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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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## CERTIFICATE

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DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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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

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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81-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
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81-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
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<sup>1</sup>All 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.

<sup>2</sup>A 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.

<sup>3</sup>"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 82-07-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 82-7—Filed March 4, 1982]

I, Sam Kinville, director of Labor and Industries, do promulgate and adopt at Director's Office, Olympia, Washington, the annexed rules relating to aerial manlift equipment, amending WAC 296-45-66007.

I, Sam Kinville, 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 RCW 49.17.050 requires the state adopt occupational safety and health standards which are at least as effective as those adopted or recognized by the federal government. WAC 296-45-66007(26) is impermissible under section 18(c)(2) of the Federal OSHA Act because of its burden on interstate commerce; therefore, WAC 296-45-66007(26) is deleted by emergency rule prior to formal rule promulgation procedures.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 49.17.050 and 49.17.240 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 4, 1982.

By Sam Kinville  
 Director

**AMENDATORY SECTION** (Amending Order 81-9, filed 6/17/81)

**WAC 296-45-66007 AERIAL MANLIFT EQUIPMENT.** This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) *Stability Test.* All such equipment shall meet or exceed a safety factor of one and one-half to one (1 and 1/2 to 1) in all working positions, based upon the posted working load.

(b) *Structural and Mechanical Tests.* All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

(c) The Division of Industrial Safety and Health will accept, in lieu of subdivision (b) of this section, the

safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the Division may require that such testing be performed on such equipment before it can be used. If the Division in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met. (An obstructed view exists even though the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

(a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

(b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) *Hydraulic Fluids.* All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline. If the aerial manlift equipment has outriggers, the outriggers shall be used in accordance with manufacturer's specifications.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment

as set forth in Table 1 unless protective equipment is installed by a qualified person.

(14) While working in aerial equipment employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(15) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(16) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(17) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(18) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(19) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver.

(20) Employees shall not belt to trees, structures, or equipment while performing work from aerial devices.

(21) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to ensure the safety of the operation and the employees.

(22) Power tools not in use shall be disconnected from external power sources.

(23) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(24) The basket shall be kept clean and all tools not in use shall be secured or removed.

(25) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(26) ~~((A braking system, independent of the drive-line braking system, shall be installed on all aerial manlift equipment where, from the engineering standpoint, it is feasible.~~

~~((27))) Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.~~

~~((28))) (27) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.~~

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure; Provided, that no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated

aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

~~((29))) (28) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.~~

~~((30))) (29) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.~~

~~((31))) (30) The manufacturer's operator's instruction manual shall be kept on the vehicle.~~

#### WSR 82-07-002

#### EMERGENCY RULES

#### DEPARTMENT OF LICENSING

[Order 671-DOL—Filed March 4, 1982]

I, John Gonzalez, director of the state of Washington Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to collateral attacks on previous convictions in Department of Licensing formal hearings held under the Habitual Traffic Offender Law.

I, John Gonzalez, 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 following the State Supreme Court decision in State v. Ponce, 93 Wn.2d 533 (1980), several superior court decisions have allowed those whose licenses have been revoked as habitual traffic offenders to collaterally attack previous convictions at Department of Licensing hearings. The proposed rules set up a scheme by which the department shall consider collateral attacks on previous convictions.

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 Licensing as authorized in RCW 46.01.110.

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.

By John Gonzalez  
DirectorNEW SECTION

**WAC 308-102-295 FORMAL HEARINGS - HABITUAL TRAFFIC OFFENDERS.** *At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.*

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1); **PROVIDED, HOWEVER,** That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

(1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been advised of his or her right to be represented by counsel and of his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the drive was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked.

WSR 82-07-003 ✓

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 82-2—Filed March 4, 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 Bremerton, City of, amending WAC 173-19-2601.

This action is taken pursuant to Notice No. WSR 82-03-043 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 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 March 4, 1982.

By John F. Spencer  
Deputy DirectorAMENDATORY SECTION (Amending Order DE 81-45, filed 1/19/82)

**WAC 173-19-2601 BREMERTON, CITY OF.** City of Bremerton master program approved January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978. Revision approved January 19, 1982. Revision approved March 4, 1982.

WSR 82-07-004 ✓

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 82-3—Filed March 4, 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 Thurston County, amending WAC 173-19-420.

This action is taken pursuant to Notice No. WSR 82-03-043 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 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 March 4, 1982.

By John F. Spencer  
Deputy DirectorAMENDATORY SECTION (Amending Order DE 81-26, filed 9/24/81)

**WAC 173-19-420 THURSTON COUNTY.** Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982.

WSR 82-07-005 ✓

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 82-4—Filed March 4, 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 Whatcom County, amending WAC 173-19-450.

This action is taken pursuant to Notice No. WSR 82-03-043 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 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 March 4, 1982.

By John F. Spencer  
Deputy Director

AMENDATORY SECTION (Amending Order DE 81-49, filed 1/6/82)

WAC 173-19-450 WHATCOM COUNTY. Whatcom County master program approved August 27, 1976. Revision approved April 11, 1977. Revision approved August 11, 1978. Revision approved December 22, 1981. Revision approved January 5, 1982. Revision approved March 4, 1982.

**WSR 82-07-006** ✓  
**ADOPTED RULES**  
**DEPARTMENT OF CORRECTIONS**  
[Order 82-04—Filed March 4, 1982]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to furlough, adopting chapter 137-60 WAC and repealing chapter 275-93 WAC.

Correspondence regarding this notice and attached rules should be addressed to:

John J. Sinclair, Administrator  
Office of Contracts and Regulations  
Division of Management and Budget  
Mailstop FN-61  
(206) 753-5770

This action is taken pursuant to Notice No. WSR 82-03-015 filed with the code reviser on January 13, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.66.080 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 Amos E. Reed  
Secretary

Chapter 137-60 WAC  
**ADULT CORRECTIONAL INSTITUTIONS—RELEASE PROGRAMS—FURLOUGH**

NEW SECTION

WAC 137-60-010 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—DEFINITIONS. (1) "Furlough" is an authorized unaccompanied leave of absence for an eligible inmate.

(2) "Furlough plan" is an inmate's statement in his or her application of the purpose, place, dates of duration, and sponsor of a single furlough or series of furloughs.

(3) "Furlough sponsor" is an approved adult who has agreed to assume the responsibilities set forth in WAC 137-60-070.

(4) "Emergency furlough" is a specially expedited furlough granted to an inmate to enable him or her to meet an emergency situation such as the death or critical illness of a member of his or her family.

(5) "Inmate" is a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(6) "Secretary" is the secretary of the department of corrections or his or her designee.

(7) "Furlough year" begins with the date of the first furlough and ends twelve months from that date. Subsequent furlough years count backward for the twelve month time period.

(8) "Furlough day" is any combination of two twelve-hour time segments.

NEW SECTION

WAC 137-60-020 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—SECRETARY'S AUTHORITY TO GRANT OR DENY. The institution superintendent, work/training release supervisor, or chief, classification and treatment, may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules in this chapter.

NEW SECTION

WAC 137-60-030 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—PURPOSES. A furlough may be authorized to enable the inmate:

(1) To meet an emergency situation, such as critical illness, death, emotional crisis, or similar situation experienced by members of his or her family;

(2) To obtain medical care not available in a facility maintained by the department;

(3) To seek employment or training opportunities;

(a) Provided specific job interviews have been arranged for the inmate, or

(b) When the inmate has been approved for work or training release status but his or her job or training placement has not been developed or concluded, or

(c) When necessary to prepare a parole plan for a parole hearing scheduled within one hundred twenty days of the commencement of the furlough;

(4) To make residential plans for parole which require his or her personal appearance in the community;

(5) To care for business affairs in person when the inability to do so could deplete the assets or resources of the inmate so seriously as to affect his or her family or his or her future economic security;

(6) To visit his or her family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration;

(7) To accomplish any other purpose deemed to be consistent with plans for rehabilitation of the inmate.

#### NEW SECTION

WAC 137-60-040 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—WHO MAY APPLY. (1) Any inmate may apply for a furlough: PROVIDED, That

(a) He or she has minimum custody classification,

(b) His or her minimum term has been fixed by the board of prison terms and paroles,

(c) If he or she has a detainer pending, approval of the detaining agency must be secured. Other jurisdictions with detainers against a Washington state inmate may provide approval on a class of applicants; for example, all those otherwise approved by this state, in lieu of action on individual applications.

(2) Persons convicted of rape in the first degree shall not be eligible to participate in the furlough program at any time during the first three years of confinement.

(3) Persons convicted after July 1, 1981, of murder in the first degree, may not be granted furloughs.

#### NEW SECTION

WAC 137-60-045 MINIMUM TIME SERVED REQUIREMENT. A furlough shall not be granted to an inmate if the furlough would commence prior to the time the inmate has served the minimum amounts of time provided under this section and is within two years of his or her minimum term being served;

(1) If his or her minimum term of imprisonment is longer than twelve months, he or she shall have served at least six months of the term;

(2) If his or her minimum term of imprisonment is twelve months or less, he or she shall have served at least ninety days and shall have no longer than six months left to serve on his or her minimum term, or the mandatory term has been waived by the parole board;

(3) If he or she is serving a mandatory minimum term of confinement, he or she shall have served all but the last six months of such term subject to restrictions in WAC 137-60-040(2) and (3).

#### NEW SECTION

WAC 137-60-050 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—CONDITIONS IMPOSED. (1) The applicant must agree to abide by all terms and conditions of the approved furlough plan. Any violation may be cause for suspension or revocation of the furlough, and possible disciplinary action.

(2) The furlough plan will specify the residence address at which the applicant will reside during the period of furlough and will designate the names and relationships of the persons with whom he or she will live.

(3) Upon arrival at his or her destination the furloughed person will, when so required, report to a state probation and parole officer in accordance with instructions given prior to release on furlough. He or she shall report as frequently as may be required by the state probation and parole officer.

(4) The furloughed person shall abide by all local, state, and federal laws, ordinances, and statutes.

(5) With approval of either the designated state probation and parole officer, or institution staff, the furloughed person may accept temporary employment during a period of furlough. Earnings may be used to defray the costs of the furlough, including transportation, living expenses, family support, and incidental needs.

(6) Furloughed persons may not leave the state at any time while on furlough.

(7) Other limitations on movement within the state may be imposed as a condition of furlough. Unless it is part of the approved travel plan, travel outside the county to which furlough is granted must be approved in advance by the probation and parole officer in that county.

(8) A furloughee shall not drink, ingest, possess, or be under the influence of intoxicating beverages or nonprescribed drugs. All public taverns, bars, liquor stores, and cocktail lounges will be considered "off limits" to furloughees.

(9) A furloughee who drives a motor vehicle must:

(a) Have a valid Washington driver's license in his or her possession,

(b) If unaccompanied by the owner, have the owner's written permission in his or her possession to drive any vehicle not his or her own or his or her spouse's,

(c) Have at least minimum personal injury and property damage liability coverage on the vehicle he or she is driving,

(d) Observe all traffic laws.

(10) Clothing issued for use during the furlough is to be returned to the institution at the completion of the furlough.

(11) Other conditions of furlough specific to the individual may be imposed in writing, prior to the inception of the furlough.

(12) All conditions of furlough, general and specific, shall be listed on the furlough order, and shall be discussed with the inmate by his or her counselor before he or she leaves the institution. The furloughee shall carry a copy of the furlough order and furlough identification

card, with him or her at all times while on furlough. The furlough identification card will be issued to the inmate prior to departure from the institution, and returned at the end of the furlough.

(13) Willful failure to return from a furlough at the time specified in the furlough order constitutes an escape from confinement which is a violation of criminal law.

#### NEW SECTION

WAC 137-60-060 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—DURATION. (1) Furloughs may not exceed thirty days at a given time or a total of sixty days in any twelve-month period. The sixty day total is designed to permit a reasonable pattern of short releases over the course of a year, or an extended period of release for special placement on furlough status in preparation for work release, training release, parole planning, medical treatment not available in a state facility, or a combination of these reasons.

(2) First and second furloughs will not exceed five days absent unusual circumstances.

(3) Emergency furloughs will be limited to forty-eight hours plus travel time absent unusual circumstances.

(4) Any furlough may be extended by the institution superintendent or work/training release supervisor within the maximum time limits set by this section.

#### NEW SECTION

WAC 137-60-070 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—SPONSOR'S RESPONSIBILITIES. A furlough plan must designate a sponsor for the inmate while he or she is on furlough. The sponsor must sign a statement agreeing to:

(1) Provide the furlougee with appropriate living quarters for the duration of the furlough,

(2) Notify the institution immediately if the furlougee does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his or her ability to function appropriately,

(3) Assist the furlougee in other appropriate ways, such as discussing problems, providing transportation to job interviews, etc.,

(4) Assure that the furlougee returns to the institution on time.

#### NEW SECTION

WAC 137-60-080 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—CRITERIA FOR EVALUATING APPLICATION. (1) An application for furlough shall be considered with respect to:

(a) Consistency with the purposes described in WAC 137-60-030 and 137-60-040, and

(b) Adequacy of the furlough plan, and

(c) Possible risk to the community, and

(d) Findings of a field investigation.

(2) The application shall be evaluated without regard to the race, sex, color, national origin, or creed of the applicant.

#### NEW SECTION

WAC 137-60-090 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—APPLICATION FOR FURLOUGH. (1) An application for furlough must be made on forms prescribed by the secretary, must include a furlough plan, and must be submitted by the inmate to his or her counselor.

(2) An application for furlough, other than an emergency furlough, must be made at least seven weeks prior to the date of the furlough.

