-640 UNAUTHORIZED USE.

(60) WAC 296-150A-650 UNIT IDENTIFICATION.

(61) WAC 296-150A-675 COMPONENTS.

(62) WAC 296-150A-680 COMPONENTS APPLICATION.

(63) WAC 296-150A-685 COMPONENTS APPROVAL.

(64) WAC 296-150A-690 COMPONENTS TESTING.

(65) WAC 296-150A-695 COMPONENTS FEES AND PRODUCTION REPORTS.

(66) WAC 296-150A-700 FEE SCHEDULE.

(67) WAC 296-150A-710 DEPARTMENT APPLICATION FORMS.

WSR 82-06-001**ADOPTED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 1764—Filed February 18, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to authorization for foster care placement, amending WAC 388-70-013.

This action is taken pursuant to Notice No. WSR 82-02-073 filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1686, filed 8/27/81)

WAC 388-70-013 AUTHORIZATION FOR FOSTER CARE PLACEMENT. A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody pursuant to chapter ~~((13.30))~~ 13.32A RCW, runaway youth act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child, parent(s), or the department requesting alternative residential placement for the child has been filed pursuant to ~~((section 26))~~ RCW 13.32A.120 or ~~((28))~~ RCW 13.32A.140, ~~((chapter 155, Laws of 1979))~~ or approved pursuant to ~~((section 31, chapter 155, Laws of 1979))~~ RCW 13.32A.170 or upon a child having been admitted directly by ~~((section 23(1)(b), chapter 155, Laws of 1979))~~ RCW 13.32A.090.

(3) A child has been placed in shelter care as provided ~~((below))~~ in the following:

(a) The child has been taken into custody, and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW, and

placed the custody of the child with the department or a licensed child placing agency.

(6) The child and his or her parent(s) agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement.

(7) When otherwise authorized by court order.

(8) The child's parent(s) or legal guardian(s) has voluntarily requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care and the department concurs that such placement is currently necessary, provided that the maximum time period for the voluntary placement shall be ~~((six))~~ three months. Such requests shall comply with foster care placement criteria as developed by the department. ~~((See WAC 388-70-016(5)))~~

WSR 82-06-002
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1765—Filed February 18, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 82-03-070[82-02-070] filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE. The department shall screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

(a) Households with zero net monthly income;

(b) Households who are destitute as defined in WAC 388-54-655.

(2) For households eligible for expedited service.

(a) The department shall mail the ATP card or coupons no later than the close of business ~~((of))~~ on the second working day following the date the application was filed ~~((unless))~~ or have the coupons or ATP available for the household ~~((opts))~~ to pick up ~~((the ATP or coupons))~~ no later than the start of business ~~((of))~~ on the third working day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ATP and coupons available within seven working days following the date the application was filed.

(3) When expediting certification and issuance the department shall:

(a) Postpone the verification usually required. The household's identity and residency shall be verified, however, through a collateral contact or readily available documentary evidence.

(b) Require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on ~~((its))~~ the household's behalf; postpone work registration of other members of the household if ~~((it))~~ registration cannot be accomplished within the expedited service time frames.

(c) Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because income has not been verified.

(d) The CSO shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers are the only mandatory items not verified, the household shall be certified for a three-month period. Individuals required to provide SSNs for verification shall do so at, or prior to, recertification unless able to show good cause for not meeting this requirement. If good cause is established, the participant may continue to participate provided the individual has documentation indicating ~~((he/she))~~ he or she has applied for ~~((an))~~ a SSN. If all necessary verification was postponed the household will be certified for one month only unless the household has applied after the fifteenth of the month. Then the department shall certify the household for the month of application and the subsequent month. When this household has provided the postponed verification, the department shall issue the subsequent month's allotment within five working days from receipt of the verification.

(a) The allotment shall not be issued past the month of application if verification which was postponed is not completed. If the postponed verification is not completed within thirty days of the date of application, the household shall be terminated and no additional allotment issued.

(b) At the time of reapplication, the household shall complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed by the first working day following the date the application was filed. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-790 ISSUANCE—USE AND REDEMPTION. (1) The department shall issue food coupons through:

(a) An authorization to participate (ATP) system in which an authorizing document is distributed on a monthly basis to the household and surrendered prior to ~~((its))~~ the expiration date to the coupon issuer, or;

(b) A direct coupon mailout system.

(2) For ATP's issued after the twenty-fifth of the month, the department shall either:

(a) Issue an ATP which shall not expire for a period of not less than twenty calendar days or until the end of the following month; or

(b) Issue an ATP valid only until the end of the month and issue a valid replacement ATP if the household is unable to transact the ATP before ~~((its))~~ the expiration date. The household shall be informed of this possibility at the time the first ATP is issued.

(3) In the use or redemption of coupons by eligible households:

(a) A household member should sign each coupon book issued to the household. The coupons may be used only by the household or other persons the household selects to purchase eligible food for the household.

(b) Uncanceled and unendorsed coupons of one dollar denomination, returned as change by authorized retail food stores, may be presented as payment for eligible food. All other detached coupons may be accepted only if accompanied by the coupon book ~~((which bears))~~ bearing the same serial number as the detached coupons. It is the right of the household or the authorized representative to detach the coupons from the book.

(c) When change in an amount less than one dollar is required in a coupon transaction, the household shall receive the change in cash not to exceed ninety-nine cents.

(d) Upon request, the household or the authorized representative shall present the household's ID card to the retail food store or meal service when exchanging food coupons for eligible food.

(e) Coupons shall not be used to pay for any eligible food purchased prior to the time at which the coupons are presented to authorized retail food stores or meal

service. Neither shall coupons be used to pay for any eligible food in advance of the receipt of food, except when prior payment is for food purchased from a non-profit cooperative food purchasing venture.

(4) Where the direct mail system is used to issue coupons:

(a) After two (~~consecutive~~) reported mail losses by a household within the previous five months, the department shall (~~consider~~) utilize other means to deliver program benefits to the household.

(b) To minimize mail theft exposure, direct mail issuances shall be staggered through the tenth of the month, and may be staggered through the fifteenth day provided that each household will likely receive (~~its~~) coupons on the same date every month.

~~((c) When a household reports the nondelivery of coupons issued through the mail, the department shall issue replacement coupons to the household within five working days after the report of nondelivery has been received.))~~

(5) (~~In case of lost or stolen ATPs:~~

~~(a) The department shall issue an emergency replacement ATP only if the original is reported lost or stolen in the period for which it was intended;~~

~~(b) The participant must sign an affidavit stating that the original ATP will be returned to the department if recovered by the household.~~

~~(6))~~ The department shall maintain issuance records for a period of three years from the month of origin. This period may be extended at the written request of FNS.

~~((7))~~ (6) In returning coupons, the following shall apply:

(a) In the event of voluntary termination of participation in the program by a household or death of the head of the household, properly issued coupons may be returned to FNS for a refund on the same ratio of cash to coupons as was applied by the department in the issuance of the coupons to the household.

(b) A request for a refund shall be submitted to the department. The request shall be in ink or typed, contain the claimant's address, be dated and signed. The unused coupons shall be attached. The department shall then provide a copy of the refund request to the household as a receipt for the coupons.

(c) The department shall forward claims to FNS for payment. The claimant's request for a refund, request for reimbursement or notification of return of unused food coupons for refund, and the unused coupons shall be forwarded to FNS by the department.

(d) No refunds shall be paid for coupons returned to FNS.

(e) Households which still have old series coupons shall be entitled to a dollar for dollar exchange of old series coupons for new series coupons.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-800 ISSUANCE—REPLACEMENT ALLOTMENTS. (1) Effective January 1, 1982, households may request a replacement for that portion

of (~~its allotment~~) food coupons received, but subsequently destroyed by a household disaster, such as fire or flood and not to exceed one month food stamp allotment.

The following applies:

(a) (~~Destroyed by disaster such as fire or flood;~~) The household shall report the destruction to the department within ten days of the incident or within the period of intended use, whichever is earlier.

(b) (~~Stolen;~~) The household shall sign an affidavit attesting to the destruction.

(c) The disaster shall be verified through either a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, or through a home visit.

(d) Replacement of coupons reported as destroyed subsequent to receipt shall be made only once in a six-month period. The department shall deny the request for replacement if in the previous five-month period the household has been issued a replacement for either coupons or an ATP reported as destroyed subsequent to receipt.

(e) The department shall issue replacement coupons, if warranted, within ten days of request for replacement.

(f) The department shall not issue a replacement of coupons if lost or misplaced after receipt.

(g) In a FNS declared disaster the household shall not receive both the disaster allotment and a replacement allotment.

(2) (~~The household must sign an affidavit at the department attesting to the theft or destruction. If the coupons were stolen, the household must report the theft to the police, provide the department with a copy of the police report, or sufficient information to permit the department to verify that a report has been made to the police.~~) Within the period of intended use households may request a replacement for an ATP received but subsequently destroyed in a household disaster, such as a fire or flood or stolen. The following applies:

(a) The household shall report the theft or destruction to the department within ten days of the incident or within the period of the ATP's intended use, whichever is earlier.

(b) The household shall sign an affidavit with the department attesting to the theft or destruction.

(c) The department shall verify the disaster or theft through either a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, or through a home visit.

(d) Replacement of an ATP reported stolen subsequent to receipt shall be made only once in a six-month period. Replacement of an ATP or coupons reported as destroyed subsequent to receipt shall be made only once in a six-month period. If, in the previous five months, the household has been issued a replacement for an ATP reported stolen subsequent to receipt, then a request for a replacement of a stolen ATP shall be denied. If, in the previous five months, the household has been issued a replacement of an ATP or coupons reported as destroyed then the request for a replacement of a destroyed ATP shall be denied.

(e) The department shall issue a replacement, if warranted, within ten days of receipt of requests.

(f) Replacement of the ATP shall be denied or delayed when documentation exists substantiating the request for replacement is fraudulent. The household shall be informed of the household's right to a fair hearing to contest the denial or delay of the replacement of the ATP. The denial or delay of the replacement shall remain in effect pending the hearing decision.

(g) The department shall not issue a replacement ATP or coupons if lost or misplaced after receipt.

(3) ((The department shall provide eligible households with an opportunity to obtain the replacement allotment within 5 working days of the date the theft or destruction was reported to the department.)) The department shall issue a replacement ATP stolen or lost in the mail prior to receipt when reported in the period of the ATP's intended use and the household has not been issued two replacements in the previous five months. The following applies:

(a) The department shall determine if the ATP was valid when issued, actually mailed, and if sufficient time has elapsed for delivery.

(b) The household shall sign an affidavit attesting to the nonreceipt of the ATP.

(c) The department shall issue a replacement ATP no more than ten days after report of nondelivery has been received.

(d) The department shall deny or delay the ATP replacement if documentation indicates the request is fraudulent. The household shall be informed of the right to a fair hearing. The denial or delay of the ATP replacement remains in effect pending the hearing decision.

(e) The department shall utilize other delivery methods after two requests are received for replacement of an original or replacement ATP in a six-month period.

(4) ((The department shall also provide replacement for coupons received and subsequently either found to be improperly manufactured or mutilated.)) The department shall issue replacement coupons only if the coupons are reported stolen from the mail or lost in the mail prior to receipt in the period of intended use and the household has not been issued two replacements in the previous five months. The following applies:

(a) The department shall determine if the coupons were validly issued, actually mailed, and if sufficient time had elapsed for delivery.

(b) The household shall sign an affidavit attesting to the nondelivery.

(c) The department shall issue replacement coupons no more than ten days after the report of nondelivery has been received.

(d) The department shall utilize other delivery methods after two reports of nondelivery of either full or partial allotments in a six month period.

(e) If delivery of a partial allotment is reported, the department shall determine the value of coupons and corroborated by evidence that the coupon loss was due to damage in the mail before delivery or a discrepancy in the issuance unit's inventory. If receipt of a partial allotment is due to an error in issuance unit, the remainder

of the allotment shall be issued regardless of the number of times the household has received replacements in the past five months.

(5) The department shall replace food purchased with food stamps when destroyed in a disaster affecting a participating household, not to exceed one month's food stamp allotment when reported within ten days of the loss. The following applies:

(a) The department shall verify the disaster through a collateral contact, a community organization such as the fire department, Red Cross, or a home visit.

(b) The department shall issue a replacement allotment no more than ten days after report of the loss.

(c) The household shall not receive both a FNS declared disaster allotment and a replacement allotment under this provision.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 82-06-003

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1766—Filed February 18, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-80-005 Definitions.

Amd WAC 388-82-010 Persons eligible for medical assistance.

This action is taken pursuant to Notice No. WSR 82-02-064 filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-80-005 DEFINITIONS. (1) "Application" shall mean a written request for medical assistance or limited casualty program from the applicant, an authorized representative, or if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant to the department of social and health services

the application shall be on a form prescribed by the department.

(2) "Assignment" is the method by which the provider receives payment for services under Part B of medicare.

(3) "Assistance unit" means a person or members of a family unit who are eligible for cash or medical assistance under a federally matched program including state supplement.

(4) "Authorization" means an official approval of a departmental action.

(5) "Beneficiary" is an eligible individual who receives a federal cash benefit and/or state supplement under Title XVI.

(6) "Benefit period" is the time period used in determining whether medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. It ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary can have.

(7) "Cabulance" means a vehicle designed and used for the purpose of transporting persons confined to a wheelchair or persons otherwise physically restricted.

(8) "Carrier" is an organization who has a contract with the federal government to process claims under Part B of medicare.

(9) "Categorically needy" refers to a resident of the state of Washington whose income and resources are evaluated for cash assistance and who is:

(a) Receiving or eligible to receive cash assistance.

(i) Aid to Families of Dependent Children (AFDC).

(ii) Supplemental Security Income (SSI), including grandfathered individuals and individuals with essential spouses.

(iii) State supplement.

(iv) Special categories.

(b) A financially eligible person under twenty-one who would be eligible for AFDC but does not qualify as a dependent child and who is in:

(i) Foster care, or

(ii) Subsidized adoption, or

(iii) A skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded, or

(iv) An approved inpatient psychiatric facility.

(c) Individuals who would be eligible for cash assistance except for their institutional status.

(d) An individual who is SSI categorically related and would not be eligible for cash assistance if they were not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled groups.

(10) "Central disbursements" is a state office section which audits nonmedicaid medical claims for payment.

(11) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action.

(12) "CFR" means the code of federal regulations and is a codification of the general and permanent rules

published in the federal register by the executive departments and agencies of the federal government.

(13) "Child" or "minor child" means a person under eighteen years of age.

(14) "Client" means an applicant for or recipient of financial and/or social services provided by the department of social and health services.

(15) "Coinsurance" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which medicare does not pay. Under Part A, coinsurance is a per day dollar amount, and under Part B, is twenty percent of reasonable charges.

(16) "CSO" (community service office) is an office of the department which administers the various social and health services at the community level.

(17) "Continuing assistance" means payments to persons who presumably will be eligible for and receive, from the date of authorization, regular monthly grants on a prepayment basis. Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.

(18) "Copayment" means a fixed dollar amount that is the responsibility of the recipient of specified services.

(19) "Deductible" means an initial specified amount that is the responsibility of the applicant and/or recipient.

(a) Part A of medicare - Inpatient hospital deductible - an initial amount in each benefit period which medicare does not pay.

(b) Part B of medicare - The first sixty dollars in expenses which must be incurred before medicare starts to pay.

(c) Limited casualty program-medically needy-inpatient hospital deductible-an initial amount as specified in chapter 388-99 WAC, the department does not pay.

(d) Limited casualty program-medically indigent-means incurring a dollar amount as specified in chapter 388-100 WAC, the department does not pay.

(20) "Delayed certification" shall mean the date of certification for medicaid and date of application for SSI are the same for an SSI beneficiary whose eligibility decision was delayed due to administrative action.

(21) "Department" shall mean the state department of social and health services.

(22) "Division of medical assistance" shall mean the single state agency authorized to administer the Title XIX medical assistance program.

(23) "Eligible couple" means an eligible individual and eligible spouse.

(24) "Eligible individual" means an aged, blind or disabled person as defined in Title XVI of the Social Security Act. If two such persons are husband and wife (and have not been living apart for more than six months), only one of them may be considered an eligible individual.

(25) "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible under Title XIX of the Social Security Act.

(26) "Essential spouse" means a spouse whose needs were taken into account in determining the need of OAA, AB, or DA recipient for December, 1973, who

continues to live in the home of such recipient, and continues to be an essential spouse.

(27) "Extended care facility" (ECF). See "skilled nursing facility".

(28) "Extended care patient" is a recently hospitalized medicare patient who needs relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

(29) "Fair hearing" means an administrative proceeding by which the department hears and decides the appeal of an applicant/recipient from an action or decision of the department.

(30) "Federal aid" means the assistance programs for which the state receives matching funds from the federal government.

(31) "Fraud" shall mean a deliberate, intentional, and wilful act, with the specific purpose of deceiving the department with respect to any material, fact, condition, or circumstances affecting eligibility or need.

(32) "General assistance - continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid assistance and whose medical care is defined in chapter 388-86 WAC.

(33) "Grandfathering" refers to:

(a) A noninstitutionalized individual who meets all current requirements for medicaid eligibility except the criteria for blindness or disability; and

(i) As eligible for medicaid in December, 1973, as blind or disabled, whether or not he/she was receiving cash assistance in December, 1973; and

(ii) For each consecutive month after December, 1973, continue to meet the criteria for blindness and disability and other conditions of eligibility used under the medicaid plan in December, 1973; and

(iii) The needs of the "essential person" shall only be considered when he/she is living with such person in the same household.

(b) An institutionalized individual who was eligible for medicaid in December, 1973, or any part of that month, as an inpatient of a medical institution or resident of intermediate care facility that was participating in the medicaid program and for each consecutive month after December, 1973:

(i) Continued to meet the requirements for medicaid eligibility that were in effect under the state's plan in December, 1973, for institutionalized individuals; and

(ii) Remained institutionalized.

(34) "Home health agency" is an agency or organization certified under medicare to provide skilled nursing and other therapeutic services to the patient in his/her place of residence.

(35) "Hospital" shall mean any institution licensed as a hospital by the official state licensing authority.

(36) "Institution" shall mean an establishment which furnishes food and shelter to four or more persons unrelated to the proprietor and, in addition provides medically related services and medical care. This would include hospitals, skilled nursing facilities, intermediate care facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(37) "Intermediary" is an organization who has an agreement with the federal government to process medicare claims under Part A.

(38) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.

(39) "Intermediate care facility/IMR" shall mean a state institution or a licensed nursing home either of which has been certified by state office (SO) as meeting the CFR regulations to provide twenty-four hour health-related care and services to mentally retarded persons or persons with related conditions.

(40) "Legal dependents" are persons whom an individual is required by law to support.

(41) "Limited casualty program" means a medical care program for medically needy as defined in chapter 388-99 WAC, and for medically indigent as defined in chapter 388-100 WAC.

(42) "Medicaid" or "Medical assistance" (MA) shall mean the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined in chapter 388-82 WAC.

(b) Medically needy as defined in chapters 388-92 and 388-99 WAC.

(43) "Medical consultant" shall mean a physician employed by the department at the CSO level.

(44) "Medical facility". See "Institution".

(45) "Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective more conservative or substantially less costly course of treatment available or suitable for the recipient requesting the service. For the purpose of this section "course of treatment" may include mere observation or, where appropriate, no treatment at all.

(46) "Medicare" is a commonly used term for the federal government health insurance program for certain aged or disabled recipients under Titles II and XVII of the Social Security Act.

(47) "Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the department at the CSO level.

(48) "Outpatient" is a nonhospitalized patient receiving care in an outpatient or emergency department of a hospital, or away from a hospital such as in a physician's office or the patient's own home.

(49) "Part A" is the hospital insurance portion of medicare.

(50) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor's portion" of medicare.

(51) "PAS" - professional activity study is a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, which resulted in the determination of an average length of stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, Western". The department has adopted this

book as the basis for authorizing payment for the maximum number of inpatient hospital days for recipients of state-funded programs, or where no memorandum of understanding with a PSRO exists.

(52) "Patient transportation" means the transportation of recipients to and from medical services covered under the medical assistance program.

(53) "Physician" is a doctor of medicine, osteopathy, or podiatrist who is legally authorized to perform the functions of his profession by the state in which he performs them.

(54) "Professional standards review organization" (PSRO). See "Washington state professional standards review organization".

(55) "Provider" or "provider of service" means an institution, agency, or individual who has a signed agreement to furnish medical care and goods and/or services to recipients and who is eligible to receive payment from the department.

(56) "Provider services" shall mean the office of the division of medical assistance which processes claims for payment under Title XIX and state-funded programs.

(57) Residence, state of means:

(a) The state where the applicant/recipient is living with the intent to remain there permanently or for an indefinite period;

(b) The state which he/she entered with a job commitment or to seek employment, whether or not currently employed;

(c) The state making a state supplementary payment;

(d) The state making placement in an out-of-state institution;

(e) The state of the parents or legal guardian, if one has been appointed, of an institutionalized individual who is under age twenty-one or is age twenty-one or over and who became incapable of determining residential intent before age twenty-one;

(f) The state where the person over age twenty-one judged to be legally incompetent is living.

(58) "Retroactivity" means:

(a) Under medical assistance, the period of no more than three months prior to month of application to an otherwise eligible individual.

(b) Under state-funded, the period of no more than seven days prior to date of application, to an otherwise eligible continuing general assistance recipient. The seven days shall not include Saturday, Sunday or legal holidays. The department may on an exception to policy basis waive the seven-day rule if the person failed to apply because of medical reasons or other good cause.

(59) "Skilled nursing facility", unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit of a hospital licensed by the state department of social and health services.

(60) "Spell of illness". See "Benefit period".

(61) "Spend down" means the individual incurs medical expenses to reduce income to the financial standards established by the department.

(62) "Spouse"

(a) "Eligible spouse" means an aged, blind or disabled individual who is the husband or wife of an eligible individual and who has not been living apart from such eligible individual for more than six months.

(b) "Ineligible spouse" means the husband or wife of an eligible individual who is not aged, blind or disabled; or who although aged, blind or disabled has not applied for such assistance.

(c) "Nonapplying spouse" means the husband or wife of an eligible individual who although aged, blind or disabled has not applied for such assistance.

(63) "State-funded medical care" shall mean medical care, as defined by DSHS, provided to eligible persons on continuing general assistance.

(64) "State office" or "SO" shall mean the division of medical assistance of the department.

(65) "Supplementary payment" means the state money payment to individuals receiving benefits under Title XVI (or who would, but for their income, be eligible for such benefits) as assistance based on need in supplementation of SSI benefits. This payment includes:

(a) "Mandatory state supplement" means the state money payment with respect to individuals who, for December, 1973, were recipients of money payments under the department's former programs of old age assistance, aid to the blind and disability assistance.

(b) "Optional state supplement" means the elected state money payment to individuals eligible for SSI benefits or who except for the level of their income would be eligible for such benefits.

(66) "Supplemental security income (SSI) program, Title XVI," means the federal program of supplemental security income for the aged, blind, and disabled established by section 301 of the social security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

(67) "Third party" means any entity that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or recipient of medicaid.

(68) "Washington State Professional Standards Review Organization" (WSPSRO) is the state level organization responsible for determining whether health care activities are medically necessary, meet professionally acceptable standards of health care, and are appropriately provided in an outpatient or institutional setting for beneficiaries of medicare and recipients of medicaid and maternal and child health.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-82-010 PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE. Medical assistance is available to any individual who is categorically needy.

(1) Individuals receiving or eligible to receive a cash assistance payment. Categories under which individuals may qualify include:

(a) Aid to families with dependent children (AFDC);

(b) Supplemental security income (SSI);

(c) State supplemental payment; and

(d) Individuals under age twenty-one whose income is less than the one person AFDC standard and who are in:

- (i) Foster care; or
 - (ii) Subsidized adoption; or
 - (iii) Skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded (ICF/MR); or
 - (iv) Approved inpatient psychiatric facilities.
- (2) Individuals in medical facilities:
- (a) Who would be eligible for cash assistance if they were not institutionalized. This includes all categorically needy groups;
 - (b) Who are SSI categorically related and would not be eligible for cash assistance if they were not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled groups.
- (3) Individuals who would not receive cash assistance because of special provisions as defined in WAC 388-83-028.

WSR 82-06-004
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1767—Filed February 18, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 82-02-055 filed with the code reviser on January 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1574, filed 12/8/80)

WAC 388-54-695 RESOURCES—EXEMPT. The following resources shall be exempt:

(1) The home and surrounding property (~~which is~~) not separated from the home by intervening property owned by others. (~~This~~) The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability due to casualty or

natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which (~~they~~) the household intend to build or are building a permanent home, shall receive an exemption for the value of the lot and, if (~~it~~) the home is partially completed, for the home.

(2) Personal effects (clothing, jewelry, etc.) and household goods (furniture, appliances, etc.), including one burial plot per household member.

(3) Cash value of life insurance policies and pension funds, including Keogh or IRA as long as funds are not withdrawn.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property which annually produces income consistent with (~~its~~) the fair market value, even if only used on a seasonal basis, except that rental homes (~~which are~~) used by households for vacation purposes at some time during the year shall be counted as resources unless (~~they are~~) the property is producing annual income consistent with (~~their~~) the fair market value.

(6) Property, such as farm land and rental homes, or work related equipment, such as the tools of a tradesman or the machinery of a farmer, (~~which is~~) essential to the employment or self-employment of a household member.

(7) Resources of nonhousehold members such as roomers, boarders, or live-in attendants, ineligible aliens.

(8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the bureau of indian affairs.

(9) Resources (~~which have been~~) prorated as income for self-employed persons or students.

(10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, property in probate, property and notes receivable (~~which cannot be~~) not readily liquidated, if the household is making a good-faith effort to sell:

(a) Any funds in a trust or transferred to a trust, and the income produced by that trust, shall be considered inaccessible to the household if the trust is under the control and management of an institution, corporation or organization (the trustee) (~~which~~) and is not under the direction or ownership of any household member;

(b) If that trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust;

(c) If the trust investments do not directly involve or assist any business or corporation under the control, direction or influence of a household member;

(d) If the trust arrangement will not likely cease during the certification period; and

(e) If no household member has the power to revoke the trust arrangement or change the name of the student beneficiary during the certification period.

(11) Resources (~~which are~~) excluded for food stamp purposes by express provision of federal law:

(a) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;

(b) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding submarginal land held in trust by the United States, or Public Law 94-540;

(c) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians;

(d) Benefits received from the women, infants and children program (WIC);

(e) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;

(f) Earned income tax credits since 1975;

(g) Payments received under Title IV CETA amendments of 1978 as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.

(12) Installment contracts or agreements for the sale of land or other property (~~which is~~) producing income consistent with ~~(its)~~ the fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.

(13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.

(14) Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS, and payments from the energy crisis assistance program.

(15) A one-time payment(s) or allowance(s) made under any federal, state or local laws clearly identified as energy assistance.

AMENDATORY SECTION (Amending Order 1574, filed 12/8/80)

WAC 388-54-735 INCOME—EXCLUSIONS.
The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. ~~(Those)~~ Payments under Title I (VISTA) to volunteers shall be excluded for ~~(those)~~ individuals ~~(who were)~~ receiving public assistance or food stamps at the time ~~(they)~~ the individual joined VISTA and for ~~(those)~~ households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States (~~which is~~) held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.

(5) Any payments received by Alaskan natives under the terms of the Alaskan Native Claims Settlement Act.

(6) Payments from the special crisis intervention program.

(7) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household, ~~(who is)~~ under ~~(+8)~~ eighteen years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. ~~(This)~~ The exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from ~~(that of)~~ earnings or work performed by other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income ~~(which is)~~ received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent that ~~(they)~~ the funds are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Money received in the form of ~~(a)~~ nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or ~~(which do)~~ reimbursements not ~~(represent)~~ representing a gain or benefit to the household.

(a) The following are considered reimbursements ~~((which are))~~ excludable, ~~((which))~~ and do not represent a gain or benefit:

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of ~~((their))~~ the volunteers' work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant ~~((which must be))~~ used for educational purposes regardless of the fact that the grantee must perform services to obtain the grant.

(b) The following are considered reimbursements ~~((which are))~~ not excludable, ~~((which))~~ and do represent a gain or benefit:

Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit ~~((which is))~~ not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments ~~((that are))~~ not owed or payable directly to a household, but ~~((are))~~ paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses ~~((its))~~ the person's or organization's own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

(c) Money that is legally obligated and otherwise payable to the household, but ~~((which))~~ is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Money received and used for the care and maintenance of a third-party beneficiary ~~((who is))~~ not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the

amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(18) Money received as a department of housing and urban development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two-month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

(19) ~~((Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS and payments from the energy crisis assistance program))~~ Clearly identified supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

(20) That portion of SSI state supplementary payments that state law designates as an energy standard for individuals, and couples in which both spouses are eligible for SSI.

WSR 82-06-005

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health)

[Order 1768—Filed February 18, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to license expiration dates and license fees, amending WAC 248-14-065.

This action is taken pursuant to Notice No. WSR 82-02-053 filed with the code reviser on January 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.51.070 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1509, filed 5/28/80)

WAC 248-14-065 LICENSE EXPIRATION DATES AND LICENSE FEES. The department shall issue nursing home licenses initially and reissue nursing home licenses as often thereafter as necessary to stagger license expiration dates throughout the calendar year so

as to cause approximately one-twelfth of the total number of nursing home licenses to expire on the last day of each month, but no license issued pursuant to this chapter shall exceed ((twelve)) thirty-six months in duration. Prior to the issuance or renewal of the license, the licensee shall pay a license fee of one hundred dollars per year plus two dollars per bed per year: PROVIDED, That, when the annual license renewal date of a previously licensed nursing home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of issuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay the full licensing fee established by the department for the facility at the time of application for the license. If there is failure to comply with the provisions of chapter 18.51 RCW or this chapter, the department may, in ((its)) the department's discretion, issue a provisional license to permit the operation of the nursing home for a period of time to be determined by the department, but not to exceed ((twelve)) thirty-six months.

WSR 82-06-006

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 82-2—Filed February 19, 1982]

I, Donald R. Burrows, acting director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to State levy—Apportionment between counties, amending WAC 458-19-550.

This action is taken pursuant to Notice No. WSR 82-02-005 filed with the code reviser on December 28, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.48.080 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.55.060 and 84.08.010 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.55 RCW.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 84.08.010.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 19, 1982.

By Don R. McCuiston
Director of Interpretation and Appeals

AMENDATORY SECTION (Amending Order PT 81-4, filed 2/4/81)

WAC 458-19-550 STATE LEVY—APPORTIONMENT BETWEEN COUNTIES. (1) The department of revenue is empowered by statute to formulate such rules and processes as will ensure the equalization of taxation and uniformity of administration of the property tax laws of this state. The department is further directed to apportion the amount of the state property tax levy among the counties in proportion to the equalized value of taxable property in each county in order that each county shall pay its due and just proportion of the state tax. The application of the 106 percent limit to the state levy necessitates reasonable measures by the department to achieve the statutory requirement of just apportionment. This rule provides for adjustment in the apportionment of the next following year state levy when changes in property values are effected, in the manner described below, after the certification of the state levy by the department for the previous year. This rule also provides for adjustment for errors as defined herein which are not otherwise correctable in a timely and orderly manner in the year of levy through the exercise or enforcement of the department's supervisory powers. This rule shall be applied in the manner provided below to preserve an equitable and uniform apportionment of the state levy and to ensure the collection of the proper portion of the state levy from within each county.

(2) The levy rate for the state property tax levy is the lesser of (a) \$3.60 per thousand dollars of the full true and fair value of the taxable property in the state, or (b) that rate which, when applied to the valuation figures specified in (3) below, will produce a total amount equal to one hundred and six percent of the base amount, i.e., of the highest state tax levy of the most recent three annual state levies, plus an amount calculated by multiplying the value of a new construction, improvements to real property, and increases in the value of centrally assessed property as determined by the department of revenue, by the levy rate of the state tax applicable in the year prior to the current year for which the tax levy is being computed.

(3) When determining the amount of the state levy with reference to the calculations under (b) above, the dollar amount apportioned to each county shall be computed based upon those valuation figures made available to the department by each county by October 1 of the levy year. If the use of certification of the counties' assessed values for state levy purposes results in an erroneous apportionment among the counties by reason of changes or errors in valuation within a county, the department of revenue shall adjust the following year's levy apportionment to correct for such changes or errors. Such adjustment shall continue in effect until implemented by the appropriate county officials, and the department shall utilize the powers contained in chapter 84.08 RCW to assure such implementation. For purposes of this rule a change in valuation shall include any adjustment effected by a reviewing body (county board of equalization, state board of tax appeals, or court of

competent jurisdiction) and may also include additions of omitted property and other additions to or deletions from the assessment and tax rolls. Errors for purposes of adjustments under this rule shall include errors corrected by a final reviewing body and such other errors which have come to the attention of the department and which would otherwise be a subject for correction in the exercise of its supervisory powers.

(4) Correction required by reason of changes or errors relating to that valuation used in apportioning the current levy shall be made by adjusting the apportionment of the next following year's levy. The department shall recompute the apportionment of the previous year's levy with reference to taxable values corrected for changes and errors and equalized to true and fair value for such previous year's levy. Each county's apportioned amount for the current year's state levy shall be adjusted by the difference between the dollar amounts of state levy due from each county as shown by the original and revised levy computations for the previous year.

(5) Nothing in this rule shall relieve a county from its obligation to correct any error immediately upon discovery, including the calculation of an erroneous rate or the levy of an incorrect amount of tax, when such correction may be timely made to avoid distortion in the true apportionment of the state levy between counties.

WSR 82-06-007
ADOPTED RULES
GAMBLING COMMISSION
[Order 119—Filed February 19, 1982]

Be it resolved by the Washington State Gambling Commission, acting at Bellingham, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 230-30-075 and adding new section WAC 230-40-315.

This action is taken pursuant to Notice No. WSR 82-02-025 filed with the code reviser on December 30, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

WAC 230-30-075 is promulgated pursuant to RCW 9.46.070(11) and WAC 230-40-315 is promulgated pursuant to RCW 9.46.020(5) and 9.46.070(14) and is intended to administratively implement those statutes.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 11, 1982.

By Wallace Edwards
Chairman

AMENDATORY SECTION (Amending Order 91, filed 8/14/79)

WAC 230-30-075 MINIMUM PERCENTAGE OF PRIZES FOR CERTAIN GAMBLING ACTIVITIES. No operator shall put out for play and no distributor or manufacturer of punchboards and pull tabs shall sell or otherwise provide to any person in this state or for use in this state any punchboard or pull tab series that does not contain the following minimum percentage in prizes:

(1) Punchboards – a minimum of 60 percent respecting each punchboard placed out for public play.

(2) Pull tabs – a minimum of ~~((65))~~ 60 percent respecting each series of pull tabs placed out for public play.

(3) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series under this section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(4) Single cash prizes on punchboards/pull tabs shall not exceed:

(a) One hundred (\$100) in cash, or

(b) A merchandise prize, or combination merchandise prize, for which the operator has expended more than one hundred dollars.

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

NEW SECTION

WAC 230-40-315 NO FOOD OR DRINK SALES ON TIME BASIS IN CARD ROOM. All sales of food or drink in the licensed card room must be charged for and collected at the time the food or drink is delivered to the customer. No licensee may charge a person playing cards in a licensed card room for food or drink on a time basis. For the purpose of determining whether a card room operator is operating the licensed card room as a commercial stimulant, the calculation of gross sales of food and drink shall not include any sale of food or drink on a time basis to a person playing cards in the licensed card room.

For purposes of this rule, a "time basis" means a charge for the consumption or opportunity to consume food or drink over a period of time.

WSR 82-06-008
PROPOSED RULES
THE EVERGREEN
STATE COLLEGE
[Filed February 19, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning the time of the regular meeting, amending WAC 174-104-010;

that such institution will at 1:45 p.m., Thursday, April 8, 1982, in the Board of Trustees Room, Library Building #3112, The Evergreen State College, Olympia, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:45 p.m., Thursday, April 8, 1982, in the Board of Trustees Room, Library Building, The Evergreen State College, Olympia.

The authority under which these rules are proposed is RCW 24B.40.120(11)[28B.40.120(11)].

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 1, 1982, and/or orally at 1:45 p.m., Thursday, April 8, 1982, Board of Trustees Room, Library Building #3112, The Evergreen State College, Olympia.

Dated: February 16, 1982
By: Daniel J. Evans
President

STATEMENT OF PURPOSE

Title: WAC 174-104-010 Regular meetings of board.

Summary: The purpose of this policy is to establish regular meetings.

Staff: President Evans, 866-6100.

Organization: The Evergreen State College.

Necessity: No legislative or legal requirement.

AMENDATORY SECTION (Amending Order 78-1, Resolution Motion 78-7, filed 4/7/78)

WAC 174-104-010 REGULAR MEETINGS. A regular meeting of the Board of Trustees shall be held once each month unless dispensed with by the Board of Trustees, on the campus of The Evergreen State College beginning at ~~((10:30 a.m.))~~ 1:30 p.m. on the second Thursday of the month, except that when such Thursday shall be a legal holiday, the meeting shall be held on the Friday immediately following such second Thursday.

WSR 82-06-009

ADOPTED RULES

**DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Order 167-A—Filed February 19, 1982]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to work period designations, amending WAC 356-15-020.

This action is taken pursuant to Notice No. WSR 82-02-019 filed with the code reviser on December 29, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This Form of Order is submitted as a correction to Administrative Order No. 167 in which a portion of WAC 356-15-020 was inadvertently left off.

This rule is promulgated pursuant to RCW 41.06.150 (17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 11, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. The Personnel Board shall assign a specific work period designation to each classification. The Personnel Board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation.

(1) Scheduled (S):

(a) Standard: Full time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which may be completed within:

(i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(ii) Four work days lasting not more than ten working hours each within the same workweek; or

(iii) Ten consecutive work days with four consecutive days off; or

(iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the Registered Nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(v) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than 52 40-hour workweeks per year. Positions are limited to Communications Officers and scheduled Weight Control Officers of the State Patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(2) Nonscheduled (NS): Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within

the workweek. These positions normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours.

(3) Exceptions (E): In determining which positions are designated in the "Exceptions" work period, the Personnel Board shall consider the following factors:

(a) Positions which meet the definition (WAC 356-06-010) of Administrative Personnel, Agricultural Personnel, Executive Personnel, Housed Personnel, Law Enforcement Personnel, Professional Personnel.

(b) Positions which have historically been paid overtime by the state.

(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.

(d) Other factors it may deem to be appropriate.

WSR 82-06-010
ATTORNEY GENERAL OPINION
Cite as: AGLO 1982 No. 4
[February 17, 1982]

**TAXATION—SALES TAX—USE TAX—CERTIFICATION
FOR INVESTMENT TAX DEFERRAL**

(1) The Economic Assistance Authority may not refuse to certify, for an investment tax deferral, an investment project which is otherwise qualified under RCW 43-.31A.130 on the ground that the project will not have a sufficient impact on employment within the geographic area involved.

(2) The \$30,000,000 cumulative limit on project costs imposed by § 2, chapter 76, Laws of 1981, encompasses all outstanding deferrals granted all sufficiently related business entities.

(3) The \$30,000,000 cumulative limit imposed by § 2, chapter 76, Laws of 1981, does not affect the total amount of investment tax deferral which may be taken for a single project pursuant to an application for deferral which was certified as eligible before March 1, 1981; if, however, the same taxpayer applies for an additional project certification on or after that date the costs of the then outstanding project must be coupled with the additional project costs in determining the eligibility of the latter for a tax deferral.

Requested by:

Honorable Richard T. Schrock
Chairman
Economic Assistance Authority
General Administration Building
Olympia, Washington 98504

WSR 82-06-011

ADOPTED RULES

BOARD OF HEALTH

[Order 226—Filed February 22, 1982]

Be it resolved by the Washington State Board of Health, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to child-birth center policy and procedures, amending WAC 248-29-050.

This action is taken pursuant to Notice No. WSR 82-02-091 filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By John A. Beare, MD
Secretary

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

WAC 248-29-050 BIRTH CENTER POLICIES AND PROCEDURES. Written policies and procedures shall include, but not be limited to:

(1) Definition of a low-risk maternal client who shall be eligible for birth services offered by the birth center.

(2) Definition of a client who shall be ineligible for birth services at the birth center.

(3) Identification and transfer of clients who, during the course of pregnancy, are determined to be ineligible.

(4) Identification and transfer of clients who, during the course of labor or recovery, are determined to be ineligible for continued care in the birth center.

(5) Written plans for consultation, backup services, transfer and transport of a newborn and/or maternal client to a hospital where appropriate care is available.

(6) Written informed consent which shall be obtained prior to the onset of labor and shall include evidence of an explanation by personnel of the birth services offered and potential risks.

(7) Provision for the education of clients, family, and support persons in childbirth and newborn care.

(8) Plans for immediate and long term follow-up of clients after discharge from the birth center.

(9) Registration of birth and reporting of complications and anomalies.

(10) Prophylactic treatment of the eyes of the newborn in accordance with RCW 70.24.040, WAC 248-100-295 as now, or as hereafter, amended.

(11) Metabolic screening of newborns.

(a) Educational materials shall be provided to each client relative to metabolic screening and informed consent for metabolic screening. These materials shall be obtained from the genetics program of the department.

(b) There shall be a mechanism for weekly reporting of all live births to the genetics program of the department on forms provided by the genetics program.

(c) The birth center shall provide each client with instructions and a metabolic screening collection kit, (obtained from the genetics program of the department). There shall be a procedure and/or evidence of a plan for follow-up so that blood samples are collected between the eighth and twelfth day of life.

(d) When parents refuse metabolic screening, there shall be provisions for a signed refusal statement which shall be sent to the genetics program of the department in lieu of the blood sample.

(12) Infection control to include consideration of housekeeping, cleaning, sterilization, sanitization, and storage of supplies and equipment, and health of personnel. Health records for personnel shall include documented evidence of a tuberculin skin test by the Mantoux method upon employment and annually unless medically contraindicated. (~~When this skin test is negative, (less than 10mm induration read at 48 to 72 hours) no further tuberculin skin test shall be required.~~) A positive skin test shall consist of 10mm of induration, or greater, read at 48 to 72 hours. Positive reactors shall have a chest X-ray within ninety days of the first day of employment. Exceptions and specifics are as follows:

(a) Those with positive skin tests, (as defined above) shall have an annual screening in the form of a chest X-ray.

(b) Those with positive skin tests whose chest X-rays show no sign of active disease at least two years after the first documented, positive skin test shall be exempted from further annual testing and chest X-rays.

(c) Those with positive skin tests who have completed the recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

(d) A record of test results, X-rays, or exemptions to such, shall be kept by the facility.

(e) Employees with any communicable disease in an infectious stage shall not be on duty.

WSR 82-06-012
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed February 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Pacific County, amending WAC 173-19-330.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, March 16, 1982, in Room 273, Department of Ecology Headquarters Office, Abbott Rafael Hall, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice Nos. WSR 82-01-085 and 82-05-015 filed with the code reviser's office on December 22, 1981 and February 9, 1982.

Dated: February 18, 1982

By: John F. Spencer
 Deputy Director

WSR 82-06-013
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 81-56—Filed February 22, 1982]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Monroe, City of, amending WAC 173-19-3910.

This action is taken pursuant to Notice Nos. WSR 82-01-086 and 82-05-016 filed with the code reviser on December 22, 1981 and February 9, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 18, 1982.

By John F. Spencer
 Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3910 MONROE, CITY OF. City of Monroe master program approved December 27, 1974. Revision approved February 18, 1982.

WSR 82-06-014
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-13—Filed February 22, 1982]

I, Rolland A. Schmitten, director of the Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the

facts constituting such emergency is this order defines river mouths for spring chinook protection in the Lewis, Kalama and Cowlitz Rivers and is adopted pursuant to the Columbia River Compact.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 22, 1982.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-32-03600M CLOSED AREAS—RIVER MOUTHS. Notwithstanding the provisions of WAC 220-32-036, the following closures apply at the mouths of the Cowlitz, Kalama and Lewis Rivers:

(1) *Cowlitz River*—Closed upstream of a line projected across the Cowlitz River between two fishing boundary markers set on each bank of the Cowlitz River, approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

(2) *Kalama River*—Closed upstream of a line projected across the Kalama River between two fishing boundary markers set on each bank of the Kalama River approximately one mile downstream of the Burlington Northern railroad bridge crossing the Kalama River.

(3) *Lewis River*—Closed upstream of a line projected from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.

WSR 82-06-015
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health intends to adopt, amend, or repeal rules concerning:

Amd ch. 388-24 WAC AFDC—Eligibility.
Amd ch. 388-28 WAC AFDC and GAU—Eligibility—Need.
Amd ch. 388-33 WAC AFDC and GAU—Grant or vendor payment.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director

Division of Administration
Department of Social and Health Services
Mailstop OB-33C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by March 24, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 7, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 14, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.04.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 7, 1982, and/or orally at 10:00 a.m., Wednesday, April 7, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: February 18, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Regarding the amending of chapters 388-24, 388-28 and 388-33 WAC.

The purpose of the rule or rule change is to implement changes mandated by the federal budget (PL 97-35).

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: WAC 388-24-040(9) students attending secondary school will be eligible for AFDC until they reach age 19; 388-24-042(4), defines "strike"; 388-28-430(1)(c), livestock is a nonexempt resource; 388-28-430(1)(f), household items and clothing not in storage will be presumed exempt; 388-28-430(2)(k), a motor home is totally nonexempt; 388-28-480(5), deeming of the earned income credit is clarified; 388-28-482(3)(c), articles of sentimental value are nonexempt; 388-28-484(2)(b), if a family is serving a period of ineligibility due to excess income, special needs or changing circumstances will not justify an adjustment; 388-28-570(6)(a), provides stepped down maxima for work expenses and child care for less than full-time employment; 388-28-570(6) (d) and (e), provides deeming of the \$30 and 1/3 exemption under certain circumstances; 388-28-570(7), defines good cause for refusal of employment; 388-33-055 and 388-33-120, extends the \$10 minimum grant to GAU; 388-33-135(2), changes effective date of ineligibility in certain cases; and 388-33-355, requires suspension of grant under certain circumstances.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule is: Gerry

Nelson, Program Manager, Division of Income Assistance, Mailstop OB-31C, phone: 3-3177.

These rules are necessary as a result of federal law, 45 CFR Parts 205, 206, 232, 233, 234, 235, 238 and 239.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child:

- (1) Who is under the age of eighteen years;
- (a) Effective October 1, 1981, AFDC may be granted on behalf of an unborn child provided there is medical confirmation that the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner that confirms pregnancy and the expected date of birth;
- (b) AFDC shall be continued through the month in which the child reaches the maximum age;
- (2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington - see WAC 388-26-050 through 388-26-105;
- (3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent - see WAC 388-24-055 through 388-24-070;
- (4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);
- (5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or
- (b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;
- (6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;
- (7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;
- (8) Who is in financial need - see chapters 388-28 and 388-33 WAC;
- (9) Effective January 1, 1982, who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached: PROVIDED HOWEVER, That if such student does not successfully complete such program before the end of the month in which nineteen years of age is reached, the assistance rendered under this subsection during such period shall be a debt due the state;
- (10) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children;
- ~~((10))~~ (11) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS. (1) Eligibility for AFDC or refugee assistance does not exist when any caretaker relative with whom the child lives is, on the last day of the month, participating in a strike.

(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike.

(3) Eligibility for the eligible caretaker and siblings will be determined without regard to the needs of a child in the home who, on the last of the month, is participating in a strike.

(4) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES. (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) For general assistance used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) For general assistance personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

~~(c) ((Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.~~

~~(d))~~ For all grant programs other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either produce income which reduces the applicant/recipient's need for public assistance, or aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

~~((e))~~ (d) For general assistance, one cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

~~((f) Effective June 12, 1980;))~~ (e) For general assistance, term and/or burial insurance for the use of the applicant or recipient.

(f) For AFDC and RA, household furnishings and personal clothing essential for daily living. Such items which are in storage shall be presumed to be not essential for daily living but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. ~~((Effective July 1, 1981;))~~ For general assistance, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(h) and (k) of this section shall not exceed \$1,500.00 for a single person, or \$2,250.00 for a family of two or more.

Effective July 1, 1981, for general assistance, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(h) and (k) of this section:

Family Size	
1	\$ 1,500
2 or more	2,250

(b) ~~((Effective October 1, 1981;))~~ For federally funded assistance the total value of cash, marketable securities, cash discount value of

real estate or chattel mortgages and sales contracts, and cash surrender value of life insurance shall not exceed one thousand dollars regardless of family size.

(c) Funds represented by values within the ceiling values are not used to determine financial need or to compute grants.

(d) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(e) All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(f) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

(g) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(h) ~~(Effective July 1, 1981;)~~ For general assistance, life insurance may have a cash surrender value not to exceed \$1,500.00 considered as an exempt resource.

(i) When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(j) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

(k) Used and useful vehicles.

(i) ~~(Effective June 12, 1980;)~~ Used and useful vehicles with an equity value of \$1500 or less in general assistance are an exempt resource.

(ii) For AFDC and refugee assistance one used and useful vehicle with an equity value of \$1500 or less.

(iii) A motor home is a totally nonexempt resource for all grant programs and its value is not applied to the ceiling values in this section.

(iv) A motor home is a motor vehicle originally designed, reconstructed or permanently altered to provide facilities for human habitation.

(l) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

(m) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

(n) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(o) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

(p) The changes to resource limits for federally funded programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

(3) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The CSO shall determine the income available to the applicant.

(2) An applicant whose nonexempt income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

(3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurrent income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the CSO by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment, unless the CSO can effect a change in the next month's grant.

(4) Irregular income up to five dollars per month received by a general assistance applicant or recipient may be disregarded towards meeting need by the CSO if the probability exists that such future income will not be appreciable.

(5) Earned income credit (EIC) payments shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222.

(a) Such payments shall be considered as an addition to gross income for AFDC and refugee assistance whether actually received or not, providing that the recipient is eligible for such payment.

(b) If the family makes every effort to apply for and receive the advance EIC but cannot receive it for some documented reason, e.g., the employer refuses to process it, it shall not be deemed as income.

(c) Advance EIC is taken into consideration in the computation of need but is not deemed as income in the one hundred fifty percent test of gross income.

(6) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(7) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

(8) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

(9) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered income which has come into the possession or control, in whole or part,

of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsection (3), (4) and (5), such income shall be deducted from the cost of total requirements beginning with the effective date specified in WAC 388-28-484. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent.

(b) At least his equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection may retain such property without having the fact of possession or its sale value affect his eligibility or need.

(a) A home used as a residence—see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) ~~((Articles of sentimental value, tools, and 4-H Club or similar project earnings saved for future education costs as provided by WAC 388-24-430(1)).~~

~~(d))~~ An automobile within the ceiling values in WAC 388-28-430(2).

(4) Recipient with income. The rule in subsection (1) is modified for recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall be considered as the personal property of the family and shall be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN, MDTA and CETA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in subdivisions (a) and (b) in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is used to determine financial need and is taken into account when the periodic review of eligibility is made.

(e) Payment for funeral expenses for recipient – When a public assistance recipient dies, his (her) surviving spouse or children or parent of a minor child receiving public assistance, may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED, HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income which has been considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations – see WAC 388-28-430(2). The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he might place his whole grant in a bank account, along with his cash reserve, at the beginning of the month and then spend out of the account during the month.

(c) With respect to income other than savings from grant, see WAC 388-28-484(8).

(6) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) (a) Except as

specified in WAC 388-28-482(3) newly acquired income reported by the twenty-first day of the month affects financial need as of the first of the month following the date of its acquisition.

(b) Income received during the month but not reported by the twenty-first day of the month will be taken into account in determining need for the second month following the month of receipt unless such income exceeds the standard for requirements. See WAC 388-33-135.

(2) When the value of the income is taken into account in the assistance payment as specified in subsection (1), the following rules apply:

(a) If the income value plus any other income amounts to less than the cost of one month's requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) Effective January 1, 1982, for AFDC and refugee assistance, when the assistance unit's ((nonrecurrent)) income after applicable disregards exceeds its basic requirements, plus authorized additional requirements, the unit shall be ineligible for assistance for the number of full months derived by dividing this total income by the basic requirements.

(i) Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(ii) No adjustment shall be made in the period of ineligibility because of changing or unexpected special needs of the assistance unit, or for other relevant changes in circumstances.

(c) If the nonrecurrent income equals or exceeds one month's requirements for general assistance, but is less than two months' requirements minus other income, the recipient is ineligible for a grant from the effective date specified in subsection (1) and his grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.

(d) If the income is recurrent and equal to or in excess of one month's current requirements minus other income the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated, except for person in institutions other than nursing homes as provided in WAC 388-34-160.

(e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' requirements minus other income, the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances which make it impossible for him to live on his resource for the two-month period of ineligibility. The eligibility of a former recipient who reapplies shall be determined on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established. The effective dates for treatment of income specified in subsection (1) shall be used in establishing the period during which the overpayment occurred.

(a) If the income is recurrent and less than one month's requirements minus other income, the overpayment shall be the amount of the nonexempt portion of the income;

(b) If the income is recurrent and equal to or in excess of one month's requirements minus other income, the overpayment shall be the total assistance received during the period in which the income should have been taken into consideration;

(c) If the income is nonrecurrent and less than two months' requirements minus other income, the overpayment shall be the amount of the nonexempt income;

(d) If the income is nonrecurrent and the nonexempt portion is in excess of two months' requirements minus other income, the overpayment shall be the total assistance paid for two months.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time, and his grant will be suspended or terminated for such period of time, due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

(7) An applicant or recipient whose nonexempt gross income exceeds one hundred fifty percent of the basic requirements for the appropriate

household size plus additional requirements authorized for that assistance unit, is not eligible for AFDC or refugee assistance from the date specified in subsection (1). The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit residing in the same household, shall be considered in this test.

(a) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.

(b) If the assistance unit's gross income exceeds one hundred fifty percent of the basic requirements but the net income does not exceed one hundred percent of the basic requirements, the assistance unit shall be ineligible for one full month.

(c) Net income shall be defined as gross income less applicable disregards and deductions, for which the A/R is eligible.

(8) Nonexempt newly acquired income which has been taken into account in computing financial need according to subsection (2) if retained by a recipient does not affect his eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant are applied.

(9) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full or part time student, see WAC 388-28-535. For rules exempting income from training see WAC 388-28-515. For rules on other income see WAC 388-28-580.

(2) As used in this section "earned income" shall mean income in cash or kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. It also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes incentive payments under MDTA, earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages paid under Title I of the Comprehensive Employment and Training Act (CETA), wages from public service employment under CETA, and wages from WIN on-the-job training.

(a) For public service employment under the Emergency Assistance Act and CETA the \$30 plus one-third earned income exemption is applicable.

(b) For public service employment under WIN the \$30 plus one-third earned income exemption does not apply. If net income after work expenses are deducted does not meet need according to department standards, a supplemental grant may be paid.

(4) The above definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.

(c) Income from WIN or CETA incentive payments, and training related expenses derived from WIN institutional or work experience training and from participation in CETA.

(5) (a) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to the period of payment.

(b) In general assistance, the exemption applies to the period during which it was earned rather than the period of payment.

(6) Aid to families with dependent children and refugee assistance.

(a) ~~((Recipient—The first \$30 plus one-third of the remainder of total gross monthly earned income shall be exempt in determining the continuing eligibility and the amount of assistance for which an AFDC recipient and his dependents are eligible.~~

(b)) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) ~~((The first \$75 for work expenses.))~~ The following amounts for work expenses depending upon the number of hours worked per month.

Hours per month worked	Work expense deduction
0 - 40	\$20.00
41 - 80	40.00
81 - 120	60.00
121 or more	75.00

(ii) The actual cost, not to exceed ~~(((\$160 per month.))~~ the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent.

Hours worked per month	Child care maximum deductions
0 - 40	\$ 40.00
41 - 80	80.00
81 - 120	120.00
121 or more	160.00

(iii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the prior four months, \$30 plus one-third of the remainder not already disregarded.

(iv) The \$30 and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she is a nonrecipient for twelve consecutive months.

Total gross monthly earned income for the purpose of this rule means the combined gross earned income of nonstudent dependent children and adults who are included in the AFDC assistance unit.

~~((+))~~ (b) The exemptions and deductions in subsection (6)~~((+))~~(a) will not be applied for any month if the individual within a period of 30 days preceding the month in which the income was received:

(i) Terminated his employment or reduced his earned income without good cause, or

(ii) Refused without good cause to accept employment in which he is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment~~((:)), or~~

(iii) Failed without good cause as determined by the CSO, to report earnings to the department on or before the twenty-first day of the month following the month in which the income was received. Under these circumstances the \$30 and one-third exemption shall be counted in the four-month limit.

~~((+))~~ (c) If a recipient requests termination in order to break the consecutiveness of the four-month limit for the \$30 plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the four-month limit.

(d) If a recipient quits work without good cause the thirty and one-third exemption shall be deemed to have been received and shall be counted toward the four-month limit.

(e) Months in which the A/R received the thirty and one-third exemption in another state shall apply towards the four-month limit unless there is a break in assistance which was not done voluntarily to break the continuity of the four-month limit.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him/her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute;

(f) Adequate child care is not available to the single parent AFDC household.

(8) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-055 PAYMENT OF GRANT—MINIMUM AMOUNT. Grants shall be in the exact amount determined as payable, except that no grant of less than ~~((+))~~ ten dollars ~~((in AFDC and refugee assistance))~~ shall be paid except for grants that would have exceeded ten dollars prior to the mandatory deduction for recoupment of an overpayment.

~~((2)) One dollar in general assistance shall be paid.))~~

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)**WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS.** (1) Change of category

The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application - (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

(3) Regular grant terminated in error

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other periodic review procedures as appropriate are used. However, if the termination in error extends for more than three months a new application rather than periodic review is required.

(4) Reinstatement of suspended grant

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than ten dollars ((for AFDC and refugee assistance or less than one dollar for general assistance)), shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

(5) Incapacity redetermined after termination of GAU. See WAC 388-37-040(3).

AMENDATORY SECTION (Amending Order 1058, filed 10/1/75)

WAC 388-33-135 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY. (1) A change in circumstances is any change which affects eligibility and/or continued payment of the grant previously authorized.

(2) When a change of circumstances renders the client ineligible, the effective date of ineligibility is the first of the month following the month in which the change occurred; except when ineligibility is a result of exceeding the one hundred fifty percent test of gross income or as a result of excess income which is being budgeted retrospectively. Under such conditions the effective date of ineligibility follows the rules in WAC 388-33-140 for effective date of increase or decrease in grant. This rule shall be applied to income received on or after February 1, 1982.

(3) When a change of circumstances results in an increase or reduction in the grant, WAC 388-33-140 is applicable.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-355 SUSPENSION OF GRANT. (1) A suspension action is taken when

(a) ((The)) A general assistance recipient has income sufficient to meet his maintenance requirements for more than one but not to exceed two months, or

(b) The amount of the monthly grant following the budgeting of income or deduction to make restitution on an overpayment is less than ten dollars per month ((for AFDC and refugee assistance or less than one dollar for general assistance)), or

(c) The recipient has entered or is in an institution and his income is equal to or exceeds his grant requirements but is less than his grant requirements plus medical costs and/or nursing home or intermediate care, or

(d) An AFDC or RA recipient receives an extra paycheck because of an extra week in a month which makes them ineligible for one month.

(2) A suspended grant shall be reinstated when the conditions in subsection (1) cease to exist and the recipient is otherwise eligible.

(3) A suspended grant shall be terminated as provided in WAC 388-33-370.

(4) The rules in this section shall be effective February 1, 1982.

WSR 82-06-016**EMERGENCY RULES****BOARD OF HEALTH**

[Order 228—Filed February 23, 1982]

Be it resolved by the Washington State Board of Health, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to residential treatment and rehabilitation facilities for psychiatrically impaired adults, new chapter 248-25 WAC.

We, the Washington State Board of Health, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the legislature has stipulated that involuntary treatment beds be established immediately (Substitute House Bill 811). These regulations must be adopted before these beds can be made available.

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

This rule is promulgated pursuant to chapter 71.12 RCW and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By John A. Beare, MD
Secretary

*Chapter 248-25 WAC***RESIDENTIAL TREATMENT AND REHABILITATION FACILITIES FOR PSYCHIATRICALY IMPAIRED ADULTS**

NEW SECTION

WAC 248-25-001 TITLE. The purpose of these regulations is to provide standards for the establishment of residential facilities designed and operated to assist psychiatrically impaired adults to live as independently as possible and to provide essential care, treatment, and training in the skills of individual and community living. This shall be a level of care other than hospital inpatient care.

NEW SECTION

WAC 248-25-002 DEFINITIONS. (1) "Abuse" means injury, negligent or maltreatment of a client by a person legally responsible for the client's welfare under circumstances indicating the client's health, welfare, and safety is harmed thereby.

Person "legally responsible" shall include a guardian or a person to whom legal responsibility has been delegated (e.g., providers of residential care, day care, etc.).

(a) "Physical abuse" means damaging or potentially damaging, nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility, to act in the facility's behalf in the overall management of the residential treatment facility.

(3) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including minimally, first initial, last name, and title.

(4) "Client" means an individual living in an adult residential facility for the purpose of participating in treatment and rehabilitation for psychiatric impairment.

(5) "Clinical staff" means mental health professionals, paraprofessionals, and medical personnel appointed by the governing body of a residential treatment facility to provide direct client treatment, training, and rehabilitation services within the residential treatment facility, and includes full- and part-time staff and consultants.

(6) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact of a harmful or potentially harmful nature regardless of whether or not damage is actually inflicted.

(7) "Department" means the Washington state department of social and health services.

(8) "Dietitian" means a person eligible for membership in the American dietetic association (ADA).

(9) "Discipline" means actions taken by personnel and staff to encourage the establishment of habits of self-control or to regulate unacceptable client behavior. The individualized treatment plan shall define establishment of habits of self-control and unacceptable client behavior.

(10) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete

act of administration entails removing an individual dose from the previously dispensed, properly labeled container (including the unit dose container), verifying the individual dose with the physician's orders, giving the individual dose to the proper client, and properly recording the time and the dose given.

(11) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a client or for a service unit of the facility.

(12) "Governing body" means the individual or group legally responsible for operation and maintenance of the residential treatment facility.

(13) "Independent living skill training" consists of:

(a) Social skill training: A service designed to aid clients in learning appropriate social behavior in situations of daily living (e.g., the use of appropriate behavior in families, work settings, the residential facility and other community settings).

(b) Self-care skills training: A service designed to aid clients in developing appropriate skills of grooming, self-care and other daily living skills such as eating, food preparation, shopping, handling money, the use of leisure time, and the use of other community and human services.

(14) "Individualized treatment plan" means a written statement of care to be provided to a client based upon assessment of his or her strengths, assets, interests, and problems. The statement shall include short- and long-term goals with an estimated time frame stipulated, identification of the process for attaining the goals, and a discharge plan. When possible, the statement shall be developed with participation of the client.

(15) "Mental health professional" means those individuals described in RCW 71.05.020 and WAC 275-55-020.

(16) "Multidisciplinary treatment rehabilitation team" means the availability of a group comprised, when indicated, of individuals from various clinical disciplines, to include medicine, psychiatry, psychology, social work, nursing, occupational and recreational therapies, dietary, pharmacy, speech, and hearing services. Members of the group shall assess, plan, implement, and evaluate treatment and rehabilitation for clients under care.

(17) "Neglect" means negligent treatment or maltreatment or an act of omission, which evinces a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a client's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for client level of functioning, inadequate food, clothing or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation or other acts of commission or omission, which may result in emotional or behavioral problems, or physical manifestations.

(18) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as a part of the residential treatment facility;

(b) Addition(s) to or conversions of the existing building(s) to be used as part of the residential treatment facility;

(c) Alteration(s) or modification(s) other than minor alteration(s) to a residential treatment facility or to a facility seeking licensure as a residential treatment facility;

(d) "Minor alteration(s)" means any structural or functional modification(s) within the existing residential treatment facility, without changing the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in chapter 248-16 WAC.

(19) "Occupational therapist" means a person eligible for certification as a registered occupational therapist by the American Occupational Therapy Association (AOTA).

(20) "Occupational therapy services" means activities directed toward provision of on-going evaluation and treatment and increasing the client's ability to perform tasks necessary for independent living, including daily living skills, sensory motor, cognitive, and psychosocial components.

(21) "Owner" means an individual, firm or joint stock association, or the legal successor thereof, operating residential treatment facilities for psychiatrically impaired adults, whether owning or leasing the premises.

(22) "Paraprofessional" means a person qualified, through experience or training, or a combination thereof, deemed competent while under supervision of a mental health professional, to provide counseling, rehabilitation, training, and treatment services to psychiatrically impaired adults. Such a person shall have, at a minimum:

(a) One year of training in the field of social, behavioral, or health services, and one year of experience in an approved treatment program for the mentally ill; or

(b) Two years of training in the field of social, behavioral, or health sciences; or

(c) Three years of experience in an approved treatment program for the mentally ill.

(23) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(24) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, physicians, or chapter 18.57 RCW, osteopathy—osteopathic medicine and surgery.

(25) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his or her professional practice, as defined by Washington state statutes for legitimate medical purposes. (RCW 18.64.011)

(26) "Psychiatric impairment" means severe mental disorders as defined in the most recent edition of "American psychiatric association diagnostic and statistical manual" where one or more of the following symptomatic behaviors is exhibited:

(a) Bizarreness, severe self-destructiveness, schizophrenic ideation, or other signs or symptoms resulting from gross, on-going distortions in thought processes;

(b) Suicide attempts or other signs or symptoms associated with marked, severe, or chronic affective disorders;

(c) Chronic sexual maladjustment, or other grossly maladaptive behaviors, in accordance with subsection (26)(a) or (b) of this section.