(3) Any inmate whose furlough application has been rejected may reapply after such period of time has elapsed as was determined by the superintendent, work/training release supervisor, or chief, classification and treatment, at the time of rejection, such time period being subject to modification by the persons listed in this section.

(4) A furlough plan shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and the relationships of such persons to the applicant.

#### NEW SECTION

WAC 137-60-100 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—NOTIFYING INMATE OF DECISION ON APPLICATION. (1) The inmate and his or her sponsor shall both be notified promptly of the disposition of his or her application.

(2) If a furlough is authorized, a copy of the furlough order will be mailed to the sponsor.

#### NEW SECTION

WAC 137-60-110 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—ESCAPE. The department has the duty, as soon as possible, to notify the state patrol of the escape of a furlougee.

#### NEW SECTION

WAC 137-60-120 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—REVOCATION OR SUSPENSION. (1) Any employee of the department having knowledge of a furlough infraction shall report the facts to the superintendent or work/training release facility supervisor as appropriate. Upon verification, the superintendent or work/training release supervisor will cause the custody of the furlougee to be regained and, for this purpose, may cause a furlough suspension warrant to be issued.

(2) The superintendent or work/training release facility supervisor as appropriate will determine whether to

suspend or revoke the furlough. If the furlough is suspended, the superintendent or work/training release supervisor will indicate when and under what circumstances the inmate may reapply.

#### NEW SECTION

**WAC 137-60-130 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—LAW ENFORCEMENT OFFICERS TO BE NOTIFIED.** (1) Appropriate law enforcement agencies will be notified of a planned furlough via the state patrol communications network at least forty-eight hours prior to the beginning of the furlough.

(2) In the event of an emergency furlough, the state patrol will be notified as early as possible but the forty-eight hour requirement will not apply.

#### NEW SECTION

**WAC 137-60-140 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—EXCEPTIONS TO RULES.** In emergency situations or as otherwise allowed by statute, the secretary may authorize exceptions to the rules in chapter 137-60 WAC: PROVIDED, That no exception may be made to WAC 137-60-040(1)(a), (b), (c), (2), and (3), 137-60-045, 137-60-050, 137-60-060, and 137-60-070.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) **WAC 275-93-005 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—DEFINITIONS.**

(2) **WAC 275-93-010 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—SECRETARY'S AUTHORITY TO GRANT OR DENY.**

(3) **WAC 275-93-020 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—PURPOSES.**

(4) **WAC 275-93-040 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—WHO MAY APPLY.**

(5) **WAC 275-93-050 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—CONDITIONS IMPOSED.**

(6) **WAC 275-93-060 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—DURATION.**

(7) **WAC 275-93-070 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—SPONSOR'S RESPONSIBILITIES.**

(8) **WAC 275-93-080 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—CRITERIA FOR EVALUATING APPLICATION.**

(9) **WAC 275-93-090 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—APPLICATION FOR FURLOUGH.**

(10) **WAC 275-93-100 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—NOTIFYING RESIDENT OF DECISION ON APPLICATION.**

(11) **WAC 275-93-110 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—ESCAPE.**

(12) **WAC 275-93-120 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—REVOCATION OR SUSPENSION.**

(13) **WAC 275-93-130 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—LAW ENFORCEMENT OFFICERS TO BE NOTIFIED.**

(14) **WAC 275-93-140 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—EXCEPTIONS TO RULES.**

#### **WSR 82-07-007**

#### **NOTICE OF PUBLIC MEETINGS FORT STEILACOOM COMMUNITY COLLEGE**

[Memorandum—March 4, 1982]

Rescheduling of the board of trustees meeting for the month of April, 1982

The Board of Trustees of Community College District Number Eleven authorizes a change in the date of the April 6, 1982, board of trustees meeting to be rescheduled to April 13, 1982, at the McChord Education Center at 2:00 p.m.

#### **WSR 82-07-008**

#### **EMERGENCY RULES DEPARTMENT OF FISHERIES**

[Order 82-16—Filed March 5, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use angling 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 configuration of Bonneville Dam has changed and sturgeon brood stock protection is necessary directly below the dam. Allocation and conservation needs prevail in Chehalis River. Bank fishing at Ringold for Cowlitz River—origin chinook stock does not affect the Ringold brood stock requirement. Excess spring chinook return to the Cowlitz River is anticipated in 1982. Absence of legal access to Green River (Cowlitz County) and Toutle River is in

effect. Klickitat River management needs prevail to reconcile treaty Indian dip net fishery and recreational fishery.

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 5, 1982.

By Rolland A. Schmitt  
Director

#### NEW SECTION

WAC 220-56-30000A STURGEON—AREA—BONNEVILLE DAM Notwithstanding the provisions of WAC 220-56-300, it shall be unlawful to take, fish for or possess sturgeon in those waters of the Columbia River from the upstream line of Bonneville Dam downstream to the lowermost Bonneville power line crossing, approximately 1/2 mile downstream of the dam. Angling for other foodfish species shall be prohibited in those waters from the upstream line of the dam to a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

#### NEW SECTION

WAC 220-57-14000B CHEHALIS RIVER Notwithstanding the provisions of WAC 220-57-140, bag limit C - open entire year: downstream from markers approximately 1/2 mile upstream from the Porter Bridge to the U.P.R.R. Bridge in Aberdeen.

#### NEW SECTION

WAC 220-57-16000S COLUMBIA RIVER Notwithstanding the provisions of WAC 220-57-160, bag limit A - April 1 - June 30: east bank only in that portion of the Columbia River from Washington Department of Fisheries boundary marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a WDF boundary marker located approximately 1/4 mile downstream of Ringold wasteway outlet.

#### NEW SECTION

WAC 220-57-17500I COWLITZ RIVER Notwithstanding the provisions of WAC 220-57-175, from April 1 - July 31: downstream of the cross-river cable below the barrier dam on the Cowlitz River the bag limit is six salmon per day over 10 inches in length, only three of which may exceed 24 inches in length.

#### NEW SECTION

WAC 220-57-25500B GREEN RIVER (COWLITZ COUNTY) Notwithstanding the provisions of WAC 220-57-255, the waters of the Green River (Cowlitz County) are closed to salmon angling.

#### NEW SECTION

WAC 220-57-48000C TOUTLE RIVER Notwithstanding the provisions of WAC 220-57-480, the waters of the Toutle River upstream of the I-5 bridge are closed to salmon angling.

#### NEW SECTION

WAC 220-57-31500D KLICKITAT RIVER Notwithstanding the provisions of WAC 220-57-315, bag limit A - April 1 - January 31: downstream from the Fisher Hill Bridge (approximately 1-1/2 miles above the mouth) except salmon angling is closed from noon Monday through noon Thursday during the period from April 1, through May 31.

#### WSR 82-07-009

#### WITHDRAWAL OF PROPOSED RULES LIQUOR CONTROL BOARD

[Filed March 8, 1982]

This will notify your that the Board's Notice of Intention to Adopt, Amend, or Repeal Rules dated March 3, 1982 and bearing Notice No. WSR 82-06-046, is hereby withdrawn.

It is the Board's intention to file a new Notice of Intention to Adopt, Amend, or Repeal WAC 314-16-200.

Robert D. Hannah  
Chairman

#### WSR 82-07-010

#### ATTORNEY GENERAL OPINION Cite as: AGLO 1982 No. 5

[March 5, 1982]

#### PENSIONS—RETIREMENT—LEGISLATORS—ELECTED OFFICIALS—CONSTITUTIONALITY OF PENDING LEGISLATION REGARDING RETIREMENT ALLOWANCES OF STATE ELECTED OFFICIALS

Unless deemed by the Court to be merely a legislative clarification of existing law and not a change in the law as it now exists, House Bill No. 986, relating to the formula to be utilized in computing the service retirement allowances of state elected officials, would be unconstitutional as applied to existing members of the Public Employees' Retirement System under the reasoning of Bakenhus v. Seattle, 48 Wn.2d 695, 296 P.2d 536 (1956) and later cases.

Requested by:

Honorable Alan Thompson  
 St. Rep., 18th District  
 406 House Office Building  
 Olympia, Washington 98504

**WSR 82-07-011 ✓**  
**ADOPTED RULES**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**

[Resolution No. 82-5—Filed March 8, 1982]

Be it resolved by the board of trustees of the Community College District No. 20, Walla Walla Community College, acting at Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, that it does promulgate and adopt the annexed rules relating to faculty qualifications, chapter 132T-05 WAC.

This action is taken pursuant to Notice No. WSR 82-02-046 filed with the code reviser on January 4, 1982. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Community College District No. 20, Walla Walla Community College, as authorized in chapters 34.04, 34.08 and 28B.19 RCW and chapter 1-13 WAC.

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 Eldon J. Dietrich  
 Secretary, Board of Trustees

Chapter 132T-05 WAC  
 FACULTY QUALIFICATIONS

WAC	
132T-05-020	General standards of qualifications for community college personnel.
132T-05-030	Additional qualifications in areas of specialization.
132T-05-040	Maintaining and improving occupational and teaching competencies for vocational administrators, instructors and counselors.
132T-05-050	Types of vocational education certificates.
132T-05-060	Definition of professional improvement units.
132T-05-070	Safety and occupational health practices standards.

AMENDATORY SECTION (Amending Order 74-2, filed 6/4/74)

WAC 132T-05-020 GENERAL STANDARDS OF QUALIFICATIONS FOR COMMUNITY COLLEGE PERSONNEL. Prior to employment of candidates to perform professional services in Washington State Community College District No. 20, the district board of trustees shall establish that the candidate possesses:

- (1) Scholarship or technical skill that represents appropriate study or training in the proposed area of assignment,
- (2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,
- (3) A demonstrable understanding and acceptance of the role ~~((he is))~~ to be ((play)) played as a partner in an educational enterprise serving the best interests of the students,
- (4) A demonstrable understanding and acceptance of the mission and character of the community college,
- (5) The ability to perform his assigned duties in a manner consistent with the goals of the institution and the community college system, and
- (6) Personal characteristics that contribute to his ability to promote the welfare of the students, the institution, and the State of Washington.

AMENDATORY SECTION (Amending Order 74-2, filed 6/4/74)

WAC 132T-05-030 ADDITIONAL QUALIFICATIONS IN AREAS OF SPECIALIZATION. In addition to the general standards required by WAC 132T-05-020, the district board of trustees shall establish that candidates for appointment meet or exceed the following standards in their areas of specialization:

- (1) Professional personnel performing services for which advanced degrees are normally available shall hold the equivalent of a master's degree in the field of their educational service from an accredited college or university or a bachelor's degree and extensive professional experience in the field of their educational service.
- (2) Professional personnel in vocational fields or other specialized areas for which advanced degrees are not normally available shall have sufficiently broad and comprehensive training and work experience that particularly qualifies them to provide instruction in their area of specialization.
- (3) Vocational education teaching personnel ~~((must))~~ shall have recent work experience beyond the learning period as a fully qualified worker in the occupation ~~((that will))~~ to be taught. The minimum work experience shall be equal to the recognized learning period required to gain competence in the occupation, but in no case shall be ((in no case)) less than two calendar years ~~((Vocational counselors shall meet the work experience requirement by demonstrating work experience in one or more occupations other than professional education, which is cumulative to at least two years.))~~ of full-time work or its equivalent. The learning period shall be the number of hours worked by full-time people during a two-year period in the occupation to be taught.

(a) Minimum work experience for apprenticeable occupations ~~((with))~~ shall be equal to the learning period then currently registered with the State Department of Labor and Industries.

(b) Minimum work experience in occupations requiring state licensing will be two calendar years subsequent to receipt of license, unless the occupation is also an apprenticeable trade.

(c) Minimum work experience for all other trades and occupations will be two calendar years of full-time employment or the equivalent which shall be the number of hours worked by full-time people during a two-year period in the occupation to be taught subsequent to the recognized learning period.

(d) Recent work experience shall be defined as employment full time for six months or the equivalent which shall be one-fourth of the hours defined as full-time equivalent in subsection (3) of this section in the occupation to be taught within the two years immediately preceding initial vocational certification.

(e) One year full-time employment shall mean that which is the standard for the occupation.

~~((3))~~ (4) All other vocational educational teaching personnel, including instructors of vocationally related courses, teachers' aides, lab assistants, and tutors, who do not meet the work experience and educational requirements specified above may be employed either on a full-time or part-time basis, provided that such individuals shall possess appropriate technical skills and knowledge in the specific program area assigned, and provided further that such individuals shall work under the direct supervision of, or in direct coordination with, an appropriately certified professional. Community College District No. 20 shall maintain appropriate job descriptions for each position in this category.

(5) Vocational counselors shall meet the minimum work experience requirement by verifying work experience in one or more occupations other than professional education, which is cumulative to at least two years of full-time employment as defined in subsection (3) of this section. Vocational counselors shall be certified only if they have had preparation in vocational counseling, testing, and occupational information.

~~((4))~~ (6) General administrative personnel shall have advanced training or experience relevant to their assigned duties. The chief administrator shall hold an earned doctorate from an accredited university or have equivalent administrative expertise as demonstrated by successful performance of broad administrative responsibilities.

~~((5))~~ (7) Vocational administrative personnel, including the chief vocational education officer or other individual assigned to that responsibility (commonly referred to as the vocational director), and all other subordinate vocational education administrative personnel must have been employed as full-time vocational education instructors for at least three academic years or have equivalent teaching experience in industry or other public agencies, and they must have had at least two calendar years of accumulated experience in the capacity of a supervisor in education, business, industry, a public agency, or an equivalent volunteer community service. In

addition, such individuals must have demonstrated to the employing agency ~~((his/her))~~ a commitment to and understanding of vocational education. Industry and public agency experience will be evaluated at no more than a one-to-one basis.

~~((6))~~ (8) Persons employed prior to the effective date of this document shall comply with these standards unless they were qualified on the basis of standards which were in effect in the 1969 Washington State Plan for Vocational Education. All persons shall comply with the provisions of WAC 132T-05-040 and WAC 132T-05-050 regarding certification and renewal of certificates.

~~((7) Exceptions to the above work experience standards relating to vocational personnel shall be documented through procedures set forth in Sections 1.34-6, 1.34-7, and 1.35.4 of the State Plan for Vocational Education as now existing or hereafter amended:))~~

AMENDATORY SECTION (Amending Order 74-2, filed 6/4/74)

WAC 132T-05-040 MAINTAINING AND IMPROVING OCCUPATIONAL AND TEACHING COMPETENCIES FOR VOCATIONAL ADMINISTRATORS, INSTRUCTORS AND COUNSELORS. It shall be the responsibility of the president of Community College District No. 20 (Walla Walla Community College) to assure compliance with the following standards:

(1) The Community College District No. 20 will certify through the vocational director each instructor and vocational counselor and maintain documentation of such certification. The certificate and the documentation on file shall specify the function and/or the specific occupational area for which the individual is certified.

(2) Each full-time contracted professional shall have an individual improvement plan developed in consultation with and approved by the ~~((appropriate dean or his designee and the))~~ vocational director~~((:))~~ or designee. ~~((Recommendations of the appropriate advisory committee should be taken into account in developing the individual improvement plan.))~~ The vocational director shall maintain a file of all such plans.

(3) Part-time ~~((professional))~~ teaching personnel must have temporary certification and shall obtain a one-year certificate ~~((by the end of the equivalent of one academic year of full-time instruction or counseling. Individual improvement plans shall be established and approved for part-time personnel by the time they have achieved the equivalent of one year of full-time employment.))~~ upon the accumulated completion of 45 quarter credits (or 45 credit equivalents) of teaching. Individual professional improvement plans shall be established and approved for part-time personnel upon the issuance of a one-year certificate.

(4) ~~((Full-time instructors or counselors may not be employed on the basis of a temporary certificate for a period of more than one year.))~~ Part-time counselors shall obtain a one-year certificate upon completion of the equivalent of one full academic year of counseling responsibility. Individual professional improvement plans

shall be established and approved upon issuance of a one-year certificate.

(5) Full-time professional personnel may not be employed on the basis of a temporary certificate for a period of more than one year.

(6) Certification under the above standards is a condition of continued employment for all vocational education personnel.

AMENDATORY SECTION (Amending Order 74-2, filed 6/4/74)

WAC 132T-05-050 TYPES OF VOCATIONAL EDUCATION CERTIFICATES. For the purposes of this section, equivalency shall mean in each case that the employee shall successfully complete the objectives outlined in ((his)) the individual's improvement plan. In issuing certificates for vocational education personnel, the Community College District No. 20 shall utilize the following nomenclature and shall meet the standards set forth:

(1) ((A "temporary certificate" shall be issued to vocational instructors or counselors provided that such individuals shall be required to complete a minimum of fifteen contact hours of teaching orientation or the equivalent to begin no later than the first day of employment. Vocational counselors shall be certified only if they have had appropriate successful preparation in vocational counseling and testing. A temporary certificate is renewable only for part-time instructors.)) Temporary certificate.

(a) Vocational instructors shall be issued a temporary certificate provided that such individuals shall be required to complete a minimum of fifteen contact hours of teaching orientation or the equivalent, to begin no later than the first day of employment. A temporary certificate is renewable only for part-time instructors who have not accumulated forty-five quarter credit hours, or equivalency, of teaching.

(b) Vocational counselors shall be issued a temporary certificate provided that such individuals have met the requirements set forth in WAC 132T-05-030.

(2) ((A "one-year certificate" shall be issued to instructional personnel who have completed the minimum requirements for a temporary certificate and who in addition have completed thirty contact hours in the course "Elements of Teaching" or the equivalent as determined by the vocational director. A one-year certificate may be issued to counselors who have completed the minimum requirements for a temporary certificate and who in addition have completed a minimum of three professional improvement units in accordance with the individual improvement plan. A one-year certificate may be renewed no more than twice after initial issuance for each year of full-time equivalent instruction.)) One-year certificate.

(a) Instructional personnel who have completed the minimum requirements for a temporary certificate and who, in addition, provide documentation of teaching competency as demonstrated by having satisfactorily completed a minimum of three credits in courses concentrated upon the elements of teaching, or the equivalent, shall be issued a one-year certificate. A one-year

certificate may be renewed no more than once after initial issuance for each year of full-time equivalent instruction, except that in the case of part-time instructors, a one-year certificate may be continued until the equivalent of one year of teaching (45 quarter credits) has been completed.

(b) Counselors shall be issued a one-year certificate upon completion of the minimum requirements for a temporary certificate provided that, in addition, they have completed a minimum of three professional improvement units in accordance with the individual improvement plan. A one-year certificate may be renewed no more than once after initial issuance for each year of full-time equivalent counseling.

(3) ((A "five-year certificate (initial)" shall be issued to professional personnel who have completed a minimum of two years of conditionally certified teaching or counseling service, who have in addition to the one-year certificate requirements completed a minimum of thirty contact hours in the course "Occupational Analysis" or its equivalent, and who have completed a minimum of three additional professional improvement units in accordance with the individual's improvement plan. In addition to the above, instructional personnel must have completed at least thirty contact hours in the course "Course Organization" or its equivalent and counseling personnel must have completed at least thirty contact hours in the course "Occupational Information" or its equivalent.)) Five-year certificate (initial).

(a) Instructional personnel shall be issued a five-year certificate upon completion of two years of teaching service, provided that, in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis, or equivalent, a minimum of three credits in courses concentrated upon the principles of vocational course organization or equivalent, and a minimum of three additional professional improvement units in accordance with the individual's improvement plan have been completed.

(b) Counseling personnel shall be issued a five-year certificate upon completion of two years of counseling service, provided that in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis, or equivalent, and a minimum of six additional professional improvement units in accordance with the individual's improvement plan have been completed.

(4) ((A "five-year certificate (renewal)" shall be issued to professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan. For instructional personnel, emphasis should be placed on field or work experience where appropriate and in accordance with the individual improvement plan. For counseling personnel, it is recommended that a minimum of seven must be in the field or work experiences and a minimum of three in

organized counseling improvement.)) Five-year certificate (renewal). A five-year renewable certificate shall be renewed for professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan. Professional improvement plans initiated after July 1, 1980 shall, if deemed appropriate, include work experience as defined in WAC 132T-05-060. No more than eight professional units in any one category as defined in WAC 132T-05-060 shall apply.

(5) The vocational director shall be responsible for the designation of approved course equivalents.

**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 74-2, filed 6/4/74)

WAC 132T-05-060 DEFINITION OF PROFESSIONAL IMPROVEMENT UNITS. The following standards shall be used in the determination of professional improvement unit values for vocational certification by Community College District No. 20.

(1) Each ((full work week of appropriately pre-)) forty hours of planned, pre-approved paid ((field)) work ((or clinical)) experience shall be equal to one professional improvement unit.

(2) One credit on the quarter system or two-thirds credit on the semester system earned in accredited programs at colleges or universities shall be equal to one professional improvement unit, provided it is in compliance with the professional improvement plan.

(3) Each full day of pre-planned participation in conferences and seminars shall be equal to .20 of a professional improvement unit((s)), provided that such activities are in addition to those covered by the normal contractual obligations.

(4) Each day of pre-planned experience in either domestic or foreign travel related to the individual's instructional area shall be equal to .20 of a professional improvement unit((s)).

(5) Additional professional improvement units may be granted as approved in the individual improvement plan on the basis of independent research and development activities in excess of the normal contractual obligations of the instructor, ((or)) counselor((-)), or administrator.

(6) The vocational director shall be responsible for the approval of professional improvement plans, equivalencies, and units as stated in WAC 132T-05-040, WAC 132T-05-050, and WAC 132T-05-060.

**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 132T-05-070 SAFETY AND OCCUPATIONAL HEALTH PRACTICES STANDARDS. The vocational instructor will have been trained as a safe worker and will hold a valid first-aid certificate which has been issued in compliance with standards for such

certificates promulgated by Washington State Department of Labor and Industries, or other appropriate regulatory agency.

(1) Definitions:

(a) "Vocational instructor", for the purposes of these standards, shall mean any individual who is vocationally certified under the state plan for vocational education and/or who is employed as an instructor in a vocational program approved under the state plan.

(b) "Vocational program", for the purposes of these regulations, shall meet the definition agreed upon in operating criteria of the commission for vocational education.

(2) Safety and occupational health standards. The preparation for vocational teaching for all persons shall include instruction in those safety and occupational health practices common to all occupations sufficient to insure those persons knowledge of an ability to instruct students in those practices at a level consistent with the safety and occupational health practices standards of this section.

(a) No person who receives training for vocational teaching after September 1, 1973, shall be employed by a local educational agency in a program approved under the state plan for more than ninety calendar days unless that person has met the safety and occupational health practices standards adopted by the commission for vocational education.

(i) The general safety and occupational health standards apply to all vocational personnel who teach or supervise a vocational class or program.

(ii) This standard can be satisfied by completing a fifteen-hour course in safety and occupational health taught by an accredited instructor or by passing an approved examination which covers the material contained in the fifteen-hour course.

(iii) Approved courses in safety and occupational health will include, but not be limited to, history, causes of accidents, classes and types of accidents, motivating safety, accident prevention, occupational health and industrial insurance.

(b) The safety and occupational health information needed for specific occupations may be satisfied by one of the following:

(i) Completion of a course as part of preservice training that is designed to provide the potential vocational instructor with the specific skills and knowledge of safety and occupational health pertinent to the occupation the individual is training to teach.

(ii) Completion of an in-service course that is designed to provide the vocational instructor with the specific skills and knowledge of safety and occupational health pertinent to the occupation the individual is training to teach.

(iii) Certification by the program advisory committee for the occupation that the vocational instructor does possess the specific skills and knowledge of safety and occupational health pertinent to the occupation the instructor is training to teach, together with visible evidence that this is an integral part of the instructional program.

(iv) Where the advisory committee determines that the vocational instructor has less than the necessary skills and knowledge, an advisory committee meeting or meetings devoted to such training as is needed will satisfy the requirement. Verification of training will be the advisory committee minutes which will include the name of the vocational instructor, the name(s) of the trainer(s), evidence of the qualifications of the trainer(s), and the content of the training.

(v) The meeting of personnel standards to teach in a vocational program will be accepted as evidence of the individual's ability to teach the appropriate specific safety and occupational health necessary for the occupational area being taught.

(3) First aid. The standards for safety and occupational health practices adopted by Walla Walla Community College shall, where applicable, include the requirement that certain individuals, in addition to other criteria, hold valid first-aid certificates issued by or equivalent to the standards of those issued by the Washington Department of Labor and Industries.

(a) A valid first-aid certificate is required for vocational instructors in preparatory vocational programs whose instructional environment brings students into physical proximity with machinery, electrical circuits, biologicals, radioactive substances, chemicals, flammables, intense heat, gases under pressure, excavations, scaffolding and ladders, and other hazards.

(b) The determination of hazard shall be made by the safety supervisor and Vocational Director.

(c) Responsibility for insuring that appropriate staff have first-aid training will rest with the Vocational Director.

(d) The specific type of first-aid program required of vocational instructors will be determined by the representative advisory committee organized for the occupation for which the vocational instructor is providing training; however, cardio-pulmonary resuscitation instruction is required of all vocational instructors.

(4) Specifically excluded from conformance to this requirement are:

(a) Vocational counselors.

(b) Those instructors who teach related subjects to vocational students, i.e., mathematics, English or communication skills, etc., when these are taught in classrooms rather than shops and are part of a total vocational program that is under the supervision or direction of vocational instructor(s) possessing valid first-aid certificate(s).

(c) Physicians, registered nurses, licensed practical nurses and others when their occupational competencies and training include first-aid knowledge equal to or superior to that represented by the first-aid certification being required under these regulations.

(d) Vocational instructors who teach ninety hours or less per school year and whose instruction is a part of a total vocational program that is under the supervision or direction of a vocational instructor(s) possessing valid first-aid certificate(s).

(5) Safety supervision. A safety supervisor shall be designated by the Vocational Director. The safety supervisor shall, among other things, possess an understanding of all safety and occupational health rules, regulations and requirements affecting the college or its employees; further, said supervisor shall assure that each employee demonstrates competency in all safety and occupational health rules, regulations that pertain to the employee, and assure that all safety and occupational health rules and regulations that pertain to the employee are being met. The safety supervisor shall meet all of the provisions for safety and occupational health that are mandated for vocational instructors.

**WSR 82-07-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 82-17—Filed March 8, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt 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 Puget Sound bag limit is modified to meet allocation needs in that area.

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 8, 1982.

By Rolland A. Schmitt  
Director

**NEW SECTION**

***WAC 220-56-19000G PUGET SOUND BAG LIMIT.*** Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice, in salmon punch card areas 5 through 13, as described in WAC 220-56-185 Marine Area Codes, the personal use salmon bag limit in any one day is three salmon, not more than two of which may be chinook salmon. Chinook salmon must be not less than 20 inches in length but there is no minimum size limit 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 82-07-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 82-6—Filed March 9, 1982]

I, Sam Kinville, director of Labor and Industries, do promulgate and adopt at Director's Office, Olympia, Washington, the annexed rules relating to the amending of WAC 296-45-65043 to require additional safety measures for motor vehicles and trailers used by electrical workers on highways during adverse weather conditions; WAC 296-52-043 and 296-52-090 are amended to increase the safety requirements for the storage, transportation and use of explosives; WAC 296-155-485 is amended to reduce the maximum distance from 22 to 12 inches for opening between planks and vertical frame members in certain construction industry scaffolds; and WAC 296-306-200 is amended to eliminate the roll-over protection exemption under the agriculture safety code for certain heavy equipment used in construction type operations, such as bulldozing, grading, or land clearing.