(27) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is eligible for certification by the American board of psychiatry and neurology (ABPN).

(28) "Psychologist" means a person licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(29) "Recreational therapist" means a person with a bachelors degree with a major or option in therapeutic recreation or in recreation for ill and handicapped or a bachelors degree in a related field with equivalent professional experience.

(30) "Recreational therapy services" means activities directed toward providing assessment of a client's current level of functioning in social and leisure skills and implementation of treatment in areas of deficiency.

(31) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(32) "Rehabilitation services" means a combination of social, physical, psychological, vocational, and recreational services provided to strengthen and enhance the capability of psychiatrically impaired persons and to enable these persons to function with greater independence. The services include, but are not limited to, training in independent living skills.

(33) "Residential treatment-rehabilitation facility for psychiatrically impaired adults" means a residence, place or facility designed and organized to provide twenty-four hour residential care, crisis and short-term care and/or long-term individualized, active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined in law or rule.

(34) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting free body movement.

(35) "Scheduled drugs" means drugs, substances, or immediate precursors listed in schedules I through V, article II, RCW 69.50.201, state uniform controlled substance act, as now or hereafter amended.

(36) "Security window" means a window designed to inhibit exit, entry, and injury to a client, incorporating approved, safe, transparent material.

(37) "Self-administration of medication" means the client administers or takes his or her own medication from a properly labeled container: PROVIDED, That the facility maintains the responsibility to assure medications are used correctly and the client is responding appropriately.

(38) "Shall" means compliance with regulation is mandatory.

(39) "Should" means compliance with a regulation or standard is suggested or recommended, but not required.

(40) "Social work services" means "professional social work services" including activities and/or services performed to assist individuals, families, groups, or communities, in improving the capacity for social functioning or in effecting changes in the client's behavior, emotional responses or social conditions.

(41) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education (CSWE).

NEW SECTION

WAC 248-25-010 LICENSURE. Adult residential treatment-rehabilitation facilities shall be licensed under chapter 71.12 RCW, private establishments. Chapter 248-25 WAC establishes minimum licensing standards for the safety, adequate care, and treatment of clients living in a residential treatment facility.

(1) Application for license.

(a) An application for a residential treatment facility license shall be submitted on forms furnished by the department. Applications shall be signed by the legal representative of the owner.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes effecting the current accuracy of such information as to the identity of each officer and director of the corporation, if the program is operated by legally incorporated entity, profit or nonprofit, and of each partner, if the program is a legal partnership.

(2) Disqualified applicants.

(a) Each and every individual named in an application for a residential facility license shall be considered separately and jointly as applicants, and if anyone is deemed disqualified or unqualified by the department in accordance with the law or these rules and regulations, a license may be denied, suspended or revoked. A license may be denied, suspended or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW, or with rules and regulations promulgated pursuant thereto, and in addition, for any of the following:

(i) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

(ii) Permitting, aiding, or abetting the commission of an illegal act on the premises of the residential treatment facility;

(iii) Cruelty, abuse, neglect or assault, or indifference to the welfare of any client;

(iv) Misappropriation of the property of the client;

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual client, the department, or the business community.

(b) Before granting a license to operate a residential treatment facility, the department shall consider the ability of each individual named in the application to operate the residential treatment facility in accordance with the law and with these regulations. Individuals previously denied a license to operate a health care facility in the state of Washington or elsewhere, or convicted civilly or criminally of operating such a facility without a license, or who have had their license to operate such a

facility suspended or revoked, shall not be granted a license unless, to the satisfaction of the department, the individual affirmatively establishes clear, potent, and convincing evidence of the individual's ability to operate the residential treatment facility, for which the license is sought, in full conformance with all applicable laws, rules and regulations.

(3) Visitation and examination of the residential treatment facility by the department to ascertain compliance with chapter 248-25 WAC and chapter 71.12 RCW shall occur as necessary and at least one time each twelve months during the first two years of operation, and at least every twenty-four months thereafter.

(4) Denial, suspension, or revocation of license. Upon finding, as a result of an inspection, the facility has failed or refused to comply with the requirements of chapter 71.12 RCW and these rules and regulations, the department may, if the interests of the clients so demand, issue a written notification letter to the applicant or licensee giving notice of intent to deny a license application or to suspend or revoke a license thirty days after the date of mailing. The letter shall be followed by a denial, suspension, or revocation letter provided the applicant or licensee does not within thirty days from the date of mailing of the department's notice of intent to reject, revoke or suspend the license, make written application to the department for a hearing. Upon receipt of such an application to the department, the department shall fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed for such hearing. Procedures governing hearings under these regulations shall be in accord with procedures set out in chapter 248-08 WAC, especially WAC 248-08-700 through WAC 248-08-740. All hearings conducted under these regulations shall be deemed to be contested cases within the meaning of chapter 34.04 RCW.

(5) Submission of plans. The following shall be submitted with an application for license: PROVIDED HOWEVER, That when any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes not on file need to be submitted.

(a) A plot plan showing street, driveways, water and sewage disposal systems, the location of buildings on the site, and grade elevations within ten feet of any building housing clients.

(b) Floor plans of each building housing clients shall provide the following information:

(i) Identification of each client's sleeping room by use of a lettering or numbering system, or some equivalent mechanism of identification;

(ii) The usable square feet of floor space in each room;

(iii) The clear window glass area in each client's sleeping room;

(iv) The height of the lowest portion of the ceiling in any client's sleeping room;

(v) The floor elevations referenced to the grade level.

(6) Posting of license. A license for the residential treatment facility shall be posted in a conspicuous place on the premises.

(7) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used effecting the extent of facilities required by these regulations.

(ii) Duplicate sets of preliminary plans drawn to scale and including: A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building(s) on the site, the plans for each floor of the building(s), existing and proposed, designating the functions of each room and showing all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to, and approved by, the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. The plans and specifications shall include:

(i) Plot plans;

(ii) Plans for each floor of the building(s) designating the function of each room and showing all fixed equipment and the planned location of beds and other furniture in clients' sleeping rooms;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) A schedule of floors, wall and ceiling finishes, and the type and size of doors and windows;

(v) Plumbing, heating, ventilation, and electrical systems; and

(vi) Specifications fully describing workmanship and finishes.

(c) Adequate provisions shall be made for safety and comfort of clients as construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. When indicated by the nature or extent for proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only changes approved by the department may be incorporated into a construction project. In all cases, modified plans or addenda on changes incorporated into the construction project shall be submitted for the department's file on the project even though the modified plans or addenda were not required to be submitted prior to approval.

(8) Exemptions. The state board of health may, in the state board of health's discretion, exempt a residential treatment facility from complying with parts of the rules pursuant to the procedures set forth in WAC 248-08-595.

(9) Compliance with other regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provisions of RCW 71.12.485 which are found in title 212 WAC apply.

(b) If there is no local plumbing code, the uniform plumbing code of the international association of plumbing and mechanical officials shall be followed.

(c) Compliance with these regulations does not exempt a residential treatment facility from compliance with local and state electrical codes or local zoning, building and plumbing codes.

(10) Transfer of ownership. The ownership of a residential treatment facility shall not be transferred until the transferee has been notified by the department the application for a license has been approved. Change in administrator shall be reported to the department.

NEW SECTION

WAC 248-25-020 ADMINISTRATION. (1) Governing body.

(a) The residential treatment facility shall have a governing body to establish and adopt personnel policies, written policies for the admission, care, safety, and treatment of clients, rules and regulations for the responsible administrative and clinical staffs.

(b) The governing body shall be responsible for the provision of personnel, facilities, equipment, supplies, and other services necessary to meet the needs of clients.

(c) The governing body shall appoint an administrator responsible for implementing the policies adopted by the governing body.

(d) The governing body shall establish and maintain a current, written organizational plan, including all positions and delineating responsibilities, authority, and relation of positions within the facility.

(2) Personnel.

(a) There shall be sufficient qualified personnel to provide the services needed by the clients, and to maintain the residential treatment facility.

(b) Job descriptions for each position classification shall be written and current.

(c) There shall be a personnel record system and a current personnel record for each employee including application for employment, verification of education or training when required, a record or verification of a valid, current license for any employee requiring licensure, and an annually documented performance evaluation.

(d) A planned, supervised, and documented orientation shall be provided for each new employee.

(e) There shall be on-going in-service education affording each employee the opportunity to maintain and update competencies needed to perform assigned duties and responsibilities. Cardiopulmonary resuscitation training and review shall be provided.

(f) Volunteer services and activities, when provided, shall be coordinated by a qualified member of the facility staff.

(i) There shall be appropriate documented orientation and training provided for each volunteer in accordance with the job to be performed.

(ii) There shall be supervision and a periodic written performance evaluation of volunteers having contact with clients by qualified staff.

(3) Research and human subject review committee. When research is proposed or conducted directly involving clients, there shall be a documented multidisciplinary initial and continuing review process. The purpose of the review shall be to protect rights of the clients with acceptance or rejection or continuing review for the duration of the study.

NEW SECTION

WAC 248-25-030 CLIENT CARE SERVICES.

(1) The residential treatment facility shall have written policies regarding admission criteria and treatment methods. The admission of clients shall be in keeping with stated policies and shall be limited to clients for whom the facility is qualified by staff, services, and equipment to give adequate care.

(2) Acceptance of a client for admission and treatment shall be based upon an assessment and intake procedure that determines the following:

(a) A client requires treatment appropriate to the intensity and restrictions of care provided by the program; and/or

(b) The treatment required can be appropriately provided by the program(s) or program component(s).

(3) Treatment and discharge planning.

(a) A treatment plan shall be initiated for each client upon admission.

(b) The multidisciplinary treatment team shall develop an individualized treatment plan for each client within fourteen days of admission to the facility.

(i) The plan shall be developed following a complete client assessment including, but not be limited to, assessment of physical, psychological, developmental, family, educational, social, cultural, environmental, recreational, and vocational needs of the clients.

(ii) The individualized treatment plan shall be written and interpreted to client care personnel. When possible, the client will participate in development of the plan.

(iii) There shall be implementation of the individualized treatment-rehabilitation plan by the multidisciplinary team with written review and evaluation at least once each thirty days. Modifications in the treatment plan shall be made as necessary. Implementation and review shall be evidenced in the clinical record.

(iv) The plan shall include a written discharge plan developed and implemented by the multidisciplinary team.

(v) The plan shall be included in the clinical record.

(4) A written plan shall be developed describing the organization of clinical services. The plan shall address the following:

(a) Medical services.

(i) A comprehensive health assessment and medical history shall be completed and recorded by a physician within five working days after admission unless a comprehensive health assessment performed within the previous thirty days is available upon admission.

(ii) A complete neurological evaluation shall be completed only when indicated.

(iii) A physician member of the clinical staff shall be responsible for the care of any medical condition present during residential treatment.

(iv) Orders for medical treatment shall be signed by a physician.

(v) There shall be a physician on call at all times to advise regarding emergency medical problems. Provisions shall be made for emergency medical services when needed.

(vi) A psychiatric evaluation shall be completed and documented by a psychiatrist within thirty days prior or fourteen days following admission.

(b) Nursing service. There shall be a registered nurse, with training and experience in working with psychiatrically impaired adults, on staff as a full-time or part-time employee, or under contract. The nurse shall be responsible for all nursing functions.

(c) Social work services. There shall be a social worker with experience in working with psychiatrically impaired adults on staff as a full-time or part-time employee, or under contract, and the social worker shall be responsible for social work functions and the integration of the functions within the individualized treatment plan.

(d) Rehabilitation services under long-term care.

(i) There shall be an educational/vocational assessment of each client with appropriate educational/vocational programs developed and implemented or arranged on the basis of the assessment.

(ii) Services in the skills of daily living shall be provided by qualified persons as necessary to meet the needs of the clients.

(iii) Psychologists, occupational therapists, recreational therapists, and paraprofessionals with experience in working with psychiatrically impaired adults shall be available as necessary to develop and implement the individualized treatment plan.

(e) Food and dietary services.

(i) Food and dietary services shall be managed by a person knowledgeable in food service.

(ii) Dietary service shall incorporate the services of a dietitian in order to meet the individual nutritional needs of clients.

(iii) All menus shall be written at least one week in advance, approved by a dietitian, and retained for six months.

(iv) There shall be a client-specific physician order for therapeutic diets served to clients. Therapeutic diets shall be prepared and served as prescribed.

(v) Meals and nourishment shall provide a well-balanced diet of good quality food in sufficient quantity and variety to meet the nutritional needs of clients. Unless contraindicated, the recommended dietary allowances of the food and nutrition board of the national research council adjusted for age, sex, and activity shall be used.

(vi) Food service sanitation shall be governed by chapter 248-84 WAC, "food service sanitation".

(5) Other client safety and care requirements.

(a) Disciplinary policies and practices shall be stated in writing.

(i) Discipline shall be fair, reasonable, consistent, and related to the behavior of the clients. Discipline, when needed, shall be consistent with the individualized treatment plan.

(ii) Abusive, cruel, hazardous, frightening, or humiliating disciplinary practices shall not be used. Seclusion and restraint shall not be used as punitive measures. Corporal punishment shall not be used.

(iii) Disciplinary measures shall be documented in the clinical record.

(b) Assault, abuse, and neglect. Clients shall be protected from assault, abuse, and neglect. Suspected or alleged incidents of nonaccidental injury, sexual abuse, assault, cruelty, or neglect shall be reported to the department.

(c) Allowances, earnings, and expenditures shall be accounted for by the facility. When a client is discharged, he or she may be permitted to take the balance of his or her money, or be fully informed about the transfer of his or her money to another facility or other transfer as permitted by state or federal law. The client shall be informed of any responsibility for the cost of care and treatment under the law or regulations.

(d) Clients shall not be used to carry the responsibility for basic housekeeping and maintenance of the facility and equipment. Assigned tasks may be performed insofar as the tasks are appropriate and are part of the individualized treatment plan. Work assignments shall be adequately supervised and documented as part of the treatment program. Work assignment shall be appropriate to the age, physical, and mental condition of the client.

(e) Written policy statements and procedures shall describe client rights as specified in WAC 275-55-211 and 275-55-241.

(f) Current written policy and orders shall be signed by a physician to guide the action of facility personnel when medical emergencies or a threat to life arise and the physician is not present.

(i) Medical policies shall be reviewed as needed and at least one time each two years and approved in writing by representatives of the medical, nursing, and administrative staff.

(ii) There shall be a current transfer agreement with an acute care general hospital. Medical and related data shall be transmitted with the client in the event of a transfer.

(g) Written policies and procedures shall address notification of legal guardian or next-of-kin in the event of a serious change in the client's condition, transfer of client to another facility, elopement, death, or when unusual circumstances warrant.

(h) Written policies and procedures addressing safety precautions shall include:

(i) Smoking by personnel, clients, visitors, and others within the facility.

(ii) Provision for immediate emergency access to sleeping rooms, toilets, showers, bathrooms, or any other rooms occupied by clients.

(iii) Use and monitoring of seclusion rooms and restraints in accordance with WAC 275-55-263(2)(c).

(iv) Availability of access to emergency supplies and equipment to include airways, and other equipment as identified in the emergency medical policies.

(v) Summoning of internal or external resource agencies or persons (e.g., poison center, fire department, police).

(vi) Systems for routine preventive maintenance with documentation of the plan and dates of inspection.

(vii) Fire and disaster plans including a documentation process and evidence of rehearsal on a regular basis.

(viii) Immediate actions or behaviors of facility staff when client behavior indicates the client is assaultive, out-of-control or self-destructive. There shall be documentation that rehearsals of staff occur on a regular basis.

(i) There shall be written policies and procedures governing actions to be taken following any accident or incident considered harmful or injurious to the client which shall include documentation in the clinical record.

(j) Policies concerning transportation of clients shall include consideration of the following:

(i) When transportation is provided for clients in a vehicle owned by the facility, the vehicle shall be in safe operating condition as evidenced by preventive maintenance records.

(ii) Authorization of all drivers of vehicles transporting clients by the administration of the facility. Drivers shall possess a current driver's license.

(iii) Observation of maximum safe vehicle driving capacity. Seat belts or other safety devices shall be provided for and used by each passenger.

(iv) Conditions allowing clients to be transported in nonfacility-owned vehicles.

NEW SECTION

WAC 248-25-040 PHARMACEUTICAL SERVICES. (1) The facility shall have an agreement with a pharmacist to advise the facility on matters relating to the practice of pharmacy, drug utilization, control, accountability, and to provide services as follows:

(2) Written policies and procedures shall be approved by a physician and pharmacist addressing the procuring, prescribing, administering, dispensing, storage, transcription of orders, use of standing orders, disposal of drugs, self-administration of medication, control or disposal of drugs brought into the facility by clients, and recording of drug administration in the clinical record.

(a) Written orders shall be signed by a physician or other legally authorized practitioner acting within the scope of his or her license for all medications administered to clients. An organized system shall be instituted to ensure accuracy in receiving, transcribing, and implementing orders for administration of medications.

(b) Drugs shall be dispensed by persons licensed to dispense drugs. Drugs shall be administered by persons licensed to administer drugs.

(c) Drugs brought into the facility for client use while in the facility shall be specifically ordered by a physician. The facility is responsible for the control and appropriate use of all drugs administered or self-administered within the facility.

(d) Provision shall be made for procurement, labeling and storage of medications, drugs, and chemicals.

(i) Drugs ordered or prescribed for a specific client shall be procured by individual prescription.

(ii) The services of the pharmacist and the pharmacy shall be such that medications, supplies, and individual prescriptions are provided without undue delay.

(iii) Medication containers within the facility shall be clearly and legibly labeled with the medication name (generic and/or trade), strength, and expiration date (if available).

(iv) Medications, poisons, and chemicals kept anywhere in the facility shall be plainly labeled and stored in a specifically designated, secure, well-illuminated cabinet, closet or store room, and made accessible only to authorized persons. External medications shall be separated from internal medications.

(v) Poisonous external chemicals, caustic materials, and drugs shall show appropriate warning or poison labels and shall be stored separately from all other drugs.

(3) The facility shall have a current drug reference readily available for use by clinical staff and treatment team members.

NEW SECTION

WAC 248-25-050 INFECTION CONTROL. (1) There shall be written policies and procedures addressing infection control and isolation of clients (should isolation be necessary and medically appropriate for an infectious condition).

(2) Communicable disease shall be reported in accordance with WAC 248-100-075 and WAC 248-100-080 as now or hereafter amended.

(3) There shall be a current system for reporting, investigating, and reviewing infections among clients and personnel, and for maintenance of records on such infections.

(4) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When the skin test is negative (less than ten millimeters in duration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exceptions and specific requirements are as follows:

(a) Persons with positive skin tests (as defined in subsection 4 of this section) shall have an annual screening in the form of a chest x-ray.

(b) Persons with positive skin tests whose chest x-ray has shown no sign of active disease at least three years after the first documented positive skin test shall be exempt from further annual testing.

(c) Persons with positive skin tests having completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing and chest x-rays.

(d) A record of test results, x-rays or exemptions to such shall be kept by the facility.

(5) Employees with communicable diseases in an infectious stage shall not be on duty.

NEW SECTION

WAC 248-25-060 CLINICAL RECORDS. (1) The residential treatment facility shall have a well-defined clinical record system, adequate and experienced staff, adequate facilities, equipment and supplies necessary to the development, maintenance, security, control, retrieval, analysis, use, and preservation of client care data. There shall be a person responsible for the clinical record system who has demonstrated competency and experience or training in clinical record administration.

(2) The client records and record system shall be documented and maintained in accordance with recognized principles of clinical record management.

(3) The residential treatment facility shall have current policies and procedures related to the clinical record system including the following:

(a) The establishment of the format and documentation expectations of the clinical record for each client.

(b) Access to and release of data in clinical records. Policies shall address confidentiality of information contained in records and release of information in accordance with RCW 71.05.390.

(4) An adequate clinical record shall be maintained for each client and be readily accessible to members of the treatment team. Each entry in the clinical record shall be legible, dated, and authenticated.

(5) A systematic method for identifying the clinical record of each client shall be maintained.

(6) Entries in the clinical record shall be made on all diagnostic and treatment procedures and other clinical events. Entries shall be in ink, typewritten, or on a computer terminal, or equivalent.

(7) Diagnosis, abbreviations, and terminology shall be consistent with the most recent edition of the "american psychiatric association diagnostic and statistical manual of mental disorders" and "international classification of diseases."

(8) Clinical records shall include identifying information, assessments by the multidisciplinary team, regular progress notes by members of the multidisciplinary team, individualized treatment plans, and a discharge summary.

(9) There shall be a master client index.

(10) Procedures related to retention, preservation, and final disposal of clinical records and other client care data shall include the following:

(a) Each client's clinical record shall be retained and preserved for a period of no less than five years, or for five years following the client's most recent discharge, whichever is the longer period of time.

(b) A complete discharge summary, by a member of the clinical staff, and reports of tests related to the psychiatric condition of each client shall be retained and preserved for a period of no less than ten years or for a period of no less than ten years following the client's most recent discharge, whichever is the longer period of time.

(c) Final disposal of any client clinical record(s), indices or other reports permitting identification of the individual shall be accomplished so that retrieval and subsequent use of data contained therein are impossible.

(d) In the event of transfer of ownership of the residential treatment facility, client clinical records, indices and reports shall remain in the facility and shall be retained and preserved by the new operator of the facility in accordance with subsections (10)(a), (b), (c), (d), and (e) of this section.

(e) If the residential treatment facility ceases operation, the facility shall make arrangements for preservation of the clinical records, reports, indices, and client data in accordance with subsections 10(a), (b), and (c) of this section. The plans for such arrangements shall have been approved by the department prior to cessation of operation.

NEW SECTION

WAC 248-25-070 PHYSICAL ENVIRONMENT. (1) The residential treatment facility shall provide a safe, clean environment for clients, staff, and visitors.

(2) At least the ground floor shall be accessible to the physically handicapped. Program activity areas and sleeping quarters for any physically handicapped clients shall be on floors meeting applicable standards.

(3) Clients' sleeping rooms.

(a) Each sleeping room shall be directly accessible from a corridor or common-use activity room or an area for clients.

(b) Sleeping rooms shall be outside rooms with a clear glass window area of approximately one-eighth of the usable floor area. Windows above the ground floor level shall be appropriately screened or of a security type.

(c) No room more than three feet, six inches below grade shall be used for the housing of clients. There shall be a minimum of ninety square feet of useable floor space in a single bedroom and multiclient rooms shall provide no less than eighty square feet of floor area per bed. The maximum capacity of a sleeping room shall be two clients. There shall not be less than seven and one-half feet of ceiling height over the required floor area.

(d) Visual privacy from other clients shall be provided as needed. Visual privacy may be achieved through a program assuring privacy in toileting, bathing, showering, and dressing.

(e) Each client shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within or convenient to his or her room. Provision for secure storage of client valuables in the room or elsewhere shall be provided.

(f) Each client shall have access to his or her room except when contraindicated by determination of staff.

(g) Each client shall be provided a bed at least thirty-six inches wide or appropriate to the special needs and size of the client, with a cleanable, firm mattress, and a cleanable or disposable pillow.

(h) Sufficient room furnishings shall be provided and maintained in a clean and safe condition.

(i) Client beds shall be spaced so the beds do not interfere with the entrance, exit, or traffic flow within the client's room. Client rooms shall be of a dimension and conformation allowing not less than three feet between beds.

(4) Each client occupied floor of the facility shall provide one toilet and sink for each five clients or any fraction thereof. There shall be one bathing facility for each five clients or fraction thereof. If there are more than five clients, separate toilet and bathing facilities for each sex are required. Privacy shall be assured.

(5) Adequate lighting shall be provided in all areas of the residential treatment facility.

(a) An adequate number of electrical outlets shall be provided to permit use of electrical fixtures appropriate to the needs of the program.

(b) General lighting shall be provided for sleeping rooms. There shall be an electrical wall switch located at the door of each sleeping room to control one built-in light fixture within the room.

(c) Emergency lighting equipment such as flashlights or battery-operated lamps shall be available and maintained in operating condition.

(6) Ventilation.

(a) Ventilation of all rooms used by clients or personnel shall be sufficient to remove objectionable odors, excessive heat or condensation.

(b) Inside rooms, including toilets, bathrooms, and other rooms where excessive moisture, odors, or contaminants originate, shall be appropriately vented.

(7) There shall be an adequate supply of hot and cold running water under pressure which conforms with standards of the state board of health, chapter 248-54 WAC.

(a) The hot water temperature at bathing fixtures used by the clients shall be automatically regulated and shall not exceed one hundred twenty degrees Fahrenheit.

(b) There shall be hot water at a temperature of one hundred forty degrees Fahrenheit available for laundry equipment and dishwashing.

(c) There shall be devices to prevent back-flow into the water supply system from fixtures where extension hoses or other cross connections may be used.

(8) Linen and laundry.

(a) An adequate storage area and supply of clean linen, washcloths, and towels shall be available for client use.

(b) At least one laundry room with washer and dryer located in an area separated from the kitchen and dining area shall be available.

(c) Soiled laundry or linen storage and sorting areas shall be in a well-ventilated area physically separated from the clean linen handling area, the kitchen, and the eating areas.

(9) Within the facility, at least one private area shall be provided for visitation of clients and guests.

(10) An adequate number of rooms shall be available for group and individual therapy.

(a) The rooms shall be enclosed and reasonably sound-proofed as necessary to maintain confidentiality.

(b) If seclusion or maximum security rooms are required by a program, at least one seclusion room intended for short-term occupancy, with direct supervision by staff, shall be available or immediately accessible in a hospital or other facility.

(i) Seclusion rooms and furnishing shall be designed to provide maximum security and safety for clients.

(ii) Seclusion rooms shall have provisions for natural or artificial light and may be inside or outside rooms.

(iii) There shall be window lights in doors or other provisions for direct visibility of a client at all times during occupancy.

(iv) Seclusion rooms shall provide fifty square feet of floor space, exclusive of fixed equipment, with a minimum dimension of six feet.

(11) When physical examinations of clients are done on a routine basis within the facility, an examination room should be available, providing privacy and adequate light. A handwashing facility with soap dispenser shall be available.

(12) When medical and nursing supplies and equipment are washed, disinfected, stored or handled within the facility, utility and storage areas shall be designed and equipped for these functions providing for segregation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(13) Housekeeping facilities.

(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting.

(b) Sewage, garbage, refuse, and liquid wastes shall be collected and disposed of in a manner to prevent creation of an unsafe or unsanitary condition or nuisance.

(14) The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by clients during the coldest weather conditions ordinarily encountered in the geographical location of the residential treatment-rehabilitation facility.

(15) There shall be an area provided for secure storage of client records and for privacy of authorized personnel to read and document in the client records.

(16) There shall be a dining room(s) or area(s) large enough to provide table service for all clients. Appropriate furnishings shall be provided for dining.

(a) If a multipurpose room is used for dining and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without interference with one another.

(b) At least forty square feet per bed shall be provided for the total combined area utilized for dining, social, educational, recreational activities, and group therapies.

(17) There shall be at least one "nonpay" telephone readily accessible in the event of fire or other emergencies. There shall be a telephone readily available for use of clients (located so that privacy is possible).

(18) A safely maintained outdoor recreational area shall be available for use of clients.

WSR 82-06-017
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—February 19, 1982]

Please note that the Human Rights Commission has changed the venue for its March 1982 meeting. This meeting will not be held in Pasco as advised, but will

now be held in the Conference Room of our Seattle district office. The address is as follows:

Washington State Human Rights Commission 1
 1601 2nd Avenue Building
 4th Floor
 Seattle, WA 98101

The venue for the April 1982 meeting has also been changed and we will advise you of the new location as soon as arrangements have been confirmed. This meeting will be held somewhere in Olympia. All meetings begin at 9:30 a.m.

WSR 82-06-018
PROPOSED RULES
BOARD OF HEALTH
 [Filed February 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning residential treatment and rehabilitation facilities for psychiatrically impaired adults, new chapter 248-25 WAC;

that such agency will at 9:00 a.m., Wednesday, April 14, 1982, in the Community Room, Great Northwest Federal Savings and Loan Association, North 222 Wall Street, Spokane, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 14, 1982, in the Community Room, Great Northwest Federal Savings and Loan Association, North 222 Wall Street, Spokane, WA.

The authority under which these rules are proposed is chapter 71.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 14, 1982, and/or orally at 9:00 a.m., Wednesday, April 14, 1982, Community Room, Great Northwest Federal Savings and Loan Association, North 222 Wall Street, Spokane, WA.

Dated: February 23, 1982

By: John A. Beare, MD
 Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

New chapter 248-25 WAC, Residential treatment and rehabilitation facilities for psychiatrically impaired adults.

The purpose of these regulations is to provide standards for the establishment of residential facilities designed and operated to assist psychiatrically impaired adults to live as independently as possible and to provide for their essential care, treatment, and training in the skills of individual and community living. This shall be a level of care other than hospital inpatient care.

Statutory Authority: Chapter 71.12 RCW.

Chapter 248-25 WAC establishes regulatory requirements to be met for licensure as a residential treatment

facility for psychiatrically impaired adults in the state of Washington. The regulations address requirements for administration, staffing, medical and psychiatric care and treatment as well as standards for the construction and maintenance of the physical facility. Standards are focused to assure safety and appropriate care for clients.

Person Responsible for Implementing the New Rules is: Ken Lewis, Supervisor, Health Facilities Survey Unit, Licensing and Development Section, Office of State Health Planning and Development, Phone: 753-5848, Mailstop: LM-13.

This regulation is not necessary as a result of federal laws, federal court decisions or state court decisions.

Chapter 248-25 WAC

RESIDENTIAL TREATMENT AND REHABILITATION FACILITIES FOR PSYCHIATRICALY IMPAIRED ADULTS

NEW SECTION

WAC 248-25-001 TITLE. The purpose of these regulations is to provide standards for the establishment of residential facilities designed and operated to assist psychiatrically impaired adults to live as independently as possible and to provide essential care, treatment, and training in the skills of individual and community living. This shall be a level of care other than hospital inpatient care.

NEW SECTION

WAC 248-25-002 DEFINITIONS. (1) "Abuse" means injury, negligent or maltreatment of a client by a person legally responsible for the client's welfare under circumstances indicating the client's health, welfare, and safety is harmed thereby.

Person "legally responsible" shall include a guardian or a person to whom legal responsibility has been delegated (e.g., providers of residential care, day care, etc.).

(a) "Physical abuse" means damaging or potentially damaging, nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility, to act in the facility's behalf in the overall management of the residential treatment facility.

(3) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including minimally, first initial, last name, and title.

(4) "Client" means an individual living in an adult residential facility for the purpose of participating in treatment and rehabilitation for psychiatric impairment.

(5) "Clinical staff" means mental health professionals, paraprofessionals, and medical personnel appointed by the governing body of a residential treatment facility to provide direct client treatment, training, and rehabilitation services within the residential treatment facility, and includes full- and part-time staff and consultants.

(6) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact of a harmful or potentially harmful nature regardless of whether or not damage is actually inflicted.

(7) "Department" means the Washington state department of social and health services.

(8) "Dietitian" means a person eligible for membership in the American Dietetic Association (ADA).

(9) "Discipline" means actions taken by personnel and staff to encourage the establishment of habits of self-control or to regulate unacceptable client behavior. The individualized treatment plan shall define establishment of habits of self-control and unacceptable client behavior.

(10) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose

from the previously dispensed, properly labeled container (including the unit dose container), verifying the individual dose with the physician's orders, giving the individual dose to the proper client, and properly recording the time and the dose given.

(11) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a client or for a service unit of the facility.

(12) "Governing body" means the individual or group legally responsible for operation and maintenance of the residential treatment facility.

(13) "Independent living skill training" consists of:

(a) Social skill training: A service designed to aid clients in learning appropriate social behavior in situations of daily living (e.g., the use of appropriate behavior in families, work settings, the residential facility and other community settings).

(b) Self-care skills training: A service designed to aid clients in developing appropriate skills of grooming, self-care and other daily living skills such as eating, food preparation, shopping, handling money, the use of leisure time, and the use of other community and human services.

(14) "Individualized treatment plan" means a written statement of care to be provided to a client based upon assessment of his or her strengths, assets, interests, and problems. The statement shall include short- and long-term goals with an estimated time frame stipulated, identification of the process for attaining the goals, and a discharge plan. When possible, the statement shall be developed with participation of the client.

(15) "Mental health professional" means those individuals described in RCW 71.05.020 and WAC 275-55-020.

(16) "Multidisciplinary treatment rehabilitation team" means the availability of a group comprised, when indicated, of individuals from various clinical disciplines, to include medicine, psychiatry, psychology, social work, nursing, occupational and recreational therapies, dietary, pharmacy, speech, and hearing services. Members of the group shall assess, plan, implement, and evaluate treatment and rehabilitation for clients under care.

(17) "Neglect" means negligent treatment or maltreatment or an act of omission, which evinces a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a client's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for client level of functioning, inadequate food, clothing or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation or other acts of commission or omission, which may result in emotional or behavioral problems, or physical manifestations.

(18) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as a part of the residential treatment facility;

(b) Addition(s) to or conversions of the existing building(s) to be used as part of the residential treatment facility;

(c) Alteration(s) or modification(s) other than minor alteration(s) to a residential treatment facility or to a facility seeking licensure as a residential treatment facility;

(d) "Minor alteration(s)" means any structural or functional modification(s) within the existing residential treatment facility, without changing the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in chapter 248-16 WAC.

(19) "Occupational therapist" means a person eligible for certification as a registered occupational therapist by the American Occupational Therapy Association (AOTA).

(20) "Occupational therapy services" means activities directed toward provision of on-going evaluation and treatment and increasing the client's ability to perform tasks necessary for independent living, including daily living skills, sensory motor, cognitive, and psychosocial components.

(21) "Owner" means an individual, firm or joint stock association, or the legal successor thereof, operating residential treatment facilities for psychiatrically impaired adults, whether owning or leasing the premises.

(22) "Paraprofessional" means a person qualified, through experience or training, or a combination thereof, deemed competent while

under supervision of a mental health professional, to provide counseling, rehabilitation, training, and treatment services to psychiatrically impaired adults. Such a person shall have, at a minimum:

(a) One year of training in the field of social, behavioral, or health services, and one year of experience in an approved treatment program for the mentally ill; or

(b) Two years of training in the field of social, behavioral, or health sciences; or

(c) Three years of experience in an approved treatment program for the mentally ill.

(23) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(24) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, physicians, or chapter 18.57 RCW, osteopathy—osteopathic medicine and surgery.

(25) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his or her professional practice, as defined by Washington state statutes for legitimate medical purposes. (RCW 18.64.011)

(26) "Psychiatric impairment" means severe mental disorders as defined in the most recent edition of "american psychiatric association diagnostic and statistical manual" where one or more of the following symptomatic behaviors is exhibited:

(a) Bizarreness, severe self-destructiveness, schizophrenic ideation, or other signs or symptoms resulting from gross, on-going distortions in thought processes;

(b) Suicide attempts or other signs or symptoms associated with marked, severe, or chronic affective disorders;

(c) Chronic sexual maladjustment, or other grossly maladaptive behaviors, in accordance with subsection (26)(a) or (b) of this section.

(27) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is eligible for certification by the american board of psychiatry and neurology (ABPN).

(28) "Psychologist" means a person licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(29) "Recreational therapist" means a person with a bachelors degree with a major or option in therapeutic recreation or in recreation for ill and handicapped or a bachelors degree in a related field with equivalent professional experience.

(30) "Recreational therapy services" means activities directed toward providing assessment of a client's current level of functioning in social and leisure skills and implementation of treatment in areas of deficiency.

(31) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(32) "Rehabilitation services" means a combination of social, physical, psychological, vocational, and recreational services provided to strengthen and enhance the capability of psychiatrically impaired persons and to enable these persons to function with greater independence. The services include, but are not limited to, training in independent living skills.

(33) "Residential treatment—rehabilitation facility for psychiatrically impaired adults" means a residence, place, or facility designed and organized to provide twenty-four hour residential care, crisis and short-term care and/or long-term individualized, active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined in law or rule.

(34) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting free body movement.

(35) "Scheduled drugs" means drugs, substances, or immediate precursors listed in schedules I through V, article II, RCW 69.50.201, state uniform controlled substance act, as now or hereafter amended.

(36) "Security window" means a window designed to inhibit exit, entry, and injury to a client, incorporating approved, safe, transparent material.

(37) "Self-administration of medication" means the client administers or takes his or her own medication from a properly labeled container: PROVIDED, That the facility maintains the responsibility to assure medications are used correctly and the client is responding appropriately.

(38) "Shall" means compliance with regulation is mandatory.

(39) "Should" means compliance with a regulation or standard is suggested or recommended, but not required.

(40) "Social work services" means "professional social work services" including activities and/or services performed to assist individuals, families, groups, or communities, in improving the capacity for social functioning or in effecting changes in the client's behavior, emotional responses or social conditions.

(41) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education (CSWE).

NEW SECTION

WAC 248-25-010 LICENSURE. Adult residential treatment—rehabilitation facilities shall be licensed under chapter 71.12 RCW, private establishments. Chapter 248-25 WAC establishes minimum licensing standards for the safety, adequate care, and treatment of clients living in a residential treatment facility.

(1) Application for license.

(a) An application for a residential treatment facility license shall be submitted on forms furnished by the department. Applications shall be signed by the legal representative of the owner.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes effecting the current accuracy of such information as to the identity of each officer and director of the corporation, if the program is operated by legally incorporated entity, profit or nonprofit, and of each partner, if the program is a legal partnership.

(2) Disqualified applicants.

(a) Each and every individual named in an application for a residential facility license shall be considered separately and jointly as applicants, and if anyone is deemed disqualified or unqualified by the department in accordance with the law or these rules and regulations, a license may be denied, suspended or revoked. A license may be denied, suspended or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW, or with rules and regulations promulgated pursuant thereto, and in addition, for any of the following:

(i) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

(ii) Permitting, aiding, or abetting the commission of an illegal act on the premises of the residential treatment facility;

(iii) Cruelty, abuse, neglect or assault, or indifference to the welfare of any client;

(iv) Misappropriation of the property of the client;

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual client, the department, or the business community.

(b) Before granting a license to operate a residential treatment facility, the department shall consider the ability of each individual named in the application to operate the residential treatment facility in accordance with the law and with these regulations. Individuals previously denied a license to operate a health care facility in the state of Washington or elsewhere, or convicted civilly or criminally of operating such a facility without a license, or who have had their license to operate such a facility suspended or revoked, shall not be granted a license unless, to the satisfaction of the department, the individual affirmatively establishes clear, potent, and convincing evidence of the individual's ability to operate the residential treatment facility, for which the license is sought, in full conformance with all applicable laws, rules and regulations.

(3) Visitation and examination of the residential treatment facility by the department to ascertain compliance with chapter 248-25 WAC and chapter 71.12 RCW shall occur as necessary and at least one time each twelve months during the first two years of operation, and at least every twenty-four months thereafter.

(4) Denial, suspension, or revocation of license. Upon finding, as a result of an inspection, the facility has failed or refused to comply with the requirements of chapter 71.12 RCW and these rules and regulations, the department may, if the interests of the clients so demand, issue a written notification letter to the applicant or licensee giving notice of intent to deny a license application or to suspend or revoke a license thirty days after the date of mailing. The letter shall be followed by a denial, suspension, or revocation letter provided the applicant or licensee does not within thirty days from the date of mailing of the department's notice of intent to reject, revoke or suspend the license, make written application to the department for a hearing. Upon receipt of such an application to the department, the department shall fix a time for such hearing and shall give the applicant or licensee a

notice of the time fixed for such hearing. Procedures governing hearings under these regulations shall be in accord with procedures set out in chapter 248-08 WAC, especially WAC 248-08-700 through WAC 248-08-740. All hearings conducted under these regulations shall be deemed to be contested cases within the meaning of chapter 34.04 RCW.

(5) Submission of plans. The following shall be submitted with an application for license: PROVIDED HOWEVER, That when any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes not on file need to be submitted.

(a) A plot plan showing street, driveways, water and sewage disposal systems, the location of buildings on the site, and grade elevations within ten feet of any building housing clients.

(b) Floor plans of each building housing clients shall provide the following information:

- (i) Identification of each client's sleeping room by use of a lettering or numbering system, or some equivalent mechanism of identification;
- (ii) The usable square feet of floor space in each room;
- (iii) The clear window glass area in each client's sleeping room;
- (iv) The height of the lowest portion of the ceiling in any client's sleeping room;
- (v) The floor elevations referenced to the grade level.

(6) Posting of license. A license for the residential treatment facility shall be posted in a conspicuous place on the premises.

(7) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used effecting the extent of facilities required by these regulations.

(ii) Duplicate sets of preliminary plans drawn to scale and including: A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, designating the functions of each room and showing all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to, and approved by, the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. The plans and specifications shall include:

- (i) Plot plans;
- (ii) Plans for each floor of the building(s) designating the function of each room and showing all fixed equipment and the planned location of beds and other furniture in clients' sleeping rooms;
- (iii) Interior and exterior elevations, building sections, and construction details;
- (iv) A schedule of floors, wall and ceiling finishes, and the type and size of doors and windows;
- (v) Plumbing, heating, ventilation, and electrical systems; and
- (vi) Specifications fully describing workmanship and finishes.

(c) Adequate provisions shall be made for safety and comfort of clients as construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. When indicated by the nature or extent for proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only changes approved by the department may be incorporated into a construction project. In all cases, modified plans or addenda on changes incorporated into the construction project shall be submitted for the department's file on the project even though the modified plans or addenda were not required to be submitted prior to approval.

(8) Exemptions. The state board of health may, in the state board of health's discretion, exempt a residential treatment facility from complying with parts of the rules pursuant to the procedures set forth in WAC 248-08-595.

(9) Compliance with other regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provisions of RCW 71.12.485 which are found in title 212 WAC apply.

(b) If there is no local plumbing code, the uniform plumbing code of the international association of plumbing and mechanical officials shall be followed.

(c) Compliance with these regulations does not exempt a residential treatment facility from compliance with local and state electrical codes or local zoning, building and plumbing codes.

(10) Transfer of ownership. The ownership of a residential treatment facility shall not be transferred until the transferee has been notified by the department the application for a license has been approved. Change in administrator shall be reported to the department.

NEW SECTION

WAC 248-25-020 ADMINISTRATION. (1) Governing body.

(a) The residential treatment facility shall have a governing body to establish and adopt personnel policies; written policies for the admission, care, safety, and treatment of clients; rules and regulations for the responsible administrative and clinical staffs.

(b) The governing body shall be responsible for the provision of personnel, facilities, equipment, supplies, and other services necessary to meet the needs of clients.

(c) The governing body shall appoint an administrator responsible for implementing the policies adopted by the governing body.

(d) The governing body shall establish and maintain a current, written organizational plan, including all positions and delineating responsibilities, authority, and relation of positions within the facility.

(2) Personnel.

(a) There shall be sufficient qualified personnel to provide the services needed by the clients, and to maintain the residential treatment facility.

(b) Job descriptions for each position classification shall be written and current.

(c) There shall be a personnel record system and a current personnel record for each employee including application for employment, verification of education or training when required, a record or verification of a valid, current license for any employee requiring licensure, and an annually documented performance evaluation.

(d) A planned, supervised, and documented orientation shall be provided for each new employee.

(e) There shall be on-going in-service education affording each employee the opportunity to maintain and update competencies needed to perform assigned duties and responsibilities. Cardiopulmonary resuscitation training and review shall be provided.

(f) Volunteer services and activities, when provided, shall be coordinated by a qualified member of the facility staff.

(i) There shall be appropriate documented orientation and training provided for each volunteer in accordance with the job to be performed.

(ii) There shall be supervision and a periodic written performance evaluation of volunteers having contact with clients by qualified staff.

(3) Research and human subject review committee. When research is proposed or conducted directly involving clients, there shall be a documented multidisciplinary initial and continuing review process. The purpose of the review shall be to protect rights of the clients with acceptance or rejection or continuing review for the duration of the study.

NEW SECTION

WAC 248-25-030 CLIENT CARE SERVICES. (1) The residential treatment facility shall have written policies regarding admission criteria and treatment methods. The admission of clients shall be in keeping with stated policies and shall be limited to clients for whom the facility is qualified by staff, services, and equipment to give adequate care.

(2) Acceptance of a client for admission and treatment shall be based upon an assessment and intake procedure that determines the following:

(a) A client requires treatment appropriate to the intensity and restrictions of care provided by the program; and/or

(b) The treatment required can be appropriately provided by the program(s) or program component(s).

(3) Treatment and discharge planning.

(a) A treatment plan shall be initiated for each client upon admission.

(b) The multidisciplinary treatment team shall develop an individualized treatment plan for each client within fourteen days of admission to the facility.

(i) The plan shall be developed following a complete client assessment including, but not be limited to, assessment of physical, psychological, developmental, family, educational, social, cultural, environmental, recreational, and vocational needs of the clients.

(ii) The individualized treatment plan shall be written and interpreted to client care personnel. When possible, the client will participate in development of the plan.

(iii) There shall be implementation of the individualized treatment-rehabilitation plan by the multidisciplinary team with written review and evaluation at least once each thirty days. Modifications in the treatment plan shall be made as necessary. Implementation and review shall be evidenced in the clinical record.

(iv) The plan shall include a written discharge plan developed and implemented by the multidisciplinary team.

(v) The plan shall be included in the clinical record.

(4) A written plan shall be developed describing the organization of clinical services. The plan shall address the following:

(a) Medical services.

(i) A comprehensive health assessment and medical history shall be completed and recorded by a physician within five working days after admission unless a comprehensive health assessment performed within the previous thirty days is available upon admission.

(ii) A complete neurological evaluation shall be completed only when indicated.

(iii) A physician member of the clinical staff shall be responsible for the care of any medical condition present during residential treatment.

(iv) Orders for medical treatment shall be signed by a physician.

(v) There shall be a physician on call at all times to advise regarding emergency medical problems. Provisions shall be made for emergency medical services when needed.

(vi) A psychiatric evaluation shall be completed and documented by a psychiatrist within thirty days prior or fourteen days following admission.

(b) Nursing service. There shall be a registered nurse, with training and experience in working with psychiatrically impaired adults, on staff as a full-time or part-time employee, or under contract. The nurse shall be responsible for all nursing functions.

(c) Social work services. There shall be a social worker with experience in working with psychiatrically impaired adults on staff as a full-time or part-time employee, or under contract, and the social worker shall be responsible for social work functions and the integration of the functions within the individualized treatment plan.

(d) Rehabilitation services under long-term care.

(i) There shall be an educational/vocational assessment of each client with appropriate educational/vocational programs developed and implemented or arranged on the basis of the assessment.

(ii) Services in the skills of daily living shall be provided by qualified persons as necessary to meet the needs of the clients.

(iii) Psychologists, occupational therapists, recreational therapists, and paraprofessionals with experience in working with psychiatrically impaired adults shall be available as necessary to develop and implement the individualized treatment plan.

(e) Food and dietary services.

(i) Food and dietary services shall be managed by a person knowledgeable in food service.

(ii) Dietary service shall incorporate the services of a dietitian in order to meet the individual nutritional needs of clients.

(iii) All menus shall be written at least one week in advance, approved by a dietitian, and retained for six months.

(iv) There shall be a client-specific physician order for therapeutic diets served to clients. Therapeutic diets shall be prepared and served as prescribed.

(v) Meals and nourishment shall provide a well-balanced diet of good quality food in sufficient quantity and variety to meet the nutritional needs of clients. Unless contraindicated, the recommended dietary allowances of the food and nutrition board of the national research council adjusted for age, sex, and activity shall be used.

(vi) Food service sanitation shall be governed by chapter 248-84 WAC, "food service sanitation".

(5) Other client safety and care requirements.

(a) Disciplinary policies and practices shall be stated in writing.

(i) Discipline shall be fair, reasonable, consistent, and related to the behavior of the clients. Discipline, when needed, shall be consistent with the individualized treatment plan.

(ii) Abusive, cruel, hazardous, frightening, or humiliating disciplinary practices shall not be used. Seclusion and restraint shall not be used as punitive measures. Corporal punishment shall not be used.

(iii) Disciplinary measures shall be documented in the clinical record.

(b) Assault, abuse, and neglect. Clients shall be protected from assault, abuse, and neglect. Suspected or alleged incidents of nonaccidental injury, sexual abuse, assault, cruelty, or neglect shall be reported to the department.

(c) Allowances, earnings, and expenditures shall be accounted for by the facility. When a client is discharged, he or she may be permitted to take the balance of his or her money, or be fully informed about the transfer of his or her money to another facility or other transfer as permitted by state or federal law. The client shall be informed of any responsibility for the cost of care and treatment under the law or regulations.

(d) Clients shall not be used to carry the responsibility for basic housekeeping and maintenance of the facility and equipment. Assigned tasks may be performed insofar as the tasks are appropriate and are part of the individualized treatment plan. Work assignments shall be adequately supervised and documented as part of the treatment program. Work assignment shall be appropriate to the age, physical, and mental condition of the client.

(e) Written policy statements and procedures shall describe client rights as specified in WAC 275-55-211 and 275-55-241.

(f) Current written policy and orders shall be signed by a physician to guide the action of facility personnel when medical emergencies or a threat to life arise and the physician is not present.

(i) Medical policies shall be reviewed as needed and at least one time each two years and approved in writing by representatives of the medical, nursing, and administrative staff.

(ii) There shall be a current transfer agreement with an acute care general hospital. Medical and related data shall be transmitted with the client in the event of a transfer.

(g) Written policies and procedures shall address notification of legal guardian or next-of-kin in the event of a serious change in the client's condition, transfer of client to another facility, elopement, death, or when unusual circumstances warrant.

(h) Written policies and procedures addressing safety precautions shall include:

(i) Smoking by personnel, clients, visitors, and others within the facility.

(ii) Provision for immediate emergency access to sleeping rooms, toilets, showers, bathrooms, or any other rooms occupied by clients.

(iii) Use and monitoring of seclusion rooms and restraints in accordance with WAC 275-55-263(2)(c).

(iv) Availability of access to emergency supplies and equipment to include airways, and other equipment as identified in the emergency medical policies.

(v) Summoning of internal or external resource agencies or persons (e.g., poison center, fire department, police).

(vi) Systems for routine preventive maintenance with documentation of the plan and dates of inspection.

(vii) Fire and disaster plans including a documentation process and evidence of rehearsal on a regular basis.

(viii) Immediate actions or behaviors of facility staff when client behavior indicates the client is assaultive, out-of-control or self-destructive. There shall be documentation that rehearsals of staff occur on a regular basis.

(i) There shall be written policies and procedures governing actions to be taken following any accident or incident considered harmful or injurious to the client which shall include documentation in the clinical record.

(j) Policies concerning transportation of clients shall include consideration of the following:

(i) When transportation is provided for clients in a vehicle owned by the facility, the vehicle shall be in safe operating condition as evidenced by preventive maintenance records.

(ii) Authorization of all drivers of vehicles transporting clients by the administration of the facility. Drivers shall possess a current driver's license.

(iii) Observation of maximum safe vehicle driving capacity. Seat belts or other safety devices shall be provided for and used by each passenger.

(iv) Conditions allowing clients to be transported in nonfacility-owned vehicles.

NEW SECTION

WAC 248-25-040 PHARMACEUTICAL SERVICES. (1) The facility shall have an agreement with a pharmacist to advise the facility on matters relating to the practice of pharmacy, drug utilization, control, accountability, and to provide services as follows:

(2) Written policies and procedures shall be approved by a physician and pharmacist addressing the procuring, prescribing, administering, dispensing, storage, transcription of orders, use of standing orders, disposal of drugs, self-administration of medication, control or disposal of drugs brought into the facility by clients, and recording of drug administration in the clinical record.

(a) Written orders shall be signed by a physician or other legally authorized practitioner acting within the scope of his or her license for all medications administered to clients. An organized system shall be instituted to ensure accuracy in receiving, transcribing, and implementing orders for administration of medications.

(b) Drugs shall be dispensed by persons licensed to dispense drugs. Drugs shall be administered by persons licensed to administer drugs.

(c) Drugs brought into the facility for client use while in the facility shall be specifically ordered by a physician. The facility is responsible for the control and appropriate use of all drugs administered or self-administered within the facility.

(d) Provision shall be made for procurement, labeling and storage of medications, drugs, and chemicals.

(i) Drugs ordered or prescribed for a specific client shall be procured by individual prescription.

(ii) The services of the pharmacist and the pharmacy shall be such that medications, supplies, and individual prescriptions are provided without undue delay.

(iii) Medication containers within the facility shall be clearly and legibly labeled with the medication name (generic and/or trade), strength, and expiration date (if available).

(iv) Medications, poisons, and chemicals kept anywhere in the facility shall be plainly labeled and stored in a specifically designated, secure, well-illuminated cabinet, closet or store room, and made accessible only to authorized persons. External medications shall be separated from internal medications.

(v) Poisonous external chemicals, caustic materials, and drugs shall show appropriate warning or poison labels and shall be stored separately from all other drugs.

(3) The facility shall have a current drug reference readily available for use by clinical staff and treatment team members.

NEW SECTION

WAC 248-25-050 INFECTION CONTROL. (1) There shall be written policies and procedures addressing infection control and isolation of clients (should isolation be necessary and medically appropriate for an infectious condition).

(2) Communicable disease shall be reported in accordance with WAC 248-100-075 and WAC 248-100-080 as now or hereafter amended.

(3) There shall be a current system for reporting, investigating, and reviewing infections among clients and personnel, and for maintenance of records on such infections.

(4) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When the skin test is negative (less than ten millimeters in duration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exceptions and specific requirements are as follows:

(a) Persons with positive skin tests (as defined in subsection 4 of this section) shall have an annual screening in the form of a chest x-ray.

(b) Persons with positive skin tests whose chest x-ray has shown no sign of active disease at least three years after the first documented positive skin test shall be exempt from further annual testing.

(c) Persons with positive skin tests having completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing and chest x-rays.

(d) A record of test results, x-rays or exemptions to such shall be kept by the facility.

(5) Employees with communicable diseases in an infectious stage shall not be on duty.

NEW SECTION

WAC 248-25-060 CLINICAL RECORDS. (1) The residential treatment facility shall have a well-defined clinical record system, adequate and experienced staff, adequate facilities, equipment and supplies necessary to the development, maintenance, security, control, retrieval, analysis, use, and preservation of client care data. There shall be a person responsible for the clinical record system who has demonstrated competency and experience or training in clinical record administration.

(2) The client records and record system shall be documented and maintained in accordance with recognized principles of clinical record management.

(3) The residential treatment facility shall have current policies and procedures related to the clinical record system including the following:

(a) The establishment of the format and documentation expectations of the clinical record for each client.

(b) Access to and release of data in clinical records. Policies shall address confidentiality of information contained in records and release of information in accordance with RCW 71.05.390.

(4) An adequate clinical record shall be maintained for each client and be readily accessible to members of the treatment team. Each entry in the clinical record shall be legible, dated, and authenticated.

(5) A systematic method for identifying the clinical record of each client shall be maintained.

(6) Entries in the clinical record shall be made on all diagnostic and treatment procedures and other clinical events. Entries shall be in ink, typewritten, or on a computer terminal, or equivalent.

(7) Diagnosis, abbreviations, and terminology shall be consistent with the most recent edition of the "american psychiatric association diagnostic and statistical manual of mental disorders" and "international classification of diseases."

(8) Clinical records shall include identifying information, assessments by the multidisciplinary team, regular progress notes by members of the multidisciplinary team, individualized treatment plans, and a discharge summary.

(9) There shall be a master client index.

(10) Procedures related to retention, preservation, and final disposal of clinical records and other client care data shall include the following:

(a) Each client's clinical record shall be retained and preserved for a period of no less than five years, or for five years following the client's most recent discharge, whichever is the longer period of time.

(b) A complete discharge summary, by a member of the clinical staff, and reports of tests related to the psychiatric condition of each client shall be retained and preserved for a period of no less than ten years or for a period of no less than ten years following the client's most recent discharge, whichever is the longer period of time.

(c) Final disposal of any client clinical record(s), indices or other reports permitting identification of the individual shall be accomplished so that retrieval and subsequent use of data contained therein are impossible.

(d) In the event of transfer of ownership of the residential treatment facility, client clinical records, indices and reports shall remain in the facility and shall be retained and preserved by the new operator of the facility in accordance with subsections (10)(a), (b), (c), (d), and (e) of this section.

(e) If the residential treatment facility ceases operation, the facility shall make arrangements for preservation of the clinical records, reports, indices, and client data in accordance with subsections 10(a), (b), and (c) of this section. The plans for such arrangements shall have been approved by the department prior to cessation of operation.

NEW SECTION

WAC 248-25-070 PHYSICAL ENVIRONMENT. (1) The residential treatment facility shall provide a safe, clean environment for clients, staff, and visitors.

(2) At least the ground floor shall be accessible to the physically handicapped. Program activity areas and sleeping quarters for any physically handicapped clients shall be on floors meeting applicable standards.

(3) Clients' sleeping rooms.

(a) Each sleeping room shall be directly accessible from a corridor or common-use activity room or an area for clients.

(b) Sleeping rooms shall be outside rooms with a clear glass window area of approximately one-eighth of the usable floor area. Windows

above the ground floor level shall be appropriately screened or of a security type.

(c) No room more than three feet, six inches below grade shall be used for the housing of clients. There shall be a minimum of ninety square feet of useable floor space in a single bedroom and multiclient rooms shall provide no less than eighty square feet of floor area per bed. The maximum capacity of a sleeping room shall be two clients. There shall not be less than seven and one-half feet of ceiling height over the required floor area.

(d) Visual privacy from other clients shall be provided as needed. Visual privacy may be achieved through a program assuring privacy in toileting, bathing, showering, and dressing.

(e) Each client shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within or convenient to his or her room. Provision for secure storage of client valuables in the room or elsewhere shall be provided.

(f) Each client shall have access to his or her room except when contraindicated by determination of staff.

(g) Each client shall be provided a bed at least thirty-six inches wide or appropriate to the special needs and size of the client, with a cleanable, firm mattress, and a cleanable or disposable pillow.

(h) Sufficient room furnishings shall be provided and maintained in a clean and safe condition.

(i) Client beds shall be spaced so the beds do not interfere with the entrance, exit, or traffic flow within the client's room. Client rooms shall be of a dimension and conformation allowing not less than three feet between beds.

(4) Each client occupied floor of the facility shall provide one toilet and sink for each five clients or any fraction thereof. There shall be one bathing facility for each five clients or fraction thereof. If there are more than five clients, separate toilet and bathing facilities for each sex are required. Privacy shall be assured.

(5) Adequate lighting shall be provided in all areas of the residential treatment facility.

(a) An adequate number of electrical outlets shall be provided to permit use of electrical fixtures appropriate to the needs of the program.

(b) General lighting shall be provided for sleeping rooms. There shall be an electrical wall switch located at the door of each sleeping room to control one built-in light fixture within the room.

(c) Emergency lighting equipment such as flashlights or battery-operated lamps shall be available and maintained in operating condition.

(6) Ventilation.

(a) Ventilation of all rooms used by clients or personnel shall be sufficient to remove objectionable odors, excessive heat or condensation.

(b) Inside rooms, including toilets, bathrooms, and other rooms where excessive moisture, odors, or contaminants originate, shall be appropriately vented.

(7) There shall be an adequate supply of hot and cold running water under pressure which conforms with standards of the state board of health, chapter 248-54 WAC.

(a) The hot water temperature at bathing fixtures used by the clients shall be automatically regulated and shall not exceed one hundred twenty degrees Fahrenheit.

(b) There shall be hot water at a temperature of one hundred forty degrees Fahrenheit available for laundry equipment and dishwashing.

(c) There shall be devices to prevent back-flow into the water supply system from fixtures where extension hoses or other cross connections may be used.

(8) Linen and laundry.

(a) An adequate storage area and supply of clean linen, washcloths, and towels shall be available for client use.

(b) At least one laundry room with washer and dryer located in an area separated from the kitchen and dining area shall be available.

(c) Soiled laundry or linen storage and sorting areas shall be in a well-ventilated area physically separated from the clean linen handling area, the kitchen, and the eating areas.

(9) Within the facility, at least one private area shall be provided for visitation of clients and guests.

(10) An adequate number of rooms shall be available for group and individual therapy.

(a) The rooms shall be enclosed and reasonably sound-proofed as necessary to maintain confidentiality.

(b) If seclusion or maximum security rooms are required by a program, at least one seclusion room intended for short-term occupancy,

with direct supervision by staff, shall be available or immediately accessible in a hospital or other facility.

(i) Seclusion rooms and furnishing shall be designed to provide maximum security and safety for clients.

(ii) Seclusion rooms shall have provisions for natural or artificial light and may be inside or outside rooms.

(iii) There shall be window lights in doors or other provisions for direct visibility of a client at all times during occupancy.

(iv) Seclusion rooms shall provide fifty square feet of floor space, exclusive of fixed equipment, with a minimum dimension of six feet.

(11) When physical examinations of clients are done on a routine basis within the facility, an examination room should be available, providing privacy and adequate light. A handwashing facility with soap dispenser shall be available.

(12) When medical and nursing supplies and equipment are washed, disinfected, stored or handled within the facility, utility and storage areas shall be designed and equipped for these functions providing for segregation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(13) Housekeeping facilities.

(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting.

(b) Sewage, garbage, refuse, and liquid wastes shall be collected and disposed of in a manner to prevent creation of an unsafe or unsanitary condition or nuisance.

(14) The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by clients during the coldest weather conditions ordinarily encountered in the geographical location of the residential treatment-rehabilitation facility.

(15) There shall be an area provided for secure storage of client records and for privacy of authorized personnel to read and document in the client records.

(16) There shall be a dining room(s) or area(s) large enough to provide table service for all clients. Appropriate furnishings shall be provided for dining.

(a) If a multipurpose room is used for dining and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without interference with one another.

(b) At least forty square feet per bed shall be provided for the total combined area utilized for dining, social, educational, recreational activities, and group therapies.

(17) There shall be at least one "nonpay" telephone readily accessible in the event of fire or other emergencies. There shall be a telephone readily available for use of clients (located so that privacy is possible).

(18) A safely maintained outdoor recreational area shall be available for use of clients.

WSR 82-06-019
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1769—Filed February 23, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-24 WAC AFDC—Eligibility.
Amd ch. 388-28 WAC AFDC and GAU—Eligibility—Need.
Amd ch. 388-33 WAC AFDC and GAU—Grant or vendor payment.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement the Federal Budget Act (PL 97-35).

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

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 18, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child:

(1) Who is under the age of eighteen years;

(a) Effective October 1, 1981, AFDC may be granted on behalf of an unborn child provided there is medical confirmation that the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner that confirms pregnancy and the expected date of birth;

(b) AFDC shall be continued through the month in which the child reaches the maximum age;

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC 388-26-050 through 388-26-105;

(3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent – see WAC 388-24-055 through 388-24-070;

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);

(5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;

(8) Who is in financial need – see chapters 388-28 and 388-33 WAC;

(9) Effective January 1, 1982, who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached: PROVIDED HOWEVER, That if such student does not successfully complete such program before the end of the month in which nineteen years of age is reached, the assistance rendered under this subsection during such period shall be a debt due the state;

(10) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children;

((+0)) (11) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS. (1) Eligibility for AFDC or refugee assistance does not exist when any caretaker relative with whom the child lives is, on the last day of the month, participating in a strike.

(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike.

(3) Eligibility for the eligible caretaker and siblings will be determined without regard to the needs of a child in the home who, on the last of the month, is participating in a strike.

(4) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES. (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) For general assistance used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to

be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) For general assistance personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) ~~((Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.~~

(d)) For all grant programs other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either produce income which reduces the applicant/recipient's need for public assistance, or aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

((~~τ~~)) (d) For general assistance, one cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

((~~f~~ ~~Effective June 12, 1980,~~)) (e) For general assistance, term and/or burial insurance for the use of the applicant or recipient.

(f) For AFDC and RA, household furnishings and personal clothing essential for daily living. Such items which are in storage shall be presumed to be not essential for daily living but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. ((Effective July 1, 1981,)) For general assistance, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(h) and (k) of this section shall not exceed \$1,500.00 for a single person, or \$2,250.00 for a family of two or more.

Effective July 1, 1981, for general assistance, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(h) and (k) of this section:

Family Size	
1	\$ 1,500
2 or more	2,250

(b) ~~((Effective October 1, 1981,))~~ For federally funded assistance the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and cash surrender value of life insurance shall not exceed one thousand dollars regardless of family size.

(c) Funds represented by values within the ceiling values are not used to determine financial need or to compute grants.

(d) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(e) All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(f) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

(g) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(h) ~~((Effective July 1, 1981,))~~ For general assistance, life insurance may have a cash surrender value not to exceed \$1,500.00 considered as an exempt resource.

(i) When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(j) **Assignment of policy.** An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

(k) **Used and useful vehicles.**

(i) ~~((Effective June 12, 1986;))~~ Used and useful vehicles with an equity value of \$1500 or less in general assistance are an exempt resource.

(ii) For AFDC and refugee assistance one used and useful vehicle with an equity value of \$1500 or less.

(iii) A motor home is a totally nonexempt resource for all grant programs and its value is not applied to the ceiling values in this section.

(iv) A motor home is a motor vehicle originally designed, reconstructed or permanently altered to provide facilities for human habitation.

(l) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

(m) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

(n) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(o) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

(p) The changes to resource limits for federally funded programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

(3) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The CSO shall determine the income available to the applicant.