I, Sam Kinville, 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 rule amendments are immediately necessary to satisfy requirements that were imposed on the department by the federal occupational safety and health administration as a condition of its recent certification of the Washington state industrial safety and health plan. The amendment to WAC 296-45-65043 was not required by OSHA but is immediately necessary to remedy some safety problems with emergency vehicles that became evident during recent severe storms.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 49.17.240 and 49.17.050 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 8, 1982.

By Sam Kinville  
Director

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-65043 ALL MOTOR VEHICLE AND TRAILER OPERATIONS. When motor vehicles and trailers are operated on public right-of-way, highways or similar areas, the equipment shall be operated and maintained in conformance with the Motor Vehicle Code of the State of Washington, chapters 46.04 through 46.61 RCW.

(1) Whenever and wherever such motor vehicle is operated, such equipment shall have a safe functioning brake and an emergency brake. In addition, all motor vehicles and trailers shall have such equipment as is necessary for the safe operation of the vehicle(s).

(a) When traveling, employees must ride inside the vehicle and shall not ride on the sides or on the top, nor shall employees ascend or descend a motor vehicle when such vehicle is in motion.

(b) Employees shall not ride on trailers except in cases where the trailer requires an employee to steer or brake the trailer.

(c) A truck shall not be moved from place to place with the ladder erect other than when positioning the truck at a given location. This rule does not apply to approved tower or fixed ladder trucks.

(d) Warning signs, flares and other protective devices shall be used which shall conform with the requirements for road construction or maintenance as set forth in chapter 46.37 RCW.

(2) Vehicles shall be positioned as far off the driving lanes as possible, while performing emergency operations or repairs. The 4-way flashers and rotating amber lights shall be actuated. The rotating amber lights shall be visible at 360 degrees, in accordance with chapter 204-38 WAC. Safety cones shall be installed in front of and behind the vehicle. If the operation is for more than a short duration, they shall comply with traffic control procedures.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-52-043 USE OF EXPLOSIVES AND BLASTING AGENTS. (1) General provisions.

(a) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast area. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or Class II magazines shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat or material that is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags and barricades.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended item of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by Washington State Department of Highways Manual M24-01 (HT), (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked(⌘).

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 Radio Pilot Lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5-25	100
25-50	150
50-100	220
100-250	350
250-500	450
500-1,000	650
1,000-2,500	1,000
2,500-5,000	1,500
5,000-10,000	2,200
10,000-25,000	3,500
25,000-50,000	5,000
50,000-100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1-10	5
10-30	10
30-60	15
60-250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) All loading and firing shall be directed and supervised by a licensed blaster thoroughly experienced in this field. The employer shall permit only licensed persons to prepare explosives at the blasting site.

(i) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(j) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(k) Electric detonators shall be shunted until wired into the blasting circuit.

(l) Explosives shall not be handled near open flames, uncontrolled sparks or open electric circuits.

(m) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(n) All loading and firing shall be directed and supervised by licensed persons thoroughly experienced in this field.

(o) User (blaster) qualifications:

(i) A user (blaster) shall be able to understand given written and oral orders.

(ii) A user (blaster) shall be in good physical condition and not be addicted to narcotics, intoxicants, or

similar types of drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(iii) A user (blaster) shall be qualified by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local laws and regulations which pertain to explosives.

(iv) User (blaster) shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(v) The user (blaster) shall be knowledgeable and competent in the use of each type of blasting method used.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) Containers of explosives shall not be opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the department shall be notified. Such explosives must be carefully set aside and must not be used.

(3) Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

**NOTE:** Where it is necessary to clear obstacles for the moving of equipment there may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended at the blast site, unless properly stored.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden ((or)), mats or tracking of drills out of the loading area.

(k) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out.

(l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(m) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(n) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

(o) A bore hole shall never be sprung when it is adjacent to or near a hole which has been loaded.

(p) No loaded holes shall be left unattended.

(q) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(r) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges - electric blasting.

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty gauge (American Wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen gauge (American Wire gauge) solid core insulated wire. Bus wires - depends on the size of the blast, fourteen gauge (American Wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "Off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "Off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "Off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or properly stored.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three feet. When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot in forty seconds or slower than one foot in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossies between loops at intervals of not over two hundred feet.

(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL — A 1-minute series of long blasts 5 minutes prior to blast signal.

BLAST SIGNAL — A series of short blasts 1 minute prior to the shot.

ALL CLEAR SIGNAL — A prolonged blast following the inspection of blast area.

(8) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if

all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(9) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(10) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-043(9).

(11) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No material, supplies, or equipment shall be brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) Vibration and damage control. Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a

copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

(15) No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life.

(16) It shall be unlawful for any person to abandon explosives or explosive substances.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-52-090 CONSTRUCTION OF MAGAZINES. (1) Construction of permanent storage facilities.

(a) Definition. A Class 1 storage facility shall be a permanent structure, a building, an igloo or army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated.

(b) Buildings. All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

(c) Masonry wall construction. Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 6 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior wall shall be covered with a nonsparking material.

(d) Fabricated metal wall construction. Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches in thickness or material of equivalent strength, or shall have at least a 6 inch sand fill between interior and exterior walls. Interior walls shall be constructed of or covered with a nonsparking material.

(e) Wood frame wall construction. The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of nonsparking materials shall be constructed so as to provide a

space of not less than 6 inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.

(f) Floors. Floors shall be constructed of a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.

(g) Foundations. Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

(h) Roof.

(i) Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to a 7/8 inch sheathing.

(ii) Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities shall be protected by one of the following methods:

(A) A sand tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than 4 inches of coarse dry sand.

(B) A fabricated metal roof shall be constructed of 3/16 inch plate steel lined with 4 inches of hardwood or material of equivalent strength (For each additional 1/16 inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch).

(i) Doors. All doors shall be constructed of 1/4 inch plate steel and lined with 2 inches of hardwood or material of equivalent strength. Hinges and hasps shall be attached to the doors by welding, riveting or bolting (nuts on inside of door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(j) Locks. Each door shall be equipped with two mortise locks, or with two padlocks fastened in separate hasps and staples, or with a combination of mortise lock and a padlock, or with a mortise lock that requires two keys to open, or a three-point lock. Locks shall be five-tumbler proof. All padlocks shall be protected with 1/4 inch steel caps constructed so as to prevent sawing or lever action on the locks or hasps.

(k) Ventilation. Except at doorways, a 2 inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof, or gables shall be screened and offset.

(l) Exposed metal. No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed or countersunk.

(m) Igloos, army-type structures, tunnels and dugouts. Storage facilities shall be constructed of reinforced concrete, masonry, metal or a combination of these materials. They shall have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors shall be covered with a nonsparking

material. Storage facilities of this type shall also be constructed in conformity with the requirements of subsection (1), subdivisions (a), (b), (f), (i), (j), (k) and (l) of this section.

(2) Construction of portable (field) storage facilities.

(a) Definition. A Class 2 storage facility shall be a box, a trailer, a semitrailer or other mobile facility. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Except as provided in subsection (3) of this section, hinges and hasps shall be attached to the covers or doors in the manner prescribed in subsection (1), subdivision (i) and the locking system shall be that prescribed in subsection (1) subdivision (j).

(b) Outdoor storage facilities. Outdoor storage facilities shall be at least one cubic yard in size and supported in such a manner so as to prevent direct contact with the ground. The sides, bottoms, tops and covers or doors shall be constructed of 1/4 inch steel and shall be lined with two inches of hardwood or material of equivalent strength. Edges of metal covers shall overlap sides at least one inch. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Division of Industrial Safety and Health.

NOTE: The following alternatives may be used. (All steel and wood dimensions indicated are actual thicknesses. To meet the concrete block and brick dimensions indicated, the manufacturer's represented thicknesses may be used.)

(i) Exterior of 5/8-inch steel, lined with an interior of any type of nonsparking material.

(ii) Exterior of 1/2-inch steel, lined with an interior of not less than 3/8-inch plywood.

(iii) Exterior of 3/8-inch steel, lined with an interior of two inches of hardwood.

(iv) Exterior of 3/8-inch steel, lined with an interior of three inches of softwood or 2-1/4-inches of plywood.

(v) Exterior of 1/4-inch steel, lined with an interior of five inches of softwood or 5-1/4-inches of plywood.

(vi) Exterior of 3/16-inch steel, lined with an interior of four inches of hardwood.

(vii) Exterior of 3/16-inch steel, lined with an interior of seven inches of softwood or 6-3/4-inches of plywood.

(viii) Exterior of 3/16-inch steel, lined with an intermediate layer of three inches of hardwood and an interior lining of 3/4-inch plywood.

(ix) Exterior of 1/8-inch steel, lined with an interior of five inches of hardwood.

(x) Exterior of 1/8-inch steel, lined with an interior of nine inches of softwood.

(xi) Exterior of 1/8-inch steel, lined with an intermediate layer of four inches of hardwood and an interior lining of 3/4-inch plywood.

(xii) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate layer of four inches solid concrete block or four inches

solid brick or four inches of solid concrete, and an interior lining of 1/2-inch plywood placed securely against the masonry lining.

(xiii) Standard eight-inch concrete block with voids filled with well-tamped sand/cement mixture.

(xiv) Standard eight-inch solid brick.

(xv) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate six-inch space filled with well-tamped dry sand or well-tamped sand/cement mixture.

(xvi) Exterior of 1/8-inch steel, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8 inches well-tamped dry sand or sand/cement mixture and an interior lining of 3/4-inch plywood.

(xvii) Exterior of any type of fire-resistant material, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8-inch well-tamped dry sand or sand/cement mixture, a third intermediate layer of 3/4-inch plywood, and a fourth intermediate layer of two inches of hardwood or 14-gauge steel and an interior lining of 3/4-inch plywood.

(xviii) Eight-inch thick solid concrete.

(3) Class 3 storage for 1,000 or less blasting caps in a locked uninhabited building. Storage facilities for blasting caps in quantities of 1,000 or less shall have sides, bottoms, and covers constructed of number 12 gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumble proof lock shall be sufficient for locking purposes.

(4) Construction of blasting agent storage facilities.

(a) A Class 4 storage facility may be a building, an igloo, or army-type structure, a tunnel, a dugout, a box, a trailer, or a semi-trailer or other mobile facility and shall be fire-resistant, weather-resistant, theft-resistant, and ventilated. They shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of such storage facilities shall be lined with a nonsparking material. The doors or covers shall be metal or solid wood covered with metal. The foundations, locks, lock protection, hinges, hasps, and interior shall be in conformity with the requirements of subsection (1), subdivisions (g), (i), (j), (k), and (l).

(b) Outdoor storage facilities. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Division of Industrial Safety and Health.

(5) Smoking and open flames.

Smoking, matches, open flames, and spark-producing devices shall not be permitted in, or within 50 feet of, any outdoor storage facility.

(6) Quantity and storage restrictions.

General. Explosive materials in excess of 300,000 pounds and blasting caps in excess of 20 million shall not be stored in one storage facility. Blasting caps shall not be stored with other explosive materials in the same storage facility.

(7) Construction of day box storage facilities.

(a) A temporary storage facility shall be a "day-box" or other portable (~~facility. It shall be constructed in the same manner prescribed for Class 2 outdoor storage facilities in subsection (2), except that it may be less than one cubic yard in size, and shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Hinges, hasps, locks, and lock protection shall be in conformity with the requirements of subsection (1), subdivisions (i) and (j) of this section~~) magazine. It must be fire-resistant, weather-resistant, and theft-resistant. A magazine is to be constructed of not less than number 12-gauge (.1046 inches) steel, lined with at least either 1/2-inch plywood or 1/2-inch Masonite-type hardboard. Doors must overlap sides by at least one inch. Hinges and hasps are to be attached by welding, riveting or bolting (nuts on inside). One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes. Explosive materials are not to be left unattended in magazines and must be removed to class 1 or 2 magazines for unattended storage.

(b) The ground around such storage facilities shall slope away for drainage.

(c) No explosive materials shall be left in such facilities if unattended. The explosive materials contained therein must be removed to licensed storage facilities for unattended storage.

(d) When used for temporary storage at a site for blasting operations, magazines shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty feet shall be maintained between magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds, or less.

(8) Cap day box.

(a) Temporary storage facilities for blasting caps in quantities of 100 or less shall have sides, bottoms and covers constructed of number 12 gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumbler proof lock shall be sufficient for locking purposes.

(b) No explosive materials shall be left in such facilities if unattended. The explosive materials contained therein must be removed to licensed storage facilities for unattended storage.

(9) Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(b) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives. Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that metal slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(c) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(d) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(e) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(f) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(g) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines. The land surrounding a magazine shall be kept clear of all combustible materials for a distance of at least 25 feet. Combustible materials shall not be stored within 50 feet of magazines.

(h) Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

(i) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel has determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(10) Magazine heating systems requirements, NFPA Code No. 495, "Manufacture, Transportation, Storage and Use of Explosive Materials, 1973". The following will apply:

(a) Magazines requiring heat shall be heated by either hot water radiant heating within the magazine building,

or air directed into the magazine building over either hot water or low pressure steam (15 psig) coils located outside the magazine building.

(b) The magazine heating systems shall meet the following requirements:

(i) The radiant heating coils within the building shall be installed in such a manner that the explosive materials or their containers cannot contact the coils and air is free to circulate between the coils and the explosive materials or their containers.