(2) An applicant whose nonexempt income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

(3) **Treatment of income**

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurring income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the

month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the CSO by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment, unless the CSO can effect a change in the next month's grant.

(4) Irregular income up to five dollars per month received by a general assistance applicant or recipient may be disregarded towards meeting need by the CSO if the probability exists that such future income will not be appreciable.

(5) Earned income credit (EIC) payments shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222.

(a) Such payments shall be considered as an addition to gross income for AFDC and refugee assistance whether actually received or not, providing that the recipient is eligible for such payment.

(b) If the family makes every effort to apply for and receive the advance EIC but cannot receive it for some documented reason, e.g., the employer refuses to process it, it shall not be deemed as income.

(c) Advance EIC is taken into consideration in the computation of need but is not deemed as income in the one hundred fifty percent test of gross income.

(6) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(7) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

(8) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

(9) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered income which has come into the possession or control, in whole or part, of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsection (3), (4) and (5), such income shall be deducted from the cost of total requirements beginning with the effective date specified in WAC 388-28-484. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent.

(b) At least his equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection may retain such property without having the fact of possession or its sale value affect his eligibility or need.

(a) A home used as a residence—see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) ~~((Articles of sentimental value, tools, and 4-H Club or similar project earnings saved for future education costs as provided by WAC 388-24-430(1)).~~

~~(d)) An automobile within the ceiling values in WAC 388-28-430(2).~~

(4) Recipient with income. The rule in subsection (1) is modified for recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall be considered as the personal property of the family and shall be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN, MDTA and CETA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in subdivisions (a) and (b) in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is used to determine financial need and is taken into account when the periodic review of eligibility is made.

(e) Payment for funeral expenses for recipient – When a public assistance recipient dies, his (her) surviving spouse or children or parent of a minor child receiving public assistance, may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED, HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income which has been considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations – see WAC 388-28-430(2). The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he might place his whole grant in a bank account, along with his cash reserve, at the beginning of the month and then spend out of the account during the month.

(c) With respect to income other than savings from grant, see WAC 388-28-484(8).

(6) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) (a) Except as specified in WAC 388-28-482(3) newly acquired income reported by the twenty-first day of the month affects financial need as of the first of the month following the date of its acquisition.

(b) Income received during the month but not reported by the twenty-first day of the month will be taken into account in determining need for the second month following the month of receipt unless such income exceeds the standard for requirements. See WAC 388-33-135.

(2) When the value of the income is taken into account in the assistance payment as specified in subsection (1), the following rules apply:

(a) If the income value plus any other income amounts to less than the cost of one month's requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) Effective January 1, 1982, for AFDC and refugee assistance, when the assistance unit's ((nonrecurrent)) income after applicable disregards exceeds its basic requirements, plus authorized additional requirements, the unit shall be ineligible for assistance for the number of full months derived by dividing this total income by the basic requirements.

(i) Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(ii) No adjustment shall be made in the period of ineligibility because of changing or unexpected special needs of the assistance unit, or for other relevant changes in circumstances.

(c) If the nonrecurrent income equals or exceeds one month's requirements for general assistance, but is less than two months' requirements minus other income, the recipient is ineligible for a grant from the effective date specified in subsection (1) and his grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.

(d) If the income is recurrent and equal to or in excess of one month's current requirements minus other income the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated, except for person in institutions other than nursing homes as provided in WAC 388-34-160.

(e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' requirements minus other income, the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances which make it impossible for him to live on his resource for the two-month period of ineligibility. The eligibility of a former recipient who reapplies shall be determined on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established. The effective dates for treatment of income specified in subsection (1) shall be used in establishing the period during which the overpayment occurred.

(a) If the income is recurrent and less than one month's requirements minus other income, the overpayment shall be the amount of the nonexempt portion of the income;

(b) If the income is recurrent and equal to or in excess of one month's requirements minus other income, the overpayment shall be the total assistance received during the period in which the income should have been taken into consideration;

(c) If the income is nonrecurrent and less than two months' requirements minus other income, the overpayment shall be the amount of the nonexempt income;

(d) If the income is nonrecurrent and the nonexempt portion is in excess of two months' requirements minus other income, the overpayment shall be the total assistance paid for two months.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time, and his grant will be suspended or terminated for such period of time, due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

(7) An applicant or recipient whose nonexempt gross income exceeds one hundred fifty percent of the basic requirements for the appropriate household size plus additional requirements authorized for that assistance unit, is not eligible for AFDC or refugee assistance from the date specified in subsection (1). The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit residing in the same household, shall be considered in this test.

(a) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.

(b) If the assistance unit's gross income exceeds one hundred fifty percent of the basic requirements but the net income does not exceed one hundred percent of the basic requirements, the assistance unit shall be ineligible for one full month.

(c) Net income shall be defined as gross income less applicable disregards and deductions, for which the A/R is eligible.

(8) Nonexempt newly acquired income which has been taken into account in computing financial need according to subsection (2) if retained by a recipient does not affect his eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant are applied.

(9) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full or part time student, see WAC 388-28-535. For rules exempting income from training see WAC 388-28-515. For rules on other income see WAC 388-28-580.

(2) As used in this section "earned income" shall mean income in cash or kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or

derived from wages or salary received as an employee. It also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes incentive payments under MDTA, earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages paid under Title I of the Comprehensive Employment and Training Act (CETA), wages from public service employment under CETA, and wages from WIN on-the-job training.

(a) For public service employment under the Emergency Assistance Act and CETA the \$30 plus one-third earned income exemption is applicable.

(b) For public service employment under WIN the \$30 plus one-third earned income exemption does not apply. If net income after work expenses are deducted does not meet need according to department standards, a supplemental grant may be paid.

(4) The above definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.

(c) Income from WIN or CETA incentive payments, and training related expenses derived from WIN institutional or work experience training and from participation in CETA.

(5) (a) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to the period of payment.

(b) In general assistance, the exemption applies to the period during which it was earned rather than the period of payment.

(6) Aid to families with dependent children and refugee assistance.

(a) ~~((Recipient - The first \$30 plus one-third of the remainder of total gross monthly earned income shall be exempt in determining the continuing eligibility and the amount of assistance for which an AFDC recipient and his dependents are eligible.~~

(b)) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) ~~((The first \$75 for work expenses.))~~ The following amounts for work expenses depending upon the number of hours worked per month.

Hours per month worked	Work expense deduction
0 - 40	\$20.00
41 - 80	40.00
81 - 120	60.00
121 or more	75.00

(ii) The actual cost, not to exceed ~~(((\$160 per month,))~~ the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent.

Hours worked per month	Child care maximum deductions
0 - 40	\$ 40.00
41 - 80	80.00
81 - 120	120.00
121 or more	160.00

(iii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the prior four months, \$30 plus one-third of the remainder not already disregarded.

(iv) The \$30 and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she is a nonrecipient for twelve consecutive months.

Total gross monthly earned income for the purpose of this rule means the combined gross earned income of nonstudent dependent children and adults who are included in the AFDC assistance unit.

~~((c))~~ (b) The exemptions and deductions in subsection (6)~~((b))~~(a) will not be applied for any month if the individual within a period of 30 days preceding the month in which the income was received:

(i) Terminated his employment or reduced his earned income without good cause, or

(ii) Refused without good cause to accept employment in which he is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment~~((:)), or~~

(iii) Failed without good cause as determined by the CSO, to report earnings to the department on or before the twenty-first day of the month following the month in which the income was received. Under these circumstances the \$30 and one-third exemption shall be counted in the four-month limit.

~~((d))~~ (c) If a recipient requests termination in order to break the consecutiveness of the four-month limit for the \$30 plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the four-month limit.

(d) If a recipient quits work without good cause the thirty and one-third exemption shall be deemed to have been received and shall be counted toward the four-month limit.

(e) Months in which the A/R received the thirty and one-third exemption in another state shall apply towards the four-month limit unless there is a break in assistance which was not done voluntarily to break the continuity of the four-month limit.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him/her,

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute;

(f) Adequate child care is not available to the single parent AFDC household.

(8) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-055 PAYMENT OF GRANT—MINIMUM AMOUNT. Grants shall be in the exact amount determined as payable, except that no grant of less than ~~((+))~~ ten dollars ~~((in AFDC and refugee assistance))~~ shall be paid except for grants that would have exceeded ten dollars prior to the mandatory deduction for recoupment of an overpayment.

~~((2) One dollar in general assistance shall be paid.))~~

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS. (1) Change of category

The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application - (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

(3) Regular grant terminated in error

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other periodic review procedures as appropriate are used. However, if the termination in error extends for more than three months a new application rather than periodic review is required.

(4) Reinstatement of suspended grant

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than ten dollars ~~((for AFDC and refugee assistance or less than one dollar for general assistance))~~, shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

(5) Incapacity redetermined after termination of GAU. See WAC 388-37-040(3).

AMENDATORY SECTION (Amending Order 1058, filed 10/1/75)

WAC 388-33-135 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY. (1) A change in circumstances is any change which affects eligibility and/or continued payment of the grant previously authorized.

(2) When a change of circumstances renders the client ineligible, the effective date of ineligibility is the first of the month following the month in which the change occurred; except when ineligibility is a result of exceeding the one hundred fifty percent test of gross income or as a result of excess income which is being budgeted retrospectively. Under such conditions the effective date of ineligibility follows the rules in WAC 388-33-140 for effective date of increase or decrease in grant. This rule shall be applied to income received on or after February 1, 1982.

(3) When a change of circumstances results in an increase or reduction in the grant, WAC 388-33-140 is applicable.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-355 SUSPENSION OF GRANT.

(1) A suspension action is taken when

(a) ~~((The))~~ A general assistance recipient has income sufficient to meet his maintenance requirements for more than one but not to exceed two months, or

(b) The amount of the monthly grant following the budgeting of income or deduction to make restitution on an overpayment is less than ten dollars per month ~~((for AFDC and refugee assistance or less than one dollar for general assistance))~~, or

(c) The recipient has entered or is in an institution and his income is equal to or exceeds his grant requirements but is less than his grant requirements plus medical costs and/or nursing home or intermediate care, or

(d) An AFDC or RA recipient receives an extra paycheck because of an extra week in a month which makes them ineligible for one month.

(2) A suspended grant shall be reinstated when the conditions in subsection (1) cease to exist and the recipient is otherwise eligible.

(3) A suspended grant shall be terminated as provided in WAC 388-33-370.

(4) The rules in this section shall be effective February 1, 1982.

WSR 82-06-020
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order 82-1—Filed February 24, 1982]

I, Donald R. Burrows, acting director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to retail sales tax collection schedules, WAC 458-20-237.

This action is taken pursuant to Notice No. WSR 82-03-049 filed with the code reviser on January 20, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300 and 82.08.060.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 24, 1982.

By Don R. McCuiston, Director
 Interpretation and Appeals Division

AMENDATORY SECTION (Amending Order 80-5, filed 12/23/80)

WAC 458-20-237 ((~~RULE 237~~)) RETAIL SALES TAX COLLECTION SCHEDULES. ((By its terms the proviso of RCW 82.08.020 setting the state retail sales tax rate at 4.6% expired June 30, 1979; thereby reinstating the previous rate of 4.5% effective July 1, 1979.)) Under the provisions of Chapter 8, Laws of 1981, 2nd Special Session, the state retail sales tax was increased to 5.5% effective December 4, 1981. RCW 82.14.030 authorizes counties and cities to levy a local sales and use tax of .5%, such local tax to be collected along with the ((4.5))5.5% state tax, making a total combined tax of ((5))6% in areas imposing the local tax. By RCW 82.14.045 all cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2%, or .3%, and, in the case of a class AA county, .4%, .5%, or .6%, to finance public transportation systems, which tax is also to be collected along with the state tax, making a total combined tax of

((5.1%, 5.2%, 5.3%, 5.4%, 5.5%, or 5.6%)) 6.1%, 6.2%, 6.3%, 6.4%, 6.5%, or 6.6%.

Under the authority of RCW 82.08.060 and 82.14-.070, and in accordance with chapter 34.04 RCW, the department of revenue has adopted the following ((4.5%; 5%, 5.1%, 5.2%, 5.3%, 5.4%, 5.5%, and 5.6%)) 5.5%, 6.0%, 6.2%, 6.3%, 6.4%, and 6.6% schedules to govern the collection of retail sales tax on all retail sales.

((RETAIL SALES TAX COLLECTION SCHEDULE
July 1, 1979

4.5 Percent

		SALE	TAX
_____	.12	.33	.01
_____	.34	.55	.02
_____	.56	.77	.03
_____	.78	.99	.04
_____	1.00	1.22	.05
_____	1.23	1.44	.06
_____	1.45	1.66	.07
_____	1.67	1.88	.08
_____	1.89	2.11	.09
_____	2.12	2.33	.10
_____	2.34	2.55	.11
_____	2.56	2.77	.12
_____	2.78	2.99	.13
_____	3.00	3.22	.14
_____	3.23	3.44	.15
_____	3.45	3.66	.16
_____	3.67	3.88	.17
_____	3.89	4.11	.18
_____	4.12	4.33	.19
_____	4.34	4.55	.20
_____	4.56	4.77	.21
_____	4.78	4.99	.22
_____	5.00	5.22	.23
_____	5.23	5.44	.24
_____	5.45	5.66	.25
_____	5.67	5.88	.26
_____	5.89	6.11	.27
_____	6.12	6.33	.28
_____	6.34	6.55	.29
_____	6.56	6.77	.30
_____	6.78	6.99	.31
_____	7.00	7.22	.32
_____	7.23	7.44	.33
_____	7.45	7.66	.34
_____	7.67	7.88	.35
_____	7.89	8.11	.36
_____	8.12	8.33	.37
_____	8.34	8.55	.38
_____	8.56	8.77	.39
_____	8.78	8.99	.40
_____	9.00	9.22	.41
_____	9.23	9.44	.42
_____	9.45	9.66	.43
_____	9.67	9.88	.44
_____	9.89	10.11	.45))

((RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.0 Percent

SALE	TAX
.10	.29 .01
.30	.49 .02
.50	.69 .03
.70	.89 .04
.90	1.09 .05
1.10	1.29 .06
1.30	1.49 .07
1.50	1.69 .08
1.70	1.89 .09
1.90	2.09 .10
2.10	2.29 .11
2.30	2.49 .12
2.50	2.69 .13
2.70	2.89 .14
2.90	3.09 .15
3.10	3.29 .16
3.30	3.49 .17
3.50	3.69 .18
3.70	3.89 .19
3.90	4.09 .20
4.10	4.29 .21
4.30	4.49 .22
4.50	4.69 .23
4.70	4.89 .24
4.90	5.09 .25
5.10	5.29 .26
5.30	5.49 .27
5.50	5.69 .28
5.70	5.89 .29
5.90	6.09 .30
6.10	6.29 .31
6.30	6.49 .32
6.50	6.69 .33
6.70	6.89 .34
6.90	7.09 .35
7.10	7.29 .36
7.30	7.49 .37
7.50	7.69 .38
7.70	7.89 .39
7.90	8.09 .40
8.10	8.29 .41
8.30	8.49 .42
8.50	8.69 .43
8.70	8.89 .44
8.90	9.09 .45
9.10	9.29 .46
9.30	9.49 .47
9.50	9.69 .48
9.70	9.89 .49
9.90	10.09 .50))

((RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.1 Percent

SALE	TAX
.10	.29 .01
.30	.49 .02
.50	.68 .03
.69	.88 .04
.89	1.07 .05
1.08	1.27 .06
1.28	1.47 .07
1.48	1.66 .08
1.67	1.86 .09
1.87	2.05 .10
2.06	2.25 .11
2.26	2.45 .12
2.46	2.64 .13
2.65	2.84 .14
2.85	3.03 .15
3.04	3.23 .16
3.24	3.43 .17
3.44	3.62 .18
3.63	3.82 .19
3.83	4.01 .20
4.02	4.21 .21
4.22	4.41 .22
4.42	4.60 .23
4.61	4.80 .24
4.81	4.99 .25
5.00	5.19 .26
5.20	5.39 .27
5.40	5.58 .28
5.59	5.78 .29
5.79	5.98 .30
5.99	6.17 .31
6.18	6.37 .32
6.38	6.56 .33
6.57	6.76 .34
6.77	6.96 .35
6.97	7.15 .36
7.16	7.35 .37
7.36	7.54 .38
7.55	7.74 .39
7.75	7.94 .40
7.95	8.13 .41
8.14	8.33 .42
8.34	8.52 .43
8.53	8.72 .44
8.73	8.92 .45
8.93	9.11 .46
9.12	9.31 .47
9.32	9.50 .48
9.51	9.70 .49
9.71	9.90 .50
9.91	10.09 .51))

((RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.2 Percent

SALE	TAX
.10	.01
.29	.02
.49	.03
.68	.04
.87	.05
1.06	.06
1.25	.07
1.45	.08
1.64	.09
1.83	.10
2.02	.11
2.22	.12
2.41	.13
2.60	.14
2.79	.15
2.99	.16
3.18	.17
3.37	.18
3.56	.19
3.75	.20
3.95	.21
4.14	.22
4.33	.23
4.52	.24
4.72	.25
4.91	.26
5.10	.27
5.29	.28
5.49	.29
5.68	.30
5.87	.31
6.06	.32
6.25	.33
6.45	.34
6.64	.35
6.83	.36
7.02	.37
7.22	.38
7.41	.39
7.60	.40
7.79	.41
7.99	.42
8.18	.43
8.37	.44
8.56	.45
8.75	.46
8.95	.47
9.14	.48
9.33	.49
9.52	.50
9.72	.51
9.91-10.09	.52))

((RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.3 Percent

SALE	TAX
.10	.01
.29	.02
.48	.03
.67	.04
.85	.05
1.04	.06
1.23	.07
1.42	.08
1.61	.09
1.80	.10
1.99	.11
2.17	.12
2.36	.13
2.55	.14
2.74	.15
2.93	.16
3.12	.17
3.31	.18
3.50	.19
3.68	.20
3.87	.21
4.06	.22
4.25	.23
4.44	.24
4.63	.25
4.82	.26
5.00	.27
5.19	.28
5.38	.29
5.57	.30
5.76	.31
5.95	.32
6.14	.33
6.33	.34
6.51	.35
6.70	.36
6.89	.37
7.08	.38
7.27	.39
7.46	.40
7.65	.41
7.84	.42
8.02	.43
8.21	.44
8.40	.45
8.59	.46
8.78	.47
8.97	.48
9.16	.49
9.34	.50
9.53	.51
9.72	.52
9.91-10.09	.53))

~~((RETAIL SALES TAX COLLECTION SCHEDULE
January 1, 1981~~

RETAIL SALES TAX COLLECTION SCHEDULE
((January 1, 1981)) December 4, 1981

5.4 Percent

SALE	TAX
.10	.27 .01
.28	.46 .02
.47	.64 .03
.65	.83 .04
.84	1.01 .05
1.02	1.20 .06
1.21	1.38 .07
1.39	1.57 .08
1.58	1.75 .09
1.76	1.94 .10
1.95	2.12 .11
2.13	2.31 .12
2.32	2.49 .13
2.50	2.68 .14
2.69	2.87 .15
2.88	3.05 .16
3.06	3.24 .17
3.25	3.42 .18
3.43	3.61 .19
3.62	3.79 .20
3.80	3.98 .21
3.99	4.16 .22
4.17	4.35 .23
4.36	4.53 .24
4.54	4.72 .25
4.73	4.90 .26
4.91	5.09 .27
5.10	5.27 .28
5.28	5.46 .29
5.47	5.64 .30
5.65	5.83 .31
5.84	6.01 .32
6.02	6.20 .33
6.21	6.38 .34
6.39	6.57 .35
6.58	6.75 .36
6.76	6.94 .37
6.95	7.12 .38
7.13	7.31 .39
7.32	7.49 .40
7.50	7.68 .41
7.69	7.87 .42
7.88	8.05 .43
8.06	8.24 .44
8.25	8.42 .45
8.43	8.61 .46
8.62	8.79 .47
8.80	8.98 .48
8.99	9.16 .49
9.17	9.35 .50
9.36	9.53 .51
9.54	9.72 .52
9.73	9.90 .53
9.91-10.09	.54))

5.5 Percent

SALE	TAX
.10	.27 .01
.28	.45 .02
.46	.63 .03
.64	.81 .04
.82	.99 .05
1.00	1.18 .06
1.19	1.36 .07
1.37	1.54 .08
1.55	1.72 .09
1.73	1.90 .10
1.91	2.09 .11
2.10	2.27 .12
2.28	2.45 .13
2.46	2.63 .14
2.64	2.81 .15
2.82	2.99 .16
3.00	3.18 .17
3.19	3.36 .18
3.37	3.54 .19
3.55	3.72 .20
3.73	3.90 .21
3.91	4.09 .22
4.10	4.27 .23
4.28	4.45 .24
4.46	4.63 .25
4.64	4.81 .26
4.82	4.99 .27
5.00	5.18 .28
5.19	5.36 .29
5.37	5.54 .30
5.55	5.72 .31
5.73	5.90 .32
5.91	6.09 .33
6.10	6.27 .34
6.28	6.45 .35
6.46	6.63 .36
6.64	6.81 .37
6.82	6.99 .38
7.00	7.18 .39
7.19	7.36 .40
7.37	7.54 .41
7.55	7.72 .42
7.73	7.90 .43
7.91	8.09 .44
8.10	8.27 .45
8.28	8.45 .46
8.46	8.63 .47
8.64	8.81 .48
8.82	8.99 .49
9.00	9.18 .50
9.19	9.36 .51
9.37	9.54 .52
9.55	9.72 .53
9.73	9.90 .54
9.91-10.09	.55

((RETAIL SALES TAX COLLECTION SCHEDULE
January 1, 1981

RETAIL SALES TAX COLLECTION SCHEDULE
December 4, 1981

5.6 Percent

SALE	TAX
.09	.26 .01
.27	.44 .02
.45	.62 .03
.63	.80 .04
.81	.98 .05
.99	1.16 .06
1.17	1.33 .07
1.34	1.51 .08
1.52	1.69 .09
1.70	1.87 .10
1.88	2.05 .11
2.06	2.23 .12
2.24	2.41 .13
2.42	2.58 .14
2.59	2.76 .15
2.77	2.94 .16
2.95	3.12 .17
3.13	3.30 .18
3.31	3.48 .19
3.49	3.66 .20
3.67	3.83 .21
3.84	4.01 .22
4.02	4.19 .23
4.20	4.37 .24
4.38	4.55 .25
4.56	4.73 .26
4.74	4.91 .27
4.92	5.08 .28
5.09	5.26 .29
5.27	5.44 .30
5.45	5.62 .31
5.63	5.80 .32
5.81	5.98 .33
5.99	6.16 .34
6.17	6.33 .35
6.34	6.51 .36
6.52	6.69 .37
6.70	6.87 .38
6.88	7.05 .39
7.06	7.23 .40
7.24	7.41 .41
7.42	7.58 .42
7.59	7.76 .43
7.77	7.94 .44
7.95	8.12 .45
8.13	8.30 .46
8.31	8.48 .47
8.49	8.66 .48
8.67	8.83 .49
8.84	9.01 .50
9.02	9.19 .51
9.20	9.37 .52
9.38	9.55 .53
9.56	9.73 .54
9.74	9.91 .55
9.92	10.08 .56))

6.0 Percent

SALE	TAX
.09	.24 .01
.25	.41 .02
.42	.58 .03
.59	.74 .04
.75	.91 .05
.92	1.08 .06
1.09	1.24 .07
1.25	1.41 .08
1.42	1.58 .09
1.59	1.74 .10
1.75	1.91 .11
1.92	2.08 .12
2.09	2.24 .13
2.25	2.41 .14
2.42	2.58 .15
2.59	2.74 .16
2.75	2.91 .17
2.92	3.08 .18
3.09	3.24 .19
3.25	3.41 .20
3.42	3.58 .21
3.59	3.74 .22
3.75	3.91 .23
3.92	4.08 .24
4.09	4.24 .25
4.25	4.41 .26
4.42	4.58 .27
4.59	4.74 .28
4.75	4.91 .29
4.92	5.08 .30
5.09	5.24 .31
5.25	5.41 .32
5.42	5.58 .33
5.59	5.74 .34
5.75	5.91 .35
5.92	6.08 .36
6.09	6.24 .37
6.25	6.41 .38
6.42	6.58 .39
6.59	6.74 .40
6.75	6.91 .41
6.92	7.08 .42
7.09	7.24 .43
7.25	7.41 .44
7.42	7.58 .45
7.59	7.74 .46
7.75	7.91 .47
7.92	8.08 .48
8.09	8.24 .49
8.25	8.41 .50
8.42	8.58 .51
8.59	8.74 .52
8.75	8.91 .53
8.92	9.08 .54
9.09	9.24 .55
9.25	9.41 .56

<u>SALE</u>	<u>TAX</u>
9.42- 9.59	.57
9.60- 9.74	.58
9.75- 9.91	.59
9.92-10.08	.60

<u>SALE</u>	<u>TAX</u>
7.99- 8.14	.50
8.15- 8.30	.51
8.31- 8.46	.52
8.47- 8.62	.53
8.63- 8.79	.54
8.80- 8.95	.55
8.96- 9.11	.56
9.12- 9.27	.57
9.28- 9.43	.58
9.44- 9.59	.59
9.60- 9.75	.60
9.76- 9.91	.61
9.92-10.08	.62

RETAIL SALES TAX COLLECTION SCHEDULE

December 4, 1981

6.2 Percent

<u>SALE</u>	<u>TAX</u>
.09- .24	.01
.25- .40	.02
.41- .56	.03
.57- .72	.04
.73- .88	.05
.89- 1.04	.06
1.05- 1.20	.07
1.21- 1.37	.08
1.38- 1.53	.09
1.54- 1.69	.10
1.70- 1.85	.11
1.86- 2.01	.12
2.02- 2.17	.13
2.18- 2.33	.14
2.34- 2.49	.15
2.50- 2.66	.16
2.67- 2.82	.17
2.83- 2.98	.18
2.99- 3.14	.19
3.15- 3.30	.20
3.31- 3.46	.21
3.47- 3.62	.22
3.63- 3.79	.23
3.80- 3.95	.24
3.96- 4.11	.25
4.12- 4.27	.26
4.28- 4.43	.27
4.44- 4.59	.28
4.60- 4.75	.29
4.76- 4.91	.30
4.92- 5.08	.31
5.09- 5.24	.32
5.25- 5.40	.33
5.41- 5.56	.34
5.57- 5.72	.35
5.73- 5.88	.36
5.89- 6.04	.37
6.05- 6.20	.38
6.21- 6.37	.39
6.38- 6.53	.40
6.54- 6.69	.41
6.70- 6.85	.42
6.86- 7.01	.43
7.02- 7.17	.44
7.18- 7.33	.45
7.34- 7.49	.46
7.50- 7.66	.47
7.67- 7.82	.48
7.83- 7.98	.49

RETAIL SALES TAX COLLECTION SCHEDULE

DECEMBER 4, 1981

6.3 Percent

<u>SALE</u>	<u>TAX</u>
.08- .23	.01
.24- .39	.02
.40- .55	.03
.56- .71	.04
.72- .87	.05
.88- 1.03	.06
1.04- 1.19	.07
1.20- 1.34	.08
1.35- 1.50	.09
1.51- 1.66	.10
1.67- 1.82	.11
1.83- 1.98	.12
1.99- 2.14	.13
2.15- 2.30	.14
2.31- 2.46	.15
2.47- 2.61	.16
2.62- 2.77	.17
2.78- 2.93	.18
2.94- 3.09	.19
3.10- 3.25	.20
3.26- 3.41	.21
3.42- 3.57	.22
3.58- 3.73	.23
3.74- 3.88	.24
3.89- 4.04	.25
4.05- 4.20	.26
4.21- 4.36	.27
4.37- 4.52	.28
4.53- 4.68	.29
4.69- 4.84	.30
4.85- 4.99	.31
5.00- 5.15	.32
5.16- 5.31	.33
5.32- 5.47	.34
5.48- 5.63	.35
5.64- 5.79	.36
5.80- 5.95	.37
5.96- 6.11	.38
6.12- 6.26	.39
6.27- 6.42	.40

<u>SALE</u>	<u>TAX</u>
6.43- 6.58	.41
6.59- 6.74	.42
6.75- 6.90	.43
6.91- 7.06	.44
7.07- 7.22	.45
7.23- 7.38	.46
7.39- 7.53	.47
7.54- 7.69	.48
7.70- 7.85	.49
7.86- 8.01	.50
8.02- 8.17	.51
8.18- 8.33	.52
8.34- 8.49	.53
8.50- 8.65	.54
8.66- 8.80	.55
8.81- 8.96	.56
8.97- 9.12	.57
9.13- 9.28	.58
9.29- 9.44	.59
9.45- 9.60	.60
9.61- 9.76	.61
9.77- 9.92	.62
9.93-10.07	.63

<u>SALE</u>	<u>TAX</u>
4.63- 4.77	.31
4.78- 4.92	.32
4.93- 5.07	.33
5.08- 5.22	.34
5.23- 5.37	.35
5.38- 5.53	.36
5.54- 5.68	.37
5.69- 5.83	.38
5.84- 5.98	.39
5.99- 6.13	.40
6.14- 6.28	.41
6.29- 6.43	.42
6.44- 6.59	.43
6.60- 6.74	.44
6.75- 6.89	.45
6.90- 7.04	.46
7.05- 7.19	.47
7.20- 7.34	.48
7.35- 7.49	.49
7.50- 7.65	.50
7.66- 7.80	.51
7.81- 7.95	.52
7.96- 8.10	.53
8.11- 8.25	.54
8.26- 8.40	.55
8.41- 8.56	.56
8.57- 8.71	.57
8.72- 8.86	.58
8.87- 9.01	.59
9.02- 9.16	.60
9.17- 9.31	.61
9.32- 9.46	.62
9.47- 9.62	.63
9.63- 9.77	.64
9.78- 9.92	.65
9.93-10.07	.66

RETAIL SALES TAX COLLECTION SCHEDULE

December 4, 1981

6.6 Percent

<u>SALE</u>	<u>TAX</u>
.08- .22	.01
.23- .37	.02
.38- .53	.03
.54- .68	.04
.69- .83	.05
.84- .98	.06
.99- 1.13	.07
1.14- 1.28	.08
1.29- 1.43	.09
1.44- 1.59	.10
1.60- 1.74	.11
1.75- 1.89	.12
1.90- 2.04	.13
2.05- 2.19	.14
2.20- 2.34	.15
2.35- 2.49	.16
2.50- 2.65	.17
2.66- 2.80	.18
2.81- 2.95	.19
2.96- 3.10	.20
3.11- 3.25	.21
3.26- 3.40	.22
3.41- 3.56	.23
3.57- 3.71	.24
3.72- 3.86	.25
3.87- 4.01	.26
4.02- 4.16	.27
4.17- 4.31	.28
4.32- 4.46	.29
4.47- 4.62	.30

Note: Brackets are repetitive above \$10.

Revised November 19, 1980

WSR 82-06-021
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning WAC 296-150B-200 through 296-150B-255, rules for installation of mobile homes. These rules set the standards for installing mobile homes throughout the state. The rules include requirements for inspections; installation permits; preparation of building sites; foundation system footings, piers, plates, shims, and facia; anchoring systems; and assembly. The rules set fees for the installation permits and inspections; and set the requirements a local jurisdiction must meet before it will

be authorized to issue inspection permits and inspect installations.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

James Louvier
300 West Harrison Street
Seattle, Washington 98119
(206) 576-6580;

that such agency will at 9:30 a.m., Thursday, April 8, 1982, in the Conference Room, Room 412, 300 West Harrison, Seattle, WA 98119, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Friday, April 19, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 43.22.440.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 19, 1982, and/or orally at 9:30 a.m., Thursday, April 8, 1982, Room 412, 300 West Harrison, Seattle, WA 98119.

Dated: February 24, 1982
By: Sam Kinville
Director

STATEMENT OF PURPOSE

Title and Number of Rule Sections: WAC 296-150B-200 General installation requirements for mobile homes; 296-150B-205 Installation permits; 296-150B-210 Inspections; 296-150B-215 Requirements for local jurisdictions; 296-150B-220 Inspection by local jurisdictions; 296-150B-225 Building site preparation; 296-150B-230 Foundation system footings; 296-150B-235 Foundation system piers; 296-150B-240 Foundation system plates and shims; 296-150B-245 Foundation facia; 296-150B-250 Anchoring systems; and 296-150B-255 Assembly.

Statutory Authority: RCW 43.22.440.

Summary of the Rules: This notice proposes to add several new sections to chapter 296-150B WAC. The rules implement the mobile home set-up law, RCW 43.22.440, which was enacted in 1980. The rules set requirements for installation permits and inspections, for construction of foundation systems and anchoring systems, and for assembly. The rules set the fees for the permits and inspections, and specify when a local jurisdiction may do the inspections instead of the Department of Labor and Industries.

Description of the Purpose of the Rules: The Department of Labor and Industries has proposed these rules to implement the mobile home set-up law, RCW 43.22.440.

Reasons Supporting the Proposed Rules: The department currently has no installation standards for mobile homes, as required by RCW 43.22.440. The mobile home industry needs one general installation code, instead of the many and varied local installation codes.

The Agency Personnel responsible for the Drafting: Thornton Wilson, Assistant Attorney General, 300 West Harrison Street, #504, Seattle, Washington 98119, (206) 464-6436; Implementation and Enforcement: James Louvier, Factory Assembled Structures Section Chief, 300 West Harrison Street, #525, Seattle, Washington 98119, (206) 464-6580.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: The rules will lessen costs to dealers of mobile homes because it will eliminate the differences in the local codes that now exist. The rules will also enable the department to raise much needed revenue.

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any other information that may be helpful in identifying the rule or its purpose: None.

Chapter 296-150B WAC STANDARDS FOR FACTORY ASSEMBLED STRUCTURES

WAC

296-150B-200	General installation requirements for mobile homes.
296-150B-205	Installation permits.
296-150B-210	Inspections.
296-150B-215	Requirements for local jurisdictions.
296-150B-220	Inspection by local jurisdictions.
296-150B-225	Building site preparation.
296-150B-230	Foundation system footings.
296-150B-235	Foundation system piers.
296-150B-240	Foundation system plates and shims.
296-150B-245	Foundation facia.
296-150B-250	Anchoring systems.
296-150B-255	Assembly.

NEW SECTION

WAC 296-150B-200 GENERAL INSTALLATION REQUIREMENTS FOR MOBILE HOMES. (1) All mobile homes shall be installed in compliance with the national manufactured housing procedural and enforcement regulations in subparts F and I of 24 C.F.R. Part 3282, which are incorporated into these rules by this reference.

(2) A HUD-labeled mobile home shall also be installed in compliance with the mobile home manufacturer's installation recommendations. The recommendations must be approved by HUD. The manufacturer shall send two copies of its approved installation recommendations to the department.

A mobile home not labeled by HUD shall also be installed in accordance with installation recommendations provided by a professional engineer or architect licensed in Washington.

(3) To the extent that the installation of a mobile home is not covered by a manufacturer's, engineer's, or architect's recommendations, the mobile home shall comply with the installation requirements set out in WAC 296-150B-225 through 296-150B-255.

(4) No person, firm, partnership, corporation, or other entity may install a mobile home unless he, she, or it is a licensed mobile home dealer or a contractor registered under chapter 18.27 RCW.

NEW SECTION

WAC 296-150B-205 INSTALLATION PERMITS. The owner or the installer of a mobile home must obtain an installation permit from the department, or from a local enforcement agency approved by the department, before it installs a mobile home that will be used as a residence on a building site.

The owner or installer must apply for the permit on forms provided by the department. The application must provide the following information:

- (1) the name, address, and telephone number of the owner;
- (2) the manufacturer of the mobile home to be installed;
- (3) the size and manufacturer's serial number of the mobile home;
- (4) the name, address, and telephone number of the installer, and the installer's mobile home dealer license number or contractor registration number;
- (5) the address or location of the proposed building site; and
- (6) a copy of the manufacturer's blocking diagram if the mobile home is labeled by HUD.

If the mobile home will be installed on private property, and not in an approved mobile home park, the application must also provide the following information:

- (7) a site plan showing the proposed location of the mobile home on the building site, access, locations of utility connections, permanent structures on the site, and applicable dimensions and distances;
- (8) a description of utilities to be used on the site and a statement that the owner or installer has met or will meet the requirements for installation of the utilities;
- (9) a description of the foundation facia and the drainage and preparation of the proposed building site; and
- (10) a statement that the owner or installer has complied or will comply with the local jurisdiction's zoning, setback, utility, septic system, roadway, accessory structure, permit, and other requirements.

The applicant shall enclose with the application the permit fee set by WAC 296-150B-990.

NEW SECTION

WAC 296-150B-210 INSPECTIONS. (1) No person may occupy, or allow or suffer another person to occupy, a mobile home before the installation of the mobile home has been inspected and approved.

(2) The installer shall request an inspection after all aspects of the installation, other than installation of the foundation facia, have been completed. The department will inspect the installation within five business days after it receives the request.

(3) The department shall approve the installation of a mobile home, and allow the mobile home to be occupied, if:

- (a) the installation complies with the installation requirements of this chapter and the conditions of the installation permit;
- (b) the installer has complied with local permit requirements and other local regulations; and
- (c) the owner or installer has complied with tax notification requirements.

(4) If the installation does not comply with subsection (3)(a), the department shall provide the installer with a list of corrections that the installer must make. The department shall reinspect the installation after the corrections are completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the mobile home, the department may permit the owner of the mobile home to occupy it.

NEW SECTION

WAC 296-150B-215 REQUIREMENTS OF LOCAL JURISDICTIONS. Local jurisdictions may enforce their regulations that govern the installation of mobile homes if the regulations do not conflict with the installation requirements of this chapter.

NEW SECTION

WAC 296-150B-220 INSPECTION BY LOCAL JURISDICTIONS. (1) The department may authorize a local jurisdiction to issue permits for and inspect installations of mobile homes, and to enforce the installation standards of this chapter, if the local jurisdiction:

- (a) adopts an ordinance in which the local jurisdiction:

- (i) explicitly assumes the responsibility for enforcing the installation standards of this chapter;

- (ii) names the local enforcement agencies to which the local jurisdiction delegates its responsibility;

- (iii) states that the local enforcement agencies shall provide the qualified personnel necessary to administer and enforce the installation standards of this chapter;

- (iv) adopts by reference the department's installation standards and its inspection and enforcement rules; and

- (v) states the effective date of the assumption of responsibility;

- (b) sends two certified copies of the ordinance to the department at least 30 days before the effective date of the assumption; and

- (c) demonstrates that it can properly administer and implement the installation, inspection, and enforcement provisions of this chapter.

(2) The local jurisdiction shall use forms that are substantially identical to the forms used by the department. The local jurisdiction may charge fees for permits and inspections that do not exceed 115 percent of the fees charged by the department.

(3) The local jurisdiction shall forward a copy of all permits it issued to the department not later than the fifteenth day of the month following the month in which it issued the permits. The local jurisdiction shall at the same time, send to the department 10 percent of the permit and inspection fees it received.

(4) The local jurisdiction's inspectors must meet the same qualifications as those for the department's inspectors.

NEW SECTION

WAC 296-150B-225 BUILDING SITE PREPARATION. A mobile home may not be installed at a building site unless the ground at the site has adequate compaction and load-bearing ability to meet the support requirements of WAC 296-150B-230. The installer shall improve the ground on which a mobile home is to be installed as necessary to provide a proper base for the mobile homes. The installer must ensure that the area beneath the mobile home has adequate drainage. To provide adequate drainage, the installer may need to slope the finish grade or install drain tile.

NEW SECTION

WAC 296-150B-230 FOUNDATION SYSTEM FOOTINGS.

(1) Footings shall be constructed of:

- (a) solid concrete or an approved alternate that is at least 3 1/2 inches thick by 16 inches square; or
- (b) two 8-inch by 16-inch by 4-inch solid concrete blocks that are laid with their joint parallel to the main frame longitudinal member.

(2) Footings shall be:

- (a) evenly bedded and leveled;
- (b) placed on firm, undisturbed, or compacted soil that is free of organic material;
- (c) centered in a line directly under the main frame longitudinal members on both sides of a mobile home; and
- (d) spaced not more than 8 feet apart, and not more than 2 feet from the ends of the main frame. A closer spacing may be required, depending on the load-bearing capacity of the soil.

(3) A mobile home with more than one section must have center line blocking at end walls and at any other point of connection of the sections of the mobile home that are a ridgebeam bearing support. Blocking is also required at both ends of a door opening in an exterior wall that is 6 feet or more wide.

(4) The load-bearing capacity of a load-bearing support or footing may be not less than the actual live and dead loads combined or 80 psf, whichever is greater, unless a soil analysis justifies a lesser load-bearing capacity. Fill shall be compacted to a minimum 1500 psf.

(5) If a mobile home requires footings on its exterior perimeter, the footings shall be installed below the frost line. Footings for the main frame longitudinal members must be recessed only if frost heave is likely to occur.

NEW SECTION

WAC 296-150B-235 FOUNDATION SYSTEM PIERS. As installer must build and position piers and load-bearing supports or devices to distribute the required loads evenly. An installer may use manufactured piers or load-bearing supports or devices that are listed or approved for the intended use, or may build piers that comply with the following requirements.

(1) A pier may be made of a single stack of 8-inch by 8-inch by 16-inch blocks if the blocks are not stacked more than three blocks high. A pier made of a single stack of blocks shall be installed at a right angle to the main frame longitudinal member and shall be capped with a 2-inch by 8-inch by 16-inch wood or concrete block.

(2) A pier may be made of a double stack of 8-inch by 8-inch by 16-inch blocks if the blocks are not stacked more than 5 blocks high. Each row of blocks in such a pier shall be stacked at right angles to the abutting rows of blocks. The pier shall be capped with two 2-inch by 8-inch by 16-inch wood or concrete blocks. The pier shall be installed so that the joint between the cap blocks is at right angles to the main frame longitudinal member.

(3) A pier may be made with more than five rows of interlocking blocks if the stacked blocks are filled with 2000 psi concrete or mortar. A licensed architect or professional engineer must approve a foundation system that includes a pier that is higher than 72 inches (9 blocks) high, or in which more than 20 percent of the piers exceed 40 inches (blocks) high.

(4) All blocks shall be set with the cores placed vertically.

NEW SECTION

WAC 296-150B-240 FOUNDATION SYSTEM PLATES AND SHIMS. An installer may fill a gap between the top of a pier and the main frame with a wood plate that is not more than 2 inches thick and two opposing wedge-shaped shims that are not more than 2 inches thick. A shim shall be at least 4 inches wide and 6 inches long. The installer shall fit the shim properly and drive it tight between the wood plate or pier and the main frame to ensure that the mobile home is level and properly supported at all load-bearing points. A block that abuts a wedge-shaped shim shall be solid.

NEW SECTION

WAC 296-150B-245 FOUNDATION FACIA. A mobile home shall have an approved foundation facia around its entire perimeter. The wood of the facia shall be at least 3 inches from the ground unless it is pressure-treated wood. Metal fasteners shall be galvanized, stainless steel, or other corrosion-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, shall be coated with an asphaltic emulsion.

The foundation facia shall have ventilation openings with a net area of at least 36 square inches for each 25 linear feet of facia. The openings shall be designed to provide cross ventilation on at least two approximately opposite sides of the mobile home. The installer shall locate the openings as close to the corners of the mobile home as practical, and shall cover the openings with wire mesh or louvers.

Dryer vents shall exhaust on the exterior of the foundation facia. The facia shall have an opening of at least 18 inches by 24 inches, with a cover of metal or pressure treated wood, to allow access to the crawl space.

NEW SECTION

WAC 296-150B-250 ANCHORING SYSTEMS. An anchoring system for a single-section mobile home, where required by local building codes or where winds can exceed 70 miles per hour at ground level, shall meet the following requirements.

(1) Components of the anchoring system shall have a resistance to weather deterioration that is at least equivalent to that of a zinc coating that is not less than 0.3 ounces per square foot of coated surface. Cut edges of zinc-coated strapping do not need to be coated.

(2) An installer shall install, preload, and adjust a ground anchor in accordance with the anchor manufacturer's instructions. The installer must supply a copy of the instructions to the department or the local enforcement agency, as appropriate. A ground anchor, when installed, must be able to resist a working load of 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds total) without failure. Failure occurs if the point of connection of a vertical tie to an anchor is withdrawn more than 2 inches at 3,150 pounds, or when the point of connection of a diagonal tie is moved more than 4 inches horizontally when a load of 3,150 pounds is applied at 45 degrees from the horizontal. Ground anchors shall be marked with the manufacturer's identification and model number in a location that is visible after the anchor is installed. The manufacturer of a ground anchor must provide instructions with each anchor that specify the kinds of soil for which the anchor is suitable.

(3) If concrete slabs or continuous footings are used to transfer the anchoring loads to the ground, the following requirements apply:

(a) Steel rods cast in concrete shall be able to resist the loads and corrosion as specified for ground anchors.

(b) A deadman anchor may be used in place of a listed anchor. It shall be constructed of solid concrete at least 6 inches in diameter and 2 feet long; reinforced with two #4 steel rods; and installed at least 5 feet below the surface of the ground.

(c) A concrete slab may be used in place of a ground anchor if it provides holding strength equal to that required for ground anchors.

(4) Ties shall be of cable, strapping, or other approved materials. Ties shall be fastened to ground anchors and drawn tight with turn-buckles, yoke fasteners, or other approved tensioning devices.

Tension devices shall end in clevis, forged, or welded eyes. Hook ends are not permitted. Tension devices shall be designed to prevent self-disconnection if the tie becomes slack. Cable tie eyes shall be secured with two U-Bolt cable clamps or an approved equivalent.

Tie materials must resist a working load of 3,150 pounds with no more than 2 percent elongation, and must withstand a 50 percent overload (4,725 pounds total).

Ties shall connect the ground anchor to the main frame longitudinal member. Ties may not connect to steel outrigger beams that fasten to the main frame, unless the manufacturer's installation instructions specifically approve the connection.

Diagonal ties must lie at least 40 degrees from the vertical. Vertical ties must be substantially vertical. If a vertical tie is not substantially vertical, the anchor must be placed outboard of the tie's connection to the main frame.

A cable frame tie shall be connected to the main frame by a 5/8 inch drop forged closed eye bolt through a hole drilled in the center of the I-beam web, or by an approved alternative. The installer shall reinforce the web if necessary to maintain the strength of the I-beam.

The installer shall space the ties as evenly as practical, and shall locate a tie within 8 feet of each end of the mobile home. The installer may attach two or more ties to a single ground anchor if the anchor can carry the total required load. The installer shall install vertical ties at each detached corner of a clerestory roof and of add-on sections of expandable mobile homes.

As a minimum, the installer shall install the following number of ties for each main frame longitudinal member:

Length of Home (feet) (excluding hitch)	Number of Vertical Ties	Number of Diagonal Ties
32-54	2	3
55-73	2	4

Multiple section mobile homes require only diagonal ties. Vertical ties are not required.

NEW SECTION

WAC 296-150B-255 ASSEMBLY. (1) Sections of a multiple section mobile home shall be aligned, closed, and securely fastened at the required points along the ridge beam, endwalls, and floor line. Heat ducts, electrical connections, and other fixtures and connections required between sections of a mobile home shall be properly installed. The floor of the mobile home shall be level within the tolerances given in the following table.

Tolerances may not exceed the amounts in the table (L equals the clear span between supports, twice the length of a cantilever):

Floor:	L/240
Roof and Ceiling:	L/180
Headers, Beams, Girders (Vertical Load):	L/180
Walls and Partitions:	L/180

(2) The installer shall provide adequate clearance to ensure that the cross-over heat duct does not touch the ground and is not compressed. The installer shall insulate the cross-over duct at the intersection. The installer shall insulate and seal areas of potential air leaks to ensure that the mobile home is airtight, and shall seal areas of potential water leaks with metal flashing or trim, if required, and with putty tape or other approved caulking to ensure the mobile home is watertight.

(3) Utility connections to the mobile home, including water, sewer, electricity, and gas, shall comply with local codes. Accessory structures attached to or located next to a home, such as awnings, carports, garages, porches, or steps, shall be constructed in conformance with local codes.

WSR 82-06-022
ADOPTED RULES
COMMISSION FOR THE BLIND
 [Order 82-01—Filed February 24, 1982]

Be it resolved by the Washington State Commission for the Blind, acting at 3411 South Alaska Street, Seattle, WA 98118, that it does promulgate and adopt the annexed rules concerning the vocational rehabilitation program of the commission, WAC 67-30-005, 67-30-080, 67-30-090, 67-30-100, 67-30-120, 67-30-125, 67-30-150, 67-30-180, 67-30-185, 67-30-310 and 67-30-320.

This action is taken pursuant to Notice No. WSR 81-17-081 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.16.430(1) and 74.16.450.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 24, 1981.

By Paul Dziejdz
 Executive Director

NEW SECTION

WAC 67-30-005 POPULATION TO BE SERVED. (1) Vocational rehabilitation services shall be provided by the commission to persons with visual impairments in accordance with applicable state and federal laws and regulations and who meet the following criteria:

(a) Progressively deteriorating vision which is expected to result in blindness under RCW 74.16.183 within the time the individual could be expected to complete an individualized written rehabilitation program.

(b) No vision or whose vision with corrective lenses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) The commission shall provide vocational rehabilitation services to all applicants who can be expected to complete an individualized written rehabilitation program.

(3) If through physical restoration an individual's vision is restored so as to allow that individual to perform ordinary activities, further services will be limited to those defined in the individualized written rehabilitation program.

(4) Visually impaired persons who do not meet the criteria in paragraphs 1.a and 1.b. above and whose eye disorders are reported as being stable will be referred to the state division of vocational rehabilitation.

(5) All other persons with physical or mental disabilities who have no visual impairment will be referred to the state division of vocational rehabilitation.

NEW SECTION

WAC 67-30-080 PHYSICAL AND MENTAL RESTORATION SERVICES. (1) Physical and mental restoration services will be provided to or arranged for a client under an individualized written rehabilitation program when, in the judgment of the vocational rehabilitation counselor, in consultation with the medical consultant, it can be determined that:

(a) The clinical status of the client is stable or slowly progressive, as evidenced in the diagnostic study; and

(b) Such services may be expected to eliminate or substantially reduce the handicapping condition in terms of employability within a reasonable period of time; or

(c) When such services will maintain or improve functional capabilities consistent with a client's vocational rehabilitation.

(2) Diagnostic and treatment services for clients with any diseases of the eye will be provided by or under the direction of a qualified ophthalmologist to assure that there is no eye disease or other eye condition which needs consideration.

(3) Authorized physical and mental restoration services may be provided by physicians, dentists, and other health-related professionals who are licensed in the state.

(4) The client has the option, when receiving physical and mental restoration services, to choose the physician or other health-related professional and the appropriate facilities from among those licensed in the state. These service providers and the facilities must be willing to accept reimbursement in accordance with the Washington state department of social and health services Schedule of Maximum Allowances and Program Descriptions.

(5) For clients in extended evaluation, restorative services may be provided to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

NEW SECTION

WAC 67-30-090 COUNSELING AND GUIDANCE. (1) Counseling and guidance services will be provided by the commission as necessary to:

(a) Assist the individual to understand his/her capacities, aptitudes and interests.

(b) Assist the individual to understand his/her limitations and the health problems, personal problems and social problems which may be encountered during the course of and after completion of the rehabilitation process.

(c) Assist the client to select a suitable and realistic vocational goal.

(d) Assist the individual to understand the services available to him/her from the commission and other community resources and to understand how such resources can best be obtained and utilized in his/her rehabilitation process.

(e) Assist the individual to adjust to situations encountered during the rehabilitation process. This may include but not be limited to control of anxieties concerning physical restoration, development of appropriate study and work habits, improvements in physical appearance, management of finances, preparation for job

interviews and tests, and the establishment and maintenance of effective interpersonal relationships.

(f) Family members, relatives and friends of the individual to aid and assist in the rehabilitation process.

(g) Prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.

(2) Counseling and guidance will be provided without regard to economic need.

(3) Counseling and guidance is a necessary and key function of the counselors in facilitating the development of the individual being served.

(4) Counseling and guidance is an ongoing process and will continue even though the client may be a student in the commission's rehabilitation center.

(5) Counseling and guidance is an ongoing process and will continue, as necessary, throughout all stages of the client's rehabilitation process regardless of the type of services needed, locations of service providers, and length of time needed to complete the rehabilitation.

NEW SECTION

WAC 67-30-100 VOCATIONAL TRAINING AND OTHER TRAINING. (1) The commission may provide, within budget constraints, any organized form of instruction which provides the knowledges and skills that are essential for performing the tasks involved in an occupation. Such knowledges and skills may be acquired through training in an institution, on the job, by correspondence, by tutors or through a combination of these methods. Training may be given for any occupation, except as provided in paragraph #5 below.

(2) The commission will operate and maintain a training center for pre-vocational training for those clients for whom such training in the training center is determined to be appropriate.

(3) Training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall not be paid for with rehabilitation funds unless maximum efforts have been made by the commission on the client's behalf to secure grant assistance in whole or in part from other sources to pay for such training or training services.

(4) The commission may provide, assist in providing, or cause to be provided books, tools and other training materials agreed upon in joint planning of the individualized written rehabilitation program between the counselor and the client.

(5) The Washington state constitution forbids the use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

(6) Clients may attend private institutions or out-of-state institutions of higher learning in pursuit of a vocational goal; however, the financial assistance available to any such individual is limited by that amount available to the same individual if education were pursued in the highest cost public institution within the state unless the private institution or out-of-state institution provides the only access to the achievement of the individual's vocational goal.

(7) The commission may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field. However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.

(8) Training will be provided to the extent that it meets the criteria established by the client and the agency in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.

NEW SECTION

WAC 67-30-120 READER SERVICES. (1) The commission will provide or cause to be provided reader services to those clients under an individualized written rehabilitation program who are engaging in vocational training in institutions of higher learning, business schools, technical or trade schools, and other types of training where significant amounts of reading are essential to the completion of the course and/or the advancement of the client's vocational objective. Reader services may also be provided for clients entering employment where substantial amounts of reading are necessary, but only as it relates to the initial stages of their employment.

(2) Reader services consists of oral reading to the blind individual of ink-print material which is not available through any of the usual, special, non-visual methods of reading used by blind persons.

(3) Reader services may be provided, despite the availability of alternatives to ink-print, when the client's skills in using non-visual methods are not sufficient to fulfill the blind client's immediate rehabilitation needs, progress, or initial adjustment in employment.

(4) The employment and rates of payment will be governed by the commission's procedures for purchase of reader services. Ordinarily, readers will be paid no more than the national minimum wage; however, exceptions may be made under the commission's procedures governing reader services.

(5) The commission's vocational rehabilitation program will encourage clients to make the most efficient use of readers; both as a sound economic practice and for the purpose of having clients learn to make effective use of readers in future employment and/or training settings.

NEW SECTION

WAC 67-30-125 INTERPRETER SERVICES FOR DEAF PERSONS. The commission will provide interpreter services for deaf persons needing this service in all stages of involvement with the commission while a client or applicant, or during appeal of a contested decision by an employee of the commission which directly affects the client or applicant.

NEW SECTION

WAC 67-30-150 SERVICES TO FAMILY MEMBERS. (1) Services to family members may be

provided to assist a client in successful completion of his/her extended evaluation program or vocational rehabilitation program and subsequent vocational adjustment.

(2) The services provided to family members may include any of the vocational rehabilitation services available to clients of the commission. However, the services must be directly related to the vocational rehabilitation of the client. Family members of any age may be served. Services provided to family members must be documented and justified in ways consistent with agency vocational rehabilitation case documentation procedures and vocational rehabilitation policies.

(3) "Family member" may include any relative by blood or marriage of a client and all other individuals living within the same household where close interpersonal relationships between them and the client characterize a family unit.

(4) Other resources and similar benefits available to the family member(s) who may be served under this section must be considered under the same rules and conditions as those of the client.

(5) When the service provided to a family member(s) no longer substantially contributes to a client's vocational rehabilitation program or extended evaluation program, it will be terminated.

NEW SECTION

WAC 67-30-180 OCCUPATIONAL LICENSES, TOOLS, EQUIPMENT, INITIAL STOCKS AND SUPPLIES. (1) The commission may provide or cause to be provided, within budget constraints, initial stocks and supplies as required in the client's individualized written rehabilitation program.

(a) Occupational licenses will include any license, permit or other written authority required by a state, city, or other government unit to be obtained in order to enter an occupation or enter a small business.

(b) Occupational tools will include those customarily required for a worker to perform efficiently on the job and normally provided by workers in the same or similar trade or profession, and may also include specialized tools adapted to use for blind persons or any accompanying disabling condition the client may have. Any tools provided must be directly applicable and significantly useful in the employment or training of the client.

(c) Occupational equipment will include occupational fixtures normally found in places of business. These may consist of apparatuses, machinery, and appliances that are usually of a stationary nature during the time of utilization in a particular business trade or profession. However, self-powered vehicles may be provided under this section.

(d) Initial stocks will include the initial inventory of merchandise or goods necessary for a client entering self-employment. It may also include the initial purchase of livestock as a base stock and stocks of seed, fertilizer, fuel, etc., for farming or agricultural self-employment.

(e) Initial supplies will include expendable items necessary to enable the client to carry out the day-to-day

operations and which are consumed on the premises in the course of the client's self-employment business.

(2) Occupational tools and equipment will be provided only when provision of such items becomes central to the effective training of a client for a specific occupation or trade and/or effective placement in and employment, self-employment, or post-employment setting where the items will be used.

(3) Initial stocks and supplies will be provided only when a client enters a self-employment business.

(4) The specific kinds of items and the particular methods by which they may be provided under this section are addressed in detail in the commission's procedures governing their provision.

(5) The matters of accountability, legal title, insurance, maintenance and similar considerations with regard to occupational tools, equipment, initial stocks and supplies are addressed in detail in the commission's procedures governing their provision.

(6) In the provision of items under this section, thorough consideration will be given to similar benefits and resources available to the client.

NEW SECTION

WAC 67-30-185 TRANSPORTATION. (1) The commission will provide or cause to be provided, within budget constraints, necessary travel and related expenses required to transport clients, thereby enabling them to receive services necessary for the achievement of vocational rehabilitation objectives.

(2) Transportation may include:

(a) Fares or travel costs associated with using public or private conveyances.

(b) Food and/or lodging while in travel status.

(c) Attendants or escorts for clients and the attendants' or escorts' travel costs.

(d) Reimbursement for relocation and moving expenses when a satisfactory adjustment to a job has been made and job security has been established.

NEW SECTION

WAC 67-30-310 RESPONSIBILITIES OF MEDICAL CONSULTANT. (1) The commission shall provide or cause to be provided the time of a medical consultant to ensure availability of regular, systematic consultation, at least weekly, to the counseling staff, on a face-to-face basis.

(2) The medical consultant will take an active part in planning with and advising the counselor in cases when physical or mental restoration is being considered.

(3) The medical consultant will be actively involved in the planning when use of unusual, non-traditional, long-term or very costly procedures are being seriously considered.

(4) The medical consultant will keep fully informed about the progress of all clients undergoing physical or mental restoration services by reviewing all related progress reports as they are received, and by discussing future planning with the client's counselor.

(5) Upon request of the director or his/her designee, the medical consultant will periodically assess the effectiveness of the services provided by selected vendors and facilities, so that these findings can be given appropriate consideration when planning with future clients.

(6) The medical consultant will develop and maintain appropriate relationships with the medical community and identify medical resources.

(7) Upon request by the director or his/her designee, the medical consultant will provide technical assistance regarding medical devices and techniques.

(8) Upon request by the director or his/her designee, the medical consultant will provide in-service training for commission staff.

NEW SECTION

WAC 67-30-320 OTHER GOODS AND SERVICES. The commission may provide other goods and services: (1) To determine the nature of an applicant's handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability.

(2) To maintain the individual client in his/her written rehabilitation program or to enable him/her fit to engage in a gainful occupation.

(3) In the case of intercurrent illnesses, unforeseen accidents, and other interruptions not necessarily related to the disability, but which could constitute a hazard to the evaluation of rehabilitation potential or to the achievement of the vocational objective.

(4) Which are not otherwise described in commission rules or policies, but which are essential to the success of a client's individual written rehabilitation program.

WSR 82-06-023
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed February 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal-use fishing regulations.

The formal adoption, amendment, or repeal of such rules will take place at 3:15 p.m., Monday, March 15, 1982, in the Department of Fisheries Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

This notice is connected to and continues the matter in Notice No. WSR 82-02-097 filed with the code reviser's office on January 6, 1982.

Dated: February 24, 1982
By: Rolland A. Schmitten
Director

WSR 82-06-024
PROPOSED RULES
WALLA WALLA
COMMUNITY COLLEGE
[Filed February 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 20, Walla Walla Community College, intends to adopt, amend, or repeal rules concerning constitution and bylaws of the associated students of Walla Walla Community College, chapter 132T-104 WAC.

The formal adoption, amendment, or repeal of such rules will take place at 3:30 p.m., Thursday, May 20, 1982, in the Board Room at Walla Walla Community College.

The authority under which these rules are proposed is chapters 34.04, 34.08, 28B.19 RCW and chapter 1-13 WAC.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 20, 1982, and/or orally at 3:30 p.m., Thursday, May 20, 1982, Walla Walla Community College Board Room, 500 Tausick Way, Walla Walla, WA.

Dated: February 11, 1982
By: Eldon J. Dietrich
Secretary, Board of Trustees

STATEMENT OF PURPOSE

The Following Sections are Amended: WAC 132T-104-040 Executive body of associated students of Walla Walla Community College; 132T-104-070 Standing committees; 132T-104-080 Amendments; 132T-104-110 Allocation of money; 132T-104-120 Walla Walla Community College clubs and organizations; 132T-104-130 Compensation for officers of the Walla Walla Community College associated student body; 132T-104-210 Duties of officers of Walla Walla Community College associated student body; 132T-104-240 Sophomore and freshman senators; 132T-104-260 Elections; 132T-104-270 Initiative and referendum; 132T-104-280 The recall. The following section is added, WAC 132T-104-265 Committees.

Statutory Authority: RCW 28B.19.040, chapter 34.08 RCW and chapter 1-13 WAC statutorily grant the authority for District No. 20 as an institution of higher education to amend, repeal or create rules.

Purpose and Reason for Rules: WAC 132T-104-040 is proposed to include the publicity vice president in the election procedure; WAC 132T-104-070 is proposed in order to include the special committees as established in the amended bylaws; WAC 132T-104-080 is proposed to clarify the amendatory process of the constitution and bylaws of the associated student body; WAC 132T-104-110 is proposed to provide a service and activity fee committee in lieu of the finance committee, and to provide for including club functions. The change to \$20 expenditure allocation is provided in order to comply with the petty cash policy of the college; WAC 132T-104-120 is amended in order to provide recognition of clubs having less than ten members; also to require a faculty

adviser and a statement of goals, and to provide for club representatives to attend student senate meetings rather than associated student body meetings; WAC 132T-104-130 is proposed in order to provide a standard \$300 scholarship to replace the current provision of payment of tuition because of the possibility of out-of-state students holding office and being required to pay out-of-state tuition. Further, since the executive council does not have a printed weekly bulletin, it is necessary that the recommendations be presented to the student senate meeting; WAC 132T-104-210 is amended to replace responsibility with the entire executive council and to modify the responsibility of the associated student body president. The title of "Service and Activity Fee Budget Committee" is provided to more clearly reflect the duties of the committee. The duties and responsibilities of each officer are amended to reflect the current duties being performed, and to make the duties more easily understood; WAC 132T-104-240 is amended in order to provide more flexibility based on the needs and interests of the associated student body, and generalizes the duties, and also the number of senators, in order to create a more functional group; WAC 132T-104-260 is proposed in order to allow more students to vote by eliminating the requirement that they must hold an associated student body card, and to improve the election process; New section WAC 132T-104-265 is proposed because it is more appropriate for the committee section to be included in the bylaws than the constitution of the associated student body. There is also the necessity, in addition to the regular standing committees, to have special committees to handle specific problems; and WAC 132T-104-270 is proposed in order to have the procedure comply with the changes in other sections of the constitution and bylaws; with the elimination of the associated student body secretary, initiatives and referendums will be filed with the executive council. It is also necessary to provide a method for the student senate, through a special committee, to pass on issues before they are submitted to the associated student body.

Summary of the Rules: WAC 132T-104-040 may be summarized as clarifying the officers included in the election procedure; WAC 132T-104-070 may be summarized as clarifying special committees, and the duties of regular and special committees as established in the amended bylaws; WAC 132T-104-080 may be summarized as clarifying the amendatory process of the constitution and bylaws of the associated student body; WAC 132T-104-110 may be summarized as updating the practices of the allocation of service and activities fees; WAC 132T-104-120 may be summarized as clarifying the college clubs and organizations; WAC 132T-104-130 may be summarized as updating provisions relative to compensation for officers of the Walla Walla Community College associated student body; WAC 132T-104-210 may be summarized as redefining the responsibilities of the executive council and the associated student body president, and more clearly reflecting the duties of the Service and Activity Fees Budget Committee; WAC 132T-104-240 may be summarized as clarifying the appointment of student senators, the method of selecting them, and their duties; WAC 132T-104-260

may be summarized as redefining the election procedures of the associated student body of Walla Walla Community College; New section WAC 132T-104-265 may be summarized as redefining the committees of the associated student body of Walla Walla Community College; and WAC 132T-104-270 may be summarized as clarifying the initiative and referendum procedures of the associated student body of Walla Walla Community College.