(ii) The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the explosive materials or their containers.

(iii) The heating device used in connection with a magazine shall have controls which prevent the ambient building temperature from exceeding 130°F.

(iv) The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine and shall be grounded.

(v) The electric fan motor and the controls for electrical heating devices used in heating water or steam shall have overloads and disconnects, which comply with the National Electrical Code, (National Fire Protection Association, NFPA No. 70-1971). All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

(vi) The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electrical and 50 feet when fuel-fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

(vii) The storage of explosive materials and their containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the explosive materials.

(11) Lighting. No lighting shall be placed or used in a storage facility of Class 1, 2, 3 or 4 except battery-activated safety lanterns.

(12) Underground storage.

(a) Explosives and related materials shall be stored in approved facilities required under the applicable provisions of WAC 296-61-280(7), (8), Safety Standard Metal and Nonmetallic Mines, Quarries, Pits, and Crushing Operations.

(b) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been developed.

(c) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(d) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

(e) Upon the approach of an electrical storm, unless a greater hazard would be created thereby, explosives at the adit or the top of any shaft leading to where persons are working shall be moved away from such location a distance equal to that required for inhabited buildings,

as listed in the American table of distances for storage of explosive materials.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-155-485 SCAFFOLDING. (1) General requirements.

(a) All applicable rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in chapter 296-24 WAC, "General Safety and Health Standards", shall apply within the construction industry. (See WAC 296-24-825 through 296-24-84013.)

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. (~~The guardrail shall not be more than 18 inches from the edge of the outside platform plank on the outside face (opposite the building wall or structure) except on plasterer's and lather's scaffolds as permitted by WAC 296-155-485(18)(i). On the inside face (next to building or structure) the scaffold shall be as close to the building or structure as possible, but in no case shall the platform planks be more than 18 inches from the building or structure unless a standard guardrail is provided on the inside face of the scaffold.~~) Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans

for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement and the platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (12) and ((24)) (23) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks

securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and it shall be constructed and erected in accordance with such design.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(i) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.

(j) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(k) Longitudinal diagonal bracing on the inner and outer rows of poles shall be installed at approximately a 45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated load.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(d) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer.

(5) Manually propelled mobile scaffolds.

(a) When freestanding mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.

(b) Casters shall be properly designed for strength and dimensions to support four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.

(c) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with subsection (4)(c) of this section.

(d) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(e) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.

(f) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.

(g) The employer shall not allow employees to ride on manually propelled scaffolds unless the following conditions exist:

(i) The floor or surface is within 3° of level, and free from pits, holes, or obstructions;

(ii) The minimum dimension of the scaffold base when ready for rolling, is at least one-half of the height. Outriggers, if used, shall be installed on both sides of staging;

(iii) The wheels are equipped with rubber or similar resilient tires;

(iv) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.

(h) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.

(i) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of subsections (2), (3), and (4) of this section, depending on the material of which they are constructed.

(6) Elevating and rotating work platforms. Applicable requirements of American National Standards Institute A92.2-1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of WAC 296-155-580.

(7) Outrigger scaffolds.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to anchorage point, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(8) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the Department of Labor and Industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall at all times remain on the drum. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(9) (Swinging scaffolds) two-point suspension.

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of mild steel, or other equivalent materials, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the Department of Labor and Industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. Tiebacks of 3/4-inch manila rope, or the equivalent, shall serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall

be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break, the lanyard of the safety belt shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline substantially attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be in the near proximity to the suspension droplines to prevent unnecessary side impact. The safety dropline shall also have a 6 to 1 safety factor.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in

between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the Department of Labor and Industries.

(10) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (9)(j), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other, but shall be maintained at even height with platforms abutting closely.

(11) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall then comply with subsection (9) of this section.

(g) The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.

(h) Suspension methods shall conform to applicable provisions of subsections (8) and (9) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(12) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thickness. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(13) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support.

(14) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(15) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(16) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225.

(17) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(18) (~~Plasterers' and lathers' tubular welded frame scaffolds:~~

~~(a) Plasterers' and lathers' scaffolds shall be erected in accordance with requirements of this section.~~

~~(b) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.~~

~~(c) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.~~

~~(d) Scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated loads.~~

~~(e) Spacing of panels or frames shall be consistent with the loads imposed.~~

~~(f) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.~~

~~(g) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.~~

~~(h) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.~~

~~(i) The outside face (opposite the building wall) of the scaffold shall be fully cross braced with a horizontal~~

~~continuous guardrail attached to the lower cross brace lock pins. (See Figure J-1.)~~

~~(j) The inside face (next to building wall) of the scaffold shall have a continuous horizontal brace attached to the upper cross brace lock pins.~~

~~(k) The outrigger plank shall be no more than 18 inches from the finished wall.~~

~~(l) The scaffold platform shall be planked to leave no more than a 22-inch maximum opening between the outside plank and the outside vertical member of the scaffold frame. (See Figure J-2.)~~

~~NOTE: The scaffold frame may be utilized to travel from one working level to another working level, provided the scaffold is of the type typified in Figure J-2.~~

~~(m) Any scaffold over three frames high shall have a standard inside ladder installed.~~

~~(n) All end runs shall be provided with a standard top rail and mid rail.~~

~~(o) All outside ends of turns shall be provided with a standard top rail and mid rail or with a cross brace and horizontal rail at the bottom of the cross brace.~~

~~(p) If no wall or studs are present on the building side of any scaffold over ten feet high, safety belts shall be used.~~

~~(19))) Interior hung scaffolds.~~

~~(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.~~

~~(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.~~

~~(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:~~

~~(i) Supporting bearers 2 x 10 inches on edge;~~

~~(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.~~

~~(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.~~

~~((20))) (19) Ladder jack scaffolds.~~

~~(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.~~

~~(b) All ladders used in connection with ladder jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1968, Safety Code for Portable Wood Ladders, and A14.2-1968, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.~~

~~(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.~~

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) Not more than two employees shall occupy any given 8 feet of any ladder jack scaffold at any one time.

~~((21))~~ (20) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

~~((22))~~ (21) Roofing brackets.

(a) Roofing brackets shall be constructed to fit the pitch of the roof.

(b) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least 3/4-inch diameter, or equivalent.

(c) A catch platform shall be installed below the working area of roofs more than 16 feet from the ground to eaves with a slope greater than 4 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the protection of the eaves and shall be provided with a guardrail, midrail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

~~((23))~~ (22) Crawling boards or chicken ladders.

(a) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1 1/2 inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

~~((24))~~ (23) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs

and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with WAC 296-155-225.

~~((25))~~ (24) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially

braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

~~((26))~~ (25) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds; and

(ii) Be capable of supporting without failure at least four times the maximum intended load.

(iii) The manufactured components shall not be loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d) (i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless safety belts with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

~~((27))~~ (26) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

~~((28))~~ (27) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

~~((29))~~ (28) Ladder supported scaffolds.

(a) Box scaffolds.

(i) A step ladder scaffold, trestle scaffold, or an extension trestle scaffold shall be composed of two or more step ladders, or trestle ladders, or trestle, or extension trestle placed in line and supporting the platform in the interval or intervals, or in paralleled lines supporting stringers in the interval or intervals, upon which are supported kick plank platforms, not exceeding one platform to each bay. Such scaffolds are also known as "box scaffolds."

(ii) The number of persons working on each bay shall not exceed three at any one time.

(b) Step ladder scaffolds.

(i) Platforms more than 8 feet above the floor level shall not be supported on step ladders.

(ii) Platforms shall not be supported on the top step of a step ladder unless it is provided with stops at least one inch high at each side to prevent the plank from slipping off.

(c) Trestle ladder scaffolds.

(i) Platforms more than 16 feet above the floor level shall not be supported on trestle ladders.

(ii) The top of the trestle ladder shall be at least three steps above the level of the scaffold platform.

(iii) Where an extension trestle ladder is used to support a scaffold platform the maximum height of the platform shall be 20 feet above the floor level and the point of support on the extension section shall not be more than 6 feet above the apex of the base section.

(d) Extension trestle scaffolds.

(i) Platforms supported on extension trestles shall not be more than 16 feet above the floor level.

(ii) Ladders shall be provided for access to extension trestle scaffolds. Workers shall not climb up or down on the extension trestle.

(iii) It shall be the individual responsibility of the supervisor and of each worker to make sure that all clamps and fastenings on the extension trestle are secure before employees are allowed to work on the scaffold.

~~((30))~~ (29) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two planks wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

~~((31))~~ (30) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

#### AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-200 ROLL-OVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS USED IN AGRICULTURAL OPERATIONS. (1) Scope. Agricultural tractors manufactured after October 25, 1976, shall meet the requirements in this section.

(2) Roll-over protective structure. A roll-over protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in subsection (6) of this section, ROPS used on wheel-type tractors shall meet the test and performance requirements of WAC 296-306-250 through 296-306-25023 and ROPS used on track-type tractors shall meet the test and performance requirements of WAC 296-306-260 through 296-306-270. (See ROPS Design and Testing Criteria Addendum.)

(3) Seatbelts. (a) Where ROPS are required by this section, the employer shall:

(i) Provide each tractor with a seatbelt which meets the requirements of this subsection;

(ii) Require that each employee uses such seatbelt while the tractor is moving; and

(iii) Require that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.

(b) Each seatbelt shall meet the requirements set forth in Society of Automotive Engineers Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies,\* except as noted hereafter:

(i) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.

(ii) The seatbelt anchorage shall be capable of withstanding tensile loading as required by WAC 296-306-275 through 296-306-275(2)(c).

(iii) The seatbelt webbing material shall have a resistance to acids, alkalis, mildew, aging, moisture and sunlight equal to or better than that of untreated polyester fiber.

(4) Protection from spillage. Batteries, fuel tanks, oil reservoirs and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.

(5) Protection from sharp surfaces. All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(6) Exempted uses. Items (2) and (3) of this section do not apply to the following uses:

(a) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use is incidental to the work performed therein.

(b) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.

(c) Tractors while used with mounted equipment which is incompatible with ROPS (e.g., cornpickers, cotton strippers, vegetable pickers and fruit harvesters.)

(d) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than 7-miles per hour, when used only for tillage or harvesting operations and while their use is incidental thereto, and which:

(i) Does not involve operating on slopes in excess of 40 degrees from horizontal, and

(ii) Does not involve operating on piled crop products or residue, as for example, silage in stacks or pits, and

(iii) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep which contain slopes of more than 40 degrees from horizontal, and

(iv) Does not involve construction-type operation, such as bulldozing, grading or land clearing.

(7) Remounting. Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this subsection.

(8) Labeling. Each ROPS shall have a label, permanently affixed to the structure, which states:

(a) Manufacturer's or fabricator's name and address;

(b) ROPS model number, if any;

(c) Tractor makes, models, or series numbers that the structure is designed to fit; and

(d) That the ROPS model was tested in accordance with the requirements of this section.

(9) Operating instructions. Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Exhibit A of this section and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.

\*Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096.

#### EXHIBIT A

#### EMPLOYEE OPERATING INSTRUCTIONS

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments and holes.
3. Reduce speed when turning, crossing slopes and on rough, slick or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads and around trees.
6. Passengers, other than persons required for instruction or machine operation, shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.
7. Operate the tractor smoothly—no jerky turns, starts, or stops.
8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.

NOTE: See Number LI-414-28.

WSR 82-07-014

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed March 9, 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 28, 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 28, 1982, and/or orally at 9:30 a.m., Wednesday, April 28, 1982, Office of the Liquor

Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: March 9, 1982  
By: Robert D. Hannah  
Chairman

### STATEMENT OF PURPOSE

Title: WAC 314-16-200 Minimum classifications 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 of Rule: 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 Supporting Proposed Action: 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 82-07-015

#### ADOPTED RULES

#### BOARD OF HEALTH

[Order 225—Filed March 9, 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 primary and secondary schools, amending chapter 248-64 WAC.

This action is taken pursuant to Notice No. WSR 82-02-092 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 131, filed 8/5/76)

WAC 248-64-220 DEFINITIONS. The following definitions shall apply in the interpretation and the enforcement of these rules and regulations:

(1) "School" – Shall mean any publicly financed or private or parochial school or facility used for the purpose of school instruction, from the kindergarten through twelfth grade. This definition does not include a

private residence in which parents teach their own natural or legally adopted children.

(2) "Board of Education" – An appointive or elective board whose primary responsibility is to operate public or private or parochial schools or to contract for school services.

(3) "Instructional areas" – Space intended or used for instructional purposes.

(4) "New construction" – Shall include the following:

(a) New school building.

(b) Additions to existing schools.

(c) Renovation, other than minor repair, of existing schools.

(d) Schools established in all or part of any existing structures, previously designed or utilized for other purposes.

(e) Installation or alteration of any equipment or systems, subject to these regulations, in schools.

(f) Portables constructed after the effective date of these regulations.

(5) (~~"Air conditioning"~~) – Shall be defined as cooling and/or dehumidification of spaces.

(~~6~~) "Occupied zone" – Is that volume of space from the floor to 6 feet above the floor when determining temperature and air movement, exclusive of the 3 foot perimeter on the outside wall.

(~~7~~) (6) "Site" – Shall include the areas used for buildings, playgrounds and other school functions.

(~~8~~) (7) "Portables" – Any structure that is transported to a school site where it is placed or assembled for use as part of a school facility.

(~~9~~) (8) "Health officer" – Legally qualified physician who has been appointed as the health officer for the city, town, county or district public health department as defined in RCW 70.05.010(2), or his authorized representative.

(~~10~~) (9) "Secretary" – Means Secretary of the Washington State Department of Social and Health Services or his designee.

(~~11~~) (10) "Department" – Means Washington State Department of Social and Health Services.

#### AMENDATORY SECTION (Amending Order 183, filed 7/26/79)

WAC 248-64-260 BUILDINGS. (1) Buildings shall be kept clean and in good repair.

(2) (~~The instructional areas shall be of sufficient size to provide at least 25 square feet of floor space per child. If an approved mechanical ventilation system is provided, the square footage per student may be reduced to 22-1/2 square feet.~~)

(~~3~~) Instructional areas shall have a minimum average ceiling height of 8 feet. Ceiling height shall be the clear vertical distance from the finished floor to the finished ceiling. No projections from the finished ceiling shall be less than 7 feet vertical distance from the finished floor, e.g., beams, lighting fixtures, sprinklers, pipe work.

(~~4~~) (3) All stairway and steps shall have handrails and nonslip treads.

(~~5~~) (4) The floors shall have an easily cleanable surface.

(~~6~~) (5) The premises and all buildings shall be free of insects and rodents of public health significance and conditions which attract, provide harborage and promote propagation of vermin.

(~~7~~) (6) All poisonous compounds shall be easily identified, used with extreme caution and stored in such a manner as to prevent unauthorized use or possible contamination of food and drink.

(~~8~~) (7) There shall be sufficient space provided for the storage of outdoor clothing, play equipment and instructional equipment. The space shall be easily accessible, well lighted, heated and ventilated.

(~~9~~) Toilet areas:

(a) ~~Water closets shall be enclosed in stall partitions except in toilet rooms containing only one water closet and one lavatory. Partitions shall be raised a minimum of 12 inches from the floor and shall be so constructed as to be easily cleanable and shall be kept clean.~~

(b) ~~Toilet room walls, up to a minimum height of 3 feet 6 inches, shall be water impervious. In new construction the minimum height shall be 4 feet.~~

(c) ~~Toilet room floors shall be constructed of water impervious materials which are highly resistant to uric acid. The intersecting corners between walls and floors shall be coved.~~

(d) ~~Toilet rooms shall be provided with shelves and coat hooks.~~

(~~10~~) (8) Schools shall be provided with windows sufficient in number, size and location to permit students to see to the outside. Windows are optional in special purpose instructional areas including, but not limited to, little theaters, music areas, multipurpose areas, gymnasiums, auditoriums, shops, libraries and seminar areas. No student shall occupy an instructional area without windows more than 50 percent of the school day.

(~~11~~) (9) Exterior sun control shall be provided to exclude direct sunlight from window areas and skylights of instructional areas, assembly rooms and meeting rooms during at least 80 percent of the normal school hours. Each area shall be considered as an individual case. Sun control is not required for sun angles less than 42 degrees up from the horizontal. Exterior sun control is not required if air conditioning is provided, or special glass installed having a total solar energy transmission factor less than 60 percent.

#### AMENDATORY SECTION (Amending Order 183, filed 7/26/79)

WAC 248-64-270 PLUMBING, WATER SUPPLY AND FIXTURES. (1) Plumbing (~~shall comply with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials except for Chapter 11, and Appendices C, E, and G~~): Plumbing shall be sized, installed, and maintained in accordance with the State Building Code. However, local code requirements shall prevail, when these requirements are more stringent or in excess of the (~~Uniform Plumbing~~) State Building Code.

(2) Water Supply: The water supply system for a school shall be designed, constructed, maintained and operated in accordance with chapter 248-54 WAC.

~~((a) Every school shall have a supply of water adequate in quantity and of a safe, sanitary quality conforming with chapter 248-54 WAC relating to public water supplies. Where a municipal water supply is reasonably available, the health officer may require connection thereto, and its exclusive use. Where a municipal water supply is not reasonably available, an individual water supply system may be developed and used as approved by the health officer.~~

~~(b) Sufficient residual pressure shall be provided and maintained at all outlets to satisfactorily operate all fixtures and devices. In new construction a minimum residual pressure of 25 p.s.i. shall be provided and maintained.~~

~~(c) Drinking fountains shall be provided and shall be of a sanitary type meeting the standards of the American Standards Association, with a ratio of one fountain for each 75 pupils in elementary schools and one to 100 in junior high and high schools. In new construction the ratio shall be one to 75 for both elementary and secondary schools. In no case shall there be less than one drinking fountain conveniently located on each floor and in each building containing instructional areas except for portables. Drinking fountains or bubblers shall not be placed in toilet rooms.~~

~~(d) Where drinking fountains are provided at classroom sinks, such fountains shall be located at least 12 inches horizontally from the closest faucet.~~

~~(e) All cross-connections, as defined in chapter 248-54 WAC are prohibited.~~

~~(f) Any water outlet with a threaded, serrated, or quick-coupling nozzle shall be provided with a vacuum breaker.)~~

~~(3) Toilet and Handwashing Facilities. ((The following table establishes the minimum number of toilet and handwashing fixtures for schools. Facilities shall be conveniently located.~~

~~(a) Elementary Schools—Toilet Fixtures:~~

~~(i) Girls' water closets—one for each 35 girls.~~

~~(ii) Boys' water closets—one for each 60 boys. Boys' urinals—one for each 30 boys.~~

~~(b) Secondary Schools—Toilet Fixtures:~~

~~(i) Girls' water closets—one for each 45 girls. Girls' urinals may be substituted for up to 1/3 of the required number of flush toilets.~~

~~(ii) Boys' water closets—one for each 100 boys. Boys' urinals—one for each 30 boys.~~

~~(c) Water closets and urinals for multi-installations in new construction shall be operated by a flushometer or other automatic flushing device.)~~

~~(a) Adequate, conveniently located toilet and handwashing facilities shall be provided for students and employees. At handwashing facilities soap and single-service towels shall be provided. Common use towels are prohibited. Warm air dryers may be used in place of single-service towels. Toilet paper shall be available, conveniently located adjacent to each toilet fixture.~~

~~(b) The number of toilet and handwashing fixtures in schools established in existing structures, previously designed or utilized for other purposes shall be in accordance with the State Building Code. However, local code~~

requirements shall prevail, when these requirements are more stringent or in excess of the State Building Code.

(c) Toilet and handwashing facilities must be accessible for use during school hours and scheduled events.

(d) Handwashing facilities shall be provided with hot water at a maximum temperature of 120 degrees Fahrenheit. ((If cold water also is provided at handwashing facilities, it must be combined with the hot water through a common outlet.)) If hand operated self-closing faucets are used, they must be of a metering type capable of providing at least ten seconds of running water. ((Handwashing facilities shall be provided in the ratio of one washing station for each 60 pupils in elementary schools and one for each 100 pupils in secondary schools. Each washing station shall consist of one lavatory, 20 inches of trough lavatory, or 17 inches of circular lavatory perimeter. Single-service soap and towels shall be provided. Common use towels are prohibited. Warm air dryers may be used in place of single-service towels.

(e) In elementary schools, toilet and handwashing facilities may be provided adjacent to each instructional area in lieu of the requirements of paragraphs (a) and (d) above. A single water closet for both sexes in each instructional area may be used, except in instructional areas for pupils above the fourth grade, in which at least one water closet for each sex shall be provided. One washing station for handwashing shall be considered the minimum of each instructional area. No water closet or washing station shall service more than 30 pupils. When instructional areas are provided with adjacent toilet and handwashing fixtures, there shall also be at least one general toilet room for each sex, with at least two water closets in girls' toilet rooms and one water closet and two urinals in boys' toilet rooms and at least one washing station for each toilet room.

(f) Toilet paper shall be available, conveniently located adjacent to each flush toilet.

(g) Sanitary toilet seats of the open front type made of nonabsorbent material shall be installed.

(h) In new construction, floor drains shall be provided in all rooms having two or more water closets and/or urinals. The floors in these rooms shall have a uniform slope to the floor drains.)

(4) Showers:

(a) Showers shall be provided for classes in physical education, at grades 9 and above. ((There shall be a minimum of one showerhead for each four girls and one showerhead for each five boys, based upon the maximum demand in any one period. Gang showers shall not have less than 12 square feet of affected shower area per showerhead. Wall showerheads shall be a minimum of three feet on center. An automatically controlled hot water supply of 100 degrees Fahrenheit to 120 degrees Fahrenheit shall be provided. Showers with cold water only shall not be permitted.

(b) Drying areas shall be provided adjacent to the showers and adjacent to locker rooms. Shower and drying areas shall be constructed with water impervious nonskid floors. Walls shall be water impervious up to showerhead height. The base shall be coved. Upper walls

and ceiling shall be of smooth, easily washable construction. Floors shall slope uniformly at a minimum rate of 3/16 inch per foot to floor drains. Drains and gutters shall be so arranged that water from one showerhead will not drain through the occupied area of another.

(c) Locker and/or dressing room floors shall have a water impervious surface. Walls shall have a washable surface. A minimum of 12 square feet of floor area per student shall be provided in dressing areas. In new construction floor drains shall be provided in locker and dressing areas. The floor shall slope uniformly at a minimum rate of 1/8 inch per foot to the drain.

(d) In new construction, locker and dressing room areas shall be provided with a hot and cold keyed hose bibb for washdown purposes.

(e) If towels are supplied by the school, they shall be for individual use only and shall be laundered after each use.) An automatically controlled hot water supply of 100 to 120 degrees Fahrenheit shall be provided. Showers with cold water only shall not be permitted.

(b) Drying areas, if provided, shall be adjacent to the showers and adjacent to locker rooms. Shower and drying areas shall have water impervious nonskid floors. Walls shall be water impervious up to showerhead heights. Upper walls and ceiling shall be of smooth, easily washable construction.

(c) Locker and/or dressing room floors shall have a water impervious surface. Walls shall have a washable surface. In new construction, floor drains shall be provided in locker and dressing areas.

(d) If towels are supplied by the school, they shall be for individual use only and shall be laundered after each use.

AMENDATORY SECTION (Amending Order 55, filed 6/8/71)

WAC 248-64-280 SEWAGE DISPOSAL. ((All liquid waste from a school shall be discharged into a public sewerage system where possible. Where connection to a public sewerage system is not feasible, schools shall be provided with an approved individual sewerage system. Where septic tank and drainfield systems are used, they shall be constructed in accordance with USPHS Manual No. 526, "Manual of Septic Tank Practice" or with the requirements of the health officer. All other types of sewage disposal facilities shall be designed and approved in accordance with all applicable regulations.)) All sewage and waste water from a school shall be drained to a sewerage disposal system which is approved by the jurisdictional agency. On-site sewage disposal systems shall be designed, constructed and maintained in accordance with chapters 248-96 and 173-240 WAC.

AMENDATORY SECTION (Amending Order 55, filed 6/8/71)

WAC 248-64-300 HEATING. (((+)) The entire facility shall be heated during school hours to not less than the winter indoor dry bulb temperatures listed below for different types of spaces:

AREA	SET POINT RANGE TEMPERATURE IN FAHRENHEIT
a. Instructional Areas	68°-72°
b. Gymnasium	60°-65°
c. Auditorium	68°-72°
d. Kitchens	65°-70°
e. Cafeteria	68°-72°
f. Meeting Rooms	68°-72°
g. Offices	68°-72°
h. Locker Rooms	75°-80°
i. Laboratory	68°-72°
j. Shop	65°-70°
k. Toilet Rooms	65°-70°
l. Showers	75°-80°

(2) The system shall be designed with a capacity sufficient to maintain the minimum stated room temperature while introducing the minimum outside air quantities required under Ventilation.)) The entire facility inhabited by students and employees shall be heated during school hours to maintain a minimum temperature of 65 degrees Fahrenheit except for gymnasiums which shall be maintained at a minimum temperature of 60 degrees Fahrenheit.

AMENDATORY SECTION (Amending Order 55, filed 6/8/71)

WAC 248-64-310 TEMPERATURE CONTROL. ((Automatic room temperature controls for heating, ventilating and/or air conditioning systems shall maintain temperature and differential imposed by the set point range indicated in WAC 248-64-300(1).)) Heating, ventilating and/or air conditioning systems shall be equipped with automatic room temperature controls.

AMENDATORY SECTION (Amending Order 124, filed 3/18/76)

WAC 248-64-330 LIGHTING. (((+)) Lighting for school plants shall provide a comfortable visual environment with adequate intensities as described herein. The following is a table of maintained light intensities which shall be provided at 30 inches above the floor and on teaching surfaces including chalkboards. Column 1 is the required minimum for lighting installed prior to December 31, 1971 and Column 2 is the required minimum for new lighting and relighting.

	Foot-Candle Intensity	
	Col. 1 Minimum Existing	Col. 2 Minimum New*
Offices—on desks	30	50
General instructional areas including: study halls, laboratories, electronic and machine shops, lecture rooms, libraries	30	50
Special instructional areas: Sewing rooms, drafting rooms, art rooms and other rooms where fine detail work is to be done	50	100
Shops for easy seeing tasks such as wood-working	30	50

Foot-Candle Intensity  
 Col. 1 — Col. 2  
 Minimum — Minimum  
 Existing — New\*

Gymnasiums, Main and auxiliary spaces, shower rooms, and locker rooms	20	35
Auditoriums, lunch rooms, assembly rooms, and similar rooms	10	50
Corridors, stairs, passageways, storerooms, and like indoor areas	10	20
Toilet rooms	20	30
Kitchen, storage and preparation of food	25	50
Nurses' room cot areas (dimming or partial switching of lights is recommended for the lower level)	5/10	5/20

\*In schools constructed after December 31, 1971.