Institution Personnel Responsibility and Rules: The Dean of Student Services of Walla Walla Community College and the Director of Student Activities are responsible for the implementation of the rules.

These rules are not necessary as a result of federal law or federal or state court action.

CHAPTER 132T-104

CONSTITUTION AND BYLAWS OF THE ASSOCIATED STUDENTS

OF WALLA WALLA COMMUNITY COLLEGE

WAC

132T-104-040	Executive Body of Associated Students of Walla Walla Community College.
132T-104-070	Standing Committees.
132T-104-080	Amendments.
132T-104-110	Allocation of Money.
132T-104-120	Walla Walla Community College Clubs and Organizations.
132T-104-130	Compensation for Officers of the Walla Walla Community College Associated Student Body.
132T-104-210	Duties of Officers of Walla Walla Community College Associated Student Body.
132T-104-240	Sophomore and Freshman Senators.
132T-104-260	Elections.
132T-104-265	Committees.
132T-104-270	Initiative and Referendum.
132T-104-280	The Recall.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-040 EXECUTIVE BODY OF ASSOCIATED STUDENTS OF WALLA WALLA COMMUNITY COLLEGE. (1) The executive authority of the associated student body shall be vested in the offices of president, executive vice-president, activities vice-president, business vice-president, and publicity vice-president.

(2) Candidates for the offices of president, executive vice-president, activities vice-president, ((and)) business vice-president, and publicity vice-president shall be members of the associated students, shall have completed one (1) quarter in residence at the time of nomination, shall have and maintain a minimum cumulative grade point average of 2.0, and shall have completed a minimum of twenty-four (24) credit hours at the time of nomination, except the candidate of president, who shall have completed a minimum of thirty-six (36) credit hours at the end of the spring quarter of his nomination.

(3) Candidates for the offices of the associated student body executive council shall file their names in the associated student body office within the first two (2) weeks of spring quarter.

(4) Offices shall be filled by the associated student body through a primary and final election.

(a) A primary shall be held for any office that has three or more candidates. The primary election shall be held during the fourth week of the spring quarter.

(b) The two candidates receiving the most votes in the primary election for an office shall be candidates for the office in the final election.

(c) The general (final) election shall be held two (2) weeks following the primary election.

(d) The candidates receiving the most votes for an office shall be considered elected to that office in the final election. In case of a tie, a run-off shall take place not earlier than five (5) days and not later than seven (7) days after the final election.

(e) The officers of the executive council shall hold office from the end of spring quarter to the end of the following spring quarter.

(5) Members of the associated student executive council shall not hold any other office in clubs or classes.

(6) Vacancies occurring in the executive council shall be filled by an associated student election not later than four (4) weeks after such vacancy occurs or by appointment of executive council with the approval of the associated student senate. The election of a candidate to fill the vacancy will be by majority vote.

(7) The duties and regulations of the executive council shall be set forth in the by-laws.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-070 ((STANDING)) COMMITTEES. (1) The standing committees of the associated students shall be registered in the by-laws. ~~((The by-laws shall also set forth the purpose and memberships of such committees:))~~

(2) ~~((Committee membership shall be filled by appointments of the executive council subject to ratification by the associated student senate by a majority vote.))~~ The special committees of the associated students shall be registered in the by-laws. The by-laws shall also set forth the purpose and membership of such committees.

~~((3) Appointees to standing committees and the student membership of joint committees shall possess the same qualifications as set forth in WAC 132T-104-030(3), provided that, the freshman members of the standing committees shall not be bound by such qualifications.))~~

~~((4) The standing committees and the student membership of joint committees shall be responsible to the associated student senate and shall be administered by the executive council.))~~

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-080 AMENDMENTS. (1) Amendments to this constitution and by-laws shall be proposed by either a majority of the student senate or by a petition presented to the ~~((associated student secretary))~~ executive council containing the valid signatures of at least ten percent (10%) of the members of the associated student body.

(2) The constitution and/or by-laws shall be amended by a majority of the votes cast by the members of the associated students who vote in an election and the approval of the Board of Trustees of Walla Walla Community College.

~~((3) The by-laws shall be amended by a two-thirds (2/3) majority of the associated student senate and shall then be passed by a majority vote of the associated students who vote in an election and the approval of the Board of Trustees of Walla Walla Community College.))~~

~~((4))~~ (3) A proposed constitutional amendment or amendment of the by-laws shall be submitted to an election within four (4) weeks after its proposal or presentation.

~~((5))~~ (4) Approved constitutional amendments and by-laws shall be incorporated into this constitution and the by-laws to which they refer.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-110 ALLOCATION OF MONEY. (1) Each associated student body-sponsored activity shall submit a budget to the ~~((finance))~~ Service and Activity Fee committee spring quarter. The committee shall then appropriate the amount they ~~((finance))~~ Service and Activity Fee committee deem necessary for the ~~((activity))~~ club to function during the next year. They can then spend this money as the club and/or advisor see fit as long as state, college, and associated student body guidelines are followed. Complete monthly financial reports must be made to the student senate to keep them informed of group activities. All paper work regarding expenditures must be presented to the Activities Director for his signature well in advance of the event.

(2) Requests for money must be put in writing and presented to the business vice-president, giving a detailed breakdown of what the money is to be spent for before any expenditures shall be authorized.

(3) Nonfunded activities and all other expenditures shall follow the prescribed associated student body procedures.

(4) The associated student body president and the business vice-president may allocate expenditures of amounts up to ~~((twenty-five (25)))~~ twenty (20) dollars.

(5) ~~The~~ executive council of the associated student body may authorize expenditures of amounts up to one hundred (100) dollars.

(6) Authorizations for expenditures of amounts over one hundred (100) dollars must come from the associated student senate with a two-thirds (2/3) majority vote.

(7) Authorization for expenditures of amounts over one hundred (100) dollars will be automatically tabled for one week.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-120 WALLA WALLA COMMUNITY COLLEGE CLUBS AND ORGANIZATIONS. (1) Each club, which has been approved by the associated student senate, shall have one (1) voting seat in the associated student senate, providing the club has ten (10) active members. Clubs having less than ten (1) members must be approved yearly by student senate, by majority vote.

(2) Each club will be required to have a constitution/goals. A faculty advisor is ~~((not))~~ required ~~((but advised)).~~

(3) Any new club wishing to have a voting seat in the student senate is required to have been in existence (active) for a minimum of five (5) successive weeks, including attendance at five (5) successive associated student ~~((body))~~ senate meetings.

(4) All monies which have been allocated and spent by a club shall be accounted for in a written report to be submitted to the executive council no later than two (2) weeks after the expenditures have occurred.

(5) Missing three (3) associated student body student senate meetings in one (1) quarter forfeits all voting rights, as well as ability to spend associated student body monies until five (5) successive meetings have been attended.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-130 COMPENSATION FOR OFFICERS OF THE WALLA WALLA COMMUNITY COLLEGE ASSOCIATED STUDENT BODY. (1) The associated student body officers (executive council) shall receive ~~((full tuition and thirty (30) dollars books))~~ a three hundred (300) dollar scholarship per quarter.

(2) At the end of every quarter the executive council and the associated student body advisor shall meet to determine the job done by ~~((sophomore and freshman))~~ senators ~~((and cheerleaders)).~~ This will be a closed meeting. The executive council may make the following recommendations.

- (a) Changes in specific jobs.
- (b) Having individuals switch jobs.
- (c) Requesting that a student senator resign.
- (d) Reimburse a student senator for one-half (1/2) of the last quarter's in-state tuition.
- (e) Recommend students or student for Outstanding Student for the past quarter.

(3) The executive council's recommendations shall be ~~((printed in the weekly bulletin prior))~~ presented to the student senate meeting where action on said recommendation is to be taken. Students under section (d) must turn into the student senate a summary form of what they did the preceding quarter before they are eligible to receive money.

(4) Candidates that are selected by the executive council must be ratified by a vote of two-thirds (2/3) majority of student senate.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-210 DUTIES OF OFFICERS OF WALLA WALLA COMMUNITY COLLEGE ASSOCIATED STUDENT BODY. (1) The Associated Student Body President shall preside over all meetings of the executive council and joint meetings with the associated student senate. The president shall make all appointments subject to the approval of the executive council and/or student senate unless otherwise provided for in this constitution and its by-laws. ~~((He shall be responsible for the coordination of the entire associated student senate.))~~ He shall be an ex-officio non-voting member of the associated student senate and committees with the exception of executive council or in the occurrence of a tie. The president shall be the official representative of the associated student senate and the executive council. He is chairman of the ~~((Athletic Activities))~~ Service and Activity Fee Budget Committee. ~~((He is required to assist with:))~~

- ~~((a) Fairbooth))~~
- ~~((b) Registration))~~
- ~~((c) A.S.B. elections))~~
- ~~((d) Freshman orientation))~~
- ~~((e) Spring week and homecoming activities))~~
- ~~((f) Spring retreat))~~
- ~~((g) Presidents meetings))~~
- ~~((h) Student handbook))~~
- ~~((i) Attend Board of Trustee's meetings))~~

(2) Executive Vice President - He shall assist the president in his duties and shall assume the duties of the president in his absence. His most important duty is to get more people involved in student government. He is to keep up-to-date and precise records of clubs' officers and all people in student government (names and phone no. etc.). He is a student representative on all school committees (example: CORP, curriculum, graduation, etc.). ~~((He is required to assist with:))~~

- ~~((a) Fairbooth))~~
- ~~((b) He is chairman of registration))~~
- ~~((c) A.S.B. elections))~~
- ~~((d) Freshman orientation))~~
- ~~((e) Spring retreat))~~
- ~~((f) Spring week and homecoming activities))~~
- ~~((g) President meetings))~~
- ~~((h) Student handbook))~~
- ~~((i) Athletic Activities Budget Committee))~~

(3) Activities Vice-President - He shall be responsible for the activities program at Walla Walla Community College. He shall appoint all necessary activities committee members. ~~((He must assist with:))~~

- ~~((a) Fairbooth))~~
- ~~((b) Registration))~~
- ~~((c) A.S.B. elections))~~
- ~~((d) Freshman orientation))~~
- ~~((e) Spring retreat))~~
- ~~((f) Student handbook))~~
- ~~((g) Athletic Activities Budget Committee))~~

(4) Publicity Vice-President - He shall be responsible for promoting Walla Walla Community College. He is also ~~((in charge of the fairbooth, and))~~ responsible for promoting our school to the community, especially the high school seniors in our district. He is responsible for placing and taking down announcements on outside and inside reader boards and assisting clubs with their publicity. ~~((He is required to assist with:))~~

- ~~((a) A.S.B. elections))~~
- ~~((b) Freshman orientation))~~
- ~~((c) Spring retreat))~~
- ~~((d) Student handbook))~~
- ~~((e) Athletic Activities Budget))~~

(5) Business Vice-President - The associated student body business vice-president shall be responsible for all financial matters of the associated student body of Walla Walla Community College, and shall act as financial advisor to all subsidiary organizations of the Walla Walla Community College associated student body. The business vice-president shall maintain in an efficient manner all financial records of the Walla Walla Community College associated student body and shall submit a financial report to the executive council and the associated student senate at the termination of each academic quarter or at their request. The business vice-president shall prepare the Walla Walla Community College associated student body budget with the aid of ~~((a budget))~~ the Service and Activity Fee committee. The business vice-president must have qualifications such as bookkeeping and accounting, necessary to effectively manage the student budget. ~~((Must assist with:))~~

- ~~((a) Fairbooth))~~
 - ~~((b) A.S.B. elections))~~
 - ~~((c) Freshman orientation))~~
 - ~~((d) Spring retreat))~~
 - ~~((e) Student handbook))~~
 - ~~((f) Athletic Activities Budget Committee))~~
- (6) In addition to specific duties designated for the five elected officers, they shall assist with the following duties:

- (a) Associated student body elections; staff the polling place and tabulate the results.
- (b) Student orientation; assist in planning, organizing and presenting information at the student orientation fall quarter each year.
- (c) Spring retreat; plan, organize and implement a spring retreat each year for the incoming associated student body officers.
- (d) Student handbook; gather information, ideas and plan for the following year's student handbook.
- (e) Service and Activity Fee budget; serve as a member of the Service and Activity Fee committee, planning, organizing and implementing the budget process for all Service and Activity Fees.

~~((6))~~ (7) Executive council, student senators, and representatives are required to pass a minimum of 12 credits per quarter.

~~((7))~~ (8) Executive council officers are required to be in the A.S.B. offices an average minimum of 1 hour a day. (It is recommended that they work a minimum of 10 hours a week for A.S.B.)

~~((8))~~ (9) Executive council, student senators, and representatives are required to attend all student senate meetings. Three unexcused absences per quarter may be grounds for impeachment or expulsion with the loss of all rights and monies.

~~((9))~~ (10) Executive council officers may not take more than 18 credit hours without the express approval of the student senate.

~~((10))~~ (11) Executive council officers attempting to get a grade for being an officer must submit to the Director of Student Activities a summary report form of what they did for last quarter. The Director of Student Activities determines the grade.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-240 ~~((SOPHOMORE AND FRESHMAN))~~ STUDENT SENATORS. (1) There shall be four (4) ~~((sophomore))~~ senators appointed each year by the student senate. ~~((in the spring prior to their year in office. They officially take office when the new executive council takes office. Sophomore and freshman senators will be appointed in the following manner:))~~

~~((a) Executive council announces that they are seeking sophomore and/or freshman senators in the school newspaper and weekly bulletin:))~~

~~((b) Persons wishing to seek a position turn into an executive officer a resume within two (2) weeks after the first announcement is made:))~~

~~((c) Executive council screens the people applying for the positions. They then recommend to the student senate the people that they feel are qualified for the positions. They may recommend as many people to a position as they feel are qualified, example: Two (2) or more people may be recommended for position 1:))~~

~~((d) The student senate then votes on the person desired for that position. A student senator must receive a two-thirds (2/3) majority vote from the student senate to be a sophomore or freshman senator:))~~

~~((2) Positions:))~~

~~((a) Position 1 - Sophomore and freshman senators. They are student intramural directors. They plan intramural programs with the college intramural director. They are required to attend all associated student body meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office:))~~

~~((b) Position 2 - Sophomore and freshman senators. They are activities senators. They attend all A.S.B. meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office:))~~

~~((c) Position 3 - Sophomore and freshman senators. Their duties shall include buying equipment, campus beautification, improving the constitution, and getting more people involved in our school activities. They are required to attend all A.S.B. meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office:))~~

~~((d) Position 4 - Sophomore or freshman senator. The publicity senator is in charge of making posters, approving them, and making~~

sure that all posters are taken down within twenty-four (24) hours after their use has been fulfilled. Missing three (3) A.S.B. meetings may be grounds for removal from office.)

~~((c) Position 5 - Freshman or sophomore senator. This person is responsible for publishing the weekly bulletin and assisting the school newspaper whenever possible. He must attend all A.S.B. meetings. Missing three (3) A.S.B. meetings may be grounds for removal from office.))~~

~~((f) Positions 6 and on - These are left up to the imagination of the people applying. They may be varied as to the needs of the associated student body. Missing three (3) meetings may be grounds for removal from office.))~~

(2) Persons interested in seeking those positions should contact the Student Activities Director.

(3) Applicants will be screened by the executive council. The executive council recommends to the student senate those applicants they feel are qualified. The student senate then votes on those recommendations. It takes a two-thirds (2/3) majority vote by the student senate before an applicant can become a senator.

(4) Compensation for student senators: See WAC 132T-104-130.

(5) Duties and Responsibilities of Student Senators.

(a) Assist the A.S.B. executive council and student senate in the implementation of their goals and objectives.

(b) Assist in the planning, organizing and scheduling of activities, and publicity related to those activities.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-260 ELECTIONS. (1) ~~((There shall be two (2) persons at the place of polling at all times. One (1) shall be a member of the executive council and/or the chief justice of the judicial board.))~~ All registered students at Walla Walla Community College are eligible to vote provided they have a valid I.D. card or a current quarter's registration receipt. Faculty, administrators, and classified staff are also eligible to vote.

(2) ~~((The chief justice of the judicial board, or the chief justice pro tem, and two (2) executive council members shall be present at the counting of the ballots.))~~ The election shall be held on Wednesday from 9:00 a.m. to 5:00 p.m. There shall be two (2) persons at the place of polling at all times. One shall be a member of the executive council, the other to be appointed by the executive council.

(3) ~~((All persons holding an associated student body card shall be eligible to vote. This includes part-time students, faculty, administration, and classified employees.))~~ The ballots are to be counted the same day following the closure of the polling place. At least three members of the executive council are to be present during the counting.

(4) ~~((The elections shall be held from 1:00 p.m. to 9:00 p.m. on the first election day, and from 9:00 a.m. to 3:00 p.m. on the second (last) election day. There shall be no election held on Friday.))~~ The newly elected officers and student body members will be notified of the results of the election no later than 24 hours following the closure of the polling place.

~~((5) An associated student body card must be presented and punched at the time of voting. A book must be signed by the student prior to voting.))~~

~~((6)) (5) No campaigning will be permitted within ~~((the room, nor any loitering within))~~ twenty-five (25) feet ~~((from the voting area))~~ of the polling place. Campaigning shall be defined to include posters and handbills.~~

~~((7) The results of the election shall be made known and posted in the student lounge no later than twenty-four (24) hours after the closing of the polls.))~~

~~((8)) (6) Except in the case of a handicapped individual, only one person at a time shall be admitted in the voting booth or machine.~~

~~((9)) (7) All voting ~~((in associated student body, public, and special elections))~~ shall be done by secret ballot.~~

~~((10) There shall be an election committee composed of the chief justice and the executive council.))~~

~~((11) The six (6) members of the election committee shall be divided into two (2) groups of three (3) members each. The chief justice and two (2) members from each group shall compose the campaign~~

~~committee. The associated student body president and two (2) members from each group shall compose the election committee. The members from the committees shall be chosen by the associated student body president and the chief justice together.))~~

~~((12) The election committee shall preside over all associated student body, public, and special elections. This committee shall enforce all rules of campaigning.))~~

~~((13) Any challenge of the election committee shall be referred to the appellate court.))~~

~~((14)) (8) Any challenge of the ~~((voting))~~ tabulation or election procedure must be made within twenty-four (24) hours of the ~~((closing of the polls))~~ posted results.~~

~~((15)) (9) All write-ins shall be permitted on both primary and general elections.~~

~~((16)) (10) A write-in vote will be acceptable and counted when it is recognizable as belonging to a certain person.~~

Reviser's Note: RCW 28B.19.077 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.

NEW SECTION

WAC 132T-104-265 COMMITTEES. 1. Standing Committees.

(1) Committee membership shall be filled by appointment of the executive council subject to ratification by the associated student senate by majority vote.

(2) Appointees to standing committees and the student membership of joint committees shall possess the same qualifications as set forth in WAC 132T-104-030 (3), provided that the freshman members of the standing committees shall not be bound by such qualifications.

(3) The standing committees and the student membership of joint committees shall be responsible to the student senate and shall be administered by the executive council.

(4) The purpose of the standing committee is to work toward solving goals that have been recognized by the executive council or the student senate. (Examples: Campus Improvement, Constitution Review, Community and Campus Projects, etc.)

2. Special Committees. (1) The special committee shall consist of four (4) members from the student population and three (3) from the faculty/staff, who shall be selected by the executive council and Director of Student Activities.

(2) The committee will choose one member to act as committee chairperson. The chairperson will report to the executive council.

(3) The committee will review the case in question and decide the results by majority vote. The decision will be presented to the Executive Council and Director of Student Activities.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-270 INITIATIVE AND REFERENDUM. (1) If any legal voter or organization of legal voters of Walla Walla Community College desires to petition the associated student senate to enact a proposed measure, or to submit a proposed measure to the people, or to order that a referendum of any act, or any part thereof, passed by the associated student senate be submitted to the students, he or they shall file in the office of the ~~((associated student body secretary))~~ executive council five (5) printed or typewritten copies of the measure proposed, or of the act or part thereof on which a referendum is desired, accompanied by the name and address of the proposer, and by an affidavit that the proposer (if an individual) is, or that the members of the proposer (if an organization) are legal students.

(2) Initiative measures proposed to be submitted to the students must be filed with the ~~((associated student body secretary))~~ executive council within two (2) months prior to the election at which they are to be submitted, and the petitions, therefore, must be filed with the ~~((associated student body secretary))~~ executive council not less than one (1) month before the next general election.

(3) Petitions ordering that acts or parts of acts passed by the associated student senate be referred to the students at the next ensuing election, shall be substantially in the following form:

Warning: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal student, or who makes herein any false statement, shall nullify the petition.

Petition for Referendum

To the Honorable ((Secretary)) President of the Associated Students of Walla Walla Community College: We, the undersigned legal students of Walla Walla Community College ((and legal students)) residing at the address set opposite our names, respectfully order and direct that Referendum Measure No., entitled (here insert the established ballot title of the measure) being a (or part or parts of an) act passed by the ((.....)) student senate of Walla Walla Community College at the last special session of said legislature, shall be referred to as the students of Walla Walla Community College for their approval or rejection at the special election to be held on the day of, A.D., 19...: and each of us for himself says: I have personally signed this petition: I am a legal student of Walla Walla Community College, and my residence is correctly stated.

Petitioner's Signature Address
1.
2.
etc.

(4) The person or organization proposing any initiative measure shall secure upon any such initiative petition the signatures of legal students equal in number to or exceeding eight (8) per cent of the whole number of legal students.

(5) The time for submitting initiative or referendum petitions to the ((associated student body secretary)) executive council for filing is as follows:

(a) A referendum petition ordering and directing that the whole or some part or parts of an act passed by the student senate be referred to the students for their approval or rejection at the next ensuing general election or a special election ordered by the student senate, must be submitted not more than ninety (90) days after the final adjournment of the session of the student senate which passed the act.

(b) An initiative petition proposing a measure to be submitted to the students for their approval or rejection at the next ensuing general election must be submitted not less than two (2) months before the date of such election.

(6) Upon any initiative or referendum petition being submitted to the ((associated student body secretary)) executive council for filing, ((he)) they may refuse to file it upon any of the following grounds:

- (a) That the petition is not in proper form.
(b) That the petition clearly bears insufficient signatures.
(c) That the time within which the petition may be filed has expired.

(7) In case of refusal, the ((associated student body secretary)) executive council shall endorse on the petition the word "submitted" and the date and retain the petition pending appeal. If none of the grounds for refusal exists, the ((associated student body secretary)) executive council must accept and file the petition.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-280 THE RECALL. (1) Initiating recall proceedings-statement-contents-verification. ((Wherever any legal student or committee or organization of Walla Walla Community College students desire to demand the recall and discharge of any elective public officer of Walla Walla Community College, as the case may be, he or they shall prepare a printed or)) Prior to initiating a recall petition of any elective public officer of Walla Walla Community College the student person, committee or organization intending to initiate the recall shall first contact the Director of Student Activities and notify him/her of the intent, and provide him with a printed or typewritten charge, reciting that such officer, naming him/her and giving the title of ((his)) the office, has committed an act or acts of malfeasance while in office. The charge shall state the act or acts ((complained of)) in concise language, without unnecessary repetition. ((, and shall be signed by the person or persons making the same, who shall give their respective addresses and be verified under oath that he or they believe the charge or charges to be true:))

(a) The Director of Student Activities, together with the executive council of the associated student body, shall within five working days select a special committee to investigate the validity of the charges.

(b) This committee shall follow the guidelines set forth in section WAC 132T-104-265, Special Committee, and within five working days report to the executive council and the Director of Student Activities its findings.

(c) That within five days from the time the special committee submits its findings to the executive council and the Director of Student Activities, the Director of Student Activities shall notify the student person, committee or organization intending to initiate the recall the findings of the special committee as to the validity of the charges.

(2) ((The recall petition shall be filed in the office of the associated student body secretary:)) Should the special committee determine the charges on the proposed recall petition to be invalid, then the student person, committee, or organization may still pursue the recall provided the special committee's findings are published and distributed, together with the petition for recall, within five days following the date the executive council and the Director of Student Activities have received the committee's report.

(3) Should the legal student or committee or organization of Walla Walla Community College determine to pursue the recall petition, he/she or they shall then prepare a printed or typewritten charge reciting that such officer, naming him/her and giving the title of the office, has committed an act of malfeasance while in office. The charge shall state the act or acts complained of in concise language, without unnecessary repetition. The charges must remain the same as those filed with the Director of Student Activities and the executive council and referred to the special committee. The charges shall be signed by the person or persons making the same, who shall give their respective addresses and shall be verified under oath that he/she or they believe the charge or charges to be true. The special committee's findings on each charge alleged in the recall petition shall be included in the signed recall petition.

((3)) (4) Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed for the recall and discharge of an officer a petition substantially in the following form:

Warning: Every person who signs this petition with other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal student of Walla Walla Community College, or herein makes a false statement, shall nullify the recall petition.

Petition for the recall of
(here insert name of the person
whose recall is petitioned for)

To the Honorable (((here insert the name and title of the officer with whom the charge is filed:))) President and Executive Vice President of the Associated Students of Walla Walla Community College:

We, the undersigned students of Walla Walla Community College residing at the address set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office for and on account of his having committed the act or acts of malfeasance or misfeasance while in office, in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal student of Walla Walla Community College; and my residence address is correctly stated.

Petitioner's Signature Address
1.
2.
etc.

(5) The recall petition shall be filed in the office of the Director of Student Activities and executive council.

(6) The petition shall be filed with both the president and the executive vice president of the associated student body, with a copy provided to the Director of Student Activities.

((4)) (7) When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition he or it may submit the same to the officer with whom

the charge was filed for filing in his office. The number of signatures required shall be as follows: In the case of a member of the associated student senate, signatures of legal students equal to twenty-five (25) per cent of the total number of votes cast for all candidates for the office when the officer whose recall is demanded was elected at the preceding election.

((5)) (8) Upon filing of a recall petition in his office, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date shall be not less than five (5) or more than ten (10) days from the date of its filing.

((6)) (9) The special election to be called for the recall of officers shall be conducted in the same manner as primary or general elections, as the case may be, are conducted. The ballots at any recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge, and shall be so arranged that any voter can, by making one cross (x) express his desire to have the officer charged recalled from his office, or retained therein.

((7)) (10) Upon the completion of the canvass of the returns of any recall election, the result shall be published in the manner required by law for the publication of the results of general elections. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall be dismissed from his office, and the office shall thereupon become and be vacant.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-06-025

NOTICE OF PUBLIC MEETINGS

SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—February 22, 1982]

A special meeting of the Seattle Community College District VI Board of Trustees is scheduled for Thursday, February 25, 1982, at 7:30 a.m.

The meeting will be held at the District Office meeting room, located at 300 Elliott Avenue West.

WSR 82-06-026

PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed February 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning layoff, to provide more specific guidelines concerning acceptable goals of reorganization that result in employee layoffs, amending WAC 251-10-030;

that such agency will at 10:00 a.m., Thursday, March 18, 1982, in the Board Room, Administration Building, Centralia Community College, Centralia, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1982, and/or orally at 10:00 a.m., Thursday, March 18, 1982, Board Room, Administration Building, Centralia Community College, Centralia.

This notice is connected to and continues the matter in Notice No. WSR 81-24-027 filed with the code reviser's office on November 25, 1981.

Dated: February 25, 1982

By: Douglas E. Sayan
Director

WSR 82-06-027

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1770—Filed February 26, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to improperly completed or late reports, amending WAC 388-96-110.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement chapter 11, Laws of 1981 2nd ex. sess.

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

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 26, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. (1) For 1981 and subsequent annual cost reporting periods, an annual report, including the proposed settlement computed by cost center pursuant to WAC 388-96-222, must be completed in accordance with applicable statutes, departmental regulations and instructions. An annual cost report deficient in any of these respects may be returned in whole or in

part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 388-96-104.

(2) For purposes of establishing rates effective July 1, 1982, if a contractor has not corrected errors in an annual cost report, including the proposed settlement, according to subsection (1) of this section by May 15, 1982, such report shall be excluded from computation of the redistribution pool established pursuant to RCW 74.09.610(2)(b)(i) and the contractor shall be subject to the provisions of subsection (3) of this section.

(3) If a ((required)) report is not properly completed ((i.e., in balance and in the required detail) and) or is not received by the department ((within the relevant time period)) on or before the due date of the report, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the improperly completed or delinquent report is properly completed and received by the department.

WSR 82-06-028
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed February 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning improperly completed or late reports, amending WAC 388-96-110.

It is the intention of the secretary to adopt these rules on an emergency basis on February 26, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-33 C
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by March 24, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 7, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 14, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 7, 1982, and/or orally at 10:00 a.m., Wednesday, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: February 25, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

Amend WAC 388-96-110.

The purpose of this rule change is to require proper completion and timely submission of annual cost reports and proposed settlements by nursing home Medicaid contractors.

The reason this rule change is necessary is to clarify that proposed settlements are to be submitted with annual cost reports and are to be computed by cost center as required by section 2, chapter 2, Laws of 1981 1st ex. sess.

Statutory Authority: RCW 74.09.120.

Summary of Rule Amendment: Current version requires annual cost reports to be properly completed in balance and in the required detail. Authorizes the department to withhold contract payments if the report is delinquent. Amended version requires a proposed settlement computed by cost center to be submitted with the properly completed annual cost report. Authorizes the department to withhold contract payments if either the annual report or proposed settlement are not properly completed or are delinquent. Also authorizes the department to exclude from computation of the redistribution pool consistency of 1981 overpayments all cost reports and proposed settlements not received by May 15, 1982.

Person Responsible for Drafting, Implementing and Enforcing this Rule: Taylor Dennen, Manager, Rate Management Program, Bureau of Nursing Home Affairs, MS OB-31, 753-3477, Scan 234-3477.

This rule was proposed by the Department of Social and Health Services.

This rule is not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. (1) For 1981 and subsequent annual cost reporting periods, an annual report, including the proposed settlement computed by cost center pursuant to WAC 388-96-222, must be completed in accordance with applicable statutes, departmental regulations and instructions. An annual cost report deficient in any of these respects may be returned in whole or in part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 388-96-104.

(2) For purposes of establishing rates effective July 1, 1982, if a contractor has not corrected errors in an annual cost report, including the proposed settlement, according to subsection (1) of this section by May 15, 1982, such report shall be excluded from computation of the redistribution pool established pursuant to RCW 74.09.610(2)(b)(i) and the contractor shall be subject to the provisions of subsection (3) of this section.

(3) If a ((required)) report is not properly completed ((i.e., in balance and in the required detail) and) or is not received by the department ((within the relevant time period)) on or before the due date of the report, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the

improperly completed or delinquent report is properly completed and received by the department.

WSR 82-06-029
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed February 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 356-06-010	Definitions.
Amd	WAC 356-34-010	Disciplinary actions—Causes for demotion—Suspension—Reduction ((in-salary))—Dismissal.
Amd	WAC 356-34-020	Reduction ((in-salary))—Demotion—Procedure.
New	WAC 356-34-115	Prehearing conference.
New	WAC 356-34-116	Record of action taken during prehearing conferences.
New	WAC 356-34-117	Scheduling of hearings—Time estimate—Brief schedule.
New	WAC 356-34-118	Hearings—Continuances.
New	WAC 356-34-119	Argument—Time limitation.
Amd	WAC 356-35-010	Disability—Separation—Appeals—Procedures;

that such agency will at 10:00 a.m., Thursday, April 8, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 6, 1982, and/or orally at 10:00 a.m., Thursday, April 8, 1982, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: February 24, 1982

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-06-010.

Title: Definitions.

Purpose: Provides the definitions for common words or terms used throughout the WAC.

Statutory Authority: RCW 41.06.150(5), (6) and (7).

Summary: Proposed change to definition of "reduction-in-salary" (which is an administrative definition of a type of disciplinary action authorized by the WAC) would delete the words "in-salary".

Reasons: Changes would bring the title of the rule into accord with the terminology used in RCW 41.64.100 and WAC 358-20-010; the statute and Personnel Appeals Board rules characterize this action as merely a "reduction".

Summary: Proposed change to definition of "supervisor" would modify the specified functions an individual must possess in order to meet the definition.

Reasons: Sponsor feels that the present definition was developed to identify a level of supervision that the Personnel Board believed should be excluded from bargaining units. Sponsor feels the definition as written is unsuited for allocation and minimum qualification decisions and should be changed to reflect supervisory duties that are performed on a regular rather than an exception basis.

Responsibility for Drafting: John Calhoun, Personnel Officer, Department of Transportation, Highway Administration Building, MS: KF-01, Olympia, WA 98504, Phone: 753-7337; Implementation: Department of Personnel; and Enforcement: Personnel Appeals Board and the Department of Personnel.

Proposed by: Department of Transportation, Governmental Agency.

Comments: "Reduction-in-salary" is necessary to clarify what matters can be appealed.

"Supervisor", modification would reflect supervisory rather than appointing authority functions.

Amend WAC 356-34-010.

Title: Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.

Purpose: Rule lists causes for which an appointing authority may take disciplinary action and specifies what that action may be.

Statutory Authority: RCW 41.06.150.

Summary: Proposed change would amend the title and content by deleting the words "in salary" (referring to reduction).

Reasons: Change is of a housekeeping nature which would bring the title and content of the WAC into conformity with the terminology used in RCW 41.64.100 and WAC 358-20-010.

Amend WAC 356-34-020.

Title: Reduction in salary—Demotion—Procedure.

Purpose: WAC outlines the right of an appointing authority to discipline a permanent employee by reducing his/her salary and provides procedure to be followed.

Statutory Authority: RCW 41.06.150.

Summary: Proposed changes would amend the title of the WAC by deleting the words "in salary" and amend the body to identify the director as being the Director of Personnel.

Reasons: Change is of a housekeeping nature which would bring the title and content into conformity with the terminology used in RCW 41.64.100 and other WACs.

Responsibility for Drafting: John Calhoun, Personnel Officer, Department of Transportation, Highway Administration Building, MS: KF-01, Olympia, WA 98504, Phone: 753-7337; Implementation: Department of Personnel; and Enforcement: Personnel Appeals Board.

Proposed by: Department of Transportation, Governmental Agency.

Comments: Proposals are submitted by sponsor as part of a package designed to clarify what actions by management can be appealed by employees.

New WAC 356-34-115.

Title: Prehearing conference.

Purpose: To provide for the use of prehearing conferences in any hearings before the Personnel Board.

Summary: Allows the Personnel Board or hearing examiner to require a prehearing conference. Sets forth subjects to be covered in the conference.

New WAC 356-34-116.

Title: Record of action taken during prehearing conference.

Purpose: To require a written statement of agreements reached in any case in which a prehearing conference is used.

Summary: Establishes requirement for a written statement of the results of a prehearing conference and sets forth subjects which must be covered in the statement.

New WAC 356-34-117.

Title: Schedule of hearings—Time estimate—Brief schedule.

Purpose: To establish the conditions which must be met by the parties before a hearing will be scheduled.

Summary: Requires the parties to estimate the amount of time for the hearing, establish a briefing schedule, and set forth available hearing dates.

New WAC 356-34-118.

Title: Hearings—Continuances.

Purpose: Provides procedure and standards to be used when a party seeks to have a scheduled hearing continued.

Summary: Allows a party to move for a continuance by filing a written motion setting forth reasons. Establishes a time frame for filing motions and makes timeliness a factor to be considered.

New WAC 356-34-119.

Title: Argument—Time limitation.

Purpose: To establish a reasonable time for argument in cases before the Personnel Board.

Summary: Limits arguments to 30 minutes as a general rule.

In reference to the above new rule proposals, the following is submitted:

Statutory Authority: RCW 41.06.150 and 41.06.340.

Reasons: To make the hearing process more effective and efficient.

Responsibility for Drafting: Richard A. Heath, Assistant Attorney General for Personnel Board, Airdustrial Park, MS: AQ-04, Olympia, WA 98504, Phone: 753-2578; **Implementation and Enforcement:** Personnel Board.

Proposed by: Personnel Board, Governmental Board.

Amend WAC 356-35-010.

Title: Disability—Separation—Appeals—Procedures.

Purpose: Provides for voluntary or involuntary separation of a disabled employee; stipulates rights of agency and employee; defines appeal rights and subsequent re-employment procedures.

Statutory Authority: RCW 41.06.150(1).

Summary: Proposal deletes reference to State Personnel Board for purposes of appealing and designates the State Personnel Appeals Board.

Reasons: Brings rule into compliance with Title 358 WAC (new board established).

Responsibility for Drafting: Bill B. Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-7125; **Implementation and Enforcement:** Personnel Appeals Board.

Proposed by: Department of Personnel, Governmental Agency.

AMENDATORY SECTION (Amending Order 165, filed 1/18/82)

WAC 356-06-010 **DEFINITIONS.** The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or, (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the Director of Personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledge, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the Merit System Rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six months.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the Director of Personnel as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular Civil Service employees, cannot be facilitated through the regular Civil Service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of a permanent employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION ((IN-SALARY)) – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force is not credited. Leaves without pay granted to reduce

the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES - A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR - Any ((individual having substantial)) employee assigned responsibility ((on behalf of)) by management ((regularly to participate in the performance of all or most of)) to perform in regard to subordinate employees all of the following functions: ((Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees;)) (1) selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance and (5) corrective action, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment.

SUSPENSION - An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT - Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT - Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION - Separation from employment for reasons beyond the control of the employee.

TRAINING - An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER - The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD - A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT - A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL - The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP - A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE - The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE - A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the Director of Personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN - For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the

convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW - For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE - Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY - A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION - Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE - A series of workshifts and work days within the workweek.

WORKSHIFT - Scheduled working hours within the workday.

WORKWEEK - A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE - A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-34-010 DISCIPLINARY ACTIONS—CAUSES FOR DEMOTION—SUSPENSION—REDUCTION ((IN SALARY))—DISMISSAL. Appointing authorities may demote, suspend, reduce ((in salary)), or dismiss a permanent employee under their jurisdiction for any of the following causes:

- (1) Neglect of duty.
- (2) Inefficiency.
- (3) Incompetence.
- (4) Insubordination.
- (5) Indolence.
- (6) Conviction of a crime involving moral turpitude.
- (7) Malfeasance.
- (8) Gross misconduct.
- (9) Willful violation of the published employing agency or Department of Personnel rules or regulations.

AMENDATORY SECTION (Amending Order 89, filed 6/30/76)

WAC 356-34-020 REDUCTION ((IN SALARY))—DEMOTION—PROCEDURE. Appointing authorities may reduce the salary of a permanent employee within the range or may demote an employee to a position at a lesser pay range, in lieu of dismissal for cause, as specified in these Rules. The specified charges for either of these actions shall be furnished in writing to the employee and a copy filed with the Director of Personnel at least 15 calendar days prior to the effective date of the action. The employee must meet the minimum qualifications for the class to which being demoted.

NEW SECTION

WAC 356-34-115 PREHEARING CONFERENCE. In any proceeding, the Personnel Board, or hearing examiner, upon its or his/her own motion, or upon the motion of a party, may direct the parties or their representatives to meet at a specified time and place for a conference to consider:

- (1) definition and simplification of issues;

- (2) the necessity of amending or clarifying the position of the appealing party;
- (3) stipulation and admissions of fact and documents;
- (4) exchanging a list of witnesses;
- (5) a schedule for filing brief; and
- (6) such other matters as may aid in the disposition of the proceeding.

NEW SECTION

WAC 356-34-116 RECORD OF ACTION TAKEN DURING PREHEARING CONFERENCES. After the completion of a prehearing conference, the parties or their representatives shall prepare a written statement of the agreements reached at the conference as to any of the matters considered, including: the definition of issues; admissions or stipulations; a list of witnesses; a briefing schedule; and the amount of time the parties will require for the hearing. This statement shall control the subsequent course of the proceeding unless modified by the Personnel Board, or hearing examiner, for good cause shown.

NEW SECTION

WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ESTIMATE—BRIEF SCHEDULE. Before a hearing will be scheduled, each party must provide the Personnel Board's hearings coordinator, or hearing examiner where appropriate, with:

- (1) A reasonable estimate of the amount of time his or her presentation will take.
- (2) A briefing schedule agreed to by all parties. The schedule should be established so that all briefs are filed at least one week prior to the hearing.
- (3) Available dates for hearing.

NEW SECTION

WAC 356-34-118 HEARINGS—CONTINUANCES. Immediately upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring a continuance shall make a request for continuance to the Personnel Board, or hearing examiner. All continuance requests shall be filed in writing and in detail, shall specify the reasons the continuance is necessary, the position of all other parties concerning the requested continuance, and suggested alternative dates for rescheduling. In passing upon a request for continuance, the Personnel Board, or hearing examiner, shall consider whether the request was promptly and timely made. For good cause shown, the Personnel Board, or hearing examiner, may grant a continuance and may at any time order a continuance on its or his/her own motion.

NEW SECTION

WAC 356-34-119 ARGUMENT—TIME LIMITATION. As a general rule, the Personnel Board will restrict the argument portion of a proceeding to thirty minutes per side. The Personnel Board will deviate from this standard only for good cause shown.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-35-010 DISABILITY—SEPARATION—APPEALS—PROCEDURES. (1) When a permanent employee becomes disabled, employment may be terminated by the appointing authority after a minimum of 60 calendar days written notice, provided that the employee shall be allowed to exhaust accrued sick leave before separation if the disability prevents attendance at work. When a disabled employee chooses to receive time loss compensation as provided in WAC 356-18-080, the employee shall not be separated due to disability until all accrued sick leave is exhausted. Separations due to disability shall not be considered disciplinary actions and shall be appealable to the Washington State Personnel Appeals Board on grounds that a disability does not exist. The 60 calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

(2) For purposes of this Rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a physician's written statement. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician of the agency's choice. In such cases, the agency shall provide the physician with the

specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician regarding the employee's physical ability to perform the specified duties.

(3) At the time of notification that his/her employment will be terminated because of disability, the employee shall be informed by the appointing authority of the right to appeal. The appeal must be filed in writing ~~((at the office of the Director of Personnel))~~ to the Washington State Personnel Appeals Board within 30 days after notice of separation is given. ~~((The Director shall forward the written notice of appeal to the Personnel Board and the agency concerned and shall aid in arranging an appeal hearing before the separation becomes effective, if possible.))~~

(4) During the notice period required by paragraph (1) an employee being separated due to disability shall be counseled by the agency regarding benefits for which the employee may be eligible through employees' insurance plans, social security, worker's compensation, veteran's benefits, public assistance, disability retirement, vocational rehabilitation, and such other related programs as may be available.

(5) The names of permanent employees who have been separated because of disability shall be placed on reduction-in-force and promotional registers by the Director of Personnel as provided in WAC 356-26-030 upon submission of a physician's statement that they are physically able to perform the duties of the class(es) for which the registers are established.

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

WSR 82-06-030
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 159—Filed February 26, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to closure of the Quillayute River system to the taking of steelhead trout by treaty Indians, WAC 232-32-144.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is data gathered by the Department of Game from information provided by fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Quillayute River system pursuant to the reporting system approved by the United States District Court in United States vs. Washington indicates that the treaty Indian share of harvestable steelhead for the area noted above has been reached or will have been reached on the effective date of this order. Therefore, closure of the Quillayute River system is necessary to assure non-Indian sport fishermen their right to take their share.

Such rule is therefore adopted as an emergency rule to take effect upon filing with the code reviser.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 26, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-32-144 CLOSURE OF THE QUILLAYUTE RIVER SYSTEM TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS.
Effective February 28, 1982, 6:00 p.m., it is unlawful for treaty Indians to take, fish for, or possess steelhead trout in the Quillayute River system.

WSR 82-06-031

ADOPTED RULES

BOARD OF HEALTH

[Order 227—Filed February 26, 1982]

Be it resolved by the Washington State Board of Health, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to pediatric nursing unit, new WAC 248-18-539.

This action is taken pursuant to Notice No. WSR 82-02-061 filed with the code reviser on January 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By John A. Beare, MD
Secretary

NEW SECTION

WAC 248-18-539 PEDIATRIC NURSING UNIT. OPTIONAL. SHALL MEET REQUIREMENTS, IF INCLUDED, AS WELL AS REQUIREMENTS OF WAC 248-18-530, WAC 248-18-710, WAC 248-18-718. (REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515).

(1) SEPARATE, IDENTIFIED, AND STAFFED UNIT(S) PLANNED FOR PEDIATRIC PATIENTS SHALL MEET REQUIREMENTS HEREIN.

WHEN SIXTEEN OR MORE PEDIATRIC BEDS ARE PLANNED, THERE SHALL BE A SEPARATE PEDIATRIC UNIT.

(2) ELECTRICAL OUTLETS,³⁶ EQUIPMENT, FIXTURES, AND OPERABLE WINDOWS IN PEDIATRIC ROOMS AND ACTIVITY AREAS OF A TYPE TO AVOID OPPORTUNITY FOR INJURY TO PATIENTS.

(3) DIRECT VISUALIZATION INTO ALL NURSERY ROOMS.²⁴ Recommended between corridors and rooms with cribs.

(4) PATIENT ROOMS AND EQUIPMENT.

(a) ADULT REQUIREMENTS FOR CAPACITY AND AREA APPLY TO ROOMS FOR YOUTH CRIBS AND BEDS.

(b) Nursery rooms and rooms for infants. AT LEAST FIFTY SQUARE FEET PER BASSINET.

(c) AT LEAST ONE ISOLATION ROOM FOR AIRBORNE COMMUNICABLE DISEASE WITH ADJOINING TOILET, BEDPAN FLUSHING EQUIPMENT, AND BATHING FACILITY. LAVATORY LOCATED IN ROOM AT ENTRY. Refer to WAC 248-18-718(8)(B) Table B.

(d) MAXIMUM CAPACITY OF TEN INFANT CRIBS AND/OR BASSINETS PER ROOM.

(5) PATIENT TOILET ROOMS SHALL MEET REQUIREMENTS UNDER WAC 248-18-530(7) EXCEPT ADJOINING TOILETS MAY BE OMITTED FROM NURSERY ROOMS.

(6) BATHING FACILITIES. SHALL MEET REQUIREMENTS UNDER WAC 248-18-530(8).

(a) One elevated pediatric tub recommended.

(b) Infant cribs or bassinets excluded from ratio of one to eight required in WAC 248-18-530(8)(a).

(7) TREATMENT AND EXAMINATION ROOM may be shared with other units.

(a) ONE ROOM REQUIRED. Two rooms recommended (one for examinations and one for treatments).²⁴

(b) SHALL MEET REQUIREMENTS UNDER WAC 248-18-530(9)(l).

(c) Walls, ceilings, and doors constructed to minimize sound transmission.

(d) Additional radiant heat source such as panels in ceiling, sidewalls or equivalent.²⁴

(8) MULTIPURPOSE ROOM(S).

(a) At least one activity space designed for playing and dining. Individual space recommended. Educational facilities (classrooms, etc.) may be located in other convenient areas.

(b) Separate activity room for adolescents when routinely admitted to the unit.

(c) WALLS, CEILINGS, AND DOORS CONSTRUCTED TO MINIMIZE SOUND TRANSMISSION.

(9) STORAGE.²⁴

(a) CLOSET OR CABINETS FOR TOYS, RECREATIONAL EQUIPMENT, AND EDUCATIONAL MATERIAL.

(b) SPACE FOR CRIBS AND ADULT BEDS TO PROVIDE FLEXIBILITY FOR INTERCHANGE OF

PATIENT ACCOMMODATIONS. May be located elsewhere, in readily accessible area of hospital.

NOTES:

²⁴In accordance with program.

³⁶Refer to WAC 248-18-718(10)(c)(ix)

WSR 82-06-032
PROPOSED RULES
HORSE RACING COMMISSION
[Filed February 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 260-44-060 weighing out procedures; WAC 260-70-200 relating to bandages; adopting WAC 260-70-290 relating to receiving barns; and repealing chapter 260-997 WAC, the index to Title 260 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 8, 1982, in the Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA.

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1982, and/or orally at 10:00 a.m., Thursday, April 8, 1982, Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 82-05-044 filed with the code reviser's office on February 17, 1982.

Dated: February 24, 1982

By: George McIvor
Executive Secretary

WSR 82-06-033
PROPOSED RULES
HORSE RACING COMMISSION
[Filed February 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 260-44-120 relating to jockey weights; adopting WAC 260-32-420 relating to jockey agents; and WAC 260-70-300 relating to receiving barns;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 8, 1982, in the Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA.

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1982, and/or orally at 10:00

a.m., Thursday, April 8, 1982, Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA.

Dated: February 24, 1982

By: George McIvor
Executive Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 260-44-120 and adopting 260-32-420 and 260-70-300 relating to the rules of horse racing.

WAC 260-44-120 is proposed for amendment and 260-32-420 and 260-70-300 for adoption, as indicated in the notice of intention to amend and adopt rules filed this date with the code reviser.

This rule amendment and the new sections are being proposed pursuant to RCW 67.16.020 and 67.16.040 under the general rule-making authority of the Washington Horse Racing Commission. The proposed amendment to WAC 260-44-120 is intended to modify the procedure for weighing jockeys to reflect inclusion of the weight of the helmet in weighing in. The proposed new section WAC 260-32-420 is intended to more clearly defined the areas which jockey agents may visit. The other proposed new section WAC 260-70-300 is to further establish receiving barn procedures.

George McIvor, Executive Secretary, Suites B and C, 210 East Union Avenue, Olympia, Washington 98504, phone (206) 753-3741, and members of his staff were responsible for the drafting of the proposed rule amendment and new rule and are to be responsible for implementation and enforcement of the rules.

The proponent of these rules is the Washington Horse Racing Commission.

There are no comments or recommendations being submitted inasmuch as these rules are being proposed pursuant to existing statutory authority.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and to the Chief Clerk of the House of Representatives.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-44-120 ~~WEIGHING IN—WEIGH IN/WEIGH OUT—TOLERANCES—PENALTIES~~. (1) Each jockey shall weigh in at the same weight as that at which he weighed out, and if short of by more than two pounds his mount shall be disqualified.

(2) If any jockey weighs in at more than ~~((two))~~ three and one-half pounds (including helmet) over his proper or declared weight, he shall be fined or suspended or ruled off at the discretion of the stewards, who shall have regard for any excess weight caused by rain or mud, and the case shall be reported to the commission for such action as it may deem proper to take.

NEW SECTION

WAC 260-32-420 ~~VISITATION PRIVILEGES~~. A jockey agent must receive permission from the stewards to visit jockey quarters, winners circle, paddock, and film review room.

NEW SECTION

WAC 260-70-300 ~~EXCLUSION FROM RECEIVING BARN~~. The commission veterinarian, or his representative shall exclude from the receiving barn all horses not participating in a race or being schooled to race and all persons who are not required for attendance

on such horses. No person shall inspect any horse in the receiving barn which is not owned, trained or cared for by him.

WSR 82-06-034
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1771—Filed March 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 275-25 WAC County plan for developmental disabilities.

Amd ch. 275-27 WAC Bureau of developmental disabilities services and home aid resources.

This action is taken pursuant to Notice No. WSR 82-02-054 filed with the code reviser on January 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 71.20.070, 72.33.125 and 72.33.850 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 17, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1278, filed 3/2/78)

WAC 275-25-520 SERVICES—DEVELOPMENTAL DISABILITIES. Counties may purchase and/or provide any or all of the services listed in ~~((chapter))~~ RCW 71.20.060 ~~((for) {and})~~ and/or 71.20.070 ~~((RCW))~~. However, only the following services are eligible for ~~((state))~~ division of developmental disabilities funds whenever such services are purchased or provided for developmentally disabled persons who are determined eligible by the department's bureau of developmental disabilities, case services, and in accordance with approved county plans and with service definitions, standards and guidelines issued by the division ~~((with the approved county plans))~~.

~~((1))~~ Transportation. The movement of developmentally disabled persons to and from the places where they are receiving other services, when the person's disabilities and/or other circumstances prevent them from using public or family transportation.

~~(2)~~ Information and Referral. A listing of all available resources for developmentally disabled persons for use by such persons, their families, professionals, and the general public.

~~(3) Recreation:~~ community recreation activities not included in the developmental center programs designed to:

~~(a) Help meet individual therapeutic needs in self-expression.~~

~~(b) Develop skills leading to enjoyable and instructive use of leisure time.~~

~~(c) Integrate the developmentally disabled individual into community sponsored recreational activities.~~

~~(4) Professional Services:~~ the development and provision of local resources for professional treatment of families of developmentally disabled persons and developmentally disabled individuals. Professional services may include diagnosis, evaluation, family counseling, medical, dental, and psychiatric services when the developmentally disabled person is unable to obtain such services through private care or public resources available for such purposes.

~~(5) Program Evaluation:~~ assessment of program quality and measurement of effectiveness.

~~(6) Planning and Administration:~~ planning, organizing, coordinating, budgeting, staffing, and establishing the direction or controlling the policies, goals and objectives for the county developmental disabilities program with respect to and in conjunction with local, state, and federal policies, goals and objectives. Administration includes requirements for general administration regarding personnel, purchasing, filing, correspondence, clerical, etc.

~~(7) Consultation and staff development services:~~ activities which provide professional information and improve skills of the developmental center staff and others providing services to developmentally disabled person.

~~(8) Developmental Center Services:~~

~~(a) Early childhood developmental services provided by a developmental center certified as required by chapter 275-27 WAC to developmentally disabled infants and young children.~~

~~(b) Social and living skills, prework, or specific job training to developmentally disabled adults provided by a developmental center certified as required by chapter 275-27 WAC to adults.~~

~~(c) Counties may continue to contract and receive funding for services from existing agencies without certification until September 30, 1978.~~

~~(9) Start-up and Emergency Needs:~~ assistance in establishing new developmental disabilities programs and sustaining existing developmental disabilities programs in times of emergency.

~~(10) Alternative Living:~~ the development of alternative living resources and assistance with supplemental support services other than direct fiscal support to the client.)

(1) Direct services may be provided in the following areas:

(a) Child development services,

(b) Employment services,

(c) Community integration services, and

(d) Residential services.

(2) Indirect services may be provided in the following areas:

(a) Program evaluation,

- (b) County planning and administration, and
 (c) Consultation and staff development.

NEW SECTION

WAC 275-25-527 RIGHTS—HEALTH AND SAFETY ASSURED. A county, when contracting for specific services, must assure that client rights and client health and safety are protected.

AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

WAC 275-27-230 PLACEMENT SERVICES. (1) Unless an individual is placed pursuant to court order, the bureau's case services section shall be responsible for placement services for all eligible bureau clients into and out of state schools, into and out of other residential facilities, and into and out of nonresidential programs.

(2) The placement determination shall include, to the maximum extent feasible, the client, his or her parent(s) or guardian and all other responsible parties.

(3) The emergency admission of any individual to a state school shall not exceed thirty days.

(4) A temporary admission of any individual to a state school for respite care or diagnostic services shall not exceed ~~((30))~~ thirty days.

(5) Placement by the bureau in a ~~((developmental center))~~ county-funded service is limited as follows:

(a) ~~The ((center)) service must be ((certified as required by this chapter))~~ included in a state approved county plan;

(b) Placement and funding is limited to those cases where the local school district is not responsible for provision of ~~((center))~~ county-funded services: PROVIDED, That:

(i) The bureau shall aid the client in obtaining required services from the local school district;

(ii) ~~((eligible individual enrolled in a developmental center program on or before December 31, 1977, may continue to receive developmental center services funded by the bureau until September 1, 1978, unless funding for services from the local district is obtained prior to that date;~~

~~((iii))~~ Exceptions may be granted by the bureau for ((developmental center)) county-funded services during nonschool months.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 275-27-600 BUREAU CERTIFICATION OF DEVELOPMENTAL CENTERS.

(2) WAC 275-27-605 PROCEDURES FOR BUREAU CERTIFICATION, DENIAL, SUSPENSION OR REVOCATION—APPEALS.

(3) WAC 275-27-610 GOVERNING BOARD.

(4) WAC 275-27-615 CENTER STRUCTURE AND MAINTENANCE.

(5) WAC 275-27-620 STAFF TRAINING.

(6) WAC 275-27-630 CLIENT TRAINING.

(7) WAC 275-27-635 REIMBURSEMENT OF CLIENTS.

(8) WAC 275-27-640 PROTECTION OF CLIENT RIGHTS.

(9) WAC 275-27-660 EARLY CHILDHOOD DEVELOPMENTAL CENTERS—SERVICES.

(10) WAC 275-27-665 EARLY CHILDHOOD DEVELOPMENTAL CENTER—STAFFING.

(11) WAC 275-27-680 ADULT DEVELOPMENTAL TRAINING CENTER—SERVICES.

(12) WAC 275-27-685 ADULT DEVELOPMENTAL TRAINING CENTER—STAFFING.

WSR 82-06-035

NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Memorandum—February 27, 1982]

The location for the April meeting of the Human Rights Commission will be held at the Evergreen Plaza Building, Conference Room, 2nd Floor, 7th and Capitol Way, Olympia, WA 98504.

The changes in the March and April meetings had to be made because of our extremely tight budget and I regret any inconvenience caused by this short notice.

The date and time of the meeting remains the same, April 15, 1982, at 9:30 a.m.

WSR 82-06-036

ADOPTED RULES INSURANCE COMMISSIONER

[Order R 82-1—Filed March 1, 1982]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to statistical plans for the recording and reporting of loss and expense experience and the designation of statistical agents; the modification and suspension of rate filing requirements pertaining to certain kinds of insurance; the rate filing requirements with respect to certain inland marine risks; and the repeal of existing rules pertaining to rates.

This action is taken pursuant to Notice No. WSR 82-02-059 filed with the code reviser on January 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.19.030, 48.19.070, 48.19.080 and 48.19.370.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 1, 1982.

Dick Marquardt
Insurance Commissioner

By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-24-015 STATISTICAL PLANS AND DESIGNATION OF STATISTICAL AGENTS. Pursuant to the provisions of RCW 48.19.370, the Insurance Commissioner has adopted the following statistical plans for the recording and reporting of loss and expense experience, and hereby designates the particular organizations, or their successors, as statistical agents to assist the commissioner in the gathering and compilation of experience for the classes of business stated.

(1) The statistical plans of the Insurance Services Office with respect to the following kinds of insurance:

- (a) Fire and Allied Lines,
- (b) Automobile Physical Damage,
- (c) Automobile Liability,
- (d) General Liability,
- (e) Burglary,
- (f) Glass,
- (g) Boiler and Machinery,
- (h) Inland Marine,
- (i) Homeowners, Comprehensive Dwelling and Dwelling Policy Program,
- (j) Commercial Multi-Peril,
- (k) Businessowners, and
- (l) Medical Professional Liability.

(2) The statistical plans of the National Association of Independent Insurers with respect to:

- (a) Burglary,
- (b) Businessowners,
- (c) Crop Hail,
- (d) Farmowners,
- (e) Fidelity and Surety,
- (f) Fire and Allied Lines,
- (g) General Liability,
- (h) Glass,
- (i) Inland Marine,
- (j) Malpractice and Professional Liability,
- (k) Personal Lines (Homeowners and Dwelling Fire),
- (l) Special Multi-Peril,
- (m) Automobile Liability, and
- (n) Automobile Physical Damage.

(3) The statistical plans of the American Association of Insurance Services with respect to:

- (a) Homeowners,
- (b) Farmowners,
- (c) Mobile Homeowners,
- (d) Inland Marine,
- (e) Farm Fire,
- (f) Dwelling Fire,
- (g) Commercial Fire,
- (h) General Liability,
- (i) Burglary,
- (j) Glass,
- (k) Special Multi-Peril,
- (l) Manufacturers Output, and
- (m) Businessowners.

(4) The statistical plan of the Surety Association of America with respect to Fidelity, Surety and Forgery.

(5) The statistical plan of the Crop-Hail Insurance Actuarial Association with respect to Hail insurance on growing crops and Windstorm (when accompanied by hail) insurance on growing crops.

(6) The statistical plan of the Factory Mutual Service Bureau with respect to Property insurance.

(7) The statistical plan of the Mill and Elevator Rating Bureau with respect to Property insurance.

(8) The statistical plan of the Nuclear Insurance Rating Bureau with respect to Nuclear Physical Damage insurance.

Experience filed by individual carriers is to be kept confidential by these statistical agents and only the consolidated experience will be available as public information.

NEW SECTION

WAC 284-24-060 MODIFICATION OF FILING REQUIREMENTS. (1) Pursuant to RCW 48.19.080, the commissioner rules and hereby orders that the rate filing requirements set forth in chapter 48.19 RCW are modified so that an insurer, having made its rates in full compliance with the requirements of such chapter, may use such rates immediately after it has made its filing thereof with the commissioner, with respect to the following kinds of insurance policies:

- (a) Property insurance policies, other than
 - (i) Homeowners and Tenants policies, and
 - (ii) Dwelling fire and allied lines insurance on one to four family units, or fire insurance on individual dwelling contents.
- (b) Casualty insurance policies, other than
 - (i) Vehicle insurance which provides coverage on motor homes, private passenger or station wagon type vehicles or four-wheel motor vehicles with a load capacity of fifteen hundred pounds or less, which vehicles are not part of a fleet and are used principally for personal or family needs, and motorcycles not used for commercial purposes,
 - (ii) Policies covering mobile homes, travel trailers and/or their contents, and
 - (iii) Professional liability insurance policies.
- (c) Surety insurance policies or bonds.
- (d) Marine and transportation insurance policies, other than
 - (i) Boatowners' insurance policies, and
 - (ii) Inland marine insurance policies covering personal property primarily intended for personal, family or household use, such as cameras, golfer's equipment, silverware, personal jewelry and personal articles.

(2) For purposes of this section the terms "dwelling units" and "dwelling buildings" include mobile homes.

NEW SECTION

WAC 284-24-070 SUSPENSION OF FILING REQUIREMENTS - "(A)" RATING. (1) Pursuant to RCW 48.19.080, the commissioner rules and hereby orders that the casualty insurance rate filing requirements set forth in chapter 48.19 RCW are suspended as to classes of policies:

(a) Covering risks in a class, which risks are so different from each other that no single manual rate could be representative of all,

(b) Covering risks of a classification that does not develop enough experience to warrant any creditability for ratemaking purposes, or

(c) Covering risks that involve a new product or coverage as to which there is no appropriate analogy to similar exposures for ratemaking purposes.

(2) A rate filing for such classes of policies shall consist only of a notation, in an appropriate rate manual, of the symbol "(a)" following the description of the risk, which symbol shall indicate that the risk cannot practicably be filed with the commissioner and that such risk shall be submitted to the insurer for rating.

(3) The insurer's rating of such a risk shall be based on a documented underwriting analysis of:

(a) Specific definable loss potential characteristics,

(b) Analogy to similar exposures, and

(c) Available loss frequency and severity data.

(4) Examples of appropriate "(a)" rated risks include but are not limited to:

(a) Manufacturing and Construction risks, such as:

(i) Ammunition manufacturing,

(ii) Dam construction,

(iii) Irrigation works operation, and

(iv) Logging Railroad—operation and maintenance.

(b) Owners, Landlord and Tenants risks, such as:

(i) Amusement devices, designed for small children only, not otherwise classified (NOC),

(ii) Christmas tree lots—open air,

(iii) Bleachers or grandstands,

(iv) Dude ranches,

(v) Firing ranges—indoor,

(vi) Parks or playgrounds, and

(vii) Zoos.

(c) Product risks, such as:

(i) Aircraft or aircraft parts manufacturing,

(ii) Ball or roller bearing manufacturing,

(iii) Chemical manufacturing—household—NOC,

(iv) Discontinued operations—products,

(v) Electronic component manufacturing,

(vi) Firearms manufacturing—over .50 caliber

(vii) Instrument manufacturing—NOC,

(viii) Levee construction,

(ix) Machinery or machinery parts manufacturing,

(x) Pharmaceutical or surgical goods manufacturing,

(xi) Products—NOC,

(xii) Sign manufacturing—NOC,

(xiii) Tank manufacturing—metal—not pressurized,

(xiv) Textile coating or impregnating,

(xv) Tool manufacturing—hand type—powered,

(xvi) Valves manufacturing,

(xvii) Wheels manufacturing,

(xviii) Wire goods manufacturing—NOC, and

(xix) Wood products manufacturing—NOC.

(5) Insurers writing "(a) rated risks" shall maintain separate documentation, including loss experience, on each risk written and shall be prepared to provide such documentation to the insurance commissioner upon request.

NEW SECTION

WAC 284-24-080 RATE FILINGS REQUIRED FOR CERTAIN INLAND MARINE RISKS. RCW 48.19.030 and 48.19.070 recognize that certain inland marine risks are by general custom of the business not written according to manual rates or rating plans. The following inland marine classes of risks are, however, by general custom of the business written according to manual rates or rating plans, and, therefore, manual rates or rating plans applicable to the following such risks shall be filed with the commissioner and may be used immediately after filing except as otherwise provided in WAC 284-24-060(1)(d)(ii):

(1) Accounts receivable and valuable papers and records,

(2) Agricultural machinery, farm equipment and live-stock floaters,

(3) Bicycle floater,

(4) Cameras,

(5) Camera and musical instrument dealers,

(6) Equipment dealers,

(7) Hardware and implement dealers floater,

(8) Implement dealers stock floater,

(9) Fine arts (private collections),

(10) First class mail,

(11) Floor plan,

(12) Furriers' block,

(13) Furriers' customers,

(14) Garment contractors,

(15) Golfer's equipment floater,

(16) Musical instruments,

(17) Negative film floater,

(18) Neon signs,

(19) Personal articles floater,

(20) Personal effects,

(21) Personal furs or fur floater,

(22) Personal jewelry or jewelry floater,

(23) Personal property floater,

(24) Physicians' and surgeons' equipment floater,

(25) Registered mail,

(26) Silverware floater,

(27) Stamp and coin collection floater,

(28) Theatrical floater,

(29) Tourist baggage,

(30) Travel baggage (issued in combination with accident and sickness insurance), and

(31) Wedding presents.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 284-24-010 STATISTICAL PLANS—REPORTING LOSS AND EXPENSE EXPERIENCE.

(2) WAC 284-24-020 ORGANIZATIONS DESIGNATED AS STATISTICAL AGENTS.

(3) WAC 284-24-030 NONSUBSCRIBING AND NONMEMBER CARRIERS—DUTIES.

(4) WAC 284-24-035 EXEMPT INSURANCE CARRIERS.

(5) WAC 284-24-040 ALLOCATING INDIVISIBLE PREMIUMS—"HOMEOWNERS POLICIES."

(6) WAC 284-24-050 CATASTROPHE COVERAGE.

WSR 82-06-037
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Order ET 82-2—Filed March 2, 1982]

I, Donald R. Burrows, acting director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to time and place of sale, WAC 458-20-103.

I, Donald R. Burrows, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to correct error in rule and make rule compatible with administrative practices.

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

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 2, 1982.

By Don R. McCuiston, Director
 Interpretation and Appeals Division

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-103 ((~~RULE 103~~)) TIME AND PLACE OF SALE. Under the Revenue Act of 1935, as amended, the word "sale" means any transfer of the ownership of, title to, or possession of, property for a valuable consideration, and includes the sale or charge made for performing certain services.

For the purpose of determining tax liability of persons selling tangible personal property, a sale takes place in this state when the goods sold are delivered to the buyer in this state, irrespective of whether title to the goods passes to the buyer at a point within or without this state.

With respect to the charge made for performing services which constitute sales as defined in RCW 82.04-.040 and 82.04.050, a sales takes place in this state when the services are performed herein. With respect to the charge made for renting or leasing tangible personal property, a sale takes place in this state when the property is used in this state by the lessee.

Where gift certificates are sold which will be redeemed in merchandise, or in services which are defined by the Revenue Act as retail sales, the sale is deemed to occur and the retail sales tax shall be collected at the time the certificate is actually redeemed for the merchandise or services ((sold, based on the sales price of the certificate)). The measure of the tax is the total selling price of the merchandise or services at the time of the redemption, including the redemption value of the certificate, or any part thereof, which is applied toward the selling price. (See WAC 458-20-235 for effect of rate changes on prior contracts and sales agreements. See also WAC 458-20-131 which deals with merchandising games, and which covers the situation where certificates or trade checks are issued which may be redeemed for services which are not retail sales, such as barber services, admissions, etc.)

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

WSR 82-06-038
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 82-02]

AMENDING EO 82-01

ESTABLISHMENT OF BOUNDARIES, ENTRY,
 AND
 OCCUPANCY RULES, AND THE
 ADMINISTRATION OF A
 RESTRICTIVE ZONE SURROUNDING MT. ST.
 HELENS

WHEREAS, the potential for major eruptions, earthquakes, and ashfall from Mt. St. Helens continues to exist throughout large portions of the state, threatening to cause more destruction of life, health, and property; and

WHEREAS, most of the land within the eastern portion of the present Mt. St. Helens restricted zones is administered by the U.S. Forest Service; and

WHEREAS, it is the intent of this order to have each jurisdiction's rules and procedures complement others in order to maximize the public safety; and

WHEREAS, in the opinion of scientific experts, allowing the public to enter specific hazardous areas surrounding Mt. St. Helens would unnecessarily imperil lives and property;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me under the provisions of chapter 43.06 RCW and chapter 38.52 RCW, do order that no person or persons shall enter and/or occupy at any time the areas described herein and designated herewith as the Red Zone, with the exceptions of:

- (1) U.S. Geological Survey personnel who are performing official duties related to scientific

evaluation and hazard assessments that require their presence in the Red Zone;

- (2) U.S. Forest Service personnel in performance of their official duties that require entry into the Red Zone;
- (3) U.S. Army Corps of Engineers personnel in performance of their official duties that require their presence in the Red Zone;
- (4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Red Zone. The sheriffs of Cowlitz and Skamania Counties or their designees shall have the authority to approve entry and/or occupation by search and rescue personnel;

(5) Federal, state, county or local law enforcement and firefighting personnel whose jurisdiction is within the Red Zone and who are on official business within the Red Zone;

(6) Federal, state, county or local administrative personnel on official business within the Red Zone, specifically:

(a) The Director of the Washington State Department of Emergency Services (DES), or his designee(s), shall have the authority to approve entry and/or occupation by state, county, and local administrative personnel on official business; and

(b) Federal administrative personnel other than U.S. Forest Service and the U.S. Geological Survey shall be required to obtain and possess permits;

(7) As approved by the Director of DES, or his designee(s), individual(s) who own and/or control real property, or personnel property being used as a residence, and whose official permanent residence is within the Red Zone:

(8) As approved by the Director of DES, or his designee(s), individual(s) with a legitimate business reason for being within the Red Zone.

Pursuant to RCW 38.52.050(3)(f), I hereby delegate to the Director of the Department of Emergency Services or his designee(s) the administrative authority vested in me by chapter 38.52 RCW.

Each individual given permission to enter and/or occupy the Red Zone shall obtain a special identification permit from the Washington State Department of Licensing prior to entry into that zone. This entry permit must be carried on his or her person at all times.

Prior to entry and/or occupation of the Red Zone, each individual shall be required to sign a "Waiver of Rights" form releasing and discharging the state of Washington and all its political subdivisions, and their officers or agents or employees, from all liability for any damages or losses incurred by the individual while within the Red Zone or as a result of entering or occupying that zone. The "Waiver of Rights" form shall be issued by the Washington State Department of Licensing.

All persons are advised of potential criminal penalties for violation of this Order, pursuant to RCW 43.06.220 and RCW 38.52.150.

RED ZONE

The "Red Zone" is described as follows:

Beginning at the northwest corner of Section 6, Township 8 North, Range 5 East; thence southeasterly to the northeast corner of Section 19, T8N, R5E; thence southeasterly to the northwest corner of Section 28, T8N, R5E; thence east to the southwest corner of Section 24, T8N, R5E; thence north to the southeast corner of Section 14, T8N, R5E, thence northeasterly to the northeast corner of Section 12, T8N, R5E; thence northwesterly to the northwest corner of Section 35, T9N, R5E; thence northeasterly along the divide separating the Lewis and Green River drainage from the Toutle River drainage to Norway Pass located in the north half (N-1/2) of Section 31, T10N, R6E; thence northerly to Bear Pass in Section 30, T10N, R6E; thence westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); thence westerly along the south side of Coldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); thence north along the west boundary of the R5E line to the northeast corner of section 36, T10N, R4E; thence west to the northeast corner of Section 33, T10N, R4E; thence northwesterly to the headwaters of the south fork of Hoffstadt Creek located in the south half (S-1/2) of Section 28, T10N, R4E; thence westerly along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); thence continuing westerly along the north bank of Hoffstadt Creek to the north high-water line of the impoundment of the Corps of Engineers' debris retaining structure (commonly known as the N-1 debris dam); thence westerly along the north high-water line to its intersection with the N-1 debris dam located in the north half (N-1/2) of Section 29, T10N, R3E; thence southwesterly along the fill base of the northerly segment of the N-1 debris dam to the point of intersection with the natural high ground; thence southwesterly to the north end of the west fill base of the southerly segment (main structure); thence southerly along said fill base to its intersection with the base of the high ground; thence westerly along the base of the hill to its intersection with the Weyerhaeuser 3001 Road; thence southerly and easterly along the east edge of the Weyerhaeuser 3001 Road to the intersection of Weyerhaeuser Roads 3001 and 3000 in the south half (S-1/2) of Section 32, T10N, R3E; thence south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 intersects the Weyerhaeuser 3090 Road in Section 26, T9N, R4E; thence southeasterly along the north edge of the Weyerhaeuser 3090 Road to its end in the east half (E-1/2) of Section 35, T9N, R4E; thence east to the east line of said Section 35; thence south along the section line to the southwest corner of Section 36, T9N, R4E; thence east to the northwest corner of Section 6, T8N, R5E and the point of beginning.

This Executive Order shall supersede all prior Executive Orders pertaining to Mt. St. Helens restrictive zones.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of March, A.D., nineteen hundred and eight-two.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

Reviser's Note: The spelling error in the above material appeared in the original copy of the executive order and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 82-06-039
PROPOSED RULES
COMMISSION FOR THE BLIND
 [Filed March 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning new sections in chapter 67-30 WAC, Vocational Rehabilitation Services:

New	WAC 67-30-130	Orientation and mobility services.
New	WAC 67-30-050	Placement.
New	WAC 67-30-060	Eligibility.
New	WAC 67-30-210	Physical and informational accessibility.
New	WAC 67-30-070	Rehabilitation teaching services.
New	WAC 67-30-170	Services to civil employees of the United States.
New	WAC 67-30-010	Rights of clients, applicants, or potential applicants;

that such agency will at 9:00 a.m., Saturday, April 24, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 74.16.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, April 23, 1982, and/or orally at 9:00 a.m., Saturday, April 24, 1982, 3411 South Alaska Street, Seattle, WA 98118.

Dated: February 10, 1982
 By: Paul Dziedzic
 Director

STATEMENT OF PURPOSE

Title: Rights of clients, applicants, or potential applicants, new section WAC 67-30-010.

Purpose: To establish rules under which clients, applicants, or potential applicants may apply for vocational rehabilitation services of the commission. To comply with the appropriate section of chapter 42.17 RCW.

Statutory Authority: Chapter 74.16 RCW.

Summary of Rule: The rule establishes procedures under which individuals may apply for the vocational rehabilitation services of the commission and delineates their rights in the determination of eligibility or ineligibility.

Reason Supporting Proposed Action: The commission currently follows these procedures in the determination of eligibility or ineligibility for vocational rehabilitation services.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dziedzic, 921 Lakeridge Drive, Room 202, Olympia, WA 98504, M/S FW-21.

The commission, a state agency, is proposing this rule.

This rule meets the mandate of the applicable sections of chapter 42.17 RCW and CFR 361.49.

Title: Placement, new section WAC 67-30-050.

Purpose: To establish rules governing the provision of placement services to clients being served under the state-federal vocational rehabilitation program of the commission.

Statutory Authority: Chapter 74.16 RCW.

Summary of Rule: The rule establishes the kinds of placement services that will be provided, how and by whom they will be provided, and under what conditions they will be provided.

Reason Supporting Proposed Action: The commission is currently providing these services as required by the Rehabilitation Act of 1973 as amended, section 101(a)(8) and 103(a). The publication of this rule meets the requirements of the state plan for Vocational Rehabilitation Services under section 101 of the Rehabilitation Act of 1973, as amended chapter 74.16 RCW, and is encouraged by the Region X office of the Federal Rehabilitation Services Administration. Rehabilitation Services Manual sections 1541.101 through 1541.111.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dziedzic, Director, 921 Lakeridge Drive, Room 202, Olympia, WA 98504, M/S FW-21, Phone: 754-1224.

The commission, a state agency, is proposing this rule.

Title: Eligibility, new section WAC 67-30-060.

Purpose: To establish rules governing the determination of eligibility for state-federal vocational rehabilitation programs of the commission.

Statutory Authority: Chapter 74.16 RCW.

Summary of Rule: The rule establishes criteria under which eligibility and interim eligibility for vocational rehabilitation services may be determined. It provides for documentation of factors surrounding the decision, and notification to clients and applicants verbally and in writing at the time of the determination and eligibility or ineligibility for services.

Reason Supporting Proposed Action: The commission currently follows these guidelines in the determination of eligibility or ineligibility for services. The publication of this rule meets the requirements of the Rehabilitation Act of 1973, as amended; Code Federal Regulations, CFR 1361.37(a), .38(a); Rehabilitation Services Manual 1505.05(A), 1505.06(A); and chapter 74.16 RCW.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, Director, 921 Lakeridge Drive, Room 202, Olympia, WA 98504, M/S FW-21, Phone: 754-1224.

The commission, a state agency, is proposing this rule.

Title: Rehabilitation teaching services, new section WAC 67-30-070.

Purpose: To establish rules governing the provision of rehabilitation teaching services to clients being served under the state-federal vocational rehabilitation of the commission.

Statutory Authority: Chapter 74.16 RCW.

Summary of Rule: This rule defines rehabilitation teaching services, under what conditions and by whom they will be provided or cause to be provided by the commission.

Reason Supporting Proposed Action: The commission currently provides rehabilitation teaching services. The provision of these services meets the requirements of the Code of Federal Regulations, 34 CFR 361.42(A)(9) and 34 CFR 361.42(B); Federal Rehabilitation Services Manual, sections 1533.03 and 1533.05; and RCW 74.16.181(8) and 74.16.460.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, Director, 921 Lakeridge Drive, Room 202, Olympia, WA 98504, M/S FW-21, Phone: 754-1224.

The commission, a state agency, is proposing this rule.

Title: Orientation and mobility services, new section WAC 67-30-130.

Purpose: To establish rules governing the provision of orientation and mobility services to clients being served under the state-federal vocational rehabilitation program of the commission.

Statutory Authority: Chapter 74.16 RCW.

Summary of Rule: The rule delineates under what circumstances orientation and mobility services will be provided, what orientation and mobility services consist of, and who will provide orientation and mobility services.

Reason Supporting Proposed Action: The commission currently provides orientation and mobility services to clients under the vocational rehabilitation program. The Region X office of the Federal Rehabilitation Services Administration has recommended that the commission develop and publish a statement of these services. This rule meets the requirements of the Code of Federal Regulations, 34 CFR 361.42(A)(9) and 34 CFR 361.42(B); the Federal Rehabilitation Services Manual sections 1533.03 and 1533.06, and RCW 74.16.181(8) and 74.16.450.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, Director,

921 Lakeridge Drive, Room 202, Olympia, WA 98504, M/S FW-21, Phone: 754-1224.

The commission, a state agency, is proposing this rule.

Title: Services to civil employees of the United States, new section WAC 67-30-170.

Purpose: To establish rules under which vocational rehabilitation services will be available to civil employees of the United States government who are disabled in the line of duty.

Statutory Authority: Chapter 74.16 RCW.

Summary of Rule: The rule provides those conditions under which vocational rehabilitation services are available to civil employees of the United States government who are disabled in the line of duty.

Reasons Supporting Proposed Action: Under current policy services available to this particular group are available under the same terms and conditions applied to other handicapped individuals.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, Director, 921 Lakeridge Drive, Room 202, Olympia, WA 98504, M/S FW-21, Phone: 754-1224.

The commission, a state agency, is proposing this rule.

This rule is promulgated to be consistent with Code of Federal Regulations 34 CFR 361.37 which is established under section 101(a)(13)(A) of the Rehabilitation Act of 1973, as amended.

Title: Physical and informational accessibility, new section WAC 67-30-210.

Purpose: To establish rules governing accessibility to and non-discrimination in the state-federal vocational rehabilitation program of the commission.

Statutory Authority: Chapter 74.16 RCW.

Summary of Rule: The rule provides for accessibility to any otherwise qualified individual under any commission-provided program or activity, any commission-provided facility, and to information, records or materials. It establishes that no individual solely on the basis of handicap may be excluded from participation in, be denied benefits of, or be subjected to discrimination under the vocational rehabilitation program of the commission.

Reason Supporting Proposed Action: The commission currently to every extent possible abides by this rule, which is required by section 504 of the Rehabilitation Act of 1973, as amended, and the Architectural Barriers Act of 1968, in the provision of services to individuals with the most severe handicaps. The Region X office of the Federal Rehabilitation Services Administration has recommended the development of a written public statement.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, Director, 921 Lakeridge Drive, Room 202, Olympia, WA 98504, M/S FW-21, Phone: 754-1224.

The commission, a state agency, is proposing this rule.

NEW SECTION

WAC 67-30-010 RIGHTS OF CLIENTS, APPLICANTS, OR POTENTIAL APPLICANTS. Any individual in the State of Washington has the right to apply for vocational rehabilitation service and to receive a determination of his or her eligibility or ineligibility for such services. All persons interested in applying for or receiving

vocational rehabilitation services shall be informed of services available, or nondiscriminatory practices of the Commission in the provision of such services, and of the right of administrative review and fair hearing processes over any action or inaction on the part of the Commission employees or representatives. The rights and remedies document stating this information will be provided to all persons referred to or applying for vocational rehabilitation services at the time of application for services. Additionally, the rights and remedies document will be provided at the beginning of the development of, and at the completion of, the individual written rehabilitation plan. Each individual who is determined ineligible for vocational rehabilitation services shall be informed in writing of the determination and the reasons therefore. This written determination shall be accompanied by the rights and remedies document. Each individual determined ineligible for vocational rehabilitation services has the right to an annual review of this determination, the date of said review to be established at the time of the initial determination. Each individual determined eligible for vocational rehabilitation services has the right to fully and freely participate in the development of the individual written rehabilitation plan to the end of achieving employment commensurate with individual abilities and capacities. Upon successful completion of the individual written rehabilitation plan each individual will be informed, in writing, of her or his closure status and services available. The rights and remedies document shall accompany the notification of closure. Each individual for whom services are stopped after a determination of eligibility has been established shall be informed, in writing, of their closure status. The rights and remedies document shall accompany the notification of closure.

Each individual shall have access to all information contained in their agency vocational rehabilitation case file unless the provision of documents or information in the vocational rehabilitation case file is contrary to federal or state law and/or rules and regulations (CFR 361.49 and RCW 42.17). The rights of the individual identified in this section and/or established in federal and state law, rules and regulations governing this program includes the legal guardian of an individual and/or the authorized representative of the individual. For these purposes an authorized representative of the person(s) shall be identified by the informed and free written statement of the individual.

NEW SECTION

WAC 67-30-050 PLACEMENT. (1) The Commission may provide or cause to be provided placement services to clients under an individualized written rehabilitation program. The Commission and clients will be mutually responsible in the endeavor to find and secure suitable employment. While the Commission will meet its responsibilities stated in this section, clients will be held responsible under their individualized written rehabilitation programs or actively and independently applying themselves in job-seeking efforts and self-placement.

(2) Placement services prepare a client for work and assist him/her in obtaining appropriate employment and may include the following range of activities:

(a) Organized and identifiable attempts to establish or improve the linkage of a client and a work situation.

(b) Sustained collaboration with the client in a variety of work-oriented activities culminating in the client's engagement in a job, including self-employment.

(c) Communicating and negotiating with a variety of employment resources in the community and other community resources regarding the employment of blind persons. This may or may not be on behalf of specific clients.

(d) Assisting the client in stabilizing himself/herself in a work setting to the point that the placement goal has been satisfactorily achieved.

3. Placement services may be provided as follows:

(a) Vocational rehabilitation counselors will deliver placement services to clients as a primary function and the principal focus of their professional responsibilities and activities.

(b) A job training and placement counselor whose principle function will be to communicate and negotiate with a variety of community resources, especially employers, regarding the employment of blind persons will provide placement services. This function may or may not be on behalf of specific clients.

(c) Existing, non-cost placement resources in the community such as the State Department of Employment Security, projects with industry, and other entities shall be utilized whenever possible.

(d) In certain situations, placement services may be purchased when it is in the client's vocational interests, when the Commission's services

are not otherwise available, or are offered by a vendor as part of a "package" involving placement as a service. The specific conditions under which placement services may be purchased are addressed in the Commission's procedures governing such purchase.

(4) Placement services will be terminated only when the client has been provided appropriate and substantial vocational rehabilitation services in accordance with an individualized written rehabilitation program, and been determined to have achieved and maintained a suitable employment goal for a least sixty days.

(5) Suitable placement refers to a determination that the provision of vocational rehabilitation services has enabled a client to enter or retain employment consistent with client's capacities and abilities.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 67-30-060 ELIGIBILITY. (1) Eligibility shall be based only upon:

(a) The presence of a disability as defined in the policy Population To Be Served; and

(b) Which for the individual constitutes or results in a substantial handicap to employment; and

(c) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

(2) Eligibility requirements will be applied by the Commission without regard to sex, race, age, creed, color, physical or mental handicap, sexual orientation, or national origin of the individual applying for service.

(3) A residence requirement, durational or other will not be applied by the Commission as a condition of eligibility.

(4) The Commission will cause to be recorded the analysis of the preliminary diagnostic study, the thorough diagnostic study, and/or any extended evaluation studies which support the determinations of eligibility or ineligibility under this section.

(5) Interim eligibility may be declared for a client only under the following criteria:

(a) There is a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability; and

(b) A thorough review and analysis clearly indicates that eligibility will be found upon receipt of proper, current documentation; and

(c) Interim eligibility is established for a period not to exceed ninety (90) days; and

(d) A delay in the timely provision of vocational rehabilitation services would have a demonstrably negative effect on the client's vocational rehabilitation; and

(e) There is no evident or suggested physical or mental condition that might later preclude a declaration of eligibility; and

(f) Immediate steps are taken to document the client's eligibility for vocational rehabilitation services.

(g) Certification of interim eligibility must be explained to the client by the counselor verbally and in writing, especially to the effect that there may be a subsequent declaration of ineligibility upon proper documentation within the ninety (90) day period and that ninety (90) day period cannot be extended.

(h) Certifications of interim eligibility are subject to review by the Assistant Director of Field Operations.

(6) A client served under certification of interim eligibility will be entitled to vocational rehabilitation services subject to and consistent with all other Commission vocational rehabilitation rules, policies and procedures.

(7) Upon documented confirmation of eligibility for vocational rehabilitation services, the date of certification of interim eligibility will become the permanent date of the client's eligibility.

(8) All certificates of eligibility and ineligibility under this section must be completed by indicating that the appropriate documentation has been considered. The certificate must be dated and signed by the Commission staff member making the declaration. Clients will be notified verbally and in writing of eligibility decisions.

NEW SECTION

WAC 67-30-070 REHABILITATION TEACHING SERVICES. (1) The Commission will provide or cause to be provided rehabilitation teaching services to clients by rehabilitation teachers in the employ of the Commission. Such services may also be purchased by

the Commission from vendors who meet standards for these services when they are not otherwise available to a client.

(2) These services include the teaching of techniques fundamental to developing personal independence by mastering common skills of daily living. They encompass specific and identifiable teaching methods that are used to assist blind individuals in acquiring skills in manual dexterity, communication, home orientation, home management and general self-management.

(3) Rehabilitation teaching services may be provided during all phases of the vocational rehabilitation process whenever there is a documented need for them to diagnostic purposes and under a client's individualized written rehabilitation program.

NEW SECTION

WAC 67-30-130 ORIENTATION AND MOBILITY SERVICES. (1) The Commission will provide orientation and mobility services to the extent that the services are consistent with the client's individualized written rehabilitation program and that any problems in training, employment-seeking, employment, and post-employment, related to the client's inability to travel independently, are resolved.

(2) Orientation and mobility services shall include systematic and individualized assessment, instruction, and the dissemination of resources information which can enable blind persons to travel independently with optimum efficiency, safety, grace, and self-confidence.

(3) The Commission may provide or cause to be provided orientation and mobility services to individual clients through:

(a) Orientation and Mobility specialists in the employ of the Commission.

(b) Purchase of services by the Commission from orientation and mobility specialists around the state who work independently or are in the employ of agencies for the blind and whose qualifications are consistent with Commission standards.

(c) The Commission's field services offices by rehabilitation teachers in the client's home environment.

NEW SECTION

WAC 67-30-170 SERVICES TO CIVIL EMPLOYEES OF THE UNITED STATES. The commission will make vocational rehabilitation services available to civil employees of the U.S. Government who are disabled in the line of duty, under the same conditions applied to other handicapped individuals.

NEW SECTION

WAC 67-30-210 PHYSICAL AND INFORMATION ACCESSIBILITY. (1) No otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from participation, be denied benefits of, or be subjected to discrimination under any Commission-provided program or activity.

(2) No handicapped person will be subjected to discrimination because Commission-provided facilities are inaccessible to, or unusable by handicapped persons. Any construction or alteration to any present or future locations or facility, on behalf of or for the use of the Commission, will be readily accessible to and useable by handicapped persons.

(3) No person shall be denied access to Commission information, records or materials solely on the basis of his/her inability to utilize such information, records or materials in a customary manner.

WSR 82-06-040
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed March 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning traction devices, chapter 204-24 WAC. Originally scheduled meeting place was no longer available. This filing is to change the meeting place only;

that such agency will at 10 a.m., Wednesday, April 21, 1982, in the Department of Ecology, Rowsix Offices, 4224 6th Avenue, Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10 a.m., Wednesday, April 21, 1982, in the Department of Ecology, Rowsix Offices, 4224 6th Avenue, Lacey, WA.

The authority under which these rules are proposed is RCW 46.37.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1982, and/or orally at 10 a.m., Wednesday, April 21, 1982, Department of Ecology, Rowsix Offices, 4224 6th Avenue, Lacey, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-04-049 filed with the code reviser's office on January 29, 1982.

Dated: March 2, 1982
By: Lt. R. C. Dale
Secretary, Commission on Equipment

WSR 82-06-041
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed March 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning procedures for measuring motor vehicle sound levels, chapter 204-56 WAC;

that such agency will at 10 a.m., Wednesday, April 21, 1982, in the Department of Ecology, Rowsix Offices, 4224 6th Avenue, Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10 a.m., Wednesday, April 21, 1982, in the Department of Ecology, Rowsix Offices, 4224 6th Avenue, Lacey, WA.

The authority under which these rules are proposed is RCW 46.37.005 and 70.107.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1982, and/or orally at 10 a.m., Wednesday, April 21, 1982, Department of Ecology, Rowsix Offices, 4224 6th Avenue, Lacey, WA.

Dated: March 2, 1982
By: Lt. R. C. Dale
Secretary, Commission on Equipment

STATEMENT OF PURPOSE

Title: Procedures for measuring motor vehicle sound levels.

Description of Purpose: The rule establishes a sound measurement program to implement the laws and regulations applying to motor vehicle related noise. The program includes sound level measurements of in-use motor vehicles, and testing of new motor vehicles to comply with standards established in chapter 173-62 WAC.

Statutory Authority: Statutory and administrative law governing authority for the guidance and direction contained in these procedures is authorized by RCW 70.107.070 and WAC 173-62-030.

Summary of Rule: The rule establishes standardized methods and equipment requirements for enforcement of motor vehicle noise rules. WAC 204-56-025 provides definitions of commonly used acoustic, vehicle, and site specific terms; WAC 204-56-035 establishes personnel and equipment requirements and qualifications; WAC 204-56-045 describes general requirements for ambient conditions such as weather and background sound and equipment preparation (i.e., calibration, microphone orientation and general meter characteristics); WAC 204-56-055 is the procedure for measuring in-use, on high-way motor vehicle sound levels, (describes procedure for selecting sites, operating monitoring equipment, computing corrections, and determining violations for enforcing the limits of WAC 173-62-030(1) Table I); WAC 204-56-065 specifies a procedure for measuring the sound generated by a truck over 10,000 pounds GVWR during stationary runup to ensure compliance with requirements in WAC 173-62-030(1) Table I; WAC 204-56-075 is the procedure to measure noise emitted from exhaust systems of stationary motor vehicles and motorcycles at a minimum distance of 20 inches from the exhaust outlet to enforce the limits contained in WAC 173-62-030(4) Table II; and WAC 204-56-085 establishes the procedures for measuring new motor vehicle sound levels to comply with limits established in WAC 173-62-030(4) Table III.

Reasons Supporting Proposed Action: Chapter 173-62 WAC was amended September, 1980 to incorporate limits for measurement at 20 inches from vehicle exhausts and requiring lower levels for vehicles operating on public roads. This action provides the methods for enforcing the new limits and provides for improved methods of enforcing the revised limits.

Agency Personnel Responsible for Drafting: David E. Saunders, Section Head, Environmental Noise Program, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, (206) 459-6318; and Lt. Robert Dale, Washington State Patrol, Secretary, State Commission on Equipment, Mailstop PS-11, Olympia, WA 98504, (206) 753-6569; Implementation: State Commission on Equipment; and Enforcement: "Violation of any motor vehicle performance standard adopted pursuant to this chapter (RCW 70.107.070) shall be a misdemeanor, enforced by such authorities and in such manner as violations of chapter 46.37 RCW." Law enforcement authorities are responsible for the operation of the in-use motor vehicle noise measurement program within their areas of jurisdiction.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: State Commission on Equipment, Washington State Department of Ecology.

Agency Comments or Recommendations: None.

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

Chapter 204-56 WAC
PROCEDURES FOR MEASURING MOTOR VEHICLE SOUND LEVELS

NEW SECTION

WAC 204-56-015 INTRODUCTION. (1) Authority. Statutory and administrative law governing authority for the guidance and direction contained in these procedures is authorized by RCW 70.107.070 and WAC 173-62-030.

(2) Scope. The Commission on Equipment has established a sound measurement program to implement the laws and regulations applying to motor vehicle related noise. The program includes sound level measurements of in-use motor vehicles, and testing of new motor vehicles.

(3) Responsibilities. Law enforcement authorities are responsible for the operation of the in-use motor vehicle noise measurement program within their areas of jurisdiction.

NEW SECTION

WAC 204-56-025 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

(1) "dB(A)" means the sound level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standard Specification for sound level meters S1.4-1971. A decibel is a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals;

(2) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the maximum loaded weight of a vehicle;

(3) "In-use" motor vehicle is any motor vehicle which is used on the public highway;

(4) "Maximum RPM" means the rated engine speed specified by the manufacturer as either the engine speed at which peak power occurs or the maximum speed of the engine, whichever is lower, in accordance with SAE Standard J1349 DEC 80 - "Engine Rating Code - Spark Ignition and Diesel", as now or hereafter amended;

(5) "Microphone line" means an unmarked reference line running parallel to the vehicle path (roadway) and passing through the microphone;

(6) "Microphone point" means the unmarked location on the center of the lane of travel that is closest to the microphone;

(7) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors;

(8) "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010 (aircraft, water craft, and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein);

(9) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise to comply with the standards of chapter 173-62 WAC;

(10) "New motor vehicle" means a motor vehicle manufactured after December 31, 1975, for which the equitable or legal title has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale;

(11) "Off-highway vehicle" means any self-propelled vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010;

(12) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever;

(13) "Public highway" means the entire width between the boundary lines of every way publicly maintained by the department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right;

(14) "Sound level" means a weighted sound pressure level measured by use of a sound level meter using an "A" weighting network and reported as dB(A);

(15) "Sound level meter" means a device which measures sound pressure levels and which satisfies the requirements of WAC 204-56-035(4).

NEW SECTION

WAC 204-56-035 PERSONNEL AND EQUIPMENT. (1) **Training of personnel.** Any person who measures sound levels for enforcement of the noise limits in chapter 173-62 WAC shall have received training in the use of equipment and measuring site selection as described in this chapter.

(2) **Positioning of personnel.** The enforcement officer making direct readings of the sound level meter shall be positioned in relation to the microphone in accordance with the microphone manufacturer's instructions. Where the instruction manual is vague or does not include adequate information, a specific recommendation shall be obtained from the manufacturer.

(3) **Positioning of bystanders.** During sound measurements bystanders shall not be within 10 feet (3 meters) of the microphone or the vehicle being measured, except for a witness or a trainee, who may be positioned directly behind the officer reading the sound level meter and on a line with the officer and the microphone.

(4) **Equipment requirements.** The following describes the minimum requirements which equipment must satisfy to be used for the measurement procedures of this chapter.

(a) **Sound level meter.** Measurements for enforcement purposes shall be made with a sound level meter which: For measuring new motor vehicles meets or exceeds the requirements for Types 1 or S1A meters, or for measuring in-use motor vehicles meets or exceeds the requirements for Types 2 or S2A meters, as described in the American National Standard Specification for Sound Level Meters S1.4-1971, or; which meets or exceeds the requirements of the International Electrotechnical Commission Publication 179, "Precision Sound Level Meters." As an alternative to a sound level meter, a sound measurement system using a microphone or a sound level meter, with a magnetic tape recorder, graphic level recorder, or other indicating instrument may be used provided the system meets the newest approved requirements of SAE J184a. Sound level meters which meet the requirements for Type 3 meters in ANSI S1.4-1971 may be used for initial inspection procedures, but not for enforcement purposes. Sound level meters shall be calibrated and certified at least once every two years to meet American National Standards Institute Specification S1.4-1971.

(b) **Sound level calibrator.** An acoustically coupled calibrator shall be used periodically to assure the accuracy of the sound level meter and microphone. The calibrator shall be calibrated and certified at least once a year by the manufacturer or a certified laboratory.

(c) **Tachometer.** A tachometer shall be used to measure the RPM for motor vehicles tested under the procedures of WAC 204-56-075. Calibration accuracy for tachometers shall be at least ± 3 percent of full scale reading. Tachometers shall be calibrated at least once every two years in accordance with the manufacturer's calibration procedures. Vibrating reed tachometers shall be deemed to meet the accuracy requirement if not visibly damaged.

(d) **Windscreen.** A windscreen of open cell foam, or any other type as recommended by the manufacturer of the sound level meter, shall be placed over the microphone after calibration to protect it from moisture, exhaust gases, and wind effects.

(e) **Anemometer.** An anemometer with an accuracy of ± 10 percent of the reading for windspeeds of 12 to 20 mph (19 to 32 km/h) shall be used to measure the windspeed at the measurement site.

NEW SECTION

WAC 204-56-045 AMBIENT CONDITIONS AND EQUIPMENT PREPARATION. (1) **Ambient conditions.** The following ambient conditions shall be observed during measurements and shall determine whether testing is to occur or not:

(a) **Wind.** Sound level measurements shall not be made when the wind speed at the microphone position is in excess of:

(i) 20 mph (32 km/hr) for the exhaust system test, WAC 204-56-075;

(ii) 12 mph (19 km/hr) for all other tests;

(b) **Precipitation.** Sound level measurements shall not be made when precipitation is falling in such a way as to affect the equipment or the measurement reading. For tests other than the exhaust system measurement procedure (WAC 204-56-075), the ground surface shall not be wet, or covered with snow or ice;

(c) **Background sound level.** Sound level measurements shall not be made when the difference between the background sound level and the level of the measured sound source is less than 10 dB(A).

(2) **Equipment preparation.** For enforcement purposes the following procedures shall be used to prepare the sound level meter for the measurement of motor vehicle noise levels:

(a) **Battery check.** A battery check shall be conducted on all instruments before field calibration and measurement. Batteries which are in low-charge condition shall be replaced;

(b) **Calibration.** Sound level meters shall be field calibrated using procedures described in the manufacturer's instruction manual, at the beginning and end of each measurement period, and at intervals not exceeding two hours when the instrument is used for more than a two-hour period;

(c) **Microphone orientation.** The microphone shall be oriented with respect to the sound source as described in the manufacturer's instruction manual;

(d) **Meter characteristics.** For all measurement procedures in this chapter the sound level meter shall be set to the A-weighted scale. The response mode ("fast"/"slow") shall be set as specified in the particular procedure being used.

NEW SECTION

WAC 204-56-055 PROCEDURE FOR MEASURING IN-USE, ON HIGHWAY MOTOR VEHICLE SOUND LEVELS. (1) **Scope.** This section describes the procedure for selecting sites and for operating equipment to measure the sound levels of motor vehicles on the highway, for the purpose of enforcing the limits of WAC 173-62-030(1), Table I.

(2) **Site selection.** Generally, the measurement site should be an open, relatively flat area containing a minimum number of obstructions and reflective surfaces within 50 feet (15.2 meters) of the microphone or the microphone point. In addition, the measurement site shall be subject to the following restrictions:

(a) **Road surface.** Roadways shall be paved with relatively smooth asphalt or concrete, shall be dry, and shall be relatively free of holes, grooves, loose material, such as sand or gravel, or other surface irregularities;

(b) **Tunnels and overpasses.** Sound measurements shall not be made within 100 feet of a tunnel or overpass through which the roadway passes;

(c) **Overhangs.** The microphone and microphone point shall not be within 50 feet (15.2 meters) of any overhang exceeding 2 feet (.6 meter) measured perpendicular to the lane of travel (eaves, awnings, balconies, etc.);

(d) **Reflecting surfaces close to microphone.** Sound-reflecting surfaces shall be no closer than 10 feet (3 meters) from the microphone line, except for the patrol car or patrol motorcycle during patrol-mounted measurements;

(e) **Reflecting surfaces close to lane of travel.** Sound-reflecting surfaces within the measurement area shall be no closer than 10 feet (3 meters) from the center of the lane of travel;

(f) **Highway ramps.** Measurement sites shall not be located along highway entrance or exit ramps.

(3) **Equipment set-up and operation.**

(a) **Microphone location.** The microphone shall be located within 21 to 118 feet (6.4 to 36 meters) of the center of the lane of travel.

(b) **Microphone height.**

(i) **Fixed procedure.** The microphone shall be mounted on a tripod if an extension cable is used. If the microphone is attached to the sound level meter, the meter may be mounted on a tripod or hand held. The microphone shall be stationary, at a height of not less than 2 feet (0.6 meter) nor more than 10 feet (3 meters) above the plane of the roadway surface and not less than 3.5 feet (1.1 meters) above the ground. (See WAC 204-56-99001.)

(ii) **Patrol-mounted procedure.** For patrol motorcycles, the sound level meter with microphone attached shall be hand-held, and shall be no closer than 16 inches (.4 meter) to any part of the motorcycle. For patrol cars, the microphone shall be located on a boom attached to the roof above the center of the rear door window, or to the light bar, on the side of the car closest to the measured lane of travel, and shall be no less than 16 inches (.4 meters) above the light bar, or rooftop when window or gutter mounted, nor more than 2 feet (.6 meter) above the roof of the patrol car in either case. For all patrol-mounted measurements the microphone shall be at a height of no less than 2 feet (.6 meter) nor more than 10 feet (3 meters) above the level of the roadway. (See WAC 204-56-99002.)

(c) **Meter response mode.** The meter shall be set to the "fast" response mode.

(4) Types of sites. Two types of sites are established for measuring motor vehicles. The "Standard Measuring Site" requires a large clear open area with the microphone at 48 to 58 feet (14.6 to 17.7 meters) from the center of the lane of travel (see WAC 204-56-99003). The "Restricted Measuring Site" may contain sound-reflecting objects (including the patrol vehicle during patrol-mounted measurements) within the measurement area and/or the microphone may be located outside the distance range allowed for the standard site (see WAC 204-56-99004). When selecting a measuring site, the area shall be measured to determine if a correction factor must be applied.

(a) Standard measuring site. When making measurements of motor vehicle sound levels in standard measuring sites, the instrument readings shall be recorded with no correction factor applied for microphone distance. (See WAC 204-56-99003.)

(b) Restricted measuring site. When making measurements of motor vehicle sound levels in restricted measuring sites, the proper correction factors for distance, reflecting surfaces, and/or patrol vehicle effects shall be applied as described below.

(i) Correction for measuring distance. This factor will correct the reading to what it would be if the vehicle were measured at the standard distance of 50 feet (15.2 meters). The actual distance from the microphone to the microphone point in the restricted site may range from 21 to 118 feet (6.4 to 36 meters). The correction factor shall be obtained from WAC 204-56-99005.

(ii) Surfaces and objects not requiring correction. The following surfaces and objects within the measurement site do not require a correction factor:

(A) Any object, such as telephone booth, utility pole, mailbox, fire hydrant, or tree trunk, with width measured parallel to the motor vehicle path of less than 8 feet (2.4 meters), regardless of height. Such objects must be either on the opposite side of the vehicle path from the microphone, or more than 10 feet (3 meters) from a line passing through the microphone and the microphone point (see WAC 204-56-99006);

(B) Any surface or object less than 1 foot (.3 meter) in height, regardless of length, such as curbs or guard rails;

(C) Any type of traffic railing, except solid barriers with the lower edge more than 2 feet (.6 meter) above the roadway;

(D) Any vertical surface, such as a billboard, with the lower edge more than 15 feet (4.6 meters) above the roadway;

(E) Any uniformly smooth surface slanting away from the roadway (such as a rise in grade alongside the road) with a slope less than 45 degrees from the horizontal;

(F) Any uniformly smooth surface slanting away from the roadway with a 45 to 90 degree slope from the horizontal if the surface slope begins to exceed 45 degrees at a point more than 15 feet (4.6 meters) above the roadway;

(G) Chain link fences, or any vegetation such as bushes, shrubs, small trees, hedges, and grass.

(iii) Sound reflecting surfaces and objects requiring correction. A sound reflecting surface is any building, billboard, hillside, or similar object within the measurement area that reflects sufficient sound to affect the sound level readings obtained from passing motor vehicles, and which does not satisfy the requirements of paragraph (ii) above. Sound level measurements may be made with appropriate corrections when sound reflecting surfaces are within the measurement site. Measurements may be made only when the sound reflecting surfaces are basically parallel to the vehicle path. (See WAC 204-56-99007.)

(A) A basically parallel surface may have irregularities or projections measured perpendicular to the lane of travel, with the distance to the microphone line or vehicle path measured from the closest point of the projection.

(B) Surfaces that are perpendicular to the lane of travel behind a parallel surface for which corrections are made, such as a fence or the side walls of a building do not need corrections computed. (See WAC 204-56-99008.)

(C) Distance measurements from embankments covered with vegetation, concrete, asphalt, dirt, or other relatively smooth cover shall be made from the point where the slope begins to exceed 45 degrees above horizontal. (See WAC 204-56-99009.) Measurements from nonsmooth embankments shall be made from the point where the irregularities begin.

(D) Measurement sites containing sound reflecting surfaces basically parallel to the vehicle path may be used by measuring the distances "D" and "L" shown in WAC 204-56-99010 and applying the correction factor obtained from the nomogram in WAC 204-56-99011. Measurement "D" is the shortest distance between the sound reflecting

surface in front of the lane of travel and the centerline of the lane of travel. Measurement "L" is the shortest distance between the sound reflecting surface behind the microphone line and the microphone line.

To use the nomogram, locate the points on the left and right scales of WAC 204-56-99011, corresponding to the distances "D" and "L" in WAC 204-56-99010. Place a straight edge across the nomogram so that it connects the two points. The point where the straight edge intersects the center axis indicates the correction factor to be applied.

(5) Additional effects to be considered during measurement. The following effects may or may not occur during sound level measurements of motor vehicles on the roadway. Enforcement personnel must be aware of these effects and must consider them accordingly when recording vehicle sound levels.

(a) A sound level shall not be recorded if the motor vehicle is operating with snow tires, studded tires, or snow chains, as these devices may cause the reading to be higher than the level the vehicle is actually emitting. However, if the vehicle exhaust or powertrain sound level appears to be the predominant source, the vehicle may be measured in accordance with procedures in WAC 204-56-075 to determine possible violation of WAC 173-62-030(4), Table III.

(b) Sound level readings shall not be recorded while a motor vehicle is undergoing safety or emergency related maneuvers.

(c) Sound level readings shall not be acceptable if the operator of the motor vehicle has sounded his vehicle's horn. Blowing of the horn for the purpose of interfering with measurement of the vehicle sound level is not a lawful use of the horn and shall be deemed a violation of RCW 46.37.380.

(d) Sound level readings for a vehicle may be obtained regardless of road grade, vehicle load, vehicle acceleration, or vehicle deceleration.

(e) Because of heavy traffic conditions, more than one motor vehicle at a time may be within the measurement area. To insure that an accurate reading is obtained, the sound level of the vehicle under scrutiny must rise at least 6 dB(A) before and fall at least 6 dB(A) after the maximum sound level occurs.

(f) During patrol-mounted measurements, sound emissions from a patrol vehicle's radio or idling engine shall be at least 10 dB(A) below the noise limits set by chapter 173-62 WAC together with any applied correction factor.

(6) Equipment variation allowances.

Due to instrument production and design tolerances, the following allowances shall be made for the respective sound level meters during enforcement:

- + 1 dBA for ANSI certified Type 1 sound level meters
- + 2 dBA for ANSI certified Type 2 sound level meters

This value shall be applied, either to the standard or the meter reading. (See WAC 204-56-055(8).)

(7) Corrections for patrol-vehicle mounted measurements.

(a) Patrol motorcycles. For patrol motorcycles a correction factor of + 2 dBA shall be applied, either to the standard or the meter reading. (See WAC 204-56-055(8).)

(b) Patrol cars. For patrol cars parallel to the roadway a correction factor of + 3 dBA shall be applied and patrol cars monitoring while perpendicular to the roadway a correction factor of + 2 dBA shall be applied, either to the standard or meter reading. (See WAC 204-56-055(8).)

(c) Corrections for patrol-mounted measurements shall be in addition to the corrections applied for the sound level meter, distances, and other reflecting surfaces.

(8) Calculating corrections to vehicle standards or meter readings. During enforcement monitoring, the officer may compare actual meter readings (AMR) to a corrected standard (CST) or compare a corrected meter reading (CMR) to the actual standards (AST). The method used is at the discretion of the enforcement officer. The corrections that must be considered when calculating a corrected standard (CST) or corrected meter reading (CMR) are: Equipment tolerances (ET) (see WAC 204-56-055(6)), patrol-vehicle mounted tolerances (PT) (see WAC 204-56-055(7)), and site tolerances (distance (DT) and reflection (RT)) (see WAC 204-56-055(4)(b)(iii) and 204-56-99010 and 204-56-99011).

(a) To derive the corrected standard (CST) (enforcement level) you must add the tolerances to the actual standard (AST). Positive (+) corrections are added to the actual standard while negative (-) corrections are subtracted from the actual standard.

(CST = AST + ET + PT + DT + RT)

(b) To derive the corrected meter reading (CMR) (that level reported as the level of the vehicle when comparing it to the actual

standard (AST)) you must subtract the tolerances from the actual meter reading (AMR). Positive (+) corrections are subtracted from the meter reading while negative (-) corrections are added to the meter reading. Therefore if (DT) or (RT) are negative (-) values, they must be added to the meter reading.

$$(CMR = AMR - ET - PT - DT - RT)$$

NOTE: Do NOT compare a corrected meter reading (CMR) with a corrected standard (CST) as this may result in a false indication of violation. Only compare (CMR to AST) or (AMR to CST) to determine a violation.

(9) Interstate motor carriers with GVWR over 10,000 pounds. Trucks licensed as interstate motor carriers with GVWR over 10,000 pounds shall be measured in accordance with the latest procedures adopted in the Department of Transportation Bureau of Motor Carrier Safety Regulations for Enforcement of Motor Carrier Noise Emission Standards.

NEW SECTION

WAC 204-56-065 PROCEDURE FOR MEASURING STATIONARY TRUCK SOUND LEVELS. (1) Scope. This section specifies the procedure for measuring the sound level generated by a motor vehicle that has a GVWR of more than 10,000 pounds when the vehicle's engine is rapidly accelerated from idle to governed speed at wide open throttle with the vehicle stationary, its transmission in neutral, and its clutch engaged.

(2) Procedure. Measurements shall be made in accordance with the latest procedures established in the Department of Transportation Bureau of Motor Carrier Safety Regulations for Enforcement of Motor Carrier Noise Emission Standards.

NEW SECTION

WAC 204-56-075 PROCEDURE FOR MEASURING IN-USE MOTOR VEHICLE EXHAUST SYSTEM SOUND LEVELS. (1) Scope. The procedure described in this section is intended to measure noise emitted from exhaust systems of stationary motor vehicles at a minimum distance of 20 inches (.5 meter) from the exhaust outlet. The actual measurement distance may be greater than 20 inches (.5 meter) under circumstances where the exhaust outlet ends under the body of the motor vehicle. The procedure allows testing at sites limited in open space, and measures levels for enforcement of the limits in WAC 173-62-030(4), Table II.

(2) Initial inspection. An initial inspection of the motor vehicle may be performed to determine if the motor vehicle shall be submitted to a visual inspection of the exhaust system for defects, or if the motor vehicle shall be submitted to the procedure for measuring the exhaust system sound level.

(a) Evaluation of sound level. An evaluation of the exhaust system sound level shall be made by the enforcement officer, using the human ear as a sensing device. If under any operating conditions the vehicle exhaust noise is discernibly louder than the vehicle engine and/or tire noise, then the enforcement officer may require that the vehicle exhaust system be submitted to the visual inspection described in paragraph (b) below, and/or to the sound level measurement procedure described in this section. Sound level measurements of such vehicles may be performed at off-road sites for application of the in-use standards.

(b) Visual inspection. A visual inspection of the motor vehicle exhaust system may be performed to determine if the following defects or modifications exist:

- (i) The absence of a muffler;
- (ii) The presence of a muffler cut-out, bypass, or similar device;
- (iii) The presence of defects in the exhaust system including, but not limited to, holes in the muffler or pipes, (except holes specifically designed for water drainage) pinched outlets, or rusted through areas of the muffler or pipes;
- (iv) The presence of equipment designed to produce excessive or unusual noise from the exhaust system.

If these defects or modifications exist, the owner of the motor vehicle shall be in violation of RCW 46.37.390 and/or WAC 173-62-030(2).

(3) Measurement site. The measurement site shall be a relatively flat, open area free of large, vertical sound reflecting surfaces (such as signboards, buildings, hillsides, or other motor vehicles) located within a radius of 16 feet (5 meters) from the test vehicle and the microphone. The test vehicle shall not be on a hoist, rack, or over a pit.

Measurements shall not be made within a shop or building. No one shall be in the measurement area except the enforcement officer, a witness or trainee, and the motor vehicle operator. (See WAC 204-56-99012.)

(4) Equipment set-up and operation.

(a) The microphone may be mounted on a tripod or other support, or if the microphone is attached to the sound level meter the meter may be handheld or mounted on a tripod.

(b) The microphone shall be at the same height as the center of the exhaust outlet if possible, but not closer to any surface (such as the ground or the test vehicle) than 8 inches (.2 meter). The microphone shall be positioned with its longitudinal axis parallel to the ground, 20 inches (.5 meter) or more (as required to meet the angularity and 8-inch minimum surface distance requirements) from the edge of the exhaust outlet, and at an angle of 45 ± 10 degrees from the axis of the exhaust outlet. For outlets inboard from the vehicle body, the microphone shall be located at the above specified angle and at least 8 inches (.2 meter) from any part of the vehicle. For cases where it is impossible to meet the distance and angularity requirements concurrently, the angle or the total distance of 20 inches may be varied to satisfy the distance requirements of 8 inches from the vehicle body. (See WAC 204-56-99013.)

For motor vehicles provided with two or more exhaust outlets spaced more than 1 foot (.3 meter) apart, measurements shall be made for each outlet and the highest sound level shall be recorded. If the exhaust outlets are 1 foot (.3 meter) or less apart, a single measurement shall be made for any one of the outlets. (See WAC 204-56-99013.)

(c) During measurement of the sound level, the engine cover (hood, etc., if one exists) shall be closed as much as possible to reduce engine noise.

(d) A measuring device may be attached to the microphone and/or exhaust outlet to maintain proper distance, but only in a manner such that no vibrations from the motor vehicle are transmitted to the microphone.

(e) The sound level meter shall be set for "slow" response.

(5) Motor vehicle operation. The test vehicle shall be operated as follows:

(a) Motor vehicles weighing 10,000 lbs. GVWR or less. The engine of the motor vehicle shall be operated at a normal operating temperature with transmission in park or neutral. Sound level measurements shall be made at $3/4$ (75 percent) ± 100 RPM of the maximum RPM. Except for motor vehicles with diesel engines. The vehicle may be tested at $3,000 \pm 100$ RPM in lieu of the $3/4$ maximum RPM stipulation if the engine data (maximum RPM) is not available.

(b) Vehicles with motorcycle engines. The engine of the vehicle shall be operated at normal operating temperatures with the transmission in neutral. If no neutral is provided, the vehicle shall be operated either with the rear wheel or wheels 2 to 4 inches (5 to 10 centimeters) clear of the ground, or with the drive chain or belt removed. The sound level measurement shall be made with the engine speed stabilized at one of the following values:

(i) If the engine data is available, test the vehicle at $1/2$ (50 percent) ± 100 RPM of the maximum RPM;

(ii) If the engine data is not available, and if the vehicle has a tachometer showing the manufacturer's recommended maximum engine speed ("Red Line"), test the vehicle at $1/2$ (50 percent) ± 100 RPM of the "Red Line" RPM;

(iii) If the engine data and red line RPM are not available, test the vehicle at:

(A) 3500 ± 100 RPM for engines with total cylinder displacement between 0 to 950 cc (0 to 58 in.³).

(B) 2800 ± 100 RPM for engines with total cylinder displacement greater than 950 cc (58 in.³).

(6) Reported sound level. The measured sound level shall be the highest value obtained at the specified engine speed, excluding peaks due to unrelated ambient noise, or extraneous impulse-type noise. When more than one exhaust outlet must be checked, the measured sound level shall be for the loudest outlet. For enforcement purposes, the reported sound level shall be the level determined after applying any required meter tolerance corrections to the measured sound level.

NEW SECTION

WAC 204-56-085 PROCEDURES FOR MEASURING NEW MOTOR VEHICLE SOUND LEVELS. (1) Scope. This section specifies the procedures to be used for measuring the sound levels of new motor vehicles for the purpose of enforcing the new motor vehicle limits established in WAC 173-62-030(4), Table III.

(2) Motor vehicles with GVWR of 10,000 pounds or less. New motor vehicles with a GVWR of 10,000 pounds or less which have been manufactured after January 1, 1975 shall be measured according to the latest version of the Society of Automotive Engineers (SAE) standard J986 NOV 81.

(3) Motor vehicles with GVWR over 10,000 pounds. New motor vehicles with a GVWR greater than 10,000 pounds which have been manufactured after January 1, 1975 shall be measured according to the latest version of the procedure of Section 205.54 in the Environmental Protection Agency's Noise Emission Standards for New Medium and Heavy Duty Trucks.

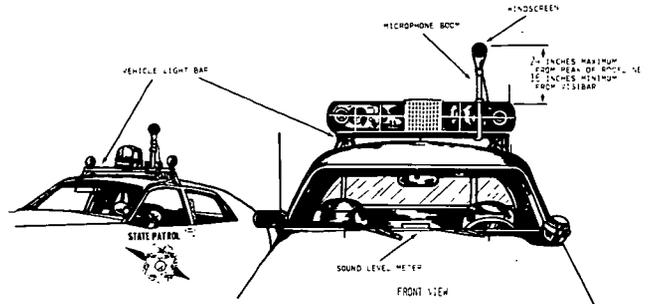
(4) Motorcycles. New motorcycles manufactured after January 1, 1976 shall be measured according to the latest version of the SAE Recommended Practice J331a.

(5) Buses over 10,000 pounds GVWR. New buses with a GVWR greater than 10,000 pounds which have been manufactured after January 1, 1980 shall be measured according to the latest version of the Society of Automotive Engineers (SAE) standard J366b.

(6) Requests for copies of ANSI documents should be addressed to: Acoustical Society of America, American Institute of Physics, 335 East 45th Street, New York, N.Y., 10017. Requests for copies of SAE documents should be addressed to: Society of Automotive Engineers, Attn: Dept. 001, 400 Commonwealth Drive, Warrendale, PA. 15096.

NEW SECTION

WAC 204-56-99002 PATROL MOUNTED MICROPHONE LOCATION.



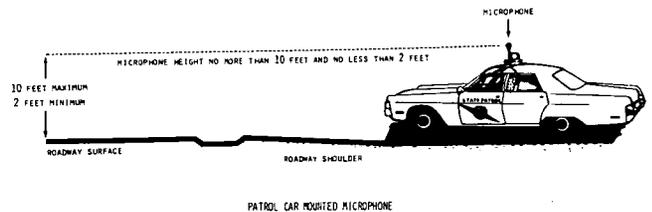
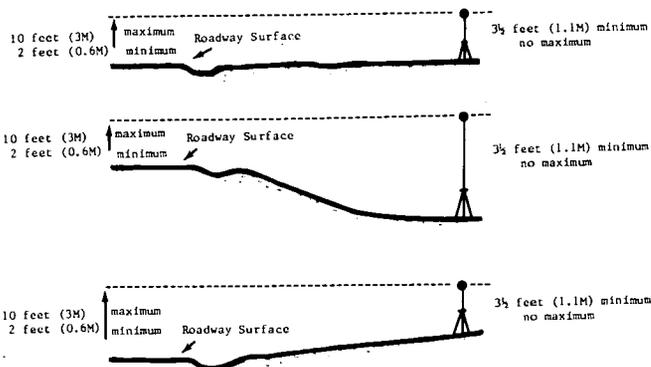
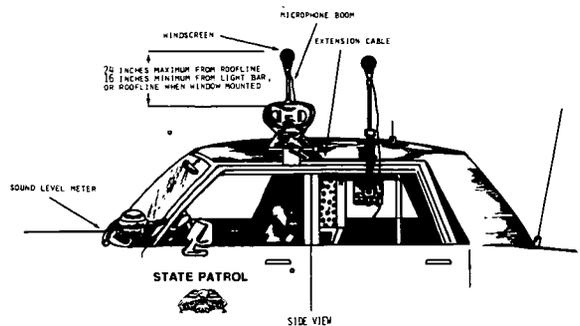
REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 204-56-010 INTRODUCTION.
- (2) WAC 204-56-020 ON-HIGHWAY SOUND LEVEL MEASUREMENTS.
- (3) WAC 204-56-030 STATIONARY VEHICLE SOUND LEVEL MEASUREMENT.
- (4) WAC 204-56-040 STATIC TEST SITE FOR VEHICLE SOUND LEVEL MEASUREMENT.
- (5) WAC 204-56-050 NEW MOTOR VEHICLE NOISE LIMITS PROCEDURE.

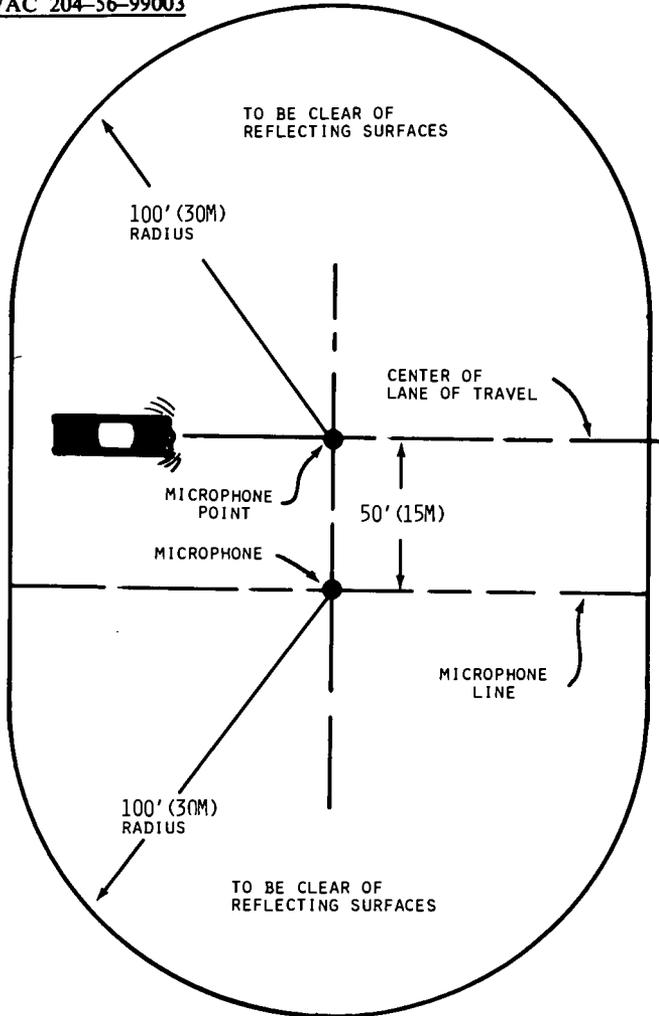
NEW SECTION

WAC 204-56-99001 MICROPHONE HEIGHT FOR MEASUREMENT OF IN-USE VEHICLES ON THE HIGHWAY.



NEW SECTION

WAC 204-56-99003

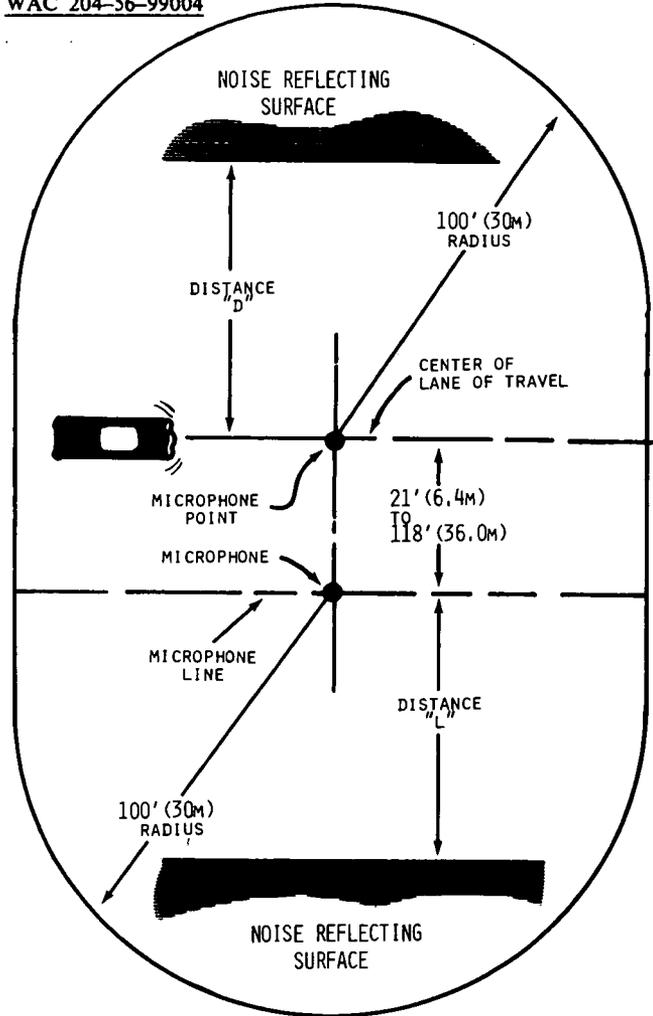


In-use vehicle "standard measuring site".
(non-patrol car mounted microphone)

Reviser's Note: The caption of the above new section was omitted in the copy filed by the agency.

NEW SECTION

WAC 204-56-99004



In-use vehicle "restricted measuring site."

Reviser's Note: The caption of the above new section was omitted in the copy filed by the agency.

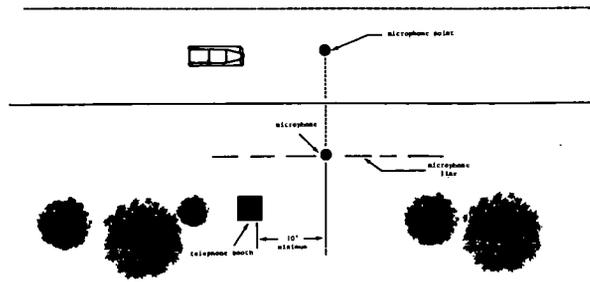
NEW SECTION

WAC 204-56-99005 CORRECTION FACTORS FOR MEASURING DISTANCE.

Distance from Microphone to Center of Lane of Travel	Sound Level Correction Factor, dB
21 feet (6.4m) or more but less than 29 feet (8.8m)	+ 7
29 feet (8.8m) or more but less than 32 feet (9.8m)	+ 6
32 feet (9.8m) or more but less than 35 feet (10.7m)	+ 5
35 feet (10.7m) or more but less than 39 feet (11.9m)	+ 3
39 feet (11.9m) or more but less than 43 feet (13.1m)	+ 2
43 feet (13.1m) or more but less than 48 feet (14.6m)	+ 1
48 feet (14.6m) or more but less than 58 feet (17.1m)	0
58 feet (17.1m) or more but less than 70 feet (21.3m)	- 1
70 feet (21.3m) or more but less than 83 feet (25.3m)	- 2
83 feet (25.3m) or more but less than 99 feet (30.2m)	- 3
99 feet (30.2m) or more but less than 118 feet (36 m)	- 4

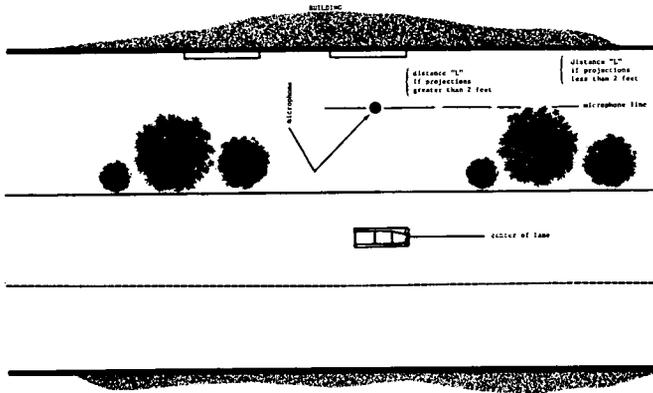
NEW SECTION

WAC 204-56-99006 NARROW OBJECTS NEAR THE MICROPHONE.



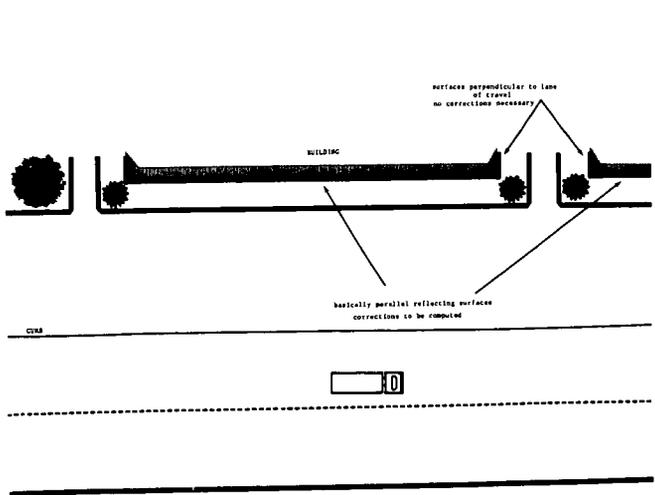
NEW SECTION

WAC 204-56-99007 BASICALLY PARALLEL SURFACES WITH PROJECTIONS.