(2) Luminance ratios (brightness ratios) shall not exceed recommended ratios for surfaces in the visual field large enough to cause excessive eye accommodation. Large luminance ratios for small areas, such as narrow trims around tackboards or baseboards, are acceptable where such areas are not large enough to cause excessive eye accommodation to their luminance. Instructional areas should have predominately light colors to obtain low luminance ratios. Luminance ratios in classrooms (lighter or darker) shall not exceed the following:

Lighter Task Darker	
4 to 1 to 1/4	Between task and adjacent surroundings such as task and desk or between chalkboard and wall.
10 to 1 to 1/4	Between task and more remote surfaces such as task and wall or between ceiling and beams.
— to 1 to 1/10	Between task and floors.
	Between lighting fixtures and adjacent surfaces the ratio shall not exceed 20 to 1.

Exceptions to the above ratios will be allowed in the case of windows and chalkboards, however, lighter colored chalkboards are recommended. Tasks shall be defined as a piece of white paper on desks and may be considered as 70 percent for design purposes.

(3) Walls and ceilings of instructional areas shall have a nonspecular (nonglare) surface.

(4) Reflectance of the finishes in instructional spaces shall be in the ranges shown for the following surfaces:

Ceilings except beams	70-90%
Tackboards, walls, cabinets, doors and desk tops	17-90%
Science laboratory counter tops are exempted.	

(5) Excessive brightness or glare shall be controlled in all instructional areas. Chalkboards shall be placed to minimize veiling glare thereon from windows. Direct and reflected glare shall be controlled where windows are near the line of sight of students viewing instructional surfaces.

(a) Lighting fixtures in instructional areas shall include shielding means, such as diffusers or louvers to control direct glare. In new construction louvered fixtures shall have minimum shielding angles of 45 degrees by 45 degrees.

(b) Lighting quality in instructional areas shall meet one of the following criteria:

(i) The Visual Comfort Probability (VCP) for the classroom shall be 70 or more as computed by methods recommended by the Illuminating Engineering Society, or:

(ii) Individual lighting fixtures shall have an "average surface brightness" in both parallel and normal views not exceeding 1.5 candles per square inch (678 foot-lamberts) in the shielded area of 65 degrees by 85 degrees from the vertical.

(c) Skylights in instructional areas shall meet the same brightness criteria as lighting fixtures, or have darkening control devices: (1) The following maintained light intensities shall be provided as measured 30 inches above the floor or on working or teaching surfaces. General, task and/or natural lighting may be used to maintain the minimum lighting intensities.

	Minimum Foot - candle Intensity
General instructional areas including: study halls, lecture rooms and libraries.	30
Special instructional areas where safety is of prime consideration or fine detail work is done including: sewing rooms, laboratories (includes chemical storage areas), shops, drafting rooms and art and craft rooms.	50
Kitchen areas including: food storage and preparation rooms.	30
Noninstructional areas including: auditoriums, lunch rooms, assembly rooms, corridors, stairs, storerooms, and toilet rooms.	10
Gymnasiums: main and auxiliary spaces, shower rooms and locker rooms.	20

(2) Excessive brightness and glare shall be controlled in all instructional areas. Surface contrasts and direct or indirect glare shall not cause excessive eye accommodation or eye strain problems.

(3) Lighting shall be provided in a manner which minimizes shadows and other lighting deficiencies on work and teaching surfaces.

**AMENDATORY SECTION** (Amending Order 55, filed 6/8/71)

**WAC 248-64-360 EXEMPTION.** ((1) Prior to December 31, 1971 approval for new construction may be granted for construction conforming to the requirements of the rules and regulations adopted June 3, 1963, provided that the applicant for such approval submits satisfactory evidence to the health officer that the preliminary plans were developed for the proposed project prior to the adoption of these rules and regulations.

(2)) The board of health may, at its discretion, exempt a school from complying with parts of these regulations when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the health or safety of the students or staff of the school in danger and that strict enforcement of the regulation would create an undue hardship upon the school.

✓  
**WSR 82-07-016**  
**ADOPTED RULES**  
**HORSE RACING COMMISSION**  
 [Order 82-02—Filed March 9, 1982]

Be it resolved by the Washington Horse Racing Commission, acting at Yakima, Washington, that it does promulgate and adopt the annexed rules relating to the number of races permitted per day, amending WAC 260-12-200 and WAC 260-70-040 relating to the testing of horses.

This action is taken pursuant to Notice No. WSR 82-03-052 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 Washington Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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 27, 1982.  
 By Will Bachofner  
 Chairman

**AMENDATORY SECTION** (Amending Order 74.1, filed 5/22/74, effective 7/1/74)

WAC 260-70-040 HORSES TO BE TESTED. Stewards may at any time order the taking of a blood, urine, or saliva specimen from any horse ~~((entered))~~ on the grounds of an association. Any owner or trainer may at any time request that a specimen be taken from a horse he owns or trains by the ~~((state))~~ commission veterinarian ~~((or the test barn veterinarian))~~ to be tested by the ~~((state))~~ commission chemist, providing the costs of such testing are borne by the owner or trainer requesting such test. In the absence of any such order or request, the ~~((test barn))~~ commission veterinarian or his assistant shall take a urine sample ~~((from and the state chemist shall test the same,))~~ for testing by the commission chemist from all horses which: Finish first in any race; finish first or second in any quinella or exacta race; finish first ((or)), second or third in any trifecta or stake race; any horse whose performance in a race, in the opinion of the stewards, may have been altered by a prohibited drug. ((Every horse on the grounds or entered to race in

~~any race is subject to such tests, and))~~ No owner ((or)), trainer or other person owning ~~((or)),~~ in charge of, or having the care of a horse on the grounds may refuse to submit such a horse for testing when directed by ~~((the))~~ a steward(;) or the commission veterinarian(;-or the test barn veterinarian)).

**AMENDATORY SECTION** (Amending Rules of racing, filed 4/21/61)

WAC 260-12-200 NUMBER OF RACES PER DAY. The total number of races and the number of exotic races (i.e., daily double, quinella, exacta and trifecta) allowed per day at all tracks ~~((shall be))~~ shall be subject to the approval of the commission.

**WSR 82-07-017**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
**STATE FIRE MARSHAL**  
 [Filed March 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner/State Fire Marshal intends to adopt, amend, or repeal rules concerning Transient accommodations—Standards for fire protection, chapter 212-52 WAC;

that such agency will at 10:00 a.m., Wednesday, April 28, 1982, in the Office of Insurance Commissioner/State Fire Marshal, Insurance Building, 1st Floor, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, April 28, 1982, in the Office of Insurance Commissioner/State Fire Marshal, Insurance Building, 1st Floor, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 70.62.290 and 48.48.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Office of Insurance Commissioner/State Fire Marshal, Insurance Building, 1st Floor, Olympia, Washington 98504.

Dated: March 8, 1982

By: Thomas R. Brace  
 Director, Division of State Fire Marshal

**STATEMENT OF PURPOSE**

Rules of the State Fire Marshal governing fire and life safety in transient accommodations licensed by the state of Washington, pursuant to RCW 70.62.290.

The purpose of this rule is to delete an "exception," the presence of which has negated the need for certain fire/life safety features considered by this office to be crucial to guest safety in transient lodging facilities.

Procedures for enforcing these rules shall be in accordance with the licensing laws, rules of the licensing agency, and written interagency agreement between the licensing agency and the State Fire Marshal.

This rule is necessary to ensure a uniform application of the requirements for fire alarm systems, floor separation (two-story facilities with interior corridors and stairways), fire extinguishers, staff training, and emergency fire plans in new transient accommodations.

Implementing this rule will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

The agency personnel responsible for drafting, implementation, and enforcement of this rule is Mr. George Williams, Supervisor, Residential Inspection Division, Office of State Fire Marshal, Room 500B State Modular Office Building, Thurston Airdustrial Center, Tumwater, Washington 98507, Telephone: (206) 753-3605.

The Office of State Fire Marshal is proposing this rule.

This rule is not made necessary by either a change in federal law or state court action.

**AMENDATORY SECTION** (Amending Order FM 81-1, filed 1/21/81)

**WAC 212-52-012 APPLICATION AND SCOPE.** All buildings or portions thereof licensed as transient accommodations shall comply with the fire and life safety standards as specified in this regulation.

**EXCEPTIONS:** (1) Transient accommodations designed and constructed after the effective date of this regulation shall, in addition to meeting the requirements of the current Uniform Building Code adopted for state-wide use by the State Building Code Act, comply with the following sections of this regulation: WAC 212-52-050 or the exceptions thereto, WAC 212-52-075((+)), 212-52-105, 212-52-110, 212-52-115 and 212-52-120.

~~(2) ((Transient accommodations built and maintained to conform to the requirements of the codes adopted by reference in the State Building Code Act or a more recent edition of the Uniform Building Code, and for which a certificate of occupancy has been issued by the local building official, are exempt from compliance with this regulation. A copy of the certificate of occupancy shall be provided to the state fire marshal to verify compliance with the requirements of the building code.~~

~~((+))~~ (3) Transient accommodations inspected and approved as meeting the fire and life safety requirements of chapter 212-52 WAC, adopted pursuant to Administrative Order FM-77-3, filed December 8, 1977, shall be deemed in compliance with this regulation: PROVIDED, That,

(a) The fire and life safety standards of the specified regulation have been maintained; and

(b) The continued use of the building as a transient accommodation is not dangerous to life.

~~((+))~~ (3) Transient accommodations located within a municipality which have been exempted from compliance with this regulation, based on a written agreement between the municipality and the state fire marshal's office.

**WSR 82-07-018  
RULES OF COURT  
STATE SUPREME COURT  
[March 9, 1982]**

IN THE MATTER OF THE  
ADOPTION OF GR 9

NO. 25700-A-327  
ORDER

The special Task Force appointed by Chief Justice Brachtenbach to establish uniform procedures for the development and promulgation of Court Rules having recommended the adoption of GR 9, and GR 9 having been published for comment in 96 Wn.2d Advance Sheet #8, January 8, 1982, and the Court having considered the proposed Rule and the comments submitted thereto,

and having determined that the proposed Rule will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

**ORDERED:**

(a) That the Rule as attached hereto be adopted.

(b) That this Rule is to be published expeditiously in the Washington Reports and shall become effective on March 19, 1982.

DATED at Olympia, Washington, this 9th day of March, 1982.

	Robert F. Brachtenbach
Hugh J. Rosellini	William H. Williams
Charles F. Stafford	Fred H. Dore
Robert F. Utter	Carolyn R. Dimmick
James M. Dolliver	Vernon R. Pearson

**RULE 9  
SUPREME COURT RULE-MAKING  
PROCEDURE**

9.1

**STATEMENT OF PURPOSE**

In promulgating rules of court it is the purpose of the Washington State Supreme Court to ensure that:

- (a) an orderly and uniform procedure is followed;
- (b) all interested groups are given notice and an opportunity to express views regarding proposed rules;
- (c) adequate notice of adopted rules changes and of the effective dates is given;
- (d) all proposed rules are necessary statewide;
- (e) rules changes are minimized to prevent disruption of court practice;
- (f) the purpose of rules of court is to provide necessary governance of court procedure and practice; and
- (g) all rules of court are clear and definite in application.

9.2

**DEFINITIONS**

As used in this rule, the following terms have these meanings:

- (a) "Suggested rule change" means a recommendation for a rule change or a new rule to the Chief Justice.
- (b) "Proposed rule" means a recommendation for a rule change made by the Judicial Council or by the Bar Association to the Washington State Supreme Court.

9.3

**INITIATION OF RULES CHANGES**

- (a) All suggestions for rules changes shall be sent to the Chief Justice who shall transmit them to the Judicial

Council and to the Bar Association except suggestions for a change in the Code of Professional Responsibility, the Admission to Practice Rules or the Disciplinary Rules shall be transmitted only to the Bar.

(b) Any group or association whose members are involved in the court system may file a request with the Chief Justice to receive copies of suggested rule changes. The request may specify that the group or association wishes to receive copies of all suggested rule changes or of only certain kinds of suggested rule changes. The request shall state the person to whom the suggested rule change should be sent. Once filed, the request shall be a continuing one until withdrawn by the group or association.

9.4

RECEIPT OF PROPOSED RULES BY SUPREME COURT

(a) Once a suggested rule has been approved by the Judicial Council or by the Bar Association, it shall be transmitted as a proposed rule to the Chief Justice.

(b) The text of all proposed rules shall be typed on 8 1/2 by 11-inch line numbered paper with consecutive page numbering. If the proposed rule affects an existing rule, deleted portions shall be shown and stricken through; new portions shall be underlined once.

(c) Every proposed rule shall be accompanied by a cover sheet explaining:

(1) Background—what person or group initiated the rules change study and the reason for the request;

(2) Purpose—the purpose of and the necessity for the proposed rule including whether it creates or resolves any conflicts with statutes, case law, or other court rules;

(3) Judicial Council or Bar Association action—a summary of the viewpoints expressed during the development of and debate over the proposed rule;

(4) Supporting material—a table of contents listing the material sent to the Supreme Court in support of the proposal including letters, memoranda, minutes of meetings, or research studies;

(5) Spokesperson—a designation of the person who is knowledgeable about the proposed rule and who could provide additional information to the Supreme Court;

(6) Hearing—whether a hearing is recommended.

(d) All proposed rules must be received by the Supreme Court on or before October 31 to be effective for the succeeding September 1.

9.5

ACTION BY SUPREME COURT

(a) If a proposed rule is amended or rejected by the Supreme Court, the Judicial Council and the Bar Association will be notified in writing. If a proposed rule is approved, the Supreme Court will order the proposed rule published for comment.

(b) The Supreme Court may invite persons familiar with the rule to provide additional information.

9.6

PUBLICATION FOR COMMENT

(a) All proposed rules approved by the Supreme Court for publication will be published for comment in a Washington Reports advance sheet during the month of January.