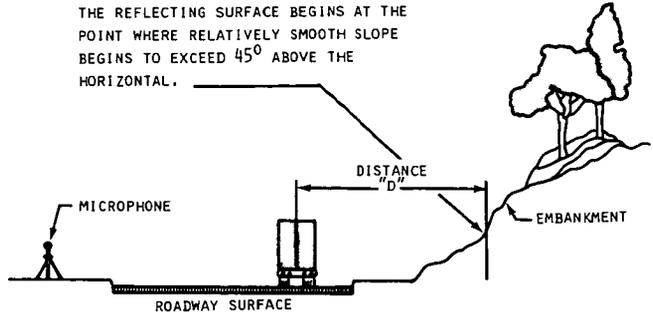
NEW SECTION

WAC 204-56-99008 BASICALLY PARALLEL SURFACES WITH PERPENDICULAR SURFACES.



NEW SECTION

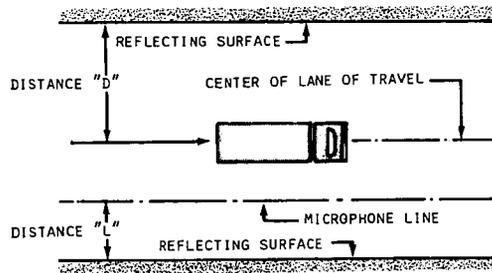
WAC 294-56-99009 MEASUREMENT OF DISTANCE TO REFLECTING SURFACE (EMBANKMENT).



Measurement of distance to reflecting surface (embankment).

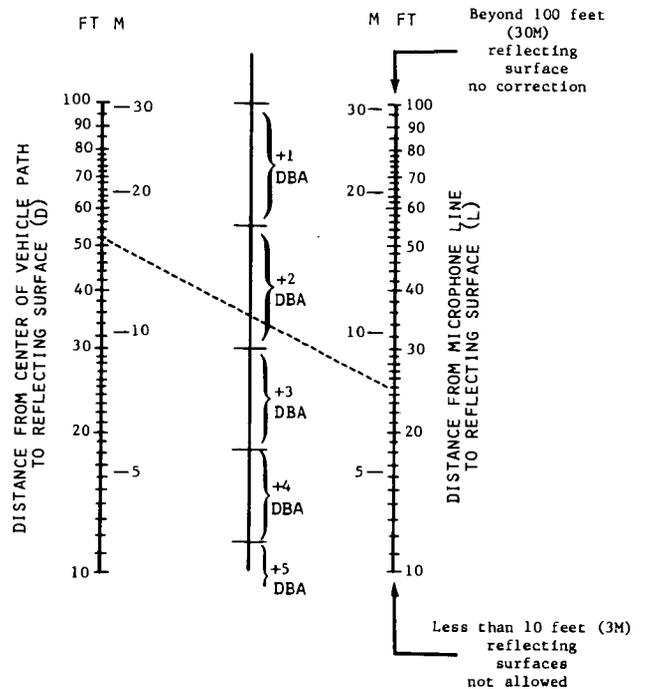
NEW SECTION

WAC 204-56-99010 DISTANCES "D" AND "L".



NEW SECTION

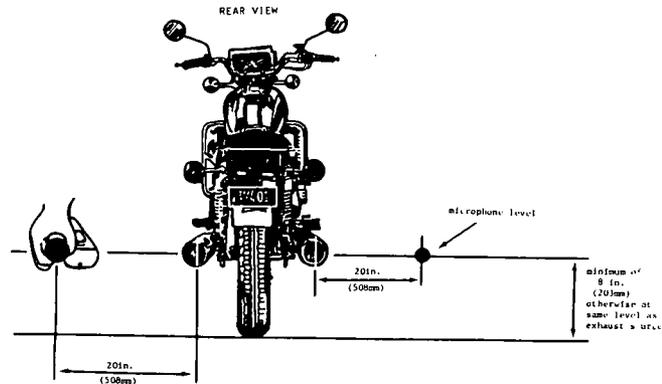
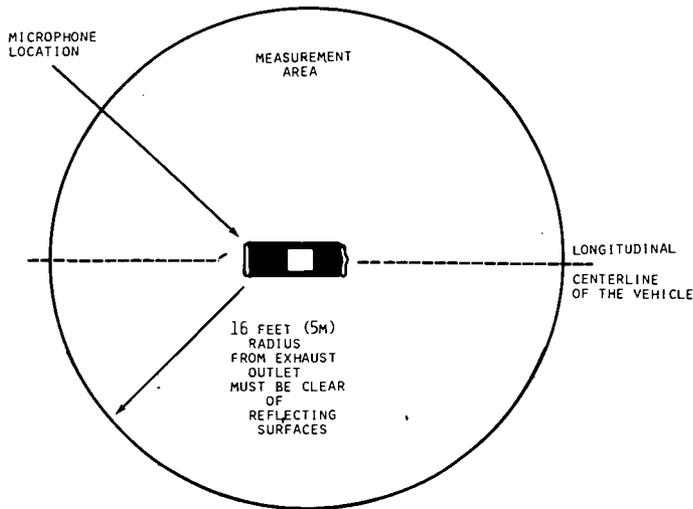
WAC 204-56-99011 NOMOGRAM FOR REFLECTING SURFACES.



Correction nomogram for reflecting surfaces "D" and "L".

NEW SECTION

WAC 204-56-99012 EXHAUST SYSTEM MEASUREMENT SITE.



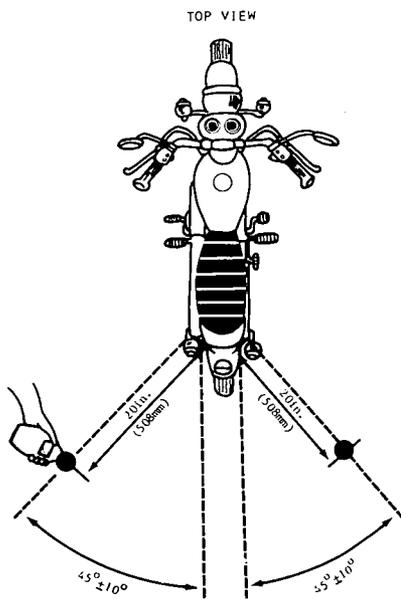
FOR DUAL EXHAUSTS, MEASURE BOTH AND RECORD THE HIGHER OF THE TWO READINGS.

NOTE: DO NOT ALLOW THE EXHAUST TO IMPINGE ON THE MICROPHONE. USE THE WIND SCREEN TO PROTECT THE MICROPHONE.

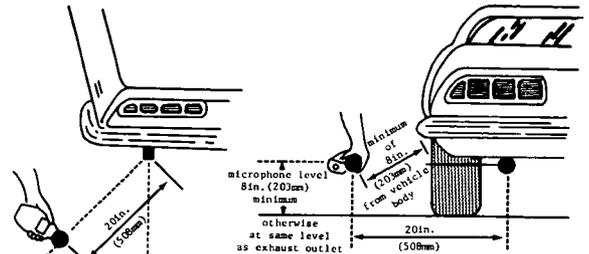
NEW SECTION

WAC 204-56-99013 MICROPHONE LOCATIONS FOR EXHAUST SYSTEM MEASUREMENTS.

MICROPHONE PLACEMENT FOR MOTORCYCLES

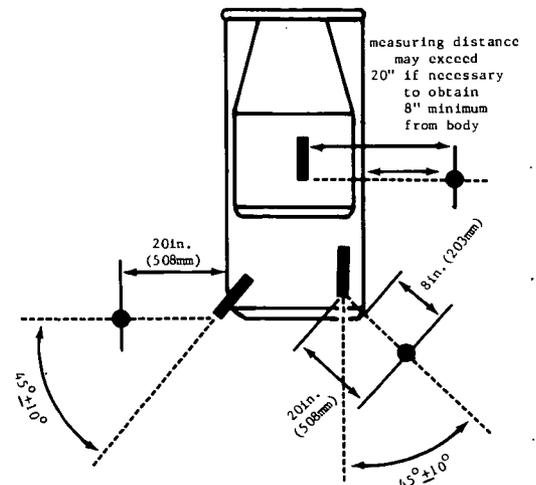


MICROPHONE PLACEMENT FOR AUTOMOBILES AND LIGHT TRUCKS



NOTE: DO NOT ALLOW THE EXHAUST TO IMPINGE ON THE MICROPHONE. USE THE WIND SCREEN TO PROTECT THE MICROPHONE.

FOR DUAL EXHAUSTS, MEASURE BOTH AND RECORD THE HIGHER OF THE TWO READINGS



(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 18, 1982.
By Donald H. Williams
Executive Secretary

CHAPTER 360-21 WAC
WHOLESALEERS

WAC

- 360-21-010 DEFINITIONS.
- 360-21-020 MINIMUM STANDARDS FOR WHOLESALEERS.
- 360-21-030 INSPECTIONS.
- 360-21-040 RECORDS.
- 360-21-050 SECURITY.
- 360-21-060 UNAUTHORIZED SALES.
- 360-21-070 APPLICATION FOR FULL LINE WHOLESALE LICENSE AND OVER-THE-COUNTER ONLY WHOLESALE LICENSE.
- 360-21-080 APPLICATION FOR CONTROLLED SUBSTANCE WHOLESALE LICENSE.
- 360-21-090 EXPORT WHOLESALEER.

NEW SECTION

WAC 360-21-010 DEFINITIONS. (1) "Full Line Wholesaler" means any wholesaler authorized by the Board to possess and sell legend drugs, controlled substances (additional registration required) and non-prescription drugs (over-the-counter - OTC) to a licensed pharmacy or other legally licensed or authorized person.

(2) "Over-the-Counter Only Wholesaler" means any wholesaler authorized by the Board to possess and sell non-prescription (OTC) drugs to any outlets licensed for resale.

(3) "Controlled Substances Wholesaler" means a licensed wholesaler authorized by the Board to possess and sell controlled substances to a licensed pharmacy or other legally licensed or authorized person.

(4) "Export Wholesaler" means any wholesaler authorized by the Board to export legend drugs and non-prescription (OTC) drugs to foreign counties.

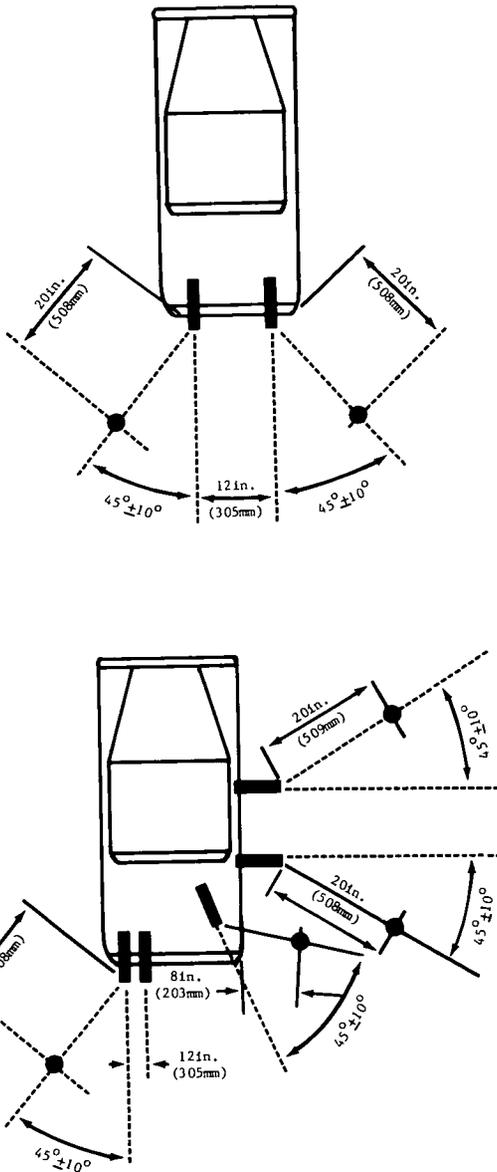
Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 360-21-020 MINIMUM STANDARDS FOR WHOLESALEERS. The following minimum standards shall apply to all wholesale outlets for which licenses have been issued by the Board:

(1) Light and ventilation: All wholesale outlets including all storage areas, shall be well lighted, well ventilated and properly heated.

(2) Sanitary facilities: All wholesale outlets shall have sanitary facilities constructed in accordance with the



WSR 82-06-042
ADOPTED RULES
BOARD OF PHARMACY
[Order 165—Filed March 2, 1982]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does promulgate and adopt the annexed rules relating to the adding of new chapter 360-21 WAC, WAC 360-21-010 through 360-21-090, amending 360-32-055 and repealing 360-13-065.

This action is taken pursuant to Notice No. WSR 82-02-094 filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(11) and 69.41.075.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

laws and ordinances applying thereto. Facilities shall include a restroom for employees which shall be provided with a wash basin supplied with hot and cold running water and toilet.

(3) All drugs and chemicals shall be stored at appropriate temperatures according to label requirements to maintain stability.

(4) A residence shall not be considered to be an acceptable location for issuance of a wholesaler's license unless the wholesaler's business is operated in a separate space within the residence which otherwise meets the requirements of this section.

(5) Adequate space shall be provided consistent with the wholesale drug outlet operation.

(6) Minimum equipment shall be maintained consistent with the wholesale drug outlet's operation and shall be in proper working order at all times.

(7) Adequate security shall be provided as specified in WAC 360-21-050.

(8) Surrounding environmental conditions shall be adequate to prevent contamination of stored products.

NEW SECTION

WAC 360-21-030 INSPECTIONS. Inspections shall be performed by representatives of the Board of Pharmacy to ensure compliance with chapter 360-21 WAC. The following items shall be included in these inspections:

(a) The walls, ceilings, windows, and floors of the premises shall be clean and maintained in good repair and order.

(b) The licensee's premises shall be free from obnoxious odors.

(c) All persons working in premises are required to keep themselves and their apparel in a clean and sanitary condition.

(d) Other areas of inspection include, but are not limited to housekeeping, sanitation, record keeping, accountability, security, types of outlets sold to and sources of drugs purchased.

NEW SECTION

WAC 360-21-040 RECORDS. Invoices shall be maintained for a period of five years, and show the source of supply for all drugs and to whom they were sold or distributed. Lack of such records shall be grounds for suspension or revocation of wholesale license. These records shall be available during regular business hours for inspection by any authorized representative of the Board of Pharmacy. In those instances in which records are stored in a location other than the wholesaler's premises, the records must be available for inspection within 72 hours.

NEW SECTION

WAC 360-21-050 SECURITY. (1) Every wholesaler shall take security precautions to ensure that access from outside the premises is reduced to a minimum and that internal security equipment (alarm systems) are used to detect entry after hours.

(2) Legend drug storage areas shall be constructed in such a manner as to prevent illegal entry.

(3) Adequate lighting shall be provided at the outside perimeter of the premises to reduce the possibility of illegal entry.

(4) All applicants for a license as a controlled substances wholesaler must comply with the security requirements as found in 21 CFR 1301.02, 1301.71 through 1301.74 and 1301.90 through 1301.92.

NEW SECTION

WAC 360-21-060 UNAUTHORIZED SALES. No wholesaler shall sell or distribute any drugs or devices except to an individual, corporation, or entity who is authorized by law or regulation to possess such drugs or devices. No wholesaler shall sell any drugs or devices to an ultimate consumer.

NEW SECTION

WAC 360-21-070 APPLICATION FOR FULL LINE WHOLESALER LICENSE AND OVER-THE-COUNTER ONLY WHOLESALER LICENSE. No person shall act as a wholesaler unless he/she has obtained a license from the Board.

(1) All application for licensure of a new or relocated wholesaler shall be accompanied by the required fee as set forth in WAC 360-18-020.

(2) Applications shall specify the location of the wholesaler premises. When the applicant is not the owner of the business, the application shall indicate the owner and the applicant affiliation with the owner:

(a) If the owner is a partnership or other multiple owner, the names of the partners or person holding the three largest interests shall be indicated on the application.

(b) If the owner is a corporation, the name filed shall be the same as filed with the Secretary of State. The name of the corporation, and the names of the corporation officers shall be indicated on the application.

(3) All license renewal applications shall be accompanied by the annual fee and contain the same information required in subsection (2) of this rule.

(4) A change of ownership or location requires a new license.

(5) The license is issued to a person or firm and is nontransferable. Additions or deletions of a partner/partners shall be considered as a change of ownership.

(6) The license fee cannot be prorated.

NEW SECTION

WAC 360-21-080 APPLICATION FOR CONTROLLED SUBSTANCE WHOLESALER LICENSE. No person shall act as a controlled substance wholesaler unless he/she has obtained a controlled substance wholesaler license from the Board.

(1) He/she must be licensed as a full line wholesaler.

(2) He/she must meet all security requirements as set forth in WAC 360-21-050(4).

(3) He/she must meet additional requirements for registration and fees as set forth in WAC 360-36-010.

NEW SECTION

WAC 360-21-090 EXPORT WHOLESALER. (1) Upon application the Board may issue a wholesaler license for the primary business of exporting drugs to foreign countries.

(2) Such license authorizes the holder to export non-controlled drugs to persons in a foreign jurisdiction that have legitimate reasons to possess such drugs.

(3) Letters from consulate of the country to which drugs are exported should verify consignee receiving such drugs is legally entitled in that country to receive them, if applicable. These letters shall be made available to the board upon its request.

(4) Records to be kept by export wholesaler:

(a) Complete description of drug, including, name, quantity, strength, and dosage unit.

(b) Name and address of purchaser.

(c) Name and address of consignee in the country of destination.

(d) Name and address of forwarding agent.

(e) Proposed export date.

(f) Shippers involved and methods of shipment.

(5) The issuance of an export wholesaler license does not authorize delivery of drugs in the United States.

AMENDATORY SECTION (amending Order 160, filed 4/28/81)

WAC 360-32-055 EPHEDRINE PRESCRIPTION RESTRICTIONS. (1) The Board of pharmacy, pursuant to RCW 69.41.075, hereby identifies ephedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, as a legend drug subject to the restrictions of RCW 69.41.030.

(2) The following products containing ephedrine or its ((stereoisomers)) salts are exempted from the provisions of this regulation:

- 1. AMORDRINE tablet 25 mg (as racemic hydrochloride) (Searle)
- 2. BRONITIN tablet (Whitehall) 24 mg ephedrine
- 3. BRONKAID tablet (Breon) 24 mg (as sulfate)
- 4. BRONKOTABS tablet (Breon) 24 mg (as sulfate)
- 5. CALCIDRINE SYRUP (Abbott) 4.2 mg/5cc Hcl
- ~~((6. CHLOR-TRIMENTON DECON-60 mg ephedrine GESTAMP (Schering))~~
- ~~7. CODIMAL tablet - capsule pseudoeephedrine hydrochloride, 30 mg (Central Pharmacal)~~
- ~~8. CO-TYLENOL COLD FORMULA for CHILDREN (McNeil) pseudoeephedrine hydrochloride, 7.5 mg/5 ml~~
- ~~9. D-FEDA (Dooner) pseudoeephedrine hydrochloride, 30 mg/5 ml~~
- ~~10. DIMOCOL LIQUID and CAPSULES (Robins) pseudoeephedrine hydrochloride, 30 mg/5 ml or capsules~~
- ~~11. FEDAHIST tablet - syrup pseudoeephedrine hydrochloride, 60 mg/tablet 30 mg/5 ml (Dooner)~~
- ~~12. FEDAHIST EXPECTORANT pseudoeephedrine hydrochloride, 30 mg 5 ml (Dooner)~~

- ~~13. FEDRAZIL tablet pseudoeephedrine hydrochloride, 30 mg (Burroughs-Wellcome)~~
- ~~14.)) 6. HISTADYL EC ephedrine hydrochloride, 30 mg/30 ml (Lilly)~~
- ~~((15.)) 7. HISTIVITE-D ephedrine sulfate, 30 mg/30 ml (Vitarine)~~
- ~~((16. NALDEGESIC tablet pseudoeephedrine, 15 mg (Bristol)~~
- ~~17. NOVAFED syrup pseudoeephedrine hydrochloride, 30 mg/5 ml (Dow)~~
- ~~18. NOVAFED A pseudoeephedrine hydrochloride, 30 mg/5 ml (Dow)~~
- ~~19. NOVAHISTINE DMX pseudoeephedrine hydrochloride, 30 mg/5 ml (Dow)~~
- ~~20.)) 8. NYQUIL ephedrine sulfate, 8 mg/30 ml (Vicks)~~
- ~~((21.)) 9. PRIMATINE M tablet 24 mg (as hydrochloride) (Whitehall)~~
- ~~((22.)) 10. QUELIDRINE ephedrine hydrochloride, 5 mg/5 ml (Abbott)~~
- ~~((23.)) 11. QUIET-NITE ephedrine sulfate, 10 mg/30 ml (Rexall)~~
- ~~((24. ROBIFUSSION-PE pseudoeephedrine hydrochloride, 30 mg/5 ml (Robins)~~
- ~~25. SINACET tablet pseudoeephedrine hydrochloride, 15 mg (Meyer)~~
- ~~26. SUDAFED tablet - syrup pseudoeephedrine hydrochloride, 30 mg and 60 mg tablets or 5 ml (30 mg/ml) (Burroughs-Wellcome)~~
- ~~27.)) 12. VERAQUAD tablet - suspension (Knoll) 24 mg tablet, 12 mg/5 ml (as hydrochloride)~~

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 360-13-065 PHARMACEUTICAL SERVICES.

WSR 82-06-043

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order 672—Filed March 2, 1982]

I, Jack G. Nelson, deputy director, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adding of new chapter 308-25 WAC, WAC 308-25-010 through 308-25-070.

This action is taken pursuant to Notice No. WSR 82-02-093 filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.24.020 and 43.24.024 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 10, 1982.

By Jack G. Nelson
Deputy Director

CHAPTER 308-25 WAC
DENTAL HYGIENISTS

WAC

308-25-010	APPLICATIONS FOR EXAMINATION.
308-25-020	THE EXAMINATION.
308-25-030	EXAMINATION RESULTS.
308-25-040	EXAMINATION REVIEW PROCEDURES.
308-25-050	RENEWAL OF LICENSES.
308-25-060	DENTAL HYGIENIST—FEES.
308-25-070	DISMISSAL FROM EXAMINATION.

NEW SECTION

WAC 308-25-010 APPLICATIONS FOR EXAMINATION. (1) To be eligible for the dental hygiene examination the applicant must have attained the age of eighteen years or be going to attain such age before the date of the examination, and must be a graduate from a dental hygiene school approved by the Director of the Department of Licensing. The director adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental hygiene schools and current January, 1981 and has approved all and only those dental hygiene schools which were accredited by the Commission as of January, 1981. Other dental hygiene schools which apply for director's approval and which meet these adopted standards to the director's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the director.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P. O. Box 9649, Olympia, Washington, upon request. The application must be completed in every respect and must reach the Division of Professional Licensing in Olympia, at least sixty days prior to the examination. The application must include:

- (a) the required examination fee;
- (b) either the National Board IBM card or a notarized copy of the National Board certificate. Applicants who have not passed the National Board will be given a Washington state theory examination;
- (c) two photos of the applicant taken within the year immediately preceding the application.

(3) The only acceptable proof of graduation from an approved dental hygiene school is an official transcript from such school, or a verified list of graduating students from the dean or director of the dental hygiene school. The verified list of candidates will only be acceptable

from applicants who have graduated within 45 days of the examination date for which they are applying. An applicant may complete application requirements and be scheduled for the examination before graduation, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean or director has been received by the Division of Professional Licensing of the Department of Licensing on or before the day of the examination.

(4) Upon establishing examination eligibility, the Division of Professional Licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the director or the director's authorized agent throughout the practical examination.

(5) Applicants will be required to furnish documentary evidence of malpractice liability insurance covering their performance during the examination.

(6) An applicant must provide satisfactory evidence of the successful completion of the course of training in practical anesthetic technique. This course of training shall be comparable in content and instructional hours to clinical and didactic courses offered in dental hygiene programs or schools in Washington.

NEW SECTION

WAC 308-25-020 THE EXAMINATION. (1) Patients must be obtained by the applicant.

(2) The examination will consist of two sections:

(a) Practical:

(i) Case history - forms to be furnished by the department or its authorized agent.

(ii) One oral prophylaxis case. Patient for oral prophylaxis must be at least eighteen years old and have a minimum of twenty-four teeth. It is not recommended that patients be selected who have advanced stages of periodontal involvement, such as 6 mm sulcus depth with moderate degrees of alveolar bone loss. Patients must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. If case is not adequate for testing the applicant's competency, patient will be rejected.

(iii) Applicant will bring manikin teeth (a typodont) with a condensed, carved and unpolished M.O.D. amalgam restoration on a molar which applicant will be required to polish and leave with the department or its authorized agent.

(iv) Applicant will be expected to demonstrate proficiency with cures.

(v) A specified series of radiographs which will remain with the director of the director's authorized agent. Unless otherwise authorized by the director or the director's authorized agent, the same patient will be used for patient examination, prophylaxis and radiographs.

(vi) Placement of an amalgam alloy. The applicant will be furnished with a tooth prepared for amalgam placement. The applicant must demonstrate proper use of the matrix and the insertion and condensation of the filling material. The matrix will be removed, the restoration carved, and contact restored.

(vii) Applicant will be required to demonstrate the administration of a local anesthetic. Applicant will furnish anesthesia material using anesthetic solution with no vaso-constrictor unless otherwise authorized by the director or the director's authorized agent.

(viii) The director or the director's authorized agent may, at their discretion, give an examination in any phase of dental hygiene procedures. Applicant will receive information concerning such examination prior to the scheduled examination date.

(b) Washington State Theory Examination; including the subjects set out in RCW 18.29.030. Successful completion of the National Board of Dental Hygiene Examination will be accepted in lieu of the Washington State Theory Examination.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 308-25-030 EXAMINATION RESULTS.

(1) In order to pass this examination the applicant must attain:

(a) a grade of 65% in the Washington state theory examination OR proof of successful completion of National Board of Dental Hygiene Examination; and

(b) an average grade of 75% in the practical examination.

(2) Applicants who fail either section of the examination (practical or theory) may retake the section they failed (practical or theory) by again completing an application and submitting the appropriate fee to the Division of Professional Licensing.

(3) Applicants who fail to appear for examination will forfeit the examination fee.

NEW SECTION

WAC 308-25-040 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the practical examination for licensure as a dental hygienist and does not pass the examination will be provided, upon written request, information indicating the areas of the practical examination in which performance was deficient.

(2) Any unsuccessful applicant, after being advised by the Department of Licensing of the areas of deficiency in the examination, may request review of the examination results. This request must be in writing and must be received by the Department of Licensing within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination are in question. The director or the director's authorized agent will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) a showing of a significant procedural error in the examination process;

(b) evidence of bias, prejudice or discrimination in the examination process;

(c) other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the review of the examination may appeal the decision and may request a formal hearing to be held before the director or the director's authorized agent pursuant to the Administrative Procedure Act. Such hearing must be requested within 20 days of receipt of the result of the director's or the director's authorized agent's review of the examination results.

NEW SECTION

WAC 308-25-050 RENEWAL OF LICENSES. The annual license renewal date for the licensed dental hygienists is hereby changed to coincide with the licensee's birthdate.

NEW SECTION

WAC 308-25-060 DENTAL HYGIENIST—FEES. The following fees shall be charged by the Professional Licensing Division of the Department of Licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application	\$ 50.00
Reciprocity application	50.00
License renewal	20.00

NEW SECTION

WAC 308-25-070 DISMISSAL FROM EXAMINATION. Any applicant whose conduct interferes with the evaluation of professional competency by the director or the director's authorized agent may be dismissed from examination and all of his or her work will be rejected. Such conduct will include but not be limited to the following:

(a) Giving or receiving aid, either directly or indirectly, during the examination process.

(b) Failure to follow directions relative to the conduct of the examination, including termination of procedures.

WSR 82-06-044

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-14—Filed March 2, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt the at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the bag limit adjustment provides angling opportunity parallel to adjacent waters. This regulation will be adopted as a permanent regulation on March 15, 1982.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 2, 1982.

By W. R. Wilkerson
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-56-18000E PERSONAL USE SALMON BAG LIMIT Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice, the personal use salmon bag limit in any one day in that portion of punch card area 4 easterly of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light and thence to Bonilla Point is three salmon, not more than two of which may be chinook. Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches in length and there is no minimum size for other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

WSR 82-06-045

ADOPTED RULES

**DEPARTMENT OF AGRICULTURE
(Noxious Weed Control Board)**

[Order 13, Resolution No. 13—Filed March 3, 1982]

Be it resolved by the State Noxious Weed Control Board, acting at State Office Building No. 2, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 16-750-010, proposed noxious weed list, by adding rye, *secale cereale* L., to the list.

This action is taken pursuant to Notice No. WSR 82-03-037 filed with the code reviser on January 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 17.10.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 25, 1982.

By William B. Johnson
Chairman

AMENDATORY SECTION (Amending Order 12, Resolution 12, filed 3/13/81)

WAC 16-750-010 PROPOSED NOXIOUS WEED LIST. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the Noxious Weed Control Board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Perennial weeds	
Baby's Breath	<i>Gypsophila paniculata</i>
Bindweed, field	<i>Convolvulus arvensis</i>
Blue Lettuce	<i>Lactuca pulchella</i>
Blueweed, Texas	<i>Helianthus ciliaris</i>
Bracken, western	<i>Pteridium aquilinum</i>
Canada Thistle	<i>Cirsium arvense</i>
Dalmation Toadflax	<i>Linaria dalmatica</i>
Gorse	<i>Ulex europaeus</i>
Hoary Cress or White Top	<i>Cardaria draba</i>
Johnsongrass	<i>Sorghum halepense</i>
Knapweed, diffuse	<i>Centaurea diffusa</i>
Knapweed, Russian	<i>Centaurea repens</i>
Leafy Spurge	<i>Euphorbia esula</i>
Lupine	<i>Lupinus</i> spp.
Nightshade, bitter	<i>Solanum dulcamara</i>
Nutsedge, yellow	<i>Cyperus esculentus</i>
Oxeye Daisy	<i>Chrysanthemum leucanthemum</i>
Pepperweed, perennial	<i>Lepidium latifolium</i>
Rush Skeletonweed	<i>Chondrilla juncea</i>
St. Johnswort	<i>Hypericum perforatum</i>
Scotch Broom	<i>Cytisus scoparius</i>
Sowthistle, perennial	<i>Sonchus arvensis</i>
Tansy, common	<i>Tanacetum vulgare</i>
Waterhemlock, western	<i>Cicuta douglasii</i>
Watermilfoil, Eurasian	<i>Myriophyllum spicatum</i>
Wormwood, Absinthe	<i>Artemisia absinthium</i>
Yellow Toadflax	<i>Linaria vulgaris</i>
Biennial Weeds	
Bull Thistle	<i>Cirsium vulgare</i>
Houndstongue	<i>Cynoglossum officinale</i>
Knapweed, spotted	<i>Centaurea maculosa</i>
Musk Thistle	<i>Carduus nutans</i> L.
Plumeless Thistle	<i>Carduus acanthoides</i>
Poison Hemlock	<i>Conium maculatum</i>
Scotch Thistle	<i>Onopordum acanthium</i>
Tansy Ragwort	<i>Senecio jacobaea</i>
Annual Weeds	
Cocklebur	<i>Xanthium</i> spp.
Dodder	<i>Cuscuta</i> spp.
Goatgrass, jointed	<i>Aegilops cylindrica</i>
Hemp (Marijuana)	<i>Cannabis sativa</i>
Kochia	<i>Kochia scoparia</i>
Medusahead	<i>Taeniatherum asperum</i>
Puncturevine	<i>Tribulus terrestris</i>
Rye	<u><i>Secale cereale</i> L.</u>
Sandbur, longspine	<i>Cenchrus longispinus</i>
Yellow Starthistle	<i>Centaurea solstitialis</i>

WSR 82-06-046
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning minimum qualifications for issuance of class E, F, and classes EF licenses, WAC 314-16-200;

that such agency will at 9:30 a.m., Wednesday, April 7, 1982, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 66.08.030 and 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 7, 1982, and/or orally at 9:30 a.m., Wednesday, April 7, 1982, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: March 3, 1982

By: Robert D. Hannah
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-200, Minimum qualifications for issuance of class E, F, and classes EF licenses.

Description of Purpose: To delete paragraph 5 because the paragraph standing alone confuses the issue as to which establishments other than grocery stores qualify for a class E or a class F off-premises license.

Statutory Authority: RCW 66.08.030 and 66.98.070 and Title 34 RCW.

Summary: The change will combine in one section a requirement that all stores other than grocery stores, who apply for a class F liquor license (wine for off-premises consumption) or for a combination class E (beer for off-premises consumption), F liquor license must submit to the board a written commitment to establish and maintain a wholesale minimum inventory of wine in the amount of \$3,000.00 prior to the issuance of a license. The minimum inventory shall be maintained at the licensed premises at all times they are licensed.

Reasons: Current version is confusing, this version will clarify the rule. Specifically it will eliminate a contention by a nongrocery store applicant, who sells goods that he/she is not or should not be bound by the \$3,000.00 wine inventory requirement.

In Addition to the Board, the Following Agency Personnel have Responsibility for Drafting, Implementing and Enforcing this Rule: Ray Hensel, Supervisor, License Division, Capitol Plaza Building, Olympia, Washington, Telephone (206) 753-6259; and Lester C. Dalrymple, Assistant Supervisor, License Division, Capitol Plaza Building, Olympia, Washington, Telephone (206) 753-6286.

Persons or Organization Proposing Rule: The above rule is proposed by the Washington State Liquor Control Board.

Agency Comments: The modification will eliminate confusion and provide a uniform standard.

Necessity of Rule: None of the above rules are initiated as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 55, filed 5/31/77, effective 7/1/77)

WAC 314-16-200 MINIMUM QUALIFICATIONS FOR ISSUANCE OF CLASS E, F, AND CLASSES EF LICENSES. ~~((RULE 36:))~~ (1) The following are minimum qualifications necessary prior to consideration being given by the board to the issuance of Class E, F, or Classes EF licenses to store operations. The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a Class E, F, or Classes EF license to an applicant, the mere fact that an applicant meets these minimum qualifications is not to be construed as creating a vested right in the applicant to have a license issued.

(2) Before the board will issue a Class E, F, or Classes EF license to an applicant grocery store, the proposed licensed premises must be stocked with an inventory of food, grocery and related grocery store items in excess of \$3,000 wholesale value.

(3) Grocery stores which also sell gasoline or apply for board approval to install gasoline pumps in connection with their businesses must be stocked with an inventory of food, grocery and related grocery store items, exclusive of gasoline, oil, auto parts, and related gas station or garage items, in excess of \$7,500 wholesale value before the board will issue to them a Class E, F, or Classes EF license or grant approval to install gas pumps at their licensed premises. **PROVIDED:** That marinas which sell gasoline for use in boats only shall be subject to the requirements of subsection (2) above.

(4) The minimum amounts referred to in paragraphs (2) and (3) above shall be maintained at the premises at all times they are licensed with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(5) Stores other than grocery stores ~~((must establish that their principal business is the sale of goods rather than services:~~

~~((6) Stores whose principal business is to be the sale of wine))~~ whose business is the sale of beverages must submit to the board a written commitment to establish and maintain a minimum wholesale inventory of wine in the amount of \$3,000 prior to the issuance of a license. This minimum inventory shall be maintained at the licensed premises at all times they are licensed.

~~((7))~~ (6) **PROVIDED:** That subsections (2), (3), (4) and ~~((6))~~ (5) of this regulation shall not apply to stores licensed prior to the effective date of this regulation unless on that date they do meet the minimum inventory figures required by those subsections. **PROVIDED, FURTHER,** That upon a change of the ownership of these licensed stores, it will be necessary for the requirements of this regulation to be met prior to the issuance of a new license.

WSR 82-06-047
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning new WAC 251-09-015 Combination of positions, to provide system guidance regarding the institutional practice of employing one employee in two or

more positions; amending WAC 251-10-110 Demotion, suspension, reduction, dismissal—Cause for, to provide that an appointing authority may also separate an employee for just cause; amending WAC 251-12-080 Appeals from demotion, suspension, layoff, reduction, dismissal, to identify the appeal right available to employees who are separated from employment under the provisions of WAC 251-10-110; amending WAC 251-14-040 Election and certification of exclusive representative, to ensure that following notice by the director of the certification of an exclusive representative without an election, all interested parties will have a ten-day period in which to contest such certification, and clarifies that an institution has the responsibility for posting the director's notice in the work places of the employees involved; amending WAC 251-22-111(3) Sick leave—Reporting payment—Verification, to reflect change in federal law by deleting criteria for excluding from the Federal Old Age and Survivors Insurance (OASI) meaning of "wages", compensation paid to an employee due to the employee's own illness; and amending WAC 251-14-030 Determination of bargaining unit, to clarify the manner in which the board announces its determination regarding a bargaining unit;

that such agency will at 10:00 a.m., Thursday, April 15, 1982, in the Lindbloom Student Center, Green River Community College, Auburn, Washington, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 15, 1982, and/or orally at 10:00 a.m., Thursday, April 15, 1982, Lindbloom Student Center, Green River Community College, Auburn, Washington.

Dated: March 3, 1982

By: Douglas E. Sayan
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on March 3, 1982, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-09-015 Combination of positions.

Authority: RCW 28B.16.100.

Purpose of Existing Rule: No rule currently exists.

Summary of Proposed Change: New rule to provide system guidance regarding the institutional practice of employing one employee in two or more positions.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, (206) 753-3730, Scan 234-3730.

Organization Proposing Change: HEPB staff.

Agency Comments: The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

Rule Affected: WAC 251-10-110 Demotion, suspension, reduction, dismissal—Cause for.

Authority: RCW 28B.16.100.

Purpose of Existing Rule: Authorizes appointing authorities to demote, suspend, reduce or dismiss an employee for just cause, and cites examples of such just cause.

Summary of Proposed Change: Provides that an appointing authority may also separate an employee for just cause.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, (206) 753-3730, Scan 234-3730.

Organization Proposing Change: HEPB staff.

Agency Comments: The additional language was considered and adopted by the board in open meeting on July 16, 1981 when changes were made to the rule; however, the addition was inadvertently omitted from the text provided to the code reviser. This action is proposed to correct that omission.

The change is not the result of federal law or state court action.

Rule Affected: WAC 251-12-080 Appeals from demotion, suspension, layoff, reduction, dismissal.

Authority: RCW 28B.16.100.

Purpose of Existing Rule: Provides appeal rights to employees who are demoted, suspended, reduced or dismissed.

Summary of Proposed Change: Identifies the appeal right available to employees who are separated from employment under the provisions of WAC 251-10-110.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, (206) 753-3730, Scan 234-3730.

Organization Proposing Change: HEPB staff.

Agency Comments: The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

Rule Affected: WAC 251-14-040 Election and certification of exclusive representative.

Authority: RCW 28B.16.100.

Purpose of Existing Rule: Sets forth the methods used in certifying an employee organization as the exclusive representative of a bargaining unit.

Summary of Proposed Change: Ensures that following notice by the director of the certification of an exclusive representative without an election, all interested parties will have a ten-day period in which to contest such certification, and clarifies that an institution has the responsibility for posting the director's notice in the work places of the employees involved.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director, Higher Education Personnel Board, 1202 Black Lake

Boulevard, FT-11, Olympia, Washington 98504, (206) 753-3730, Scan 234-3730.

Organization Proposing Change: HEPB staff.

Agency Comments: The agency makes no additional comments/recommendations regarding this proposal.

The change is not the result of federal law or state court action.

Rule Affected: WAC 251-22-111(3) Sick leave—Reporting payment—Verification.

Authority: RCW 28B.16.100.

Purpose of Existing Rule: Sets forth criteria for excluding from the Federal Old Age and Survivors Insurance (OASI) meaning of "wages", compensation paid to an employee due to the employee's own illness.

Summary of Proposed Change: To delete the previous exclusion.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, (206) 753-3730, Scan 234-3730.

Organization Proposing Change: HEPB staff.

Agency Comments: The agency makes no additional comments/recommendations regarding the proposal.

This change is a result of a change in federal law effective January 1, 1982 H.R. 4331 approved by the U.S. Congress and signed into law by the President on December 29, 1981 and State of Washington Office of Financial Management Directive A82-1 dated January 5, 1982.

Rule Affected: WAC 251-14-030 Determination of bargaining unit.

Authority: RCW 28B.16.100.

Purpose of Existing Rule: Establishes the criteria to be considered and the procedure to be followed in the determination of bargaining units.

Summary of Proposed Change: Clarifies the manner in which the board announces its determination regarding a bargaining unit.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, (206) 753-3730, Scan 234-3730.

Organization Proposing Change: HEPB staff.

Agency Comments: The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

NEW SECTION

WAC 251-09-015 COMBINATION OF POSITIONS. An employee may not be assigned simultaneously to more than one position. An employee may be assigned diverse duties which may be in different departments. However, for purposes of applying HEPB rules, such an employee shall be deemed to be working a single position comprised of the total hours and duties assigned. The total number of hours an employee is normally assigned may not exceed the equivalent of one full-time position.

AMENDATORY SECTION (Amending Order 90, filed 8/28/81, effective 10/1/81)

WAC 251-10-110 DEMOTION, SUSPENSION, REDUCTION, SEPARATION, DISMISSAL—CAUSE FOR. Appointing authorities may demote, suspend, reduce in salary, separate or dismiss an employee under their jurisdiction for just cause. Examples of activities which may result in such action are, but are not limited to: Neglect of duty, inefficiency, incompetence, insubordination, malfeasance, gross misconduct, physical or mental incapacity, willful violation of the published institution or related board or higher education personnel board rules or regulations, mistreatment or abuse of fellow workers or members of the public, conflict of interest, excessive absenteeism, etc.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-080 APPEALS FROM DEMOTION, SUSPENSION, LAYOFF, REDUCTION, SEPARATION, DISMISSAL. Any permanent employee who is demoted, suspended, laid off, reduced, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed.

AMENDATORY SECTION (Amending Order 69, filed 6/30/78, effective 8/1/78)

WAC 251-14-040 ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1) The director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees at the close of the last preceding payroll period and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten calendar days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested as herein provided and that the proof of majority representation may be contested within ten calendar days. The ten calendar day period shall begin three days after the director's notice is mailed, and a request for an election or notice of a contest of proof of majority representation shall be deemed received if postmarked within the ten-day period. The institution personnel officer or designee shall have responsibility for posting copies of the notice in conspicuous places in the work area of the employees included in the bargaining unit. The director shall determine whether the proof of representation is satisfactory, and if it is not satisfactory shall require that an election be held.

The director will require that an election be held when not less than thirty percent of the employees in a bargaining unit petition for an election during the ten calendar day notice period: PROVIDED, HOWEVER, That unless another employee organization shows proof of at least thirty percent representation, such an election shall be limited to the issue as to whether or not the employees desire certification of the petitioning employee organization as exclusive representative.

(2) The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of request. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election.

(3) The director or designee, at a pre-election conference, shall review with interested employee organizations and the appointing authority or designee the standards and procedures for the conduct of the election, shall inform all affected employees of the conditions set forth therein, and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit, and shall provide a choice for any employee within the unit to designate that he/she does not desire to be represented by an exclusive representative. All employees on the

active payroll and employed within the bargaining unit at the time of election are eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot. Absentee ballots may be requested prior to date of election, but will be counted only if received by the director or designee no later than two regular working days following the closing date of election. Where more than one organization is on the ballot and none receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second largest number of votes.

(4) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of representation by any organization whether on the ballot or otherwise, nor shall any person in that area engage in any other form of electioneering.

(5) An employee organization receiving a majority of all votes cast in such an election, or run-off, shall be certified by the director as the exclusive representative of the employees in the bargaining unit.

(6) When an employee organization has been certified as the exclusive representative of the employees in a bargaining unit, it shall be entitled to act for, and to negotiate collective agreements covering all employees in the unit, and shall be responsible for representing the interests of all such employees. Individual grievances or group grievances of employees may, however, be presented by them to management and may be adjusted by management so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments.

(7) Another exclusive representative election shall not be held concerning the same bargaining unit until the lapse of at least twelve months from the date of the last previous exclusive representative election.

AMENDATORY SECTION (Amending Order 83, filed 1/28/80)

WAC 251-22-111 SICK LEAVE—REPORTING ((PAYMENT))—VERIFICATION. (1) Employees shall report illness or disability to the immediate supervisor at the beginning of any period of sick leave and daily thereafter unless prearranged.

(2) Upon returning to work, the employee may be required by the employing official to submit a written statement or medical certificate explaining the nature of the disability.

~~((3) Payment for sick leave due to the employee's own illness, injury, disability, exposure, or medical/dental/optical appointments (unlike sick leave for caring for family members or for bereavement or condolence) shall be excluded from the meaning of "wages" under the federal old age and survivor's insurance. For purposes of this subsection the employee shall be required to provide a medical certificate when any such personal sick leave use exceeds ten continuous work days:))~~

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-030 DETERMINATION OF BARGAINING UNIT. (1) Determination, alteration, modification or combination of appropriate bargaining units shall be made by the board upon petition from the appointing authority, an employee organization or upon the board's own motion, after twenty calendar days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) In determining a bargaining unit, the board shall consider the following factors:

- (a) Duties, skills and working conditions of the employees.
- (b) History of collective bargaining by the employees and their bargaining representatives.
- (c) Extent of organization among the employees.
- (d) Desires of the employees.

(3) Any petition filed hereunder shall, in writing, set forth all pertinent facts and supporting reasons as comprehensively as possible, to aid the board in its determination.

(4) When the board combines existing bargaining units into one new unit and/or accretes additional classes and/or positions to a bargaining unit, such action shall effect an automatic decertification of any union shop representative provision in effect except in the following instances:

(a) Where the same employee organization is certified as the union shop representative in each of the existing bargaining units that are being combined into one new unit;

(b) Where results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit. Majority vote will be determined by adding the number of employees not previously covered by a union shop provision to the total number of employees eligible to vote in the previous election.

~~(5) ((After a hearing on a petition, the board shall enter an appropriate order containing findings of fact and conclusions of law:)) At the hearing on a petition, the board shall make an oral determination. Within thirty calendar days of the hearing, the board shall also enter an appropriate order containing findings of fact and conclusions of law reflecting its oral determination. The effective date for the creation of a bargaining unit shall be the date of the board's oral determination.~~

(6) Bargaining units normally shall not include both supervisory and nonsupervisory employees.

WSR 82-06-048
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

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|-----|------------------|---|
| New | WAC 232-28-804 | 1982 Mountain Goat, Sheep, and Moose Hunting seasons. |
| New | WAC 232-28-60406 | Mt. St. Helens' Area Hunting, Fishing, and Trapping Closure. |
| New | WAC 232-28-60405 | Fishing season Closure on Grizzly, Ryan, Hanaford, Elk, and Tradedollar Lakes in Skamania County, and Fawn and Forest Lakes in Cowlitz County. |
| Rep | WAC 232-28-803 | 1981 Mountain Goat, Sheep, and Moose Hunting Seasons. |
| Rep | WAC 232-28-60304 | Modification of 1981 "Selective Fishery (Catch and Release) waters" Regulations for the Wind River System, Skamania County, Washington Beginning August 17, 1981; |

that such agency will at 8:00 a.m., Thursday, April 8, 1982, in Aggie's Restaurant/Inn, 602 East Front Street, Port Angeles, WA 98362, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Thursday, April 8, 1982, in Aggie's Restaurant/Inn, 602 East Front Street, Port Angeles, WA 98362.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1982, and/or orally at 8:00 a.m., Thursday, April 8, 1982, Aggie's Restaurant/Inn, 602 East Front Street, Port Angeles, WA 98362.

Dated: March 3, 1982

By: Fred Hosea
Assistant Director

STATEMENT OF PURPOSE

Title: New Sections WAC 232-28-804 1982 Mountain Goat, Sheep and Moose Hunting Seasons; WAC 232-28-60406 Mt. St. Helens' Area Hunting, Fishing and Trapping Closure; and WAC 232-28-60405 Fishing Season Closure on Grizzly, Ryan, Hanaford, Elk, and

Tradedollar Lakes in Skamania County, and Fawn and Forest Lakes in Cowlitz County.

Summary: Adopts rules and regulations relating to the 1982 Mountain Goat, Sheep and Moose Hunting Seasons; closes the Mt. St. Helens' area as described in the "new section" to taking, hunting for, fishing for, trapping for, or possessing any game animal, game fish, game bird or furbearing animal. Thus, rapid evacuation in the area in the event of additional major volcanic activities would not be complicated by the presence of large numbers of people attracted to the area to take advantage of open hunting, fishing and trapping seasons. Such a closure will not result in an overescapement or surplus of game animals, game fish, game birds or furbearing animals; and closes fishing seasons on the listed lakes effective April 18, 1982 in the Mt. St. Helens vicinity.

Agency Personnel Responsible for Drafting Rules: Zeke Parsons, Big Game Program Manager, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5728; Dave Schultz, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504; and Jack Ayerst, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia WA 98504.

Implementation: Richard Poelker, Divisional Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5728; Dave Schultz, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5740; and Jack Ayerst, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98505, Telephone: 753-5713.

Enforcement: Dave Schultz, Acting chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5740.

Proponents or Opponents: As these regulations are proposed for adoption, proponents or opponents are unknown.

Comments: All comments will be on record in the minutes in the director's office of the Department of Game after the April 8, 1982 State Game Commission meeting is held.

Also, the sections listed on the repealer, proposed for repealing, will repeal the outdated rules and regulations relating to game seasons that are no longer in effect; some of which will be superseded by the proposed new sections contained herein.

NEW SECTION

WAC 232-28-804 1982 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS.

Reviser's Note: The text and accompanying pamphlet comprising the 1982 Mountain Goat, Sheep and Moose Hunting Seasons proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly

cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

NEW SECTION

WAC 232-28-60405 FISHING SEASON CLOSURE ON GRIZZLY, RYAN, HANAFORD, ELK AND TRADEDOLLAR LAKES IN SKAMANIA COUNTY, AND FAWN AND FOREST LAKES IN COWLITZ COUNTY. Notwithstanding the provisions of WAC 232-28-604, effective April 18, 1982, it shall be unlawful for any person to take, fish for, or possess game fish in the following waters: Grizzly Lake, Skamania County, Section 30, Township 10N, Range 6E; Ryan Lake, Skamania County, Section 16, Township 10N, Range 6E; Hanaford Lake, Skamania County, Section 19, Township 10N, Range 5E; Elk Lake, Skamania County, Section 19, Township 10N, Range 5E; Tradedollar Lake, Skamania County, Section 18, Township 10N, Range 5E; Fawn Lake, Cowlitz County, Section 19, Township 10N, Range 5E; and Forest Lake, Cowlitz County, Section 19, Township 10N, Range 5E.

NEW SECTION

WAC 232-28-60406 MT. ST. HELENS' AREA HUNTING, FISHING, AND TRAPPING CLOSURE. Notwithstanding the provisions of WAC 232-28-204, WAC 232-28-304, WAC 232-28-504, WAC 232-28-604, WAC 232-28-704, WAC 232-28-105, WAC 232-28-205, WAC 232-28-305, WAC 232-28-405, and WAC 232-28-505, it shall be unlawful for any person to take, hunt for, fish for, trap for, or possess any game animal, game fish, game bird or furbearing animal in the Mt. St. Helens' area, described as follows:

From the northwest corner of Section 6, T8N, R5E go southeasterly to the northeast corner of Section 19, T8N, R5E; then southeasterly to the northwest corner of Section 28, T8N, R5E; then east to the southwest corner of Section 24, T8N, R5E; then north to the southeast corner of Section 14, T8N, R5E; then northeasterly to the northeast corner of Section 12, T8N, R5E; then northwesterly to the northwest corner of Section 35, T9N, R5E; then northeasterly to the southeast corner of Section 6, T9N, R6E; then northerly to Norway Pass (Section 31, T10N, R6E); then northerly to Bear Pass (Section 30, T10N, R6E); then westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); then westerly along the southside of Coldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); then north along the west boundary of R5E line to the northeast corner of Section 36, T10N, R4E; then west to the northeast corner of Section 33, T10N, R4E; then northwesterly to the headwaters of a south fork of Hoffstadt Creek located in Section 28, T10N, R4E; then west along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); then continue west along the north bank of Hoffstadt Creek to its intersection with the Corps of Engineer's debris retaining structure (commonly known as the N-1 debris dam) located in the northeast corner of Section 25, T10N, R2E; then south along the west edge of the N-1 retaining structure (placing the entire structure in the Red Zone) to the intersection with Weyerhaeuser Company Roads 2700 and 2701, located at a point south of the south end of the retaining structure, in Section 25, T10N, R2E; then east along the north edge of Weyerhaeuser Road 2701 to the intersection of Weyerhaeuser Roads 2701 and 3000 in Section 32, T10N, R3E; then south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 crosses a section line between Sections 35 and 36, T9N, R4E; then south along the section line to the southwest corner of Section 36, T9N, R4E; then east to the northwest corner of Section 6, T8N, R5E and the point of beginning.

REPEALER (Amending Order 61, filed 8/30/77, effective 10/1/77)

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-803 1981 MOUNTAIN GOAT, SHEEP, AND MOOSE HUNTING SEASONS

WAC 232-38-60304 MODIFICATION OF 1981 "SELECTIVE FISHERY (CATCH AND RELEASE) WATERS" REGULATIONS FOR THE WIND RIVER SYSTEM, SKAMANIA COUNTY, WASHINGTON BEGINNING AUGUST 17, 1981

WSR 82-06-049
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- New WAC 388-08-435 Separate hearing regarding disclosure of investigative and intelligence files.
Amd WAC 388-320-220 Exemptions to public records disclosure.

A public hearing regarding these proposed rules was held on February 26. The purpose of this notice is to postpone adoption to March 31 to give the secretary additional time to consider public testimony.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 31, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.070.

This notice is connected to and continues the matter in Notice No. WSR 82-03-050 filed with the code reviser's office on January 20, 1982.

Dated: March 2, 1982
By: David A. Hogan
Director, Division of Administration

WSR 82-06-050
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1772-Filed March 3, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to maximum cost standards for funeral director's services and burial or cremation services, amending WAC 388-42-150.

This action is taken pursuant to Notice No. WSR 82-03-025 filed with the code reviser on January 15, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 3, 1982.
By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1691, filed 8/12/81)

WAC 388-42-150 MAXIMUM COST STANDARDS FOR FUNERAL DIRECTOR'S SERVICES AND BURIAL OR CREMATION SERVICES. (1) Funeral director's services—Actual charges, but not to exceed

- (a) Minimum service
Adult or older child (casket 5 feet or larger) \$(232) 250
Child (casket 2 feet 6 inches, less than 5 feet) \$(187) 195
Child (casket less than 2 feet 6 inches)..... \$ ((87)) 94
(b) Minimum standard service
Adult or older child (casket 5 feet or larger) \$(531) 573
Child (casket 2 feet 6 inches, less than 5 feet)..... \$(224) 242
Child (casket less than 2 feet 6 inches)..... \$ ((87)) 94

- (2) Burial or cremation services
(a) Burial only \$(239) 258
Burial in grave of another \$(239) 258
Burial with lot included \$(269) 290
(b) Cremation only \$(239) 258
Cremation with burial place included \$(246) 265
(3) These standards include all applicable taxes.
(4) These standards shall be effective ((July 1, 1980)) January 1, 1982.

WSR 82-06-051
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1773-Filed March 3, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Fair hearings—Continuation of benefits pending, amending WAC 388-54-820.

This action is taken pursuant to Notice No. WSR 82-03-021 filed with the code reviser on January 14, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 3, 1982.
By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1408, filed 6/25/79)

WAC 388-54-820 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The household is entitled to continuation of benefits if:

- (a) It requests a fair hearing within the period specified by the notice of adverse action;
- (b) Its certification period has not expired;
- (c) It has not waived continuation of benefits;
- (d) A certification period expires and the household has made a timely application for a new certification period pending receipt of the fair hearing decision. The department shall determine eligibility on the basis of all eligibility requirements without regard to the matter at issue in the fair hearing.

(2) If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice, unless failure to make the request was for good cause. ~~((a))~~ Once continued or reinstated, benefits shall not be reduced or terminated prior to receipt of the hearing decisions unless:

~~((i))~~ (a) The certification period expires; the household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the department;

~~((ii))~~ (b) The hearing examiner makes a preliminary determination in writing and at the hearing that it is a matter of policy;

~~((iii))~~ (c) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

~~((iv))~~ (d) A mass change occurs while the hearing decision is pending.

(3) The CSO shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(4) When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is that food stamp eligibility or benefits were improperly computed or that federal law or regulation is being misapplied or misinterpreted by the department.

(5) If the department's action is upheld by the hearing decision, a claim against the household shall be established for all overissuances.

(6) The department shall send an individual notice of the adverse action to each household that receives a reduction or termination in benefits during its certification period due to mass changes resulting from implementation of the Food Stamp Act of 1977. The notice of adverse action shall explain to the household that the change is the result of changes in federal law and that although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefits level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.

WSR 82-06-052
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1774—Filed March 3, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to State supplementary payments—Definitions, amending WAC 388-59-010.

This action is taken pursuant to Notice No. WSR 82-03-024 filed with the code reviser on January 15, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 3, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1379, filed 3/22/79)

WAC 388-59-010 STATE SUPPLEMENTARY PAYMENTS—DEFINITIONS. (1) "Supplemental security income (SSI) program" means the federal program of supplemental security income for the aged, blind, and disabled established by section 301 of the social security amendments of 1972, and subsequent amendments, and administered by the social security administration (SSA).

(2) "Supplementary payment" means the state money payment to individuals receiving benefits under Title XVI (or would but for their income be eligible for such benefits) as assistance based on need in supplementation of SSI benefits.

(3) "Interim assistance" means assistance payments provided by the department to SSI applicants to meet basic needs starting with the month the eligible individual applies to SSA and ending with the month the first SSI benefit payment is made.

(4) "SSI benefit payment" means a federal benefit (which means the money payment) and any state supplementary amount determined to be payable (as the SSI amount). Advance payment and payment based upon presumptive disability or presumptive blindness are not considered SSI benefit payments for interim assistance purposes.

~~((4))~~ (5) "Mandatory state supplement" means the state money payment with respect to individuals who, for December 1973, were recipients of money payments under the department's former programs of old age assistance, aid to the blind and disability assistance.

~~((5))~~ (6) "Optional state supplement" means the elected state money payment to individuals eligible for SSI benefits on or after January 1, 1974.

~~((6))~~ (7) "Eligible individual" means an aged, blind or disabled person as defined in Title XVI of the social security act. If two such persons are husband and wife (and have not been living apart for more than six months) only one of them may be considered an eligible individual. (See WAC 388-59-045).

~~((7))~~ (8) "Eligible spouse" means an aged, blind or disabled individual who is the husband or wife of an eligible individual and who has not been living apart from such eligible individual for more than six months. (See WAC 388-59-045).

~~((8))~~ (9) "Eligible couple" means an eligible individual and eligible spouse.

~~((9))~~ (10) "Essential person" means a person whose needs were taken into account in determining the need of an OAA, AB, or DA recipient for December 1973, who lives in the home of such recipient, and who is not an eligible individual or eligible spouse.

~~((10))~~ (11) "OAA, AB, DA" means the department's programs of old age assistance, aid to the blind and disability assistance under Titles I, X and XIV of the social security act and repealed by Public Law 92-603 effective January 1, 1974.

~~((11))~~ (12) "Grandfathering" means the process by which OAA, AB, and DA grants for December, 1973, were converted to SSI and state supplementary payments effective January 1, 1974.

~~((12))~~ (13) "Ineligible spouse" means the husband or wife of an eligible individual who is either not aged, blind or disabled or although aged, blind or disabled has not applied for SSI.

~~((13))~~ (14) "Living alone" designates an individual or couple who live in their own home or in one of the following alternate care situations: Congregate care, adult family home, foster family group home, or DD group home.

~~((14))~~ (15) "Living in household of another" designates an individual or couple who do not pay a pro rata share of the household expenses based on fair market value or when both board and room are supplied.

WSR 82-06-053

**NOTICE OF PUBLIC MEETINGS
GAMBLING COMMISSION**

[Memorandum—March 3, 1982]

The date for the May Gambling Commission meeting has been changed from May 13, 1982 to be held on May 6, 1982.

WSR 82-06-054

PROPOSED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning additional qualifications for pilot applicants and licensing of pilots;

that such agency will at 9 a.m., Thursday, May 13, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 88.16.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 9 a.m., Thursday, May 13, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

Dated: March 2, 1982

By: Ralph E. White
Chairman

STATEMENT OF PURPOSE

WAC 296-116-075 Additional qualifications for pilot applicants. This rule is necessary to insure that an applicant has sufficient ability and the prior training and experience necessary to insure that he or she will be able to successfully undertake and complete the requirements for a pilot's license; and WAC 296-116-080 Licensing of pilots. The purpose of the amendment of this rule is to avoid repetitious trips by those pilot applicants who the board feels have familiarity with the Puget Sound Pilotage District prior to application for a license to pilot in that district.

This Rule has been Drafted by: Judith L. Weigand, Assistant Attorney General, 5th Floor, Highways-Licenses Building, Olympia, WA 98504, Telephone: (206) 753-4051.

This Rule has been Proposed by a Governmental Agency: Board of Pilotage Commissioners, Pier 52, Seattle, WA 98104, Telephone: (206) 464-7818.

This rule will be enforced by the Board of Pilotage Commissioners.

NEW SECTION

WAC 296-116-075 ADDITIONAL QUALIFICATIONS FOR PILOT APPLICANTS. Under the authority of RCW 88.16.090 pilot applicants must meet one of the following additional qualifications before taking the Washington State Pilotage examination for either the Grays Harbor or Puget Sound Pilotage Districts:

(1) One year of service as master of ocean or coastwise vessels while holding a license as master ocean steam or motor vessels any gross tons (inspected vessels); or

(2) One year of service as master of coastwise steam or motor vessels while holding a license as a master of coastwise steam or motor vessels any gross tons (inspected vessels); or

(3) Two years of service as master while holding a license as a master of freight and towing vessels not more than 1000 gross tons (inspected vessels); or

(4) Two years of service as master on inspected vessels while holding a license as master on lakes, bays, and sounds any gross tons (inspected vessels); or

(5) Three years of experience as a member of an organized professional Pilots Association, during which period the candidate was actively engaged in piloting while holding a minimum license as a master; or

(6) Two years service as a chief officer while holding a license as master oceans, any gross tons (inspected vessels); or

(7) Two years service as commanding officer of U.S. Government vessels of not less than 1000 gross tons, and holding a master's license unlimited tonnage.

AMENDATORY SECTION (Amending Order 81-4, Resolution 81-4, filed 10/13/81)

WAC 296-116-080 LICENSING OF PILOTS. (1) No person shall be licensed by the board unless he has applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; (~~((c) tug and tow boat assist-observation-trips;))~~ and (~~((d))~~) (c) the pilotage training program, if applicable.

The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States government masters license and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. The board shall hold examinations at such times as will ensure the maintenance of an efficient and competent pilotage service. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. The board may, in an emergency, call for an immediate examination of applicants who have an application on file with the board.

(a) The examination may be taken by all qualified applicants who:

(i) Have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause);

(ii) Have tendered an examination fee of one hundred dollars which will be applied to his first year license fee if successful and shall be returned to the applicant if he is unable to sit for the examination; and

(iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.

(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:

(i) Rules of the road as set forth in United States Government Publications;

(ii) Aids to navigation;

(iii) Courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;

(iv) Cable crossing areas;

(v) Dredged channel widths and depths;

(vi) Bridge signals - (~~((widths){width})~~) width, regulations, and closed periods;

(vii) Ship handling, docking and undocking problems, use of tow-boats and anchors, and seamanship;

(viii) Vessel Traffic System regulations where applicable;

(ix) Ranges for determining compass error;

(x) Channel ranges;

(xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(xii) Operation and use of marine radar, including rapid plotting techniques;

(xiii) (~~((calculations){calculation})~~) Calculation of currents and tides;

(xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(xv) Prohibited areas, restricted areas, and explosive anchorages;

(xvi) Use of navigational and bridge instruments;

(xvii) Anchorage locations;

(xviii) Duties of pilot;

(xix) Relationship between pilot and master;

(xx) Location and meaning of storm warning signals;

(xxi) Meaning of one and two flag signals;

(xxii) United States government public health quarantine regulations;

(xxiii) Harbor regulations;

(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;

(xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.

(3) After successful completion of the examination, the board shall determine the number of familiarization trips which the applicant will have to make pursuant to RCW 88.16.090. Familiarization trips are ship movements over specified routes on which the applicant observes the route and the actions of the licensed pilot on board.

(4) (~~((After successful completion of familiarization trips, the board shall specifically assess the experience of the applicant with respect to tug and tow boat assists to vessel movements. If necessary, the board shall require that applicants make a certain number of observation trips aboard tug or tow boats prior to entering the training program, if applicable, or prior to being licensed if no training program is required. (5))~~) After passing the examination, (~~((and completing familiarization trips and tug and tow boat assist observations;))~~) applicants for the Puget Sound Pilotage District must enter and successfully complete a familiarization and training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. (~~((Applicants shall pilot under such supervision for a minimum period of six months during which they shall have at least one hundred assignments.))~~) Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy-five assignments and a maximum period of six months and one hundred assignments. Some or all of the familiarization trips required by RCW 88.16.100(7) may, at the board's discretion, be combined with trips during which the applicant is piloting the vessel under the supervision of a licensed pilot.

WSR 82-06-055

PROPOSED RULES

HORSE RACING COMMISSION

[Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 260-32-110 relating to protective helmet, WAC 260-88-010 relating to appeals and adopting WAC 260-88-020 relating to costs on appeal.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 8, 1982, in the Marriott Hotel, Sea-Tac, 3201 South 176th, Seattle, WA.

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to April 5, 1982, and/or orally at 10:00 a.m., Thursday, April 8, 1982, Marriott Hotel, Sea-Tac, 3201 South 176th, Seattle, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-03-052 filed with the code reviser's office on January 20, 1982.

Dated: March 3, 1982
By: George McIvor
Executive Secretary

WSR 82-06-056
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning water quality standards, amending chapter 173-201 WAC.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, May 25, 1982, in the Department of Ecology, Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.48.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 4, 1982.

Dated: March 3, 1982
By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending chapter 173-201 WAC, Water quality standards.

Description of Purpose: Water quality standards for surface waters of the state of Washington.

Statutory Authority: RCW 90.48.035.

Summary of Rule: New and revised definitions, format restructured for easier reading, redundant portions omitted. Stream segments are more clearly defined. New regulations for aquatic herbicides added. Dissolved oxygen criteria degradation allowance in marine waters to apply to other natural phenomenon besides upwelling.

Reasons Supporting Proposed Action: The Federal Clean Water Act (PL 95-217, section 303(c)(1)) requires each state to hold public hearings at least every three years for the purpose of reviewing, modifying and/or adopting water quality standards. The public hearings have been held under a prior notice.

Agency Personnel Responsible for Drafting: Allen Moore, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6063; Implementation and Enforcement: Mike Palko, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6036.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Yes, Federal Clean Water Act, PL 95-217, section 303(c)(1).

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-010 ((PURPOSE)) INTRODUCTION. (1) The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof.

(2) This chapter shall be reviewed periodically by the department and appropriate revisions shall be undertaken.

(3) The water use and quality criteria set forth in WAC 173-201-035 through 173-201-085 are established in conformance with present and potential water uses of the surface waters of the state of Washington and in consideration of the natural water quality potential and limitations of the same. These shall be the sole criteria for said waters.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-025 DEFINITIONS. (1) Background conditions: The biological, chemical, and physical conditions of a water body, upstream from the point or nonpoint source of any discharge under consideration. Background sampling location in an enforcement action would be upstream from the point of discharge, but not upstream from other inflows. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately upstream from each discharge.

(2) Department: State of Washington department of ecology.

(3) Director: Director of the state of Washington department of ecology.

(4) Fecal coliform: That portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within 24 hours at 44.5 ((degrees)) plus or minus 0.2 degrees ((C)) Celsius.

(5) Geometric mean: The nth root of a product of n factors.

((3)) (6) Mean detention time: The time obtained by dividing a reservoir's mean annual minimum total storage by the 30-day ten-year low-flow from the reservoir.

((4)) Median Value: That value of a group of measurements that falls in the middle when the measurements are arranged in order of magnitude. If the number of measurements is even, the median value would be the value half-way between the two middle measurements.

(5)) (7) Permit: A document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

((6)) (8) pH: The negative logarithm of the hydrogen ion concentration.

(9) Primary contact recreation: Activities where a person would have direct contact with water to the point of complete submergence, including but not limited to skin diving, swimming and water skiing.

(10) Secondary contact recreation: Activities where a person's water contact would be limited (wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory or digestive systems or urogenital areas would normally be avoided.

((7)) (11) Surface waters of the state: Include lakes, rivers, ponds, streams, inland waters, saltwaters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

((8)) (12) Temperature: Water temperature expressed in degrees Celsius ((C)).

((9)) (13) Turbidity: The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

((10)) (14) Upwelling: ((Upwelling is a direct result of wind stress on the sea surface. As winds blow parallel to a coast, the net flow of water is at an angle of about 45° toward the sea. This flow causes cold bottom water to move upward to replace the warmer surface water moving offshore. The cold water is rich in dissolved nutrients and has a low dissolved oxygen content:)) The annual natural phenomenon where

the summer prevailing, northerly winds parallel to Washington's coast produce a seaward transport of surface waters. Cold, deeper more saline waters rich in nutrients and low in dissolved oxygen rise to replace the surface water. The cold, oxygen deficient water flows into Puget Sound and other coastal estuaries replacing the deep water with lower dissolved oxygen concentrations reaching the surface during late summer and fall.

(15) USEPA: United States Environmental Protection Agency.

(16) Wildlife habitat: Waters of the state used by fish, other aquatic life and wildlife for any life history stage or activity.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-035 GENERAL CONSIDERATIONS. The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC ((173-201-020)) 173-201-045 through 173-201-085 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity; except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one part per thousand or greater and for fecal coliform organisms when the salinity is ten parts per thousand or greater.

(3) The water quality criteria herein established shall not apply within an authorized dilution zone adjacent to or surrounding a wastewater discharge.

(4) Generally, waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned in such manner as to authorize discharges which meet the water quality standards.

(a) However, persons discharging wastes in compliance with the terms and conditions of permits shall not be subject to civil and criminal penalties on the basis that discharge violates ((receiving)) water quality standards.

(b) Permits shall be subject to modification by the department ((of ecology)) whenever it appears to the department the discharge violates ((receiving)) water quality standards. Modification of permits, as provided herein, shall be subject to review in the same manner as originally issued permits.

(5) Nonpoint sources and water quality standards.

(a) It is recognized that many activities not subject to a waste discharge permit system are now being performed in the state, which result in conflicts with the ((receiving)) water quality standards of this chapter. Further, the department has not developed a program which, in a reasonable or fully satisfactory manner, provides methods or means for meeting such standards. Persons conducting such activities shall not be subject to civil or criminal sanctions for violation of water quality standards if the activities are either:

(i) Conducted in accordance with management practices set forth by rules of the department.

For example, promulgation of regulations by the department which set forth approved management practices or other effluent limits shall be accomplished so that activities conducted within such regulations, (i.e., Forest Practices Rules and Regulations chapter 173-202 WAC and Title 222 WAC) will achieve compliance with water pollution control laws. When the regulations are violated, the water quality standard can be enforced as described in WAC 173-201-045 through 173-201-085; or,

(ii) Subject to a regulatory order issued by the department relating to specific activities as provided for in WAC 173-201-100(2).

(b) Management practices or regulatory orders described in WAC 173-201-035(5) hereof, shall be subject to modification by the department ((of ecology)) whenever it appears to the department that the discharge violates ((receiving)) water quality standards. Modification of management practices or regulatory orders, as provided herein, shall be subject to review in the same manner as the originally issued management practices or regulatory orders.

(6) The water quality criteria herein established for total dissolved gas shall not apply when the stream flow exceeds the 7-day, 10-year frequency flood.

(7) The total area and/or volume of a receiving water assigned to a dilution zone shall be as described in a valid discharge permit as needed and be limited to that which will:

(a) Not cause acute mortalities of sport, food, or commercial fish and shellfish species of established biological communities within populations or important species to a degree which damages the ecosystem.

(b) Not diminish aesthetic values or other beneficial uses disproportionately.

(8) The antidegradation policy of the state of Washington, as generally guided by chapter 90.48 RCW, Water Pollution Control Act, and chapter 90.54 RCW, Water Resources Act of 1971, is stated as follows:

(a) ((It shall be the intent of this policy that)) Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed.

(b) No degradation will be allowed of waters lying in national parks, national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance.

(c) Whenever ((receiving)) waters ((of a classified area)) are of a higher quality than the criteria assigned for said ((area)) waters, the existing water quality shall be protected and waste and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except, in those instances where:

(i) It is clear that overriding considerations of the public interest will be served, and

(ii) All wastes and other materials and substances proposed for discharge into the said waters shall be provided with all known, available, and reasonable methods of treatment before discharge((:)).

(d) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(e) The criteria and special conditions established in WAC 173-201-045 through 173-201-085 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest. Such modification shall be issued in writing by the director or his designee subject to such terms and conditions as he may prescribe. The aquatic application of herbicides which result in water use restrictions shall be considered an activity for which a short-term modification generally may be issued subject to the following conditions:

(i) A request for a short-term modification shall be made to the department on forms supplied by the department. Such request generally shall be made at least thirty days prior to herbicide application.

(ii) Such herbicide application shall be in accordance with state of Washington department of agriculture regulations.

(iii) Such herbicide application shall be in accordance with label provisions promulgated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. (7 U.S.C. 136, et seq.)

(iv) Notice, including identification of the herbicide, applicator, location where the herbicide will be applied, proposed timing and method of application, and water use restrictions shall be given according to the following requirements:

(A) Appropriate public notice as determined and prescribed by the director or his designee shall be given of any water use restrictions specified in USEPA label provisions.

(B) The appropriate regional offices of the departments of fisheries and game shall be notified twenty-four hours prior to herbicide application.

(C) In the event of any fish kills, the departments of ecology, fisheries, and game shall be notified immediately.

(v) The herbicide application shall be made at times so as to:

(A) Minimize public water use restrictions during weekends.

(B) Completely avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, July 4 weekend, and Labor Day weekend.

(vi) Any additional conditions as may be prescribed by the director or his designee.

(f) In no case, will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses and causes long-term and irreparable harm to the environment.

(g) ((It shall be the policy of the state of Washington that)) No waste discharge permit will be issued which ((with)) violates established water quality criteria ((for the said waters)), except, as provided for under WAC 173-201-035(8)(e).

(9) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used as well as existing conditions at the time, in the application of the criteria.

(10) The analytical testing methods for these criteria shall be in accordance with the most recent editions of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and "Methods for Chemical Analysis of Water and Wastes," published by USEPA, and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the ((Environmental Protection Agency)) USEPA.

(11) Deleterious concentrations of radioactive materials for all classes shall be as determined by the lowest practicable concentration attainable and in no case shall exceed:

(a) 1/100 of the values listed in WAC 402-24-220 (Column 2, Table II, Appendix A, Rules and Regulations for Radiation Protection); or,

(b) ~~((The United States Environmental Protection Agency))~~ USEPA Drinking Water Regulations for radionuclides, as published in the Federal Register of July 9, 1976, or subsequent revisions thereto.

(12) Deleterious concentrations of toxic, or other nonradioactive materials, shall be determined by the department in consideration of the Quality Criteria for Water, published by USEPA 1976, and as revised, as the authoritative source for criteria and/or other relevant information, if justified.

(13) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive wastes which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States Supreme Court in the cases of Northern States Power Co. v. Minnesota 405 U.S. 1035 (1972) and Train v. Colorado Public Interest Research Group 426 U.S. 1 (1976).

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-045 GENERAL WATER USE AND CRITERIA CLASSES. The following criteria shall apply to the various classes of surface waters in the state of Washington:

(1) CLASS AA (EXTRAORDINARY).

(a) General characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but ~~((are))~~ not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) ~~((Wildlife habitat;))~~ Stock watering.

(iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating)))~~ Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting. Other fish migration, rearing, spawning, and harvesting. Clam, oyster, and mussel rearing, spawning, and harvesting. Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) ~~((General marine recreation and navigation))~~ Wildlife habitat.

(v) ~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 9.5 mg/((+))L.

(B) Marine water - Dissolved oxygen shall exceed 7.0 mg/((+))L ~~((except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities)).~~ When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 7.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas ~~((= the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((= water temperatures))~~ shall not exceed 16.0° ~~((Celsius))~~ C (freshwater) or 13.0° ~~((Celsius))~~ C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=23/(T+5)$ (freshwater) or $t=8/(T-4)$ (marine water).

When natural conditions exceed 16.0° ~~((Celsius))~~ C (freshwater) and 13.0° ~~((Celsius))~~ C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° ~~((Celsius))~~ C, and the maximum water temperature shall not exceed 16.3° ~~((Celsius))~~ C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.2 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(2) CLASS A (EXCELLENT).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but ~~((are))~~ not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) ~~((Wildlife habitat;))~~ Stock watering.

(iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating)))~~ Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting. Other fish migration, rearing, spawning, and harvesting. Clam, oyster, and mussel rearing, spawning, and harvesting. Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) ~~((Commerce and navigation))~~ Wildlife habitat.

(v) ~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 100 organisms/100 mL, with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 8.0 mg/((+))L.

(B) Marine water - Dissolved oxygen shall exceed 6.0 mg/((+))L ~~((; except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities)).~~ When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 6.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas ~~((= the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((= water temperatures))~~ shall not exceed 18.0° ~~((Celsius))~~ C (freshwater) or 16.0° ~~((Celsius))~~ C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=28/(T+7)$ (freshwater) or $t=12/(T-2)$ (marine water).

When natural conditions exceed 18.0° ~~((Celsius))~~ C (freshwater) and 16.0° ~~((Celsius))~~ C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° ((Celsius)) C, and the maximum water temperature shall not exceed 18.3° ((Celsius)) C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(3) CLASS B (GOOD).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic uses. Characteristic uses shall include, but ((are)) not be limited to, the following:

(i) ~~((Industrial and agricultural))~~ Water supply (industrial and agricultural).

(ii) ~~((Fishery and wildlife habitat))~~ Stock watering.

(iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, and boating)))~~ Fish and shellfish:

Salmonid migration, rearing, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing and spawning.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) ~~((Stock watering))~~ Wildlife habitat.

(v) ~~((Commerce and navigation))~~ Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) ~~((Shellfish reproduction and rearing, and crustacea (crabs, shrimp, etc.) harvesting))~~ Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 100 organisms/100 mL, with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 6.5 mg/((+))L ((or 70 percent saturation whichever is greater)).

(B) Marine water - Dissolved oxygen shall exceed 5.0 mg/((+))L ((or 70 percent saturation, whichever is greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities)). When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 5.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas ~~((=the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((=water temperatures))~~ shall not exceed 21.0° ((Celsius)) C (freshwater) or 19.0° ((Celsius)) C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=34/(T+9)$ (freshwater) or $t=16/T$ (marine water).

When natural conditions exceed 21.0° ((Celsius)) C (freshwater) and 19.0° ((Celsius)) C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° ((Celsius)) C, and the maximum water temperature shall not exceed 21.3° ((Celsius)) C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use or taint the flesh of edible species.

(4) CLASS C (FAIR).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic uses. Characteristic uses shall include, but ((are)) not be limited to, the following:

(i) ~~((Cooling water))~~ Water supply (industrial).

(ii) ~~((Commerce and navigation))~~ Fish (salmonid and other fish migration).

(iii) ~~((Fish passage))~~ Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(iv) ~~((Boating))~~ Commerce and navigation.

(c) Water quality criteria - marine water.

(i) Fecal coliform organisms ~~((=Marine water))~~ shall not exceed a ((median)) geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(ii) Dissolved oxygen:

Marine water - Dissolved oxygen shall exceed 4.0 mg/((+))L ((or 50 percent saturation, whichever is greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities)). When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 4.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) ~~((Total dissolved gas = the concentration of total dissolved gas))~~ shall not exceed 110 percent saturation at any point of sample collection.

(iv) Temperature ~~((=water temperatures))~~ shall not exceed ~~((24.0° Celsius (freshwater) or))~~ 22.0° ((Celsius (marine water))) C due to human activities. Temperature increases shall not, at any time, exceed ~~((t=39/(T+1) (freshwater) or))~~ $t=20/(T+2)$ ((marine water)).

When natural conditions exceed ~~((24.0° Celsius (freshwater) and))~~ 22.0° ((Celsius (marine water))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

~~((+))~~ (iv) pH shall be within the range of ~~((6.5 to 9.0 (freshwater) or))~~ 6.5 to 9.0 ((marine water)) with a man-caused variation within a range of less than 0.5 units.

~~((+))~~ (v) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

~~((+))~~ (vi) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

~~((+))~~ (vii) Aesthetic values shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

(5) LAKE CLASS.

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses ~~((for waters of this class))~~ shall include, but ((are)) not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

- (ii) ~~((Wildlife habitat,))~~ Stock watering.
- (iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating:))~~) Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting. Other fish migration, rearing, spawning, and harvesting. Clam and mussel rearing, spawning, and harvesting. Crayfish rearing, spawning, and harvesting.
- (iv) ~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Wildlife habitat.
- (v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).
- (vi) Commerce and navigation.
- (c) Water quality criteria.
- (i) Fecal coliform organisms ~~((Lakes and impoundments))~~ shall not exceed a ~~((median))~~ geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.
- (ii) Dissolved oxygen - no measurable decrease from natural conditions.
- (iii) Total dissolved gas ~~((the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.
- (iv) Temperature - no measurable change from natural conditions.
- (v) pH - no measurable change from natural conditions.
- (vi) Turbidity shall not exceed 5 NTU over background conditions.
- (vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.
- (viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-070 GENERAL CLASSIFICATIONS. General classifications applying to various surface water bodies not specifically classified under WAC 173-201-080 or 173-201-085 are as follows:

- (1) All surface waters lying within the mountainous regions of the state assigned to national parks, national forests, and/or wilderness areas, are ~~((hereby designated))~~ classified Class AA or Lake Class.
- (2) All lakes and their feeder streams within the state are ~~((hereby designated))~~ classified Lake Class and Class AA respectively, except for those feeder streams specifically ~~((designated))~~ classified otherwise.
- (3) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.
- (4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.
- (5) All reservoirs established on preexisting lakes are classified as Lake Class.
- (6) All ~~((undesignated))~~ unclassified surface waters that are tributaries to Class AA waters are ~~((designated))~~ classified Class AA. All other ~~((undesignated))~~ unclassified surface waters within the state are hereby ~~((designated))~~ classified Class A.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-080 SPECIFIC CLASSIFICATIONS—FRESHWATER. Specific fresh surface waters of the state of Washington are classified as follows:

- (1) ~~American River ((from confluence with Bumping River to headwaters)).~~ Class AA
- (2) ~~Baker River.~~ Class AA
- (3) ~~Big Quilcene River and tributaries.~~ Class AA
- (3) ~~Bumping River ((from confluence with Naches River to headwaters)).~~ Class AA
- (4) ~~Burnt Bridge Creek.~~ Class A
- (6) ~~Cascade River.~~ Class AA
- (5) ~~Cedar River from Lake Washington to Landsburg Dam (river mile 21.6).~~ Class A
- (6) ~~Cedar River and tributaries from Landsburg Dam (river mile 21.6) to headwaters. Special condition - no waste discharge will be permitted.~~ Class AA
- (7) ~~Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45" W) to Scammon Creek (river mile 65.8).~~ Class A

- (8) ~~Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). Special condition - Dissolved oxygen shall exceed 5.0 mg/L ((or 50 percent saturation, whichever is greater,)) from June 1, to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria.~~ Class A
- (9) ~~Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7).~~ Class A
- (10) ~~Chehalis River, from Rock Creek (river mile 106.7) to headwaters.~~ Class AA
- (11) ~~Chehalis River, south fork ((from mouth to headwaters)).~~ Class A
- (12) ~~Chewack River ((from confluence with Methow River to headwaters)).~~ Class AA
- (13) ~~Chiwawa River ((from confluence with Wenatchee River to headwaters)).~~ Class AA
- (14) ~~Cispus River.~~ Class AA
- (15) ~~Clearwater River.~~ Class A
- (16) ~~Cle Elum River ((from confluence with Yakima River to Cle Elum Lake)).~~ Class AA
- (17) ~~Cle Elum River from Cle Elum Lake to headwaters.~~ Class AA
- (17) ~~Cloquallum ((River from mouth to headwaters)) Creek.~~ Class A
- (18) ~~Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom.~~ Class A
- (19) ~~Columbia River from mouth to the Washington-Oregon border (river mile 309.3). Special conditions - ((water)) Temperature(s) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed 0.3° ((Celsius)) C due to any single source or 1.1° ((Celsius)) C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation.~~ Class A
- (20) ~~Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile (595) 596.6). Special condition from Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature((water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed t=34/(T+9).~~ Class A
- (21) ~~Columbia River from Grand Coulee Dam (river mile (595) 596.6) to Canadian border (river mile (742) 745.0).~~ Class AA
- (22) ~~Colville River.~~ Class A
- (23) ~~Coweman River from mouth to Mulholland Creek (river mile 18.4).~~ Class A
- (24) ~~Coweman River from Mulholland Creek (river mile 18.4) to headwaters.~~ Class AA
- (25) ~~Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0).~~ Class A
- (26) ~~Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters.~~ Class AA
- (27) ~~Crab Creek and ((tributary streams from confluence with Columbia River to headwaters)) tributaries.~~ Class B
- (28) ~~Decker Creek ((from mouth to headwaters)).~~ Class AA
- (29) ~~Deschutes River from mouth to ((headwaters)) boundary of Snoqualmie National Forest (river mile 48.2).~~ Class A
- (30) ~~Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters.~~ Class AA
- (31) ~~Dickey River.~~ Class A
- (32) ~~Dosewallips River and tributaries.~~ Class AA
- (33) ~~Duckabush River and tributaries.~~ Class AA
- (34) ~~Dungeness River from mouth to Canyon Creek (river mile 10.8).~~ Class A
- (35) ~~Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters.~~ Class AA
- (36) ~~Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the ((confluence with the)) Black River~~

((Tukwila)) (river mile 11.0) (Duwamish River continues as the Green River above the Black River).	Class B	(56)) (60) Methow River from mouth to ((the confluence of the)) Chewack River (river mile 50.1).	Class A
((36) Duwamish River upstream from the confluence with the Black River to the limit of tidal influence.	Class A)	(61) Methow River from Chewack River (river mile 50.1) to headwaters.	Class AA
(37) Elochoman River.	Class A	((57)) (62) Mill Creek from ((confluence with Walla Walla River)) mouth to 13th street bridge in Walla Walla (river mile 6.4). Special condition - Dissolved oxygen concentration shall exceed 5.0 mg/L ((or 50 percent saturation whichever is greater)).	Class B
((37)) (38) Elwha River and tributaries.	Class AA	(63) Mill Creek from 13th Street bridge in Walla Walla (river mile 6.4) to Walla Walla waterworks dam (river mile 25.2).	Class A
((38)) (39) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters.	Class AA	((58)) (64) Mill creek and tributaries from city of Walla Walla waterworks dam (river mile 25.2) to headwaters. Special condition - no waste discharge will be permitted.	Class AA
((39)) (40) Grande Ronde River from mouth to Oregon border (river mile 37). Special condition - Temperature ((= water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A	((59)) (65) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters.	Class AA
((40)) (41) Grays River from Grays River Falls (river mile 15.8) to headwaters.	Class AA	((60)) (66) Naselle River from Naselle "Falls" cascade at river mile 18.6) to headwaters.	Class AA
((41)) (42) Green River (Cowlitz County) ((from mouth to headwaters)).	Class AA	((61)) (67) Newaukum River ((from mouth to headwaters)).	Class A
(43) Green River (King County) from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park at river mile 42.3).	Class A	(68) Nisqually River from mouth to Alder Dam (river mile 44.2).	Class A
((42)) (44) Green River (King County) from ((intersection of the river with)) west boundary of ((Sec. 27, T-21N, R-6E;)) Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park, river mile 42.3) to ((intersection of the river with)) west boundary of ((Sec. 13, T-21N, R-7E;)) Sec. 13-T21N-R7E (river mile 59.1).	Class AA	((62)) (69) Nisqually River from Alder Dam (river mile 44.2) to headwaters.	Class AA
((43)) (45) Green River and tributaries (King County) from ((intersection of the river with)) west boundary of ((Sec. 13, T-21N, R-7E;)) Sec. 13-T21N-R7E (river mile 59.1) to headwaters. Special condition - No waste discharge will be permitted.	Class AA	((63)) (70) Nooksack River from mouth to ((river mile 4 (just below Ferndale)) Maple Creek (river mile 49.7).	Class A
((44)) (46) Hamma Hamma River and tributaries.	Class AA	((64)) (71) Nooksack River from ((confluence with)) Maple Creek (river mile 49.7) to headwaters.	Class AA
((45)) (47) Hanaford Creek from mouth to east boundary ((time)) of ((Sec. 25, T-15N, R-2W)) Sec. 25-T15N-R2W (river mile 4.1). Special condition - dissolved oxygen shall exceed 6.5 mg/L ((or 70 percent saturation whichever is greater)).	Class AA	(72) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3).	Class A
((46)) (48) Hanaford Creek from east boundary ((time)) of ((Sec. 25, T-15N, R-2W;)) Sec. 25-T15N-R2W (river mile 4.1) to headwaters.	Class A	((65)) (73) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters.	Class AA
((47)) (49) Hoh River and tributaries ((from mouth to headwaters)).	Class AA	((66)) (74) Nooksack River, middle fork.	Class AA
((48)) (50) Hoquiam River (continues as west fork above east fork) from mouth to river mile ((9)) 9.3 (Dekay Road bridge) (upper limit of tidal influence).	Class B	((67)) (75) Okanogan River.	Class A
(51) Humptulips River and tributaries from mouth to Olympic National Forest boundary on east fork (river mile 12.8) and west fork (river mile 40.4) (main stem continues as west fork).	Class A	((68)) (76) Palouse River from mouth to ((Colfax (river mile 88, confluence with south fork)) south fork (Colfax, river mile 89.6).	Class B
(52) Humptulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters.	Class AA	((69)) (77) Palouse River from ((Colfax (river mile 88, confluence with south fork)) south fork (Colfax, river mile 89.6) to Idaho border (river mile ((+10)) 123.4). Special condition - Temperature ((= water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A
(53) Humptulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters.	Class AA	((70)) (78) Pend Oreille River from Canadian border (river mile ((+7)) 16.0) to Idaho border (river mile ((86)) 87.7). Special condition - Temperature ((= water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A
((49)) (54) Issaquah Creek ((from mouth to headwaters)).	Class A	((71)) (79) Pilchuck River from city of Snohomish waterworks dam (river mile 26.8) to headwaters.	Class AA
((50)) (55) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters.	Class AA	((72)) (80) Puyallup River from mouth to river mile 1.0 ((from mouth)).	Class B
((51)) (56) Klickitat River from Little Klickitat River (river mile 19.8) to headwaters.	Class AA	(81) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6).	Class A
((52)) (57) Lake Washington Ship Canal from ((Lake Washington to)) Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). Special condition - Salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1).	Lake Class	((73)) (82) Puyallup River from Kings Creek (river mile 31.6) to headwaters.	Class AA
((53)) (58) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters.	Class AA	((74) Queets River from mouth to river mile 3.0.	Class AA
((54)) (59) Little Wenatchee River ((from Lake Wenatchee to headwaters)).	Class AA	((75)) (83) Queets River and tributaries ((from river mile 3 to headwaters)).	Class AA
((55) Methow River from its confluence with the Chewack River to headwaters.	Class AA	((76)) (84) Quillayute River.	Class AA
		((77) Quinault River from mouth to river mile 2.	Class AA
		((78)) (85) Quinault River and tributaries ((from river mile 2 to headwaters)).	Class AA
		(86) Salmon Creek (Clark County).	Class A
		(87) Satsop River from mouth to west fork (river mile 6.4).	Class A

((79)) (88) Satsop River, east fork((-from mouth to headwaters)).	Class AA	((97)) (108) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2).	Class A
((80)) (89) Satsop River, middle fork((-from mouth to headwaters)).	Class AA	((98)) (109) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters.	Class AA
((81)) (90) Satsop River, west fork((-from mouth to headwaters)).	Class AA	(110) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7).	Class A
((82) Sank River.	Class AA	((99)) (111) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to the headwaters.	Class AA
(83)) (91) Skagit River from mouth to ((Burlington)) Skiyou Slough-lower end (river mile ((17, Nookachamps Creek)) 25.6).	Class A	((100) Stehekin River from Lake Chelan to headwaters.	Class AA
((84)) (92) Skagit River and tributaries (includes Baker, Suak, Suiattle, and Cascade Rivers) from Skiyou Slough-lower end, (river mile ((26)) 25.6) to Canadian border (river mile ((9+)) 127.0).	Class AA	((101) Suiattle River.	Class AA
((85)) (93) Skokomish River and tributaries.	Class AA	(+02)) (112) Sulphur Creek.	Class B
((86)) (94) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters.	Class AA	((+03)) (113) Sultan River from mouth to Chaplain Creek (river mile 5.9).	Class A
(95) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2).	Class A	((+04)) (114) Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. Special condition - no waste discharge will be permitted above city of Everett diversion dam (river mile 9.4).	Class AA
((87)) (96) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters.	Class AA	((+05)) (115) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23).	Class A
((88)) (97) Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). Special condition ((-Temperature)).	Class AA	((+06)) (116) Tieton River ((from confluence with Naches River to headwaters)).	Class AA
(a) Below ((confluence with)) Clearwater River (river mile 139.3). ((Water)) Temperature(s) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.		((+07)) (117) Tolt River, south fork and tributaries from mouth to ((intersection of the river with)) west boundary of ((Sec. 31, T-26N., R-9E.)) Sec. 31-T26N-R9E (river mile 6.9).	Class AA
(b) Above ((confluence with)) Clearwater River (river mile 139.3). ((Water)) Temperature(s) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed 0.3° ((Celsius)) C due to any single source or 1.1° ((Celsius)) C due to all such activities combined.		((+08)) (118) Tolt River, south fork from ((intersection of the river with)) west boundary of ((Sec. 31, T-26N., R-9E.)) Sec. 31-T26N-R9E (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted.	Class AA
((89)) (98) Snohomish River from mouth and east of longitude 122°13'40"W(-) upstream to latitude 47°56'30"N(-) (southern tip of Ebey Island river mile 8.1). Special condition: Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 200, organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.	Class A	((+09)) (119) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters.	Class AA
((90)) (99) Snohomish River upstream from latitude 47°56'30"N(-) (southern tip of Ebey Island river mile 8.1) to ((limit of tidal influence)) confluence with Skykomish and Snoqualmie River (river mile 20.5).	Class A	((+10)) (120) Toutle River, north fork, from Green River to headwaters.	Class AA
(100) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1).	Class A	((+11)) (121) Toutle River, south fork((-from mouth to headwaters)).	Class AA
((91)) (101) Snoqualmie River, middle fork((-from mouth to headwaters)).	Class AA	((+12)) (122) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters.	Class AA
((92)) (102) Snoqualmie River, north fork((-from mouth to headwaters)).	Class AA	((+13)) (123) Twisp River ((from confluence with Methow River to headwaters)).	Class AA
((93)) (103) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters.	Class AA	((+14)) (124) Union River and tributaries from Bremerton waterworks dam (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted.	Class AA
((94)) (104) Soleduck River and tributaries.	Class AA	((+15)) (125) Walla Walla River from mouth to Lowden (Dry Creek at river mile ((+5)) 27.2).	Class B
((95)) (105) Spokane River from mouth to Idaho border (river mile ((9+)) 96.5). Special condition - Temperature (-water temperatures) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class AA	((+16)) (126) Walla Walla River from Lowden (Dry Creek at river mile ((+5)) 27.2) to Oregon border (river mile 40). Special condition - Temperature (-water temperatures) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.	Class A
(106) Stehekin River.	Class AA	((+17)) (127) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters.	Class AA
((96)) (107) Stillaguamish River from mouth to ((river mile 7 (at Normant))) north and south forks (river mile 17.8).	Class A	((+18)) (128) White River (Pierce-King Counties) from Mud Mountain Dam (river mile 29.6) to headwaters.	Class AA
		((+19)) (129) White River (Chelan County) ((from Lake Wenatchee to headwaters)).	Class AA
		(130) Wildcat Creek	Class A
		((+20)) (131) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8).	Class A
		((+21)) (132) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W).	Class B
		(133) Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to west fork (river mile 17.7).	Class A
		((+22)) (134) Wishkah River from west fork of Wishkah River (river mile 17.7) to ((intersection of the river with)) south boundary of ((Sec. 33, T-21N., R-8W.)) Sec. 33-T21N-R8W (river mile 32.0).	Class AA
		((+23)) (135) Wishkah River and tributaries from ((intersection of the river with)) south boundary of ((Sec. 33, T-21N., R-8W.)) Sec. 33-T21N-R8W (river mile	

- 32.0) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- ~~(136) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9)~~ Class A
- ~~(137) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters.~~ Class AA
- ~~((+24)) (138) Yakima River from ((confluence with Columbia River)) mouth to Sunnyside Dam (river mile 103.8).~~ Class B
- ~~((+25)) (139) Yakima River from Sunnyside Dam (river mile 103.8) to Cle Elum River (river mile 185.6) ((just below the confluence of the Cle Elum River)).~~ Class A
- Special condition - Temperature ((-water temperatures)) shall not exceed 21.0° ((Celsius)) C due to human activities. When natural conditions exceed 21.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A
- ~~((+26)) (140) Yakima River from Cle Elum River (river mile 185.6) ((immediately upstream from the Cle Elum River)) to headwaters.~~ Class AA

AMENDATORY SECTION (Amending Order DE 77-32, files 1/17/78)

WAC 173-201-085 SPECIFIC CLASSIFICATIONS—MARINE WATER. Specific marine surface waters of the state of Washington are classified as follows:

- ~~(1) ((Bellingham Bay east of a line bearing 185° true from entrance of boat basin (light No. 2), except as otherwise noted.~~ Class B
- ~~(2) Bellingham Bay, inner, easterly of a line bearing 142° true through fixed green navigation light at southeast end of dock (approximately 300 yards northeast of bell buoy "2") to the east boat basin jetty.~~ Class B
- ~~(3)) Budd Inlet south of latitude 47°04'N((-)) (south of Priest Point Park).~~ Class B
- ~~((+4)) (2) Coastal waters: Pacific Ocean from Ilwaco to Cape Flattery.~~ Class AA
- ~~((+5)) (3) Commencement Bay ((from)) south and east of a line bearing 258° true from "Brown's point" and north and west of line bearing 225° true through the Hylebos waterway light.~~ Class A
- ~~((+6)) (4) Commencement Bay, inner, ((from)) south and east of a line bearing 225° true through Hylebos Waterway light except the city waterway south and east of south 11th Street.~~ Class B
- ~~((+7)) (5) Commencement Bay, city waterway south and east of south 11th Street.~~ Class C
- ~~((+8)) (6) Drayton Harbor, south of entrance.~~ Class A
- ~~((+9)) (7) Dyes and Sinclair Inlets west of longitude 122°37'W.~~ Class A
- ~~((+10)) (8) Elliott Bay east of a line between Pier 91 and Duwamish head.~~ Class A
- ~~((+11) Everett Harbor east of longitude 122°13'40"W. and southwest of a line bearing 121° true from light "4" (Snohomish River mouth).~~ Class A

- ~~((+2)) (9) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth).~~ Class B
- ~~((+3)) (10) Grays Harbor west of longitude 123°59'W.~~ Class A
- ~~((+4)) (11) Grays Harbor east of longitude 123°59'W((-)) to longitude 123°45'45"W((-)) (Cosmopolis Chehalis River, river mile 3.1). Special condition - Dissolved oxygen ((-)) shall exceed 5.0 mg/L ((or 60 percent saturation, whichever is greater)).~~ Class B
- ~~((+5)) (12) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W((-)) and north of latitude 48°27'20"N.((- except as otherwise noted:))~~ Class A
- ~~((+6)) (13) Hood Canal.~~ Class AA
- ~~((+7)) (14) Mukilteo and all North Puget Sound west of longitude 122°39' W((-)) (Whidbey, Fidalgo, Guemes and Lummi Islands and state highway 20 bridge at Deception Pass), except as otherwise noted.~~ Class AA
- ~~((+8)) (15) Oakland Bay west of longitude 123°05'W((-)) (inner Shelton harbor).~~ Class B
- ~~((+9)) (16) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook.~~ Class A
- ~~((+20)) (17) Port Gamble south of latitude 47°51'20"N.~~ Class A
- ~~((+21)) (18) Port Townsend west of a line between Point Hudson and Kala point.~~ Class A
- ~~((+22)) (19) Possession Sound, south of latitude 47°57'N.~~ Class AA
- ~~((+23)) (20) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and ((longitude 122°38'35"W. (bridge)) state highway 20 bridge at Deception Pass between latitude 47°57'N((-)) (Mukilteo) and latitude 48°27'20"N((-)) (Similk Bay), except as otherwise noted.~~ Class A
- ~~((+24)) (21) Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30"W((-)) (Brisco Point) and longitude 122°51'W((-)) (northern tip of Hartstene Island).~~ Class AA
- ~~((+25)) (22) Sequim Bay southward of entrance.~~ Class AA
- ~~((+26)) (23) South Puget Sound west of longitude 122°52'30"W((-)) (Brisco Point) and longitude 122°51'W((-)) (northern tip of Hartstene Island, except as otherwise noted).~~ Class A
- ~~((+27)) (24) Strait of Juan de Fuca.~~ Class AA

((28)) (25)

Class A

Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8).

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-090 ACHIEVEMENT CONSIDERATIONS. To fully achieve and maintain the foregoing water quality in the state of Washington, it is the intent of the department ((of ecology)) to apply the various implementation and enforcement authorities at its disposal, including ((the development and implementation of the continuing planning process required by the Federal Water Pollution Control Act Amendments of 1972, (P.L. 92-500) and applicable federal regulations thereunder)) participation in the programs of the Federal Clean Water Act (P.L. 95-217) as appropriate. It is also the intent that cognizance will be taken of the need for ((information as contemplated under section 304, 208, 209, and other sections of the federal act, with emphasis on silviculture and agriculture, and for)) participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The ((Washington)) department's ((of ecology's)) planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act ((and regulations)). Further, it shall be required that all activities which discharge wastes into waters within the state, or otherwise adversely affect the quality of said waters, be in compliance with the waste treatment and discharge provisions of state or federal law.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-120 ENFORCEMENT. To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

(1) Issuance of notices of violation and regulatory orders as provided for in RCW 90.48.120. Under this section, whenever in the opinion of the department a person is violating or about to violate chapter 90.48 RCW, the department shall notify said person of its determination. Within thirty days said person shall notify the department of the action taken or being taken in response to the department's determination, whereupon the department may issue a regulatory order as it deems appropriate. Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue a regulatory order without first giving notice and thirty days for response.

(2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state, as provided for in RCW 90.48.037.

(3) Levying of civil penalties as provided for in RCW 90.48.144. Under this section, the director ((of the department)) may levy a civil penalty up to five thousand dollars per day against a person who violates the terms of a waste discharge permit, or who discharges without such a permit when the same is required, or violates the provisions of RCW 90.48.080. If the amount of the penalty, which is subject to mitigation or remission by the department, is not paid within thirty days after receipt of said notice, the attorney general, upon request of the director, shall bring an action in superior court to recover the same.

(4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.

(5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 173-201-020 WATER USE AND QUALITY CRITERIA.
- (2) WAC 173-201-050 CHARACTERISTIC USES TO BE PROTECTED.
- (3) WAC 173-201-140 MISCELLANEOUS.

WSR 82-06-057

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**
[Memorandum—March 1, 1982]

The Washington Department of Ecology (WDOE) is conducting two public workshops to discuss priorities for water quality, air quality, and hazardous waste programs in 1983. The workshops will be held April 27, 1982 in Spokane at the Spokane County Health Building and April 29, 1982 in Seattle at the Seattle Water Department Operations Center. Persons interested in attending either workshop or in receiving further information about the workshops should contact: Philip Miller, Washington Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, (206) 459-6024.

**WSR 82-06-058
PROPOSED RULES
FOREST PRACTICES
APPEALS BOARD**
[Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Forest Practices Appeals Board intends to adopt, amend, or repeal rules concerning regulations for practice and procedure before the board, amending chapters 223-08 and 223-12 WAC;

that such agency will at 11:00 a.m., Friday, April 9, 1982, in the Board's Office, 4224 6th Avenue S.E., Building No. 2, Rowesix, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 76.09.230(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 9, 1982, and/or orally at 11:00 a.m., Friday, April 9, 1982, Board's Office, 4224 6th Avenue S.E., Building No. 2, Rowesix.

Dated: March 3, 1982
By: William A. Harrison
Administrative Law Judge

STATEMENT OF PURPOSE

Title: Amendments to chapter 223-08 WAC, Rules of procedure of the Forest Practices Appeals; and chapter 223-12 WAC, Rules, disclosure of public records of the Forest Practices Appeals Board.

Description of Purpose: To clarify and update existing rules.

Statutory Authority: RCW 76.09.230(4).

Summary of Rule: Amends chapters 223-08 and 223-12 WAC to clarify and update rules of procedure and rules to use in disclosure of public records.

Reasons Supporting Proposed Action: Clarification and updating of existing rules.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: William A. Harrison, Environmental Hearings Office, 4224 6th Avenue S.E., Building No. 2, Rowesix, Lacey, WA 98504, (206) 459-6327.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Forest Practices Appeals Board, a state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Act: No.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-005 BACKGROUND INFORMATION. (1) Members. The Forest Practices Appeals Board (hereinafter appeals board) is an independent agency of the state of Washington, composed of three members appointed by the governor (with the advice and consent of the senate) for a term of six years (~~((after the original appointments))~~). The members are to be qualified by experience or training in pertinent matters pertaining to the environment and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

(a) Members shall be appointed for a term of six years and shall serve until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. The terms of the first three members of the appeals board shall be staggered so that their terms shall expire after two, four, and six years.

(b) Any member may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member by the tribunal shall disqualify such member for reappointment.

(c) Each member of the appeals board:

(i) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member, nor shall he serve on or under any committee of any political party; and

(ii) Shall not for a period of one year after the termination of his membership, act in a representative capacity before the appeals board on any matter.

(2) Function and jurisdiction. (a) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties: PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with the provisions of chapter 43.03 RCW.

(b) ~~((The appeals board may appoint, discharge, and fix the compensation of an executive secretary, a clerk, and such other clerical, professional, and technical assistants as may be necessary. As specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.~~

(c) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

(d) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant.

One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(e) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(f) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(g) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(h) (i) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(ii) The review proceedings authorized in subparagraph (i) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

(3) Appeals. (a) In all appeals over which the appeals board has jurisdiction, a party taking an appeal may elect either a formal or an informal hearing, unless such party has had an informal hearing with the department. Such election shall be made according to ~~((the))~~ these rules of practice and procedure ~~((to be promulgated by the appeals board))~~. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

(b) In all appeals the appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions but such powers shall be exercised in conformity with chapter 34.04 RCW.

(c) In all appeals involving formal hearing the appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to an agency by those provisions of chapter 34.04 RCW relating to contested cases.

(d) All proceedings, including both formal and informal hearings, before the appeals board or any of its members shall be conducted in accordance with ~~((such))~~ these rules of practice and procedure ~~((as the board may prescribe))~~. The appeals board shall publish ~~((such))~~ these rules and arrange for the reasonable distribution thereof.

(e) Judicial review of a decision of the appeals board shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140.

(4) Caution. This section is intended to be general and informational only, and failure herein to list matters over which the appeals board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction. Wherever the provisions of this WAC 223-08-005 conflict with other rules of this agency, such other rules shall prevail.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-010 BOARD ADMINISTRATION—OFFICE. The headquarters and principal office of the appeals board shall be ~~((in Olympia, Washington))~~ the Environmental Hearings Office, 4224 - 6th Avenue S.E., Building 2 Rowesix, Mailstop: PY-21, Lacey, Washington 98504.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-015 BOARD ADMINISTRATION—MEETINGS. The appeals board shall meet when necessary in formal sessions at its principal office on the first Friday of each month at 9:30 a.m., and shall meet at such other times and places as the appeals board may designate.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-020 BOARD ADMINISTRATION—QUORUM. Two members of the appeals board shall constitute a quorum for making final orders or decisions, or for promulgating rules and regulations relating to its procedures, and may act although one position on the appeals board be vacant (RCW 76.09.220). One member or designated ~~((hearing examiner))~~ administrative law judge may hold hearings and take testimony when designated by the appeals board to do so ~~((but all proceedings and testimony shall be reported to the appeals board, and ultimate decisions shall be by the appeals board))~~. The findings of such member or administrative law judge shall not become final until approved by a quorum of the board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-030 BOARD ADMINISTRATION—PROCEDURES APPLICABLE. (1) The appeals board shall be guided in procedural matters before it by these Rules of Procedure chapter 223-08 WAC. These Rules of Procedure specifically replace the Uniform Procedural Rules, chapter 1-08 WAC, except where specifically noted.

(2) Insofar as applicable, and not in conflict with these rules, the statutes and rules regarding pretrial procedures in civil cases in the superior courts of this state shall be followed. Such rules shall include but shall not be limited to those rules pertaining to discovery of evidence by parties to civil actions.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-035 BOARD ADMINISTRATION—DEFINITIONS. As used in this chapter the following terms shall have the following meaning:

(1) "Appeals Board" refers to and means Forest Practices Appeals Board described in WAC 223-08-005 or its presiding officer. Where appropriate, the term "Appeals Board" also refers to the staff ~~((and employees of))~~ assigned to the Forest Practices Appeals Board.

(2) "Department" refers to and means the Department of Natural Resources.

(3) "Presiding officer~~((s))~~" shall mean one ~~((or more))~~ person ~~((s; each of whom))~~ who is either a member of the appeals board or ~~((a hearing examiner))~~ an administrative law judge assigned to conduct a hearing or a conference by the appeals board.

(4) ~~((("Hearing Examiner" shall mean an agent of the appeals board authorized to conduct conferences or hearings.~~

~~((5)))~~ "Continuance" shall mean the extension of an initial hearing, actually held, by scheduling a subsequent, supplementary hearing.

~~((6)))~~ (5) "Postponement" shall mean rescheduling a hearing, before its occurrence, to a later time.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-040 BOARD ADMINISTRATION—PRESIDING OFFICER, POWERS. It shall be the duty of the presiding officer~~((s))~~ to conduct conferences or hearings in an impartial and orderly manner, and the presiding officer~~((s have))~~ has the authority, subject to the other provisions of these rules:

(1) To administer oaths and affirmations;

(2) To issue subpoenas as provided in RCW 34.04.105. A subpoena may also be issued by the attorney of record, or any person making an appearance as authorized by WAC 223-08-050(3) as provided in RCW 34.04.105. Service and costs of the subpoena shall be the responsibility of the party seeking the attendance of the witness;

(3) To rule on all procedural matters, objections and motions;

(4) To rule on all offers of proof and receive relevant evidence;

(5) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;

(6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he deems necessary to fairly and equitably decide the appeal;

(7) To take appropriate disciplinary action with respect to representatives of parties appearing before the appeals board;

(8) To issue orders joining other parties, on motion of any party, or ~~((on his own motion))~~ sua sponte when it appears that such other parties may have an interest in, or may be affected by, the proceedings;

(9) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;

(10) To hold conferences for the settlement or amplification of the issues at such times as set by the chairman;

(11) To take or cause to be taken depositions and interrogatories pursuant to these rules and to procedures available to litigants in civil cases in superior courts in the state of Washington;

(12) To cause to be submitted, written sworn statements as currently provided in WAC 1-08-470 through 1-08-500;

(13) To regulate the course of the hearing;

~~((13)))~~ (14) To take any other action necessary and authorized by these rules and the law.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-055 APPEARANCE AND PRACTICE—NOTICE OF APPEARANCE. (1) Appearance may be made on behalf of any party by an attorney or other duly authorized representative as defined in WAC 223-08-050, by

(a) Filing a written notice of appearance containing the name of the party to be represented, and the name and address and telephone number of the representative, and the relationships found in WAC 223-08-050 allowing representation, or by

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name and address and telephone number of the representative, and the relationships found in WAC 223-08-050 allowing representation.

(c) Copies of every written notice of appearance shall be furnished to all other parties or their representatives of record at the time the original is filed with the executive secretary of the appeals board.

~~((d))~~ Unless the attorney general notifies the appeals board otherwise, the attorney general shall, in all appeals from decisions and orders of the department and director, be deemed to have entered appearance for the department, and shall be exempt from the requirements herein relating to the filing of written notices of appearance and to the furnishing of copies of same to other parties and their representatives.))

(2) Thereafter all future notices and orders shall be served by the appeals board upon such representative. Service upon the representative shall constitute service upon the party.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-065 APPEARANCE AND PRACTICE—WITHDRAWAL. An attorney or other representative withdrawing from a case shall immediately so notify ~~((the executive secretary of))~~ the appeals board and all parties of record in writing, or shall state such withdrawal on the record at a conference or hearing. Any substitution of an attorney or other representative shall be accomplished in the same manner except that an affidavit confirming the substitution shall be executed by the party and filed with the ~~((executive secretary))~~ appeals board and all parties of record or such substitution shall be confirmed, in person, by the party upon the record.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-070 APPEARANCE AND PRACTICE—CONDUCT. All persons appearing in a representative capacity in proceedings before the appeals board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standard, ~~((a))~~ the presiding officer may ~~((in his discretion and depending on all the circumstances,))~~ admonish or reprimand such person, or exclude such person from further participation in the proceedings and adjourn the same, or report the matter to the appeals board which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, ~~((and))~~ or refusal to permit such person to appear in a representative capacity in any proceeding before the appeals board.

Where a majority of the appeals board is conducting a proceeding, such majority may take appropriate disciplinary action against a representative without convening a separate hearing.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-075 COMMENCING AN APPEAL—FILING AND SERVICE. All written communications relating to a proceeding and directed to the appeals board or its chairman shall be filed ~~((with the executive secretary))~~ at the principal office of the appeals board. Filing shall be effective upon receipt ~~((by))~~ at the principal office of

the appeals board. The stamp of the appeals board placed upon any written communication shall be prima facie evidence of the date of receipt. The ((~~executive secretary~~)) appeals board shall acknowledge receipt of each notice commencing a proceeding filed under WAC 223-08-085.

Copies of all written communication relating to a proceeding and directed to the appeals board shall, concurrently with filing, be served upon all other parties: PROVIDED, That in any event:

(1) Copies of notices commencing any of the proceedings described in WAC 223-08-085(2), (6) or (7) shall, concurrently with filing, be served upon the attorney general who may intervene to protect the public interest and insure that the provisions of the Forest Practices Act are complied with. (See RCW 76.09.050(9) and RCW 76.09.220(9))

(2) Copies of notices commencing any of the proceedings described in WAC 223-08-080(2), (6) or (7) shall likewise be served, concurrently with filing, upon the applicant under the challenged application, who shall be a responding party in the proceeding unless already an appealing party.

Whenever under these rules service is required to be made upon a represented party, the service shall be made upon the representative unless service upon the party himself is ordered by the appeals board. Service upon the representative or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: Handing it to the representative or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon the third day following the day upon which they are placed in the mail unless the third day falls on a Saturday, Sunday or legal holiday, in which event service shall be complete on the first day other than a Saturday, Sunday or legal holiday, following the third day. Originals of written communications filed with the appeals board shall bear a notation of the names and dates of persons served with copies. Such notation shall be signed by the party authorizing the communication or his representative.

There shall be substantial compliance with the requirement that service be concurrent with filing but failure of literal compliance shall not alone impair commencement of any proceeding. All parties shall be served with the notice commencing a proceeding at least twenty days before hearing. All parties shall be served with motions and notices of motion hearings at least five days before the time specified for the motion hearing unless a different period is fixed by these rules or by order of the appeals board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-080 COMMENCING AN APPEAL—FORMS. The following forms shall be used in proceedings before the appeals board. The forms, instructions thereon, and descriptive captions are each components of this rule of procedure.

Where any written communication directed to the appeals board is found not to be in conformity with this or another rule of procedure or the requirements of any statute, the appeals board may require the party directing such communication to correct, clarify or amend the same so as to conform. The appeals board may refuse to schedule any conference or hearing hereon until compliance with such requirements, or may issue an order providing for the dismissal of any proceeding upon failure to comply within a specified time.

INDEX TO FORMS

- Form 1 – PETITION FOR CHAIRMAN'S ORDER
- Form 2 – COUNTY APPEAL OF DEPARTMENT APPROVAL
- Form 3 – APPEAL OF STOP-WORK ORDER
- Form 4 – APPEAL OF NOTICE TO COMPLY
- Form 5 – APPEAL OF PENALTY
- Form 6 – DEPARTMENT APPEAL OF COUNTY OBJECTIONS
- Form 7 – APPEAL OF DEPARTMENT APPROVAL OR DISAPPROVAL
- Form 8 – PETITION FOR A DECLARATORY RULING
- Form 9 – PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULE

The above forms are neither printed nor furnished by the appeals board but are set out here for copying by those wishing to commence a proceeding. Underlined portions of these forms are instructional, and the matter called for must be supplied by the party commencing the proceeding or his representative.

FORM 1 – For commencing the proceeding described in WAC 223-08-085(1):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Department of Ecology

PETITION FOR
CHAIRMAN'S
ORDER

Represented by:
Name of Representative(s)
Mailing Address
Telephone Number

1. This proceeding is authorized by RCW 76.09.100.
2. A short and plain statement identifying the forest practice regulations violated, the violator, and how and when such violations occurred.
3. The Department of Natural Resources has not issued a stop work order or notice to comply in the matter of this violation. The Department of Ecology has therefore notified the Department of Natural Resources of such violation. The Department of Natural Resources has failed to take authorized enforcement action, within twenty-four hours of such notice, under RCW 76.09.080, 76.09.090, 76.09.120 or 76.09.130.
4. The chairman is respectfully requested to order the relief to which the Department of Ecology deems itself entitled.

A copy of this
Notice was served
upon the Department
of Natural Resources
on (date)

I/We have read the
above and believe the
contents to
be true.

Signed,
Representative(s)

Signed,
Representative(s)

FORM 2 – For commencing the proceeding described in WAC 223-08-085(2):

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of County
Represented by:
Name of Representative
Mailing Address
Telephone Number

COUNTY APPEAL
OF DEPARTMENT
APPROVAL

1. This proceeding is authorized by RCW 76.09.050(8).
2. Name County hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The attached forest practices application was approved by the Department of Natural Resources, and notice of such approval showing the (date) thereof is attached.
4. Lands within the jurisdiction of name County are affected by the said approval.
5. A short and plain statement of the grounds upon which the county believes the said approval is unlawful. Statutes, regulations or applications referred to shall be precisely cited.
6. A demand for the relief to which the county deems itself entitled.

Copies of this Notice were served upon:

- (1) Department of Natural Resources (date)
- (2) Attorney General (date)
- (3) Applicant (date) (See WAC 223-08-075)

I/We have read the above and believe the contents to be true.

Signed, County Representative(s)

Signed, County Representative(s)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

- 1. The application involved as well as the department's Notice of Approval shall be attached to this Notice.
- 2. Where only portions of an application are appealed, the county shall specify precisely the portions appealed.
- 3. Requests for the suspension of department approval pending an appeal shall be made separately by motion or affidavit. (See WAC 223-08-085(2))

FORM 3 - For commencing the proceeding described in WAC 223-08-085(3):

NOTICE

COMMENCING A PROCEEDING Before the FOREST PRACTICES APPEALS BOARD State of Washington

Date

Name of Appellant Mailing Address

Residence or principal place of business if different from mailing address

APPEAL OF STOP-WORK ORDER

Represented by:

Name of Representative Mailing Address Telephone Number

- 1. This proceeding is authorized by RCW 76.09.080(2)(d).
- 2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)
- 3. A short and plain statement of the grounds upon which the appellant believes the stop-work order is unlawful. Statutes, regulations or applications referred to shall be precisely cited.
- 4. A demand for the relief to which the appellant deems himself entitled.

Copies of this Notice were served upon:

- (1) Department of Natural Resources (date)
- (2) Others (dates) (See WAC 223-08-075)

I/We have read the above and believe the contents to be true.

Signed, Appellant and/or

Signed, Representative

Signed, Appellant and/or

Signed, Representative

INSTRUCTIONS:

- 1. Where the appealed stop-work order or this Notice cites a forest practices application, the same shall be attached to this Notice.
- 2. Requests for discontinuance of the stop-work order appealed, pending the outcome of the proceeding, shall be made separately by motion or affidavit. (See WAC 223-08-085(3))
- 3. Appellant shall sign where indicated except where unavailable to do so, and in any event petitioner's representative shall sign.

FORM 4 - For commencing the proceeding described in WAC 223-08-085(4):

NOTICE

COMMENCING A PROCEEDING Before the FOREST PRACTICES APPEALS BOARD State of Washington Date

Name of Appellant Mailing Address:

Residence or Principal Place of Business if Different from Mailing Address

APPEAL OF NOTICE TO COMPLY

Represented by:

Name of Representative Mailing Address Telephone Number

- 1. This proceeding is authorized by RCW 76.09.090.
- 2. The appellant has had a hearing before the Department of Natural Resources on date and a copy of the final decision issued after such hearing is attached.
- 3. A short and plain statement of the grounds upon which the appellant believes the Notice to Comply is unlawful. Statutes, regulations or applications referred to shall be precisely cited.
- 4. A demand for the relief to which the appellant deems himself entitled.

Copies of this Notice were served upon:

- (1) Department of Natural Resources (date)
- (2) Others (dates) (See WAC 223-08-075)

I/We have read the above and believe the contents to be true.

Signed, Appellant and/or

Signed, Representative

Signed, Appellant and/or

Signed, Representative

INSTRUCTIONS:

- 1. A copy of the final decision of the department issued after a hearing before the department shall be attached to this Notice.
- 2. Where the appealed Notice to Comply, the department's final decision, or this Notice cites a forest practices application, the same shall be attached to this Notice.
- 3. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

FORM 5 - For commencing the proceeding described in WAC 223-08-085(5):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address

Residence or Principal
Place of Business
if Different from
Mailing Address

APPEAL OF
PENALTY

Represented by:

Name of Representative
Mailing Address
Telephone Number

- 1. This proceeding is authorized by RCW 76.09.170.
2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The appellant has/has not applied in writing to the Department of Natural Resources.
4. A short and plain statement of the grounds upon which the appellant believes the penalty imposed is unlawful or excessive. Statutes, regulations or applications referred to shall be precisely cited.
5. A demand for the relief to which the appellant deems himself entitled.

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

- (1) Department of
Natural Resources
(Date)
(2) Others (Dates)
(See WAC 223-08-075)

Signed,
Appellant and/or

Signed,
Representative

Signed,
Appellant and/or

Signed, Representative

INSTRUCTIONS:

- 1. A copy of the department's notice imposing the penalty appealed shall be attached to this Notice.
2. Where the appellant has applied to the department for remission or mitigation of the penalty appealed, copies of the appellant's application and the department's disposition shall be attached to this Notice.
3. Where the Notice or any document required to be attached cites a forest practices application, the same shall be attached to this Notice.
4. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

FORM 6 - For commencing the proceeding described in WAC 223-08-085(6):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Department of Natural Resources
Public Lands Building
Olympia, Washington 98504
Represented by:
Name of Representative
Mailing Address
Telephone Number

DEPARTMENT
APPEAL OF
COUNTY
OBJECTIONS

- 1. This proceeding is authorized by RCW 76.09.050(7).
2. The department hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The attached objections, concerning the attached forest practices application, were received by the department from name County on date.
4. A short and plain statement of the grounds upon which the department believes that the county objections are unfounded. Authority shall be precisely cited.
5. A demand for the relief to which the department deems itself entitled.

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

- (1) Name of County
(date)
(2) Attorney
General (date)
(3) Applicant (date)
(See WAC 223-08-075)

Signed,
Representative(s)

Signed, Representative(s)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

- 1. Copies of the appealed county objections and the forest practices application to which they pertain shall be attached to this Notice.
2. A copy of the appealed county objections shall accompany the copy of this Notice served upon the applicant pursuant to WAC 223-08-075.

FORM 7 - For commencing the proceeding described in WAC 223-08-085(7):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address
Residence or principal
place of business if
different from mailing
address
Represented by:
Name of Representative
Mailing Address
Telephone Number

APPEAL OF
DEPARTMENT
APPROVAL OR
DISAPPROVAL

- 1. This proceeding is authorized by RCW 76.09.220(9).
2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The attached forest practices application was approved/disapproved by the Department of Natural Resources on date.

4. A short and plain statement of the grounds upon which the appellant believes the approval or disapproval is improper. Authority shall be precisely cited.

5. A demand for the relief to which the appellant deems himself entitled.

Copies of this Notice were served upon: (1) Department of Natural Resources (date) (2) Attorney General (date) (3) Applicant (dates) (See WAC 223-08-075) I/We have read the above and believe the contents to be true. Signed, Appellant and/or Representative

Signed, Appellant and/or

Signed, Representative

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

- 1. A copy of the forest practices application involved shall be attached to this Notice.
2. The appellant shall sign where indicated except where unavailable to do so, and in any event the appellant's representative shall sign.

FORM 8 - For commencing the proceeding described in WAC 223-08-085(8).

NOTICE

COMMENCING A PROCEEDING Before the FOREST PRACTICES APPEALS BOARD State of Washington

Date

Name of Petitioner Mailing Address Residence or principal place of business within the state if different from mailing address Represented by: Name of Representative Mailing Address Telephone Number

PETITION FOR A DECLARATORY RULING

- 1. This proceeding is authorized by RCW 34.04.080.
2. State all rules or statutes brought into issue by this Notice.
3. State the facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of the state.
4. State the relief demanded.

Copies of this Notice were served upon:

- (1) Department of Natural Resources (date)
(2) Others (dates) (See WAC 223-08-075) Verification

Signed, Petitioner and/or

Signed, Representative

INSTRUCTIONS:

- 1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
2. This Notice shall be verified in the manner prescribed for certification of complaints in the Superior Courts of this state.
3. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

FORM 9 - For commencing the proceeding described in WAC 223-08-085(9).

NOTICE

COMMENCING A PROCEEDING Before the FOREST PRACTICES APPEALS BOARD State of Washington

Date

Name of Petitioner Mailing Address Residence or principal place of business within the state if different from mailing address Represented by Name of Representative Mailing Address Telephone Number

PETITION FOR ADOPTION AMENDMENT REPEAL OF RULE

- 1. This proceeding is authorized by RCW 34.04.060.
2. State whether petition is for rule adoption, amendment or repeal.
3. If adoption or amendment is sought, state the desired new rule in its entirety. Where amendment is sought, new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. If repeal is sought, the rule proposed to be repealed shall be set forth in its entirety or referred to by rule number.
4. State concisely the reasons for the action sought.
5. State the interest of the petitioner in the subject matter of the rule.

Signed, Petitioner and/or

Signed, Representative

INSTRUCTIONS:

- 1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
2. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-085 COMMENCING AN APPEAL-TYPES AND TIME LIMITS. Every proceeding before the appeals board or its chairman shall be commenced by filing with the (executive secretary) appeals board a notice substantially in compliance with one of the forms numbered one through nine in WAC 223-08-080. Each such original notice shall be accompanied by four copies except that failure to file said copies shall not alone impair commencement of the proceeding.

There shall be the following types of proceedings before the appeals board or its chairman, and they shall be commenced within the following periods of time:

(1) The department of ecology may petition the chairman of the appeals board for an order directing the department to immediately issue a stop-work order or notice to comply or to impose a penalty. ~~((Upon receipt of the petition, the executive secretary))~~ This petition shall be filed at the principal office of the appeals board and the appeals board shall notify both departments of the time and place of a hearing upon the petition.

After opportunity for hearing, the chairman shall grant or deny the petition within forty-eight hours from the time of filing with the ~~((executive secretary))~~ appeals board or the service of a copy of the petition upon the department, whichever is later. Such action by the chairman shall be based solely on the hearing record and argument and shall be embodied in a written order setting out the conclusions upon which it is based. The order shall be filed at the principal office of the appeals board and copies shall be served upon the parties. (See RCW 76.09.100)

(2) The county may appeal within thirty days any department approval of an application with respect to any lands within its jurisdiction. The applicant shall be a party to all county appeals of department approvals.

Where any county so appealing seeks a temporary suspension of the department's approval, in whole or in part, pending such appeal, the following procedure shall apply:

(a) The county shall file with the ~~((executive secretary))~~ appeals board a motion supported by sworn affidavit setting forth specific facts supporting a conclusion that the department's approval has created a potential for immediate and material damage to a public resource. Such motion may be filed with the county notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(b) Upon receipt of said county's motion, the ~~((executive secretary))~~ presiding officer shall schedule a hearing and serve notice of such hearing on all parties to the appeal. Before or after the commencement of said hearing the presiding officer may order the hearing of the merits to be consolidated with said hearing.

(c) After hearing, the appeals board shall temporarily suspend the department's approval, in whole or in part, or shall decline to suspend. Such action shall be based solely on the hearing argument, and shall be embodied in a written order. Orders issued under this subsection (c) shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(d) In emergency situations, a temporary suspension in whole or in part may be granted by the presiding officer without a hearing, only if it clearly appears from specific facts shown by the county's affidavit that there exists potential for immediate and material damage to a public resource before any adverse party can be heard in opposition. A temporary suspension granted without a hearing shall be embodied in a written order and all expire by its terms within such time after entry, not to exceed ten days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. On two days notice to the party who obtained the temporary suspension without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require. ((Such order shall specify a place and time, not later than the second day after the order is signed, for a hearing. The hearing specified in the order issued under this subsection (d) shall occur at the time and place stated unless any adverse party requests postponement. Following such hearing, or upon failure of either the county or any adverse party to appear, the appeals board shall issue an appropriate order dissolving the order issued without hearing or extending it on the same or different terms until the final decision of the appeals board unless sooner dissolved for good cause shown.))

(e) Every order temporarily suspending the department's approval of an application, whether issued before or after hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the scope of the approval which is suspended; and shall be ~~((signed by a majority of the appeals board and))~~ filed at ((its)) the principal office of the appeals board; and shall be binding upon all parties to the appeal, their officers, agents, servants, employees and attorneys and upon

those persons in active concert or participation with them who receive actual notice of the order. (See RCW 76.09.050(8))

(3) An operator, timber owner or forest land owner subject to a stop work order (RCW 76.09.080) may commence an appeal to the appeals board within fifteen days after service upon the operator.

Where any person so appealing seeks temporary discontinuance of the stop work order, in whole or in part, pending the outcome of the proceeding, the following procedures shall apply:

(a) The stop order appellant shall file with the ~~((executive secretary))~~ appeals board a motion setting forth specific facts supporting a conclusion that the discontinuance being sought would in no way create a potential for immediate and material damage to the public resource or result in other immediate and irreparable harm. Such motion may be filed with the appellant's notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(b) Upon receipt of said appellant's motion, the ~~((executive secretary))~~ presiding officer shall schedule a hearing and serve notice of such hearing on all parties to the appeal.

(c) After hearing, the appeals board shall temporarily discontinue the department's stop work order, in whole or in part, on such conditions as it may impose, or shall decline to discontinue. Such action shall be based solely on the hearing argument, and shall be embodied in a written order. Orders issued under this subsection (c) shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(d) In emergency situations, a temporary discontinuance in whole or in part on such conditions as the ~~((appeals board))~~ presiding officer imposes may be granted without a hearing, only if it clearly appears from specific facts shown by the appellant's affidavit that no material damage to a public resource or other irreparable harm will result before any adverse party can be heard in opposition. A temporary discontinuance granted without a hearing shall be embodied in a written order and shall expire by its terms within such time after entry, not to exceed ten days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. On two days notice to the party who obtained the temporary suspension without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require. ((Such order shall specify a place and time, not later than the second day after the order is signed, for a hearing. The hearing specified in the order issued under this subsection (d) shall occur at the time and place stated unless the department requests postponement. Following such hearing, or upon failure of either the appellant or any adverse party to appear, the appeals board shall issue an appropriate order dissolving the order issued without a hearing or extending it on the same or different terms until the final decision of the appeals board unless sooner dissolved for good cause shown.))

(e) Every order temporarily discontinuing a stop work order, whether issued before or after a hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the elements of the stop work order which are discontinued; and shall be ~~((signed by a majority of the appeals board and))~~ filed at ((its)) the principal office of the appeals board; and shall be binding on all parties to the appeal, their officers, agents, servants, employees and attorneys and upon those persons in active concert or participation with them who receive actual notice of the order. (See RCW 76.09.080(2)(d))

(4) An operator, timber owner or forest landowner subject to a notice to comply (RCW 76.09.090) shall first request, within fifteen days after the date of service of such notice, a hearing thereon before the department. The final order of the department issued after such hearing may then be appealed to the appeals board within thirty days after such final order takes effect. (See RCW 76.09.090)

(5) All persons subject to a penalty under RCW 76.09.170 may appeal such penalty to the appeals board within thirty days of receipt of notice imposing any penalty, unless an application for remission or mitigation is made to the department. When such an application is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application. (See RCW 76.09.170)

(6) The department may appeal county objections to the appeals board within thirty days of notice to the department of such objections.

The applicant shall be a party to all department appeals of county objections. (See RCW 76.09.050(7))

(7) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. The applicant shall be a party to this proceeding. (See RCW 76.09.220(9))

(8) See WAC 223-08-270.

(9) See WAC 223-08-275.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-095 COMMENCING AN APPEAL—AMENDMENT OF NOTICE. Prior to the scheduling of the first conference, the party appealing may amend the notice commencing a proceeding at any time; thereafter, such amendment may be made on such terms as the appeals board or presiding officer may prescribe, and the presiding officer may, when deemed necessary, in justice to all parties, require correction, clarification or amendment of a notice of appeal before allowing any hearing thereon to proceed or may issue an order requiring such correction, clarification or amendment to be made within a specified time, and if such requirement is not complied with, the appeals board may ~~((dismiss))~~ issue an appropriate order which may include dismissal of the appeal.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-105 CONFERENCES—INFORMAL CONFERENCE, PURPOSE. The purpose of an informal conference shall be to determine the feasibility of a settlement of the appeal. The presiding officer shall be present at the opening and closing of a scheduled informal conference ~~((; but since the absence of the presiding officer))~~. If it may facilitate ~~((; on occasion, the achievement of))~~ an agreement or a settlement, ~~((he may, on the request of either party, or on his own volition, absent himself from))~~ the presiding officer may leave the conference from time to time.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-110 CONFERENCES—INFORMAL CONFERENCE, WHEN HELD. At any time prior to hearing on an appeal, any party thereto may file a written application with the ~~((executive secretary of the))~~ appeals board, requesting an informal conference. The appeals board may thereupon, at its discretion, or any time on its own motion, order an informal conference on not less than seven days' notice mailed to each party to the appeal, at a time and place fixed by the appeals board. At any time prior to hearing, the presiding officer to whom the case is assigned, may, pursuant to agreement of all parties, convene and preside at an informal conference at a time and place agreed upon.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-120 CONFERENCES—PREHEARING CONFERENCE, PURPOSE. The purpose of a prehearing conference shall be to obtain a stipulation of facts to show the appeals board's jurisdiction in the matter; to obtain agreement as to the issues of law and fact presented and the simplification or limitation thereof; to determine the necessity of amendments to the notice of appeal or other pleadings; to determine the possibility of obtaining admissions of facts and authenticity of documents which will avoid unnecessary proof; to ~~((determine))~~ identify or stipulate to the admissibility of exhibits; to obtain stipulation as to all or part of the facts in the case; to determine the limitation of the number of witnesses; to obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible; to determine the approximate time necessary for the presentation of the evidence of the respective parties; and to obtain all other information which may aid in the prompt disposition of the appeal.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-125 CONFERENCES—PREHEARING CONFERENCE, WHEN HELD. At any time prior to hearing ~~((on an appeal))~~, any party thereto may file a written application with the appeals board requesting a prehearing conference. The appeals board may, thereupon, at its discretion, or at any time on its own motion, order a prehearing conference on not less than seven days' notice mailed to each party to the appeal, at a time and place fixed by the appeals

board. At any time prior to hearing, the presiding officer to whom the case is assigned, may, pursuant to agreement of all parties, convene and preside at a pre hearing conference at a time and place agreed upon. Such pre hearing conference may also be held immediately at the conclusion of an informal conference if time permits, or, at the discretion of the presiding officer, may be held at a later time on seven days' written notice to each party to the appeal.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-130 CONFERENCES—PREHEARING CONFERENCE, DOCUMENTS. (1) The appeals board or its presiding officer may require:

(a) That all documentary evidence which is to be offered during the taking of evidence be ~~((submitted))~~ identified at or prior to any prehearing conference. ~~((The evidence shall be submitted sufficiently in advance of the prehearing conference to permit study and preparation for the conference.))~~

(b) That documentary evidence not ~~((submitted in advance))~~ identified, as ~~((may be))~~ required by subsection (1)(a), be ~~((not received in))~~ excluded as evidence in the absence of a clear showing that the offering party had good cause for ~~((his))~~ the failure to produce the evidence sooner.

(c) That the authenticity of all documents ~~((submitted in advance in a proceeding in which such submission is required;))~~ so presented and examined be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(2) The presiding officer may, upon findings on the record, limit the documentary evidence to that presented at any prehearing conference. For good cause shown any party may submit additional documentary evidence at the time of hearing.

(3) All documentary evidence filed at a prehearing conference shall be returned to the party submitting such evidence, and all evidence in such a conference shall be treated by the appeals board and the parties in a confidential manner.

NEW SECTION

WAC 223-08-147 HEARING—ASSIGNMENT DAY—TIME.

(1) As a general rule, the appeals board, or its designee, shall assign hearing days for cases before it for review on the first Tuesday of each month: PROVIDED, That if such day falls on a legal holiday, the assignment day shall be the next working day. The appeals board in its discretion may make such assignments at other times.

(2) The appeals board or its designee may set prehearing conference dates at the same time and on the same conditions as that set out in subsection (1) above.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-150 HEARING—TYPES OF HEARINGS. The statute creating the appeals board contemplates two kinds of hearings, informal and formal, without any indication as to what the distinction should be, but with ~~((very))~~ different provisions for the judicial review of the final decision of the appeals board. The procedure in conducting these two types of hearings shall be the same. The final decision of the appeals board entered after an informal hearing shall be no less binding upon the parties than a final decision entered after a formal hearing.

Judicial review of an appeals board's final decision entered after a formal hearing shall be pursuant to RCW 34.04.130.

Judicial review of an appeals board's final decision entered after an informal hearing shall be pursuant to terms of RCW 34.04.130 except that such review shall be de novo.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-160 HEARING—NOTICE OF. The ~~((executive secretary))~~ appeals board shall serve a written notice of hearing on appeal to all parties not less than twenty days prior to the date thereof unless otherwise provided by law.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-165 HEARING—CONTINUANCE, POSTPONEMENT AND DISMISSAL/DEFAULT. (1) Continuance.

(a) Pursuant to agreements at prehearing conference. If agreement is reached at a prehearing conference, continuances shall be granted in accordance with such agreement and no written application therefor shall be required.

(b) ~~((Requests))~~ Requests prior to hearing. If, prior to the hearing date, a party ~~((finds that he will))~~ is not ~~((be))~~ able to present all such evidence at the scheduled hearing, such party shall file a written request for continuance with the ~~((executive secretary of the))~~ appeals board setting forth the reasons therefor as soon as such reasons are known. Copies of such requests shall be simultaneously furnished to all other parties to the proceeding, any of whom may controvert the need of a continuance by filing a writing with the ~~((executive secretary))~~ appeals board prior to the hearing.

(c) ~~((Requests))~~ Requests at time of hearing. If reasons requiring continuance of a hearing are not known in time to permit compliance with subsection (b) of this section, application thereof may be made orally at the hearing. Any other party to the proceeding may then controvert the need of a continuance.

(2) Hearing postponement. Every request for postponement of a hearing shall state precisely the reasons therefor, and may be decided by the appeals board with or without hearing at the appeals board's election. Any party may request a postponement of hearing within twelve days of his receipt of the notice of hearing. Such request shall be made in writing filed with the appeals board. If the request is granted, all parties shall be notified of the postponement by the appeals board.

Requests for postponement made after the twelve-day period shall also be in writing unless time is insufficient to allow service upon all other parties prior to the hearing sought to be postponed. In that event only may the appeals board and all other parties be informed of the request orally. Requests made after the twelve-day period, whether written or oral, shall be granted only in exceptional circumstances to prevent manifest injustice.

The appeals board may postpone a hearing upon its own motion and shall notify all parties.

In all cases of postponement, subsequent hearings shall be scheduled in accordance with WAC 223-08-170.

(3) Dismissal, default.

(a) The appealing party may voluntarily withdraw ~~((his))~~ an appeal orally at any conference or hearing and at any other time by filing a written request with the ~~((executive secretary))~~ appeals board and serving a copy simultaneously upon all persons entitled to service of the notice commencing the proceeding. Requests before or during hearing shall be granted. Requests after hearing may be granted or denied at the discretion of the appeals board.

(b) Whenever an appealing party fails to appear at a scheduled hearing without voluntarily withdrawing or obtaining a postponement, the appeal shall be dismissed except to prevent manifest injustice. The appealing party may request that the appeals board vacate such order of dismissal by filing a writing under oath with the ~~((executive secretary))~~ appeals board, within ten days of the date of such order, showing good cause for ~~((his))~~ failure to appear. Upon a finding that good cause has been shown, the appeals board shall vacate the dismissal and set a subsequent hearing.

(c) Whenever a respondent fails to appear at a scheduled hearing without obtaining a postponement, the appeals board shall enter, upon presentation of a prima facie case, a default order granting the relief requested by the appealing party except where manifest injustice would result. The respondent may request that the appeals board vacate such default order by filing with the ~~((executive secretary))~~ appeals board, within ten days of the date of such order, a writing under oath showing good cause for ~~((his))~~ failure to appear and a meritorious position in the case. Upon a finding that good cause and a meritorious argument have been shown, the appeals board shall vacate the default order and set a subsequent hearing.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-175 HEARING—PROCEDURES AT. (1) Presiding officer. All hearings shall be conducted by one ~~((or more))~~ presiding officer(s) who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) Order of presentation of evidence. A presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce all evidence in his case-in-chief, except that in case of an appeal from an order assessing a penalty the department shall initially introduce all evidence necessary to their cases-in-chief. The responding parties may then introduce the

evidence necessary to their case-in-chief. Rebuttal evidence will then be received.

Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) Opening statements. Unless a presiding officer rules otherwise, all parties shall present an oral opening statement setting out briefly a statement of the basic facts, disputes, and issues of the case.

(4) Written statement of qualifications of expert witnesses. Any party who plans to introduce the testimony of any expert witness at the hearing ~~((shall submit to the appeals board and all parties at the outset of the))~~ may offer into evidence at hearing a written statement of the qualifications, experience, and expertise of each such expert witness. Such written statements may be required by the presiding officer.

(5) Former employee as an expert witness. No former employee of the department shall, at any time after severing employment with the department, appear, except with the written permission of the department, as an expert witness on behalf of other parties in a proceeding wherein he previously took an active part in the investigation as a representative of the department.

(6) Objections and motions to strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.

NEW SECTION

WAC 223-08-177 HEARING—STANDARD AND SCOPE OF REVIEW. Unless expressly provided to the contrary by law, both the standard of review and scope of evidence under review shall be de novo in cases before the appeals board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-180 HEARING—ADDITIONAL EVIDENCE. A presiding officer may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented by a presiding officer shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented by a presiding officer, ~~((he shall make))~~ application shall be made therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-190 HEARING—ADMISSION OF EVIDENCE AND OBJECTIONS. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may ~~((in his discretion;))~~ either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-195 HEARING—EXCERPTS FROM DOCUMENTARY EVIDENCE. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts to the presiding officer and to the other parties. ~~((Only the excerpts, so prepared and submitted, shall be received in the record;))~~ However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-200 HEARING—OFFICIAL NOTICE OF LAW. The appeals board ~~((and its hearing examiners))~~, upon request made before or during a hearing, will officially notice:

(1) Federal law. The constitution, congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.

(2) State law. The constitution of the state of Washington acts of the legislature, resolutions, records, journals and committee reports;

decisions of courts and administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

~~((4) Agency organization. The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.))~~

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-205 HEARING—OFFICIAL NOTICE OF FACT. In the absence of controverting evidence, the appeals board ~~((and its hearing examiners))~~, upon request made before or during a hearing, may officially notice:

(1) Appeals board proceedings. The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the appeals board;

(2) Business customs. General customs and practices followed in the transaction of business;

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority;

(4) Technical knowledge. Matters within the technical knowledge of the appeals board as a body of experts, within the scope of pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) Request or suggestion. Any party may request, or a presiding officer may suggest, that official notice be taken of a material fact. Such request or suggestion may be made on the record at a hearing or recorded in a pre-hearing conference statement or by written notice, pleading, motion, memorandum ~~((or))~~ brief or proposed decision served upon all parties at any time prior to a final decision.

(6) Statement. Where an initial or final decision of the appeals board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, a presiding officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in a proposed decision or by a petition for reconsideration if notice of such fact be taken in a final decision. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) Evaluation of evidence. Nothing herein shall be construed to preclude the appeals board ~~((or its authorized agents))~~ from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-220 HEARING—TRANSCRIPTS. The following shall be the policy of the appeals board with regard to transcription of the record:

~~((1) If two or more members of the appeals board are present at the hearing, it shall be discretionary for the appeals board to cause a transcript to be printed.~~

~~((2) If less than two members of the appeals board are present at the hearing, the appeals board shall cause a transcript to be printed. Any party may obtain a transcript copy upon payment of the reasonable cost thereof.~~

~~((3) In any case when the appeals board shall not cause a transcript to be printed, it shall be the obligation of the party wishing a transcript to order the same from the appeals board reporter and assume the cost of printing same.))~~

(1) Except as provided in subsection (2) of this section, the appeals board will not pay for transcription of the oral record when the same is

to be transmitted to the superior court upon appeal of the appeals board's decision. It shall be the obligation of the party appealing to superior court to order a transcript from the appeals board reporter and to assume the cost of same. The appeals board will transmit to the superior court a transcript thus prepared and made available.

(2) If less than two members of the appeals board are present at hearing and if exceptions to the proposed decision of the appeals board have been timely filed as provided in WAC 223-08-235, the appeals board shall order and assume the cost of a transcript for consideration as described in RCW 34.04.110. At its sole discretion the appeals board may order and assume the cost of a transcript at anytime. In the event that the appeals board decision is appealed to superior court, a transcript ordered by the appeals board under this subsection (2) will be transmitted to the superior court without cost to the party appealing. Any party may obtain a copy of a transcript ordered by the appeals board under this subsection (2) upon payment of the reasonable costs thereof.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-235 DECISION—EXCEPTIONS. (1) Time for filing. Within twenty days, or such further period as the appeals board may allow on written application of a party, from the date of ~~((communication))~~ receipt of the proposed decision to the parties or their attorneys of record, any party aggrieved thereby may file with the ~~((executive secretary of the))~~ appeals board, a written statement of exceptions thereto in original and three copies. Copies thereof shall be furnished to all other parties. In the event such statement of exceptions is filed, the failure of any party not aggrieved by the proposed decision to file a statement of exceptions shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.

(2) Contents. Such statement of exceptions shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein. A general exception to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the exception shall refer to the evidence relied upon in support thereof. If legal issues are involved, the statement of exceptions shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. The statement of exceptions should also contain the exceptor's proposed findings of fact and/or conclusions of law covering the factual and legal issues to which exceptions are being taken.

(3) Reply to exceptions. Any party may, within ten days or such further time as the appeals board may order, submit a reply to exceptions, a written brief or a statement of position regarding the matters on which exceptions were taken, or the appeals board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed.

(4) Action by appeals board on exceptions. The appeals board shall, in a case in which it determines that a statement of exceptions does not properly conform to provisions of subsection (2) above, issue an order requiring the party to amend such statement of exceptions to conform to that rule, within a specified time. Failure of the party to comply with such order may result in the appeals board issuing an order adopting the proposed decision of the appeals board as the final decision of the appeals board on the ground that no legally sufficient statement of exceptions had been taken to said proposed decision.

(5) Exceptions to rulings on admissibility of evidence. If an exception is taken to a ruling or rulings of a presiding officer sustaining an objection to admissibility of evidence, or denying a continuance for the presentation of further evidence, and the appeals board determines that said ruling or rulings were erroneous, the appeals board may:

(a) Return the case to the presiding officer with appropriate instructions, or

(b) Open the matter for further argument and decision by the appeals board itself.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-245 DECISION—FINAL DECISION—PROPOSED DECISION. After the filing of a statement or statements of exceptions, if any, and reply, if any, the filing of briefs or presentation of oral argument thereon, if required, and the obtaining of additional evidence, if any, as provided for in WAC ~~((223-08-230))~~ 223-08-180, the record before the appeals board shall be considered by a majority

of the members of the appeals board: PROVIDED, That if two members cannot agree on a decision, the third member must consider the record before the appeals board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-250 DECISION—FINAL DECISION—NO PROPOSED DECISION. Whenever a majority of the appeals board has heard or read the evidence, and upon submission of the issues for decision, a written decision may be agreed to and signed by two or more members. Such decision shall be the final decision of the appeals board: PROVIDED, That when two members of the appeals board have heard or read the evidence and those members cannot agree upon a decision, the third member shall read the evidence which shall include a hearing transcript, at appeals board expense, and ~~((he))~~ the third member shall render ~~((his))~~ a decision thereon: AND PROVIDED FURTHER, That if two members cannot agree on a decision in any case the action reviewed by the appeals board shall be affirmed in those cases where the appealing party has the burden of proof.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-260 APPEAL—SUPERIOR COURT PETITION. Upon a appeal from the decision of the appeals board to a superior court pursuant to RCW 76.09.230(5), the appealing party shall serve the ~~((executive secretary of the))~~ appeals board with a copy of the petition to the superior court, and shall keep the appeals board informed concerning the outcome of the appeal.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-265 APPEAL—CERTIFICATION OF RECORD. Upon ~~((a))~~ receipt of a copy of the notice of appeal, the ~~((executive secretary))~~ appeals board shall ~~((certify))~~ transmit the record made before the appeals board in accordance with RCW 34.04.130(4) and WAC 223-08-215 and 223-08-220.

REPEALER (Amending Order 004, filed 11/10/75)

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 223-08-025 BOARD ADMINISTRATION—EXECUTIVE SECRETARY.
- (2) WAC 223-08-145 HEARING SUPERIOR COURT RULES BEFORE HEARING.
- (3) WAC 223-08-230 DECISION—ADDITIONAL EVIDENCE BY APPEALS BOARD.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-020 DEFINITIONS. The following definitions shall apply:

(1) "Public Record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sound, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punch cards, discs, drums and other documents.

(3) The Forest Practices Appeals Board is a quasi-judicial body created pursuant to chapter 76.09 RCW. The Forest Practices Appeals Board shall hereinafter be referred to as the "appeals board." Where appropriate, the term "appeals board" also refers to the staff and employees of the ~~((Forest Practices Appeals Board))~~ Environmental Hearings Office.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-030 ORGANIZATION AND OPERATION OF FOREST PRACTICES APPEALS BOARD. (1) Organization. The appeals board principal office ~~((and its entire staff are located at 521 Security Building, Fourth and Washington, Olympia, Washington,))~~ is that of the Environmental Hearings Office, 4224 6th Avenue S.E. Building 2 Rowsix, MS: PY-21 Lacey, Washington 98504. The appeals board may sit or hold hearings at any place in the state. The three members are qualified by experience and training in pertinent

matters pertaining to the environment, and at least one member is admitted to the practice of law in this state, and was engaged in the legal profession at the time of his appointment. The members serve for a term of six years and are appointed by the governor with the advice and consent of the senate.

(2) Operation. The appeals board has authority to hear proceedings specified in the Forest Practices Act of 1974. These proceedings are enumerated in the appeals board Rules of Procedure which are published in chapter 223-08 WAC. The appeals board conducts regular meetings, when necessary, on the first Friday of every month at its principal office. Special meetings may also be convened and advance notice may be obtained according to the procedures of chapter 42.30 RCW.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-050 PUBLIC RECORDS OFFICER. The ~~((public records))~~ administrative officer ~~((for the appeals board shall be the executive secretary. The executive secretary))~~ shall be in charge of the public records. Such person shall be responsible for the following: The implementation of appeals board rules regarding release of public records, and general insurance of compliance by the staff that the public records disclosure requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW) are fully complied with.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-070 REQUEST FOR PUBLIC RECORDS. In accordance with the requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW), which states that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the appeals board which shall be available at the appeals board principal office in ~~((Olympia))~~ Lacey. The form shall be presented to the public records officer, or a designated substitute if the public records officer is not available. The request shall include the following information:

- (a) The name and address of the person requesting the record and the organization he represents;
- (b) The time of day and calendar day on which the request was made;
- (c) A description of the material requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or a staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of the request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the ~~((public records officer or other))~~ staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a public record, the ~~((public records officer or other authorized))~~ staff member denying the request shall refer it to the chairman of the appeals board. The chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the request has been returned with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-110 PROTECTION OF PUBLIC RECORDS. In order to properly protect the public records in the custody of the appeals board, the following guidelines shall be adhered to by any person inspecting such public records:

- (1) No public records shall be removed from the office of the appeals board;
- (2) Inspection of any public records shall be conducted in the presence of a designated (~~appeals board~~) employee;
- (3) No public records may be marked or defaced in any manner during inspection;
- (4) Public records which are maintained in the file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee (~~of the appeals board~~);
- (5) Access to file cabinets, shelves, vaults, etc., is restricted to the appeals board personnel.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-120 RECORDS INDEX. (1) The appeals board has available to all persons a current index which provides identifying information as to the following records (if any) issued, adopted or promulgated since its inception:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the appeals board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-130 COMMUNICATION WITH THE APPEALS BOARD. All communications with the appeals board regarding the administration or the enforcement of chapter 1, Laws of 1973 (chapter 42.17 RCW), and these rules, requests for decisions by the appeals board and other matters, shall be addressed as follows: (~~Forest Practices Appeals Board, c/o Executive Secretary, 521 Security Building, Fourth and Washington, Olympia, Washington, 98504.~~) Environmental Hearings Office, 4224 6th Avenue S.E., Building 2 Rowesix, MS: PY-21, Lacey, Washington 98504. Telephone No. (206)459-6327.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-140 ADOPTION OF FORM. The appeals board hereby prescribes for use by all persons requesting inspection and/or copying or copies of its records, the form set out below, entitled "Request for Public Records."

We have received your request for copies of our public records. Please complete the form (~~on the right~~) and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

~~((Forest Practices Appeals Board
c/o Executive Secretary
521 Security Building
4th and Washington
Olympia, Washington 98504))
Environmental Hearings Office
4224 6th Avenue S.E.
Building 2 Rowesix, MS: PY-21
Lacey, Washington 98504
(Telephone No. (206) 459-6327)~~

**FOREST PRACTICES APPEALS BOARD
REQUEST FOR PUBLIC RECORDS**

Date Time

Name

Address

.....

Description of Records (see index):

.....

.....

.....

I certify that the information obtained through this request for public records will (~~not~~) be used for (~~commercial~~) purposes consistent with RCW 42.17.260(5) relating to requests for commercial purposes.

..... Signature

Number of copies

Number of pages

Per page charge \$.....

Total charge \$.....

**WSR 82-06-059
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-15—Filed March 3, 1982]**

I, Rolland A. Schmitt, director of the Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this regulation clarifies the director's authority under RCW 75.16.030 to prevent the spread of infectious diseases and pests to food fish.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 3, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-20-039 LIVE FISH—IMPORT AND TRANSFER (1) *It is unlawful for any person, group, corporation, association or government entity to import into, transport, or possess within the State of Washington live fish and/or the viable sexual products thereof, except aquarium fish, game fish, and indigenous marine baitfish, without having first obtained a permit to do so from the Director of the Department of Fisheries. The permit shall accompany the fish and/or sexual products at all times within the State of Washington and shall be presented to Department of Fisheries employees on demand.*

(2) *The Director may impose conditions in any permit as necessary to insure the protection of food fish within this state from infectious, contagious or communicable diseases and pests. It shall be unlawful to violate the terms and conditions of any permit. In addition to any other penalties provided by law, violation of these rules on the terms and conditions of any permit may result in the suspension and/or revocation of the permit.*

WSR 82-06-060
PROPOSED RULES
BOARD OF HEALTH
[Filed March 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning required approval for occupancy after completion of new construction, amending WAC 248-18-025;

that such agency will at 9:00 a.m., Wednesday, April 14, 1982, in the Community Room, Great Northwest Federal Savings and Loan Association, North 222 Wall Street, Spokane, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 14, 1982, in the Community Room, Great Northwest Federal Savings and Loan Association, North 222 Wall Street, Spokane, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 14, 1982, and/or orally at 9:00 a.m., Wednesday, April 14, 1982, Community Room, Great Northwest Federal Savings and Loan Association, North 222 Wall Street, Spokane, WA.

Dated: March 3, 1982
By: John A. Beare, MD
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 248-18-025, Required approval for occupancy after completion of new construction.

Purpose: To remove the wording concerning required inspection and approval by the department prior to occupancy of new construction by hospitals.

Statutory Authority: RCW 43.20.050.

Summary: WAC 248-18-025 is a section of the hospital licensing regulations concerned with inspection and written approval by the department prior to use or occupancy of hospital new construction projects. The intent of the regulation is to ensure that construction projects are completed according to approved plans and chapter 248-18 WAC requirements. The amendment will delete the inspection requirement because the Department of Social and Health Services is no longer mandating the mission or providing funds for this service. Hospitals will report to the licensing authority if construction is accomplished according to approved plans and declare that the project has been constructed in accordance with the minimum requirements of chapter 248-18 WAC, hospital rules and regulations.

Person Responsible for Implementing the Rule Change: Robert Rolfs, Supervisor, Construction Review Unit, Office of State Health Planning and Development, Mailstop: LP-14, Phone: 753-5822.

This rule change is not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 123, filed 3/18/76)

WAC 248-18-025 REQUIRED APPROVAL FOR OCCUPANCY AFTER COMPLETION OF NEW CONSTRUCTION. (1) Prior to occupancy and use of a building or any room or other portion of a building (~~((which constitutes))~~ constituting the whole or part of a new construction project, a hospital shall have obtained written authorization for such occupancy from the department.

(2) The hospital shall notify the department when either of the following has been substantially completed: An entire new construction project, or any room or other portion of a new construction project (~~((which))~~) the hospital plans to occupy before the entire new construction project is finished. (~~((Upon receipt of such notification, the Department shall confer with an appropriate representative of the hospital for mutual determination of the date(s) upon which the new construction project or the room or other portion of the project is to be inspected to determine if approval for occupancy may be granted:))~~)

(3) The department shall authorize occupancy if the new construction has been completed in accordance with chapter 248-18 WAC and the department has received written approval of such occupancy from the state fire marshal.

(4) The department may authorize occupancy of a building or any room or other portion of a building when the new construction is deficient in relation to chapter 248-18 WAC: PROVIDED, That the department has determined, after thorough investigation and consideration, (~~((that))~~) the deficiencies will not impair services to patients or otherwise jeopardize the safety or health of patients, the hospital has provided written assurance of completion or correction of deficient items within a period of time acceptable to the department, and the department has received written approval of such occupancy from the state fire marshal.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RES = Restoration of section to previous form
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-300-020	AMD-P	82-04-080	16-750-010	AMD	82-06-045	118-03-335	NEW-E	82-05-004
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137-58-020	NEW-E 82-03-014	154-12-070	NEW-E 82-04-017	173-230-110	AMD-P 82-05-055
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173-302-020	REP	82-05-023	173-303-220	NEW	82-05-023	204-56-055	NEW-P	82-06-041
173-302-030	REP	82-05-023	173-303-230	NEW	82-05-023	204-56-065	NEW-P	82-06-041
173-302-040	REP	82-05-023	173-303-240	NEW	82-05-023	204-56-075	NEW-P	82-06-041
173-302-050	REP	82-05-023	173-303-250	NEW	82-05-023	204-56-085	NEW-P	82-06-041
173-302-060	REP	82-05-023	173-303-260	NEW	82-05-023	204-56-99001	NEW-P	82-06-041
173-302-070	REP	82-05-023	173-303-270	NEW	82-05-023	204-56-99002	NEW-P	82-06-041
173-302-080	REP	82-05-023	173-303-275	NEW	82-05-023	204-56-99003	NEW-P	82-06-041
173-302-090	REP	82-05-023	173-303-280	NEW	82-05-023	204-56-99004	NEW-P	82-06-041
173-302-100	REP	82-05-023	173-303-290	NEW	82-05-023	204-56-99005	NEW-P	82-06-041
173-302-110	REP	82-05-023	173-303-300	NEW	82-05-023	204-56-99006	NEW-P	82-06-041
173-302-120	REP	82-05-023	173-303-310	NEW	82-05-023	204-56-99007	NEW-P	82-06-041
173-302-130	REP	82-05-023	173-303-320	NEW	82-05-023	204-56-99008	NEW-P	82-06-041
173-302-140	REP	82-05-023	173-303-330	NEW	82-05-023	204-56-99009	NEW-P	82-06-041
173-302-150	REP	82-05-023	173-303-340	NEW	82-05-023	204-56-99010	NEW-P	82-06-041
173-302-160	REP	82-05-023	173-303-350	NEW	82-05-023	204-56-99011	NEW-P	82-06-041
173-302-165	REP	82-05-023	173-303-360	NEW	82-05-023	204-56-99012	NEW-P	82-06-041
173-302-170	REP	82-05-023	173-303-370	NEW	82-05-023	204-56-99013	NEW-P	82-06-041
173-302-180	REP	82-05-023	173-303-380	NEW	82-05-023	204-56-99014	NEW-P	82-06-041
173-302-190	REP	82-05-023	173-303-390	NEW	82-05-023	204-70-040	AMD-E	82-04-047
173-302-200	REP	82-05-023	173-303-395	NEW	82-05-023	204-70-100	AMD-E	82-04-047
173-302-210	REP	82-05-023	173-303-400	NEW	82-05-023	204-70-120	AMD-E	82-04-047
173-302-220	REP	82-05-023	173-303-500	NEW	82-05-023	220-12-010	AMD-P	82-02-097
173-302-230	REP	82-05-023	173-303-510	NEW	82-05-023	220-12-010	AMD-C	82-06-023
173-302-240	REP	82-05-023	173-303-520	NEW	82-05-023	220-16-132	NEW	82-03-045
173-302-250	REP	82-05-023	173-303-575	NEW	82-05-023	220-16-257	AMD-P	82-02-097
173-302-260	REP	82-05-023	173-303-600	NEW	82-05-023	220-16-257	AMD-C	82-06-023
173-302-270	REP	82-05-023	173-303-610	NEW	82-05-023	220-16-315	AMD	82-03-045
173-302-280	REP	82-05-023	173-303-620	NEW	82-05-023	220-16-340	AMD-P	82-02-097
173-302-290	REP	82-05-023	173-303-630	NEW	82-05-023	220-16-340	AMD-C	82-06-023
173-302-300	REP	82-05-023	173-303-640	NEW	82-05-023	220-20-010	AMD-P	82-02-097
173-302-310	REP	82-05-023	173-303-650	NEW	82-05-023	220-20-010	AMD-C	82-06-023
173-302-320	REP	82-05-023	173-303-660	NEW	82-05-023	220-20-039	NEW-E	82-06-059
173-302-330	REP	82-05-023	173-303-670	NEW	82-05-023	220-32-02200E	REP-E	82-03-027
173-302-340	REP	82-05-023	173-303-700	NEW	82-05-023	220-32-02200F	NEW-E	82-03-027
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173-302-360	REP	82-05-023	173-303-801	NEW	82-05-023	220-32-03600M	NEW-E	82-06-014
173-302-370	REP	82-05-023	173-303-805	NEW	82-05-023	220-32-04000M	REP-E	82-03-027
173-302-380	REP	82-05-023	173-303-810	NEW	82-05-023	220-32-04000N	NEW-E	82-03-027
173-302-390	REP	82-05-023	173-303-815	NEW	82-05-023	220-32-05100R	NEW-E	82-04-039
173-303	AMD-C	82-04-046	173-303-820	NEW	82-05-023	220-32-05700K	REP-E	82-03-027
173-303-010	NEW	82-05-023	173-303-825	NEW	82-05-023	220-32-05700L	NEW-E	82-03-027
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173-303-030	NEW	82-05-023	173-303-840	NEW	82-05-023	220-49-02000A	NEW-E	82-02-063
173-303-040	NEW	82-05-023	173-303-845	NEW	82-05-023	220-49-02000A	REP-E	82-02-067
173-303-045	NEW	82-05-023	173-303-900	NEW	82-05-023	220-49-02000B	NEW-E	82-02-067
173-303-050	NEW	82-05-023	173-303-910	NEW	82-05-023	220-49-02000B	REP-E	82-03-010
173-303-060	NEW	82-05-023	173-303-9901	NEW	82-05-023	220-49-02000F	NEW-E	82-04-021
173-303-070	NEW	82-05-023	173-303-9902	NEW	82-05-023	220-49-02000G	NEW-E	82-04-027
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173-303-100	NEW	82-05-023	180-90-130	AMD	82-04-004	220-56-110	AMD-C	82-06-023
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173-303-102	NEW	82-05-023	180-90-160	AMD	82-04-004	220-56-112	NEW-C	82-06-023
173-303-103	NEW	82-05-023	192-18-050	AMD-E	82-03-054	220-56-115	AMD-P	82-02-097
173-303-104	NEW	82-05-023	204-24	AMD-C	82-06-040	220-56-115	AMD-C	82-06-023
173-303-110	NEW	82-05-023	204-24-040	AMD-E	82-04-048	220-56-117	NEW-P	82-02-097
173-303-120	NEW	82-05-023	204-24-040	AMD-P	82-04-049	220-56-117	NEW-C	82-06-023
173-303-130	NEW	82-05-023	204-24-050	AMD-E	82-04-048	220-56-128	AMD-P	82-02-097
173-303-140	NEW	82-05-023	204-24-050	AMD-P	82-04-049	220-56-128	AMD-C	82-06-023
173-303-141	NEW	82-05-023	204-56-010	REP-P	82-06-041	220-56-131	AMD-P	82-02-097
173-303-145	NEW	82-05-023	204-56-015	NEW-P	82-06-041	220-56-131	AMD-C	82-06-023
173-303-150	NEW	82-05-023	204-56-020	REP-P	82-06-041	220-56-135	REP-P	82-02-097
173-303-160	NEW	82-05-023	204-56-025	NEW-P	82-06-041	220-56-135	REP-C	82-06-023
173-303-170	NEW	82-05-023	204-56-030	REP-P	82-06-041	220-56-180	AMD-P	82-02-097
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173-303-190	NEW	82-05-023	204-56-040	REP-P	82-06-041	220-56-18000E	NEW-E	82-06-044
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248-17-211	NEW	82-04-041	263-12-020	AMD	82-03-031	275-92-315	REP-P	82-04-059
248-17-212	NEW	82-04-041	263-12-045	AMD	82-03-031	275-92-320	REP-P	82-04-059
248-17-213	NEW	82-04-041	263-12-050	AMD	82-03-031	275-92-325	REP-P	82-04-059
248-17-214	NEW	82-04-041	263-12-053	AMD	82-03-031	275-92-330	REP-P	82-04-059
248-17-215	NEW	82-04-041	263-12-056	AMD	82-03-031	275-92-335	REP-P	82-04-059
248-17-216	NEW	82-04-041	263-12-060	AMD	82-03-031	275-92-340	REP-P	82-04-059
248-18-025	REP-P	82-02-062	263-12-065	AMD	82-03-031	275-92-345	REP-P	82-04-059
248-18-025	REP-E	82-03-011	263-12-090	AMD	82-03-031	275-92-350	REP-P	82-04-059
248-18-025	AMD-P	82-06-060	263-12-093	AMD	82-03-031	275-92-355	REP-P	82-04-059
248-18-539	NEW-P	82-02-061	263-12-095	AMD	82-03-031	275-92-400	REP-P	82-04-059
248-18-539	NEW	82-06-031	263-12-100	AMD	82-03-031	275-92-405	REP-P	82-04-059
248-25-001	NEW-E	82-06-016	263-12-115	AMD	82-03-031	275-92-410	REP-P	82-04-059
248-25-001	NEW-P	82-06-018	263-12-120	AMD	82-03-031	275-92-415	REP-P	82-04-059
248-25-002	NEW-E	82-06-016	263-12-125	AMD	82-03-031	275-92-510	REP-P	82-04-059
248-25-002	NEW-P	82-06-018	263-12-145	AMD	82-03-031	275-92-515	REP-P	82-04-059
248-25-010	NEW-E	82-06-016	263-12-165	AMD	82-03-031	275-92-520	REP-P	82-04-059
248-25-010	NEW-P	82-06-018	263-12-175	AMD	82-03-031	275-92-525	REP-P	82-04-059
248-25-020	NEW-E	82-06-016	275-25-520	AMD-P	82-02-054	275-92-530	REP-P	82-04-059
248-25-020	NEW-P	82-06-018	275-25-520	AMD-E	82-02-056	275-92-535	REP-P	82-04-059
248-25-030	NEW-E	82-06-016	275-25-520	AMD	82-06-034	275-92-540	REP-P	82-04-059
248-25-030	NEW-P	82-06-018	275-25-527	NEW-P	82-02-054	275-92-545	REP-P	82-04-059
248-25-040	NEW-E	82-06-016	275-25-527	NEW-E	82-02-056	275-92-550	REP-P	82-04-059
248-25-040	NEW-P	82-06-018	275-25-527	NEW	82-06-034	275-92-555	REP-P	82-04-059
248-25-050	NEW-E	82-06-016	275-27-230	AMD-P	82-02-054	275-92-560	REP-P	82-04-059
248-25-050	NEW-P	82-06-018	275-27-230	AMD-E	82-02-056	275-92-565	REP-P	82-04-059
248-25-060	NEW-E	82-06-016	275-27-230	AMD	82-06-034	275-93-005	REP-P	82-03-015
248-25-060	NEW-P	82-06-018	275-27-230	AMD	82-06-034	275-93-005	REP-E	82-03-016
248-25-070	NEW-E	82-06-016	275-27-600	REP-P	82-02-054	275-93-010	REP-P	82-03-015
248-25-070	NEW-P	82-06-018	275-27-600	REP-E	82-02-056	275-93-010	REP-E	82-03-016
248-29-050	AMD-P	82-02-091	275-27-600	REP	82-06-034	275-93-010	REP-E	82-03-016
248-29-050	AMD	82-06-011	275-27-605	REP-P	82-02-054	275-93-020	REP-P	82-03-015
248-64-220	AMD-P	82-02-092	275-27-605	REP-E	82-02-056	275-93-020	REP-E	82-03-016
248-64-260	AMD-P	82-02-092	275-27-610	REP	82-06-034	275-93-040	REP-P	82-03-015
248-64-270	AMD-P	82-02-092	275-27-610	REP-P	82-02-054	275-93-040	REP-E	82-03-016
248-64-280	AMD-P	82-02-092	275-27-610	REP-E	82-02-056	275-93-050	REP-P	82-03-015
248-64-300	AMD-P	82-02-092	275-27-615	REP	82-06-034	275-93-050	REP-E	82-03-016
248-64-310	AMD-P	82-02-092	275-27-615	REP-P	82-02-054	275-93-060	REP-P	82-03-015
248-64-330	AMD-P	82-02-092	275-27-615	REP-E	82-02-056	275-93-060	REP-E	82-03-016
248-64-360	AMD-P	82-02-092	275-27-620	REP	82-06-034	275-93-070	REP-P	82-03-015
251-04-020	AMD	82-04-069	275-27-620	REP-P	82-02-054	275-93-070	REP-E	82-03-016
251-04-040	AMD	82-04-069	275-27-620	REP-E	82-02-056	275-93-080	REP-P	82-03-015
251-06-070	AMD	82-04-069	275-27-620	REP	82-06-034	275-93-080	REP-E	82-03-016
251-09-015	NEW-P	82-06-047	275-27-630	REP-P	82-02-054	275-93-090	REP-P	82-03-015
251-10-030	AMD-P	82-04-068	275-27-630	REP-E	82-02-056	275-93-090	REP-E	82-03-016
251-10-030	AMD-C	82-06-026	275-27-635	REP	82-06-034	275-93-100	REP-P	82-03-015
251-10-110	AMD-P	82-06-047	275-27-635	REP-P	82-02-054	275-93-100	REP-E	82-03-016
251-12-080	AMD-P	82-06-047	275-27-635	REP-E	82-02-056	275-93-110	REP-P	82-03-015
251-14-030	AMD-P	82-06-047	275-27-635	REP	82-06-034	275-93-110	REP-E	82-03-016
251-14-040	AMD-P	82-06-047	275-27-640	REP-P	82-02-054	275-93-120	REP-P	82-03-015
251-18-350	AMD	82-04-069	275-27-640	REP-E	82-02-056	275-93-120	REP-E	82-03-016
251-22-111	AMD-P	82-06-047	275-27-640	REP	82-06-034	275-93-130	REP-P	82-03-015
260-12-200	AMD-P	82-03-052	275-27-660	REP-P	82-02-054	275-93-130	REP-E	82-03-016
260-32-110	AMD-P	82-03-052	275-27-660	REP-E	82-02-056	275-93-140	REP-P	82-03-015
260-32-110	AMD-C	82-06-055	275-27-665	REP	82-06-034	275-93-140	REP-E	82-03-016
260-32-420	NEW-P	82-06-033	275-27-665	REP-P	82-02-054	284-24-010	REP-P	82-02-059
260-44-060	AMD-P	82-05-044	275-27-665	REP-E	82-02-056	284-24-010	REP	82-06-036
260-44-060	AMD-C	82-06-032	275-27-680	REP	82-06-034	284-24-015	NEW-P	82-02-059
260-44-120	AMD-P	82-06-033	275-27-680	REP-P	82-02-054	284-24-015	NEW	82-06-036
260-70-021	AMD	82-03-053	275-27-680	REP-E	82-02-056	284-24-020	REP-P	82-02-059
260-70-040	AMD-P	82-03-052	275-27-685	REP	82-06-034	284-24-020	REP	82-06-036
260-70-100	AMD	82-03-053	275-27-685	REP-P	82-02-054	284-24-030	REP-P	82-02-059
260-70-200	AMD-P	82-05-044	275-27-685	REP-E	82-02-056	284-24-030	REP	82-06-036
260-70-200	AMD-C	82-06-032	275-40-010	REP	82-06-034	284-24-035	REP-P	82-02-059
					82-04-023	284-24-035	REP	82-06-036

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-48B-580	REP	82-04-060	296-150-060	NEW-W	82-04-015	296-150A-335	REP-P	82-05-007
296-48B-585	REP	82-04-060	296-150-065	NEW-W	82-04-015	296-150A-400	REP-P	82-05-007
296-48B-590	REP	82-04-060	296-150-070	NEW-W	82-04-015	296-150A-405	REP-P	82-05-007
296-48B-595	REP	82-04-060	296-150-075	NEW-W	82-04-015	296-150A-410	REP-P	82-05-007
296-48B-598	REP	82-04-060	296-150-080	NEW-W	82-04-015	296-150A-415	REP-P	82-05-007
296-48B-600	REP	82-04-060	296-150-085	NEW-W	82-04-015	296-150A-417	REP-P	82-05-007
296-48B-610	REP	82-04-060	296-150-090	NEW-W	82-04-015	296-150A-420	REP-P	82-05-007
296-48B-615	REP	82-04-060	296-150-095	NEW-W	82-04-015	296-150A-423	REP-P	82-05-007
296-48B-620	REP	82-04-060	296-150-100	NEW-W	82-04-015	296-150A-424	REP-P	82-05-007
296-48B-675	REP	82-04-060	296-150-105	NEW-W	82-04-015	296-150A-425	REP-P	82-05-007
296-48B-680	REP	82-04-060	296-150-110	NEW-W	82-04-015	296-150A-430	REP-P	82-05-007
296-48B-685	REP	82-04-060	296-150-115	NEW-W	82-04-015	296-150A-435	REP-P	82-05-007
296-48B-690	REP	82-04-060	296-150-120	NEW-W	82-04-015	296-150A-440	REP-P	82-05-007
296-48B-695	REP	82-04-060	296-150-125	NEW-W	82-04-015	296-150A-445	REP-P	82-05-007
296-48B-720	REP	82-04-060	296-150-130	NEW-W	82-04-015	296-150A-450	REP-P	82-05-007
296-48B-725	REP	82-04-060	296-150-135	NEW-W	82-04-015	296-150A-500	REP-P	82-05-007
296-48B-730	REP	82-04-060	296-150-140	NEW-W	82-04-015	296-150A-505	REP-P	82-05-007
296-48B-735	REP	82-04-060	296-150-145	NEW-W	82-04-015	296-150A-506	REP-P	82-05-007
296-48B-740	REP	82-04-060	296-150-150	NEW-W	82-04-015	296-150A-510	REP-P	82-05-007
296-48B-800	REP	82-04-060	296-150-155	NEW-W	82-04-015	296-150A-515	REP-P	82-05-007
296-48B-805	REP	82-04-060	296-150-160	NEW-W	82-04-015	296-150A-516	REP-P	82-05-007
296-48B-810	REP	82-04-060	296-150-165	NEW-W	82-04-015	296-150A-520	REP-P	82-05-007
296-48B-815	REP	82-04-060	296-150-170	NEW-W	82-04-015	296-150A-521	REP-P	82-05-007
296-48B-820	REP	82-04-060	296-150-175	NEW-W	82-04-015	296-150A-525	REP-P	82-05-007
296-48B-825	REP	82-04-060	296-150-180	NEW-W	82-04-015	296-150A-530	REP-P	82-05-007
296-48B-830	REP	82-04-060	296-150-190	NEW-W	82-04-015	296-150A-535	REP-P	82-05-007
296-48B-835	REP	82-04-060	296-150A	NEW-C	82-02-052	296-150A-540	REP-P	82-05-007
296-52-043	AMD-P	82-02-065	296-150A-005	NEW-P	82-05-007	296-150A-545	REP-P	82-05-007
296-52-090	AMD-P	82-02-065	296-150A-010	REP-P	82-05-007	296-150A-550	REP-P	82-05-007
296-62-07101	AMD-P	82-02-065	296-150A-011	NEW-P	82-05-007	296-150A-555	REP-P	82-05-007
296-62-07107	AMD	82-03-023	296-150A-015	REP-P	82-05-007	296-150A-560	REP-P	82-05-007
296-62-07109	AMD	82-03-023	296-150A-016	NEW-P	82-05-007	296-150A-565	REP-P	82-05-007
296-62-07115	AMD-P	82-02-065	296-150A-020	REP-P	82-05-007	296-150A-570	REP-P	82-05-007
296-62-07501	AMD	82-03-023	296-150A-021	NEW-P	82-05-007	296-150A-575	REP-P	82-05-007
296-62-09011	AMD	82-03-023	296-150A-024	NEW-P	82-05-007	296-150A-580	REP-P	82-05-007
296-62-09015	NEW	82-03-023	296-150A-025	REP-P	82-05-007	296-150A-585	REP-P	82-05-007
296-62-09017	NEW	82-03-023	296-150A-026	REP-P	82-05-007	296-150A-590	REP-P	82-05-007
296-62-09019	NEW	82-03-023	296-150A-027	REP-P	82-05-007	296-150A-595	REP-P	82-05-007
296-62-09021	NEW	82-03-023	296-150A-030	NEW-P	82-05-007	296-150A-600	REP-P	82-05-007
296-62-09023	NEW	82-03-023	296-150A-035	NEW-P	82-05-007	296-150A-605	REP-P	82-05-007
296-62-09025	NEW	82-03-023	296-150A-040	NEW-P	82-05-007	296-150A-606	REP-P	82-05-007
296-62-09027	NEW	82-03-023	296-150A-045	NEW-P	82-05-007	296-150A-610	REP-P	82-05-007
296-62-09029	NEW	82-03-023	296-150A-050	REP-P	82-05-007	296-150A-615	REP-P	82-05-007
296-62-09031	NEW	82-03-023	296-150A-051	NEW-P	82-05-007	296-150A-620	REP-P	82-05-007
296-62-09033	NEW	82-03-023	296-150A-055	NEW-P	82-05-007	296-150A-625	REP-P	82-05-007
296-62-09035	NEW	82-03-023	296-150A-060	NEW-P	82-05-007	296-150A-630	REP-P	82-05-007
296-62-09037	NEW	82-03-023	296-150A-065	NEW-P	82-05-007	296-150A-640	REP-P	82-05-007
296-62-09039	NEW	82-03-023	296-150A-070	NEW-P	82-05-007	296-150A-650	REP-P	82-05-007
296-62-09041	NEW	82-03-023	296-150A-075	NEW-P	82-05-007	296-150A-675	REP-P	82-05-007
296-62-09043	NEW	82-03-023	296-150A-080	NEW-P	82-05-007	296-150A-680	REP-P	82-05-007
296-62-09045	NEW	82-03-023	296-150A-085	NEW-P	82-05-007	296-150A-685	REP-P	82-05-007
296-62-09047	NEW	82-03-023	296-150A-090	NEW-P	82-05-007	296-150A-690	REP-P	82-05-007
296-62-09049	NEW	82-03-023	296-150A-095	NEW-P	82-05-007	296-150A-695	REP-P	82-05-007
296-62-09051	NEW	82-03-023	296-150A-100	NEW-P	82-05-007	296-150A-700	REP-P	82-05-007
296-62-09053	NEW	82-03-023	296-150A-105	NEW-P	82-05-007	296-150A-710	REP-P	82-05-007
296-62-14525	AMD	82-03-023	296-150A-110	NEW-P	82-05-007	296-150A-700	AMD-E	82-04-014
296-62-14533	AMD	82-03-023	296-150A-115	NEW-P	82-05-007	296-150A-950	NEW-P	82-05-007
296-104-200	AMD	82-05-003	296-150A-120	NEW-P	82-05-007	296-150A-990	NEW-P	82-05-007
296-116-075	NEW-P	82-06-054	296-150A-125	NEW-P	82-05-007	296-150B	NEW-C	82-02-052
296-116-080	AMD-P	82-06-054	296-150A-130	NEW-P	82-05-007	296-150B-005	NEW-P	82-05-006
296-116-185	AMD-P	82-02-068	296-150A-135	NEW-P	82-05-007	296-150B-010	NEW-P	82-05-006
296-116-185	AMD-C	82-05-035	296-150A-140	NEW-P	82-05-007	296-150B-015	NEW-P	82-05-006
296-150	NEW-C	82-02-052	296-150A-145	NEW-P	82-05-007	296-150B-020	NEW-P	82-05-006
296-150-005	NEW-W	82-04-015	296-150A-150	NEW-P	82-05-007	296-150B-025	NEW-P	82-05-006
296-150-010	NEW-W	82-04-015	296-150A-155	NEW-P	82-05-007	296-150B-030	NEW-P	82-05-006
296-150-015	NEW-W	82-04-015	296-150A-160	NEW-P	82-05-007	296-150B-035	NEW-P	82-05-006
296-150-020	NEW-W	82-04-015	296-150A-165	NEW-P	82-05-007	296-150B-040	NEW-P	82-05-006
296-150-025	NEW-W	82-04-015	296-150A-170	NEW-P	82-05-007	296-150B-045	NEW-P	82-05-006
296-150-030	NEW-W	82-04-015	296-150A-300	NEW-P	82-05-007	296-150B-050	NEW-P	82-05-006
296-150-035	NEW-W	82-04-015	296-150A-315	REP-P	82-05-007	296-150B-055	NEW-P	82-05-006
296-150-040	NEW-W	82-04-015	296-150A-320	REP-P	82-05-007	296-150B-060	NEW-P	82-05-006
296-150-045	NEW-W	82-04-015	296-150A-325	REP-P	82-05-007	296-150B-065	NEW-P	82-05-006
296-150-050	NEW-W	82-04-015	296-150A-330	REP-P	82-05-007	296-150B-070	NEW-P	82-05-006
296-150-055	NEW-W	82-04-015	296-150A-333	REP-P	82-05-007	296-150B-075	NEW-P	82-05-006

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-150B-080	NEW-P 82-05-006	296-150B-523	NEW 82-04-060	296-150B-770	NEW 82-04-060
296-150B-085	NEW-P 82-05-006	296-150B-527	NEW 82-04-060	296-150B-773	NEW 82-04-060
296-150B-090	NEW-P 82-05-006	296-150B-530	NEW 82-04-060	296-150B-777	NEW 82-04-060
296-150B-095	NEW-P 82-05-006	296-150B-533	NEW 82-04-060	296-150B-780	NEW 82-04-060
296-150B-100	NEW-P 82-05-006	296-150B-537	NEW 82-04-060	296-150B-783	NEW 82-04-060
296-150B-105	NEW-P 82-05-006	296-150B-540	NEW 82-04-060	296-150B-787	NEW 82-04-060
296-150B-110	NEW-P 82-05-006	296-150B-543	NEW 82-04-060	296-150B-790	NEW 82-04-060
296-150B-115	NEW-P 82-05-006	296-150B-547	NEW 82-04-060	296-150B-793	NEW 82-04-060
296-150B-120	NEW-P 82-05-006	296-150B-550	NEW 82-04-060	296-150B-797	NEW 82-04-060
296-150B-125	NEW-P 82-05-006	296-150B-553	NEW 82-04-060	296-150B-800	NEW 82-04-060
296-150B-130	NEW-P 82-05-006	296-150B-557	NEW 82-04-060	296-150B-803	NEW 82-04-060
296-150B-135	NEW-P 82-05-006	296-150B-560	NEW 82-04-060	296-150B-807	NEW 82-04-060
296-150B-140	NEW-P 82-05-006	296-150B-563	NEW 82-04-060	296-150B-810	NEW 82-04-060
296-150B-145	NEW-P 82-05-006	296-150B-567	NEW 82-04-060	296-150B-813	NEW 82-04-060
296-150B-150	NEW-P 82-05-006	296-150B-570	NEW 82-04-060	296-150B-817	NEW 82-04-060
296-150B-155	NEW-P 82-05-006	296-150B-573	NEW 82-04-060	296-150B-820	NEW 82-04-060
296-150B-160	NEW-P 82-05-006	296-150B-577	NEW 82-04-060	296-150B-950	NEW 82-04-060
296-150B-165	NEW-P 82-05-006	296-150B-580	NEW 82-04-060	296-150B-990	NEW-P 82-05-006
296-150B-170	NEW-P 82-05-006	296-150B-583	NEW 82-04-060	296-155-485	AMD-P 82-02-065
296-150B-175	NEW-P 82-05-006	296-150B-587	NEW 82-04-060	296-155-48501	REP-P 82-02-065
296-150B-180	NEW-P 82-05-006	296-150B-590	NEW 82-04-060	296-155-48502	REP-P 82-02-065
296-150B-200	NEW-P 82-05-006	296-150B-593	NEW 82-04-060	296-306-200	AMD-P 82-02-065
296-150B-200	NEW-P 82-06-021	296-150B-597	NEW 82-04-060	308-16-440	NEW-P 82-05-049
296-150B-205	NEW-P 82-06-021	296-150B-600	NEW 82-04-060	308-16-450	NEW-P 82-05-049
296-150B-210	NEW-P 82-06-021	296-150B-603	NEW 82-04-060	308-16-460	NEW-P 82-05-049
296-150B-215	NEW-P 82-06-021	296-150B-607	NEW 82-04-060	308-16-470	NEW-P 82-05-049
296-150B-220	NEW-P 82-06-021	296-150B-610	NEW 82-04-060	308-24-510	NEW-P 82-05-048
296-150B-225	NEW-P 82-06-021	296-150B-613	NEW 82-04-060	308-24-520	NEW-P 82-05-048
296-150B-230	NEW-P 82-06-021	296-150B-617	NEW 82-04-060	308-24-530	NEW-P 82-05-048
296-150B-235	NEW-P 82-06-021	296-150B-620	NEW 82-04-060	308-24-540	NEW-P 82-05-048
296-150B-240	NEW-P 82-06-021	296-150B-623	NEW 82-04-060	308-25-010	NEW-P 82-02-093
296-150B-245	NEW-P 82-06-021	296-150B-627	NEW 82-04-060	308-25-010	NEW 82-06-043
296-150B-250	NEW-P 82-06-021	296-150B-630	NEW 82-04-060	308-25-020	NEW-P 82-02-093
296-150B-255	NEW-P 82-06-021	296-150B-633	NEW 82-04-060	308-25-020	NEW 82-06-043
296-150B-300	NEW 82-04-060	296-150B-637	NEW 82-04-060	308-25-030	NEW-P 82-02-093
296-150B-305	NEW 82-04-060	296-150B-640	NEW 82-04-060	308-25-030	NEW 82-06-043
296-150B-310	NEW 82-04-060	296-150B-643	NEW 82-04-060	308-25-040	NEW-P 82-02-093
296-150B-315	NEW 82-04-060	296-150B-647	NEW 82-04-060	308-25-040	NEW 82-06-043
296-150B-400	NEW 82-04-060	296-150B-650	NEW 82-04-060	308-25-050	NEW-P 82-02-093
296-150B-403	NEW 82-04-060	296-150B-653	NEW 82-04-060	308-25-050	NEW 82-06-043
296-150B-407	NEW 82-04-060	296-150B-657	NEW 82-04-060	308-25-060	NEW-P 82-02-093
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296-150B-413	NEW 82-04-060	296-150B-663	NEW 82-04-060	308-25-070	NEW-P 82-02-093
296-150B-417	NEW 82-04-060	296-150B-667	NEW 82-04-060	308-25-070	NEW 82-06-043
296-150B-420	NEW 82-04-060	296-150B-670	NEW 82-04-060	308-34-010	NEW-P 82-05-052
296-150B-423	NEW 82-04-060	296-150B-673	NEW 82-04-060	308-34-020	NEW-P 82-05-052
296-150B-427	NEW 82-04-060	296-150B-677	NEW 82-04-060	308-34-030	NEW-P 82-05-052
296-150B-430	NEW 82-04-060	296-150B-680	NEW 82-04-060	308-34-040	NEW-P 82-05-052
296-150B-433	NEW 82-04-060	296-150B-683	NEW 82-04-060	308-34-050	NEW-P 82-05-052
296-150B-437	NEW 82-04-060	296-150B-687	NEW 82-04-060	308-34-060	NEW-P 82-05-052
296-150B-440	NEW 82-04-060	296-150B-690	NEW 82-04-060	308-34-070	NEW-P 82-05-052
296-150B-443	NEW 82-04-060	296-150B-693	NEW 82-04-060	308-34-080	NEW-P 82-05-052
296-150B-447	NEW 82-04-060	296-150B-697	NEW 82-04-060	308-36-020	REP-P 82-04-008
296-150B-450	NEW 82-04-060	296-150B-700	NEW 82-04-060	308-36-030	REP-P 82-04-008
296-150B-453	NEW 82-04-060	296-150B-703	NEW 82-04-060	308-36-040	REP-P 82-04-008
296-150B-457	NEW 82-04-060	296-150B-707	NEW 82-04-060	308-36-050	REP-P 82-04-008
296-150B-460	NEW 82-04-060	296-150B-710	NEW 82-04-060	308-36-060	REP-P 82-04-008
296-150B-463	NEW 82-04-060	296-150B-713	NEW 82-04-060	308-36-065	REP-P 82-04-008
296-150B-467	NEW 82-04-060	296-150B-717	NEW 82-04-060	308-36-070	REP-P 82-04-008
296-150B-470	NEW 82-04-060	296-150B-720	NEW 82-04-060	308-36-080	REP-P 82-04-008
296-150B-473	NEW 82-04-060	296-150B-723	NEW 82-04-060	308-37-110	AMD-P 82-04-087
296-150B-477	NEW 82-04-060	296-150B-727	NEW 82-04-060	308-40-020	AMD 82-04-024
296-150B-480	NEW 82-04-060	296-150B-730	NEW 82-04-060	308-40-101	AMD 82-04-024
296-150B-483	NEW 82-04-060	296-150B-733	NEW 82-04-060	308-40-102	AMD 82-04-024
296-150B-487	NEW 82-04-060	296-150B-737	NEW 82-04-060	308-40-103	NEW 82-04-024
296-150B-490	NEW 82-04-060	296-150B-740	NEW 82-04-060	308-40-104	NEW 82-04-024
296-150B-497	NEW 82-04-060	296-150B-743	NEW 82-04-060	308-40-105	AMD 82-04-024
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296-150B-507	NEW 82-04-060	296-150B-753	NEW 82-04-060	308-52-140	AMD 82-03-022
296-150B-510	NEW 82-04-060	296-150B-757	NEW 82-04-060	308-52-201	AMD 82-03-022
296-150B-513	NEW 82-04-060	296-150B-760	NEW 82-04-060	308-100-010	AMD 82-03-046
296-150B-517	NEW 82-04-060	296-150B-763	NEW 82-04-060	308-100-020	AMD 82-03-046
296-150B-520	NEW 82-04-060	296-150B-767	NEW 82-04-060	308-100-050	AMD 82-03-046

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308-102-210	AMD	82-03-046	344-12-100	REP-P	82-03-051	360-13-065	REP	82-06-042
308-102-260	AMD	82-03-046	344-12-102	NEW-P	82-03-051	360-16-110	REP-P	82-04-086
308-102-290	AMD	82-03-046	344-12-105	REP-P	82-03-051	360-21-010	NEW-P	82-02-094
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308-104-020	REP	82-03-046	344-12-110	REP-P	82-03-051	360-21-020	NEW-P	82-02-094
308-104-025	NEW	82-03-046	344-12-112	NEW-P	82-03-051	360-21-020	NEW	82-06-042
308-104-030	REP	82-03-046	344-12-115	REP-P	82-03-051	360-21-030	NEW-P	82-02-094
308-104-040	AMD	82-03-046	344-12-116	NEW-P	82-03-051	360-21-030	NEW	82-06-042
308-104-050	AMD	82-03-046	344-12-120	REP-P	82-03-051	360-21-040	NEW-P	82-02-094
308-104-058	NEW	82-03-046	344-12-125	AMD-P	82-03-051	360-21-040	NEW	82-06-042
308-104-100	AMD	82-03-046	344-12-130	REP-P	82-03-051	360-21-050	NEW-P	82-02-094
308-104-150	NEW	82-03-046	344-12-131	NEW-P	82-03-051	360-21-050	NEW	82-06-042
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308-104-170	NEW	82-03-046	344-12-135	REP-P	82-03-051	360-21-060	NEW	82-06-042
308-104-180	NEW	82-03-046	344-12-140	AMD-P	82-03-051	360-21-070	NEW-P	82-02-094
308-124D-015	NEW-P	82-05-051	344-12-145	NEW-P	82-03-051	360-21-070	NEW	82-06-042
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308-400-020	NEW	82-05-014	344-12-155	NEW-P	82-03-051	360-21-080	NEW	82-06-042
308-400-030	NEW	82-05-014	344-12-200	NEW-P	82-03-051	360-21-090	NEW-P	82-02-094
308-400-040	NEW	82-05-014	344-12-205	NEW-P	82-03-051	360-21-090	NEW	82-06-042
308-400-042	NEW-P	82-04-084	344-12-210	NEW-P	82-03-051	360-21-100	NEW-P	82-02-094
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308-400-046	NEW	82-05-014	344-12-225	NEW-P	82-03-051	360-32-055	AMD	82-06-042
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314-60-902	REP	82-04-030	352-12-020	NEW-P	82-04-058	388-28-484	AMD-E	82-06-019
314-60-903	REP	82-04-030	352-12-030	NEW-P	82-04-058	388-28-570	AMD-P	82-06-015
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344-12-015	AMD-P	82-03-051	356-06-010	AMD	82-03-030	388-33-382	AMD-P	82-05-043
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