(b) All comments shall be directed to the Chief Justice and shall be received no later than the last day of April. If a comment contains a draft of a rule, it must be in the format outlined in 9.4(b).

(c) All comments received will be kept on file in the office of the clerk of the court for public inspection and copying.

9.7

FINAL ADOPTION, PUBLICATION, AND EFFECTIVE DATE

(a) After the comment period, the Supreme Court will adopt, amend, or reject a proposed rule or take such other action as the court deems appropriate.

(b) Prior to action by the Supreme Court, the court may, in its discretion, hold a hearing on a proposed rule at a time and in a manner defined by the court.

(c) All adopted rules shall be published the first of July in a special edition of the Washington Reports advance sheet.

(d) All adopted rules shall become effective the first day of September unless an emergency as determined by the Supreme Court necessitates a different effective date.

9.8

PERIODIC REVIEW

The Supreme Court, in consultation with the Judicial Council and the Bar Association, will establish procedures for the periodic review of the rules of court.

9.9

MISCELLANEOUS PROVISIONS

(a) This rule is effective on March 19, 1982 and applies to all proposed rules changes not adopted by the Supreme Court by that date.

(b) The Supreme Court, in its discretion, may adopt, amend, or rescind a rule without following the procedures set forth in this rule.

WSR 82-07-019

ADOPTED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Order 82-8—Filed March 10, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at General Administration Building, Olympia, Washington 98504, the annexed rules relating to providing a method for existing self-insured employers to pursue application for self-

insurance while participating as a sponsor of a joint venture in the state of Washington.

This action is taken pursuant to Notice No. WSR 82-04-040 filed with the code reviser on January 29, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020 which directs that the Director of the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, Industrial Insurance.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in Title 51 RCW, Industrial Insurance.

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 10, 1982.

By Sam Kinville  
Director

#### NEW SECTION

WAC 296-15-025 JOINT VENTURE. (1) An application for certification to self-insure will be made on a form prescribed by the supervisor of industrial insurance which will set forth the necessary information regarding the qualifications of the joint venture to self-insure.

(2) The application form, (SIF 1-A), will be supplied by the department upon written request. It will be completed by the applicant and submitted to the department with all supporting documents attached.

(3) Applications will be acted upon within fourteen calendar days of receipt, provided, that if deemed necessary for obtaining additional information, the director may extend the time for acting on the application. Processing the application will include an evaluation of the financial condition of all parties with interest greater than twenty percent in the assets and profits of the joint venture and an evaluation of the written safety program to be in effect at all job sites of the joint venture.

(4) Certification will be effective on the first day of a calendar month following receipt of surety and all required documentation. The director will consider the qualifications of the applicant and will advise the applicant of the action taken.

(5) Applicant joint ventures must include a sponsoring party. The word "sponsor" defines an employer presently self-insured in the state of Washington, with a majority interest in the assets and profits of the joint venture. The sponsor shall be responsible for the management of all industrial insurance claims, and shall accept full responsibility for all compensation due claimants. In the event of insolvency, bankruptcy, or dissolution of a party to the joint venture or the joint venture itself, the sponsoring party shall be held primarily responsible for all workmens' compensation benefits due, with all parties to

the joint venture being held jointly and severably responsible for payment of all compensations and assessments which may become due until all obligations are released by the department. At the discretion of the director and by written request from the sponsoring party, the department may release a minority party from its obligations one year after fulfillment of the construction contract and a final settlement of the joint venture account has been made.

(6) The agreement under which the joint venture will perform shall be attached to the application form. The joint venture agreement shall contain a description of the obligations and responsibilities of each party for the industrial insurance program of the joint venture. The sponsor shall accept full responsibility for the management and payment for all incurred claims during the life of and after dissolution of the joint venture.

(7) Surety will be required in an amount deemed by the department to insure sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due, but not less than the employer's normal expected annual claim liabilities. The surety bond escrow account will name the joint venture and all the parties thereof as principal. WAC 296-15-030 shall govern the posting of surety by the joint venture.

(8) The joint venture shall be subject to all regulations, reports, and assessments set forth in Title 51 RCW and accompanying WAC rules.

**WSR 82-07-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 82-18—Filed March 10, 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 the Chehalis River is closed to protect spring chinook salmon.

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 10, 1982.

By Gary C. Alexander  
for Rolland A. Schmitt  
Director

**NEW SECTION**

**WAC 220-28-072B0A** **CLOSED AREA** Effective immediately until further notice it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Chehalis River.

**WSR 82-07-021**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Order 373—Filed March 11, 1982]

I, Brian Boyle, Commission of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule extending winter burning rules through April 14, 1982 in western Washington only.

I, Brian Boyle, 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 extending winter burning rules through April 14, 1982 in western Washington only, due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.150 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 10, 1982.

By Brian J. Boyle  
Commissioner of Public Lands

**AMENDATORY SECTION** (*Administrative Order 169, filed 8/7/73*)

**WAC 332-24-090** **SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL—REQUIREMENTS—FAILURE TO COMPLY:**

(1) *The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.*

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

(3) *A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period (~~March 15~~) April 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.*

(4) *No fires are to be within fifty (50) feet of structures.*

(5) *For the period (~~March 15~~) April 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.*

(6) *For the period October 16 through (~~March 15~~) April 14 in Western Washington and October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.*

(7) *Only one pile at a time may be burned and each pile must be extinguished before lighting another.*

(8) *The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.*

(9) *Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.*

(10) *If the fire creates a nuisance from smoke or fly ash, it must be extinguished.*

(11) *Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.*

*A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.*

*Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.*

**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 82-07-022**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed March 11, 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 cancellation of bond posted as security against first quarter's industrial insurance premium payment, WAC 296-17-351;

that such agency will at 10:00 a.m., Thursday, April 29, 1982, in the Director's Conference Room, 3rd Floor, General Administration Building, Olympia, Washington 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 51.04.020(1) and 51.16.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 29, 1982, and/or orally at 10:00 a.m., Thursday, April 29, 1982, Director's Conference Room, 3rd Floor, General Administration Building, Olympia, Washington 98504.

Dated: March 10, 1982

By: Sam Kinville  
Director

#### STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: WAC 296-17-351 Periodic review of cash deposit.

Statutory Authority: RCW 51.04.020(1), General rule-making authority of the department. RCW 51.16.110, Allowing bond cancellation.

Summary of the Rule(s): Will allow the department to cancel bonds posted as security for premium payment if the employer's account is in good standing.

Description of the Purpose of the Rule(s): To conform WAC with statute.

Reasons Supporting the Proposed Rule(s): To conform WAC to statute and to current departmental practice.

The Agency Personnel who are Responsible for the Drafting: Richard A. Slunaker, Assistant Director, Industrial Insurance Division, 3rd Floor, General Administration Building, Olympia, Washington 98504, Phone: 753-6308; Implementation and Enforcement: Eddie Johnson, Acting Supervisor, Audit and Collections, Park Village Plaza, (JAFCO location), Olympia, Washington, Phone: 753-3686.

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: None.

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.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80)

WAC 296-17-351 PERIODIC REVIEW OF CASH DEPOSIT. The supervisor of industrial insurance through the audit and collection section of the division of industrial insurance will periodically review the cash deposit or bond of all employers and all new employers or employers resuming operations pursuant to RCW 51.16.110.

The department will cancel the cash deposit or bond having been made by an employer who has been conducting a business or trade and who has been reporting premium payments to the department for at least 12 consecutive calendar quarters: PROVIDED, HOWEVER, The cancellation of the deposit or bond shall be contingent upon:

(1) The initial deposit or bond is deemed by the department as having adequately represented the premiums covered the first three full calendar months of operations.

(2) The employer's quarterly reports and premium payments covering any such 12 consecutive quarterly reporting periods have been made in accordance with the provisions as set forth in Title 51 RCW and in accordance with WAC 296-17-310: PROVIDED FURTHER, In the event cancellation of the deposit or bond has been made on behalf of any employer and such employer subsequently fails to submit reports and payments, as required, such employer shall, upon request be required to reinstate the deposit or bond.

**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 82-07-023**  
**EMERGENCY RULES**  
**BOARD OF HEALTH**  
[Order 229—Filed March 11, 1982]

Be it resolved by the Washington State Board of Health, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to required approval for occupancy after completion of new construction, amending WAC 248-18-025.

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 an emergency exists due to budget shortages and personnel reductions. Inspections of hospital construction are no longer available.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 70.41.030 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 March 10, 1982.

By John A. Beare, MD  
Secretary

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.

✓  
WSR 82-07-024

ADOPTED RULES

DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Institutions)

[Order 1775—Filed March 11, 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 Voluntary admission—Involuntary Commitment—Treatment and/or evaluation of mentally ill persons, amending chapter 275-55 WAC.

This action is taken pursuant to Notice No. WSR 81-24-060 and 82-05-024 filed with the code reviser on December 1, 1981 and February 11, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 71.05.560 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 71.05 RCW.

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.

By David A. Hogan  
Director, Division of Administration

AMENDATORY SECTION (Amending Order 900, filed 1/25/74)

WAC 275-55-010 PURPOSE. These regulations are adopted pursuant to and in accordance with chapter ((142, Laws of 1973, 1st ex. sess)) 71.05 and 72.23 RCW. ((They)) These regulations are adopted to provide operational procedures for the voluntary ((admission)) treatment, involuntary commitment, evaluation and/or treatment((, and/or evaluation)) of mentally ill persons; to provide standards for certification of evaluation and treatment facilities; and to provide procedures for financial assistance to counties and evaluation and treatment facilities.

AMENDATORY SECTION (Amending Order 1122, filed 6/2/76)

WAC 275-55-020 DEFINITIONS. (1) "Department" means the department of social and health services of the state of Washington.

(2) "Secretary" means the secretary of the department of social and health services or his or her designee.

(3) "Director" means the director of the ((bureau of)) mental health division of the department of social and health services or his or her designee.

(4) (("Facility" means an evaluation and/or treatment facility certified as such by the department)) "Superintendent" means the superintendent of a state hospital or his or her designee.

(5) "Chapter" means chapter ((142, Laws of 1973 1st ex. sess., or as thereafter amended)) 275-55-WAC.

(6) (("Rule" means a rule within these rules and regulations)) "County designated mental health professional" means a person appointed by the county to perform the duties specified in chapter 71.05, and 72.23 RCW, and

(a) Who meets the educational and/or experience requirements as specified in WAC 275-55-020(33)(a), (b), (c), or

(b) Where exception has been granted by the director pursuant to WAC 275-55-020(33)(d).

(7) (("Section" means a section of chapter 142, Laws of 1973 1st ex. sess., or as thereafter amended)) "Professional person in charge" as used in chapter 71.05, and 72.23 RCW and these rules, unless otherwise defined, means the mental health professional having chief clinical responsibility for the mental health evaluation and treatment unit within the agency, or his or her designee who must also be a mental health professional.

(8) (("Seventy-two hour period" shall be computed by including Saturdays, but excluding Sundays and holidays as specified in RCW 1-16.050)) "Available physician or other professional person" as used in RCW 71.05.090 means either a licensed physician or a mental health professional as defined in subsection (33) of this section.

(9) (~~"Designated mental health professional" means a person who has been appointed by the county commissioners to perform the duties specified in the act, and~~) "Agency" means a public or private agency as specified in RCW 71.05.020(6) and (7), respectively.

~~((a) Who meets the educational and/or experience requirements as specified in WAC 275-55-100(1)(a)(b)(c) of these rules and regulations, or~~

~~(b) Where exception has been granted by the director of the bureau of mental health pursuant to WAC 275-55-100(1)(d):)~~

(10) (~~"Mental health professional" means a person who meets the educational and/or experience requirements as specified in WAC 275-55-100 of these rules and regulations and who is primarily involved in evaluation and treatment. The duties and responsibilities of "mental health professionals" and "designated mental health professionals" shall be as defined in chapter 71.05 RCW~~) "Rule" means a rule within these rules and regulations.

(11) (~~"Professional person in charge" as used in the chapter and these rules, unless otherwise defined, shall mean the professional person having chief clinical responsibilities for mental health evaluation and treatment within the institution, hospital, sanitarium or facility involved, or his designee~~) "Facility" means an evaluation and treatment facility.

(12) "Component" means any one of the three evaluation and treatment services required to be provided within an evaluation and treatment program as specified by WAC 275-55-020(14)(a) and (b), and required to be certified as specified by WAC 275-55-020(13)(b).

(13) "Evaluation and treatment facility" means a public or private agency providing one or more components in compliance with the following:

(a) The agency shall be under contract or written agreement with an evaluation and treatment program pursuant to WAC 275-55-261. Exceptions to this rule are specified in WAC 275-55-020(13)(c).

(b) Each component of the agency shall be certified by the department pursuant to WAC 275-55-261(3) and (6), and 275-55-263. Exceptions to this rule are specified in WAC 275-55-020(13)(c). Certification is required for any component serving involuntary patients. Certification of a component shall not preclude such component from also serving voluntary patients. A certified component shall comply with all rules and regulations of this chapter and with chapter 71.05 RCW as applicable to both involuntary and voluntary patients.

(c) Exceptions:

(i) Any agency operating a component serving voluntary patients exclusively will not require certification of such component nor require being under contract to an evaluation and treatment program.

(ii) A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility.

(iii) A facility which is part of, or operated by, the department or any federal agency will not require certification of the facility's component or components nor require being under contract to an evaluation and treatment program.

(14) "Evaluation and treatment program" means a coordinated system of evaluation and treatment services administered by an agency or a county pursuant to WAC 275-55-261, and is provided to involuntary patients and to persons voluntarily seeking treatment for a mental disorder.

(a) Such evaluation and treatment services shall include at least all three of, but are not limited to, the following components:

(i) Outpatient.

(ii) Emergency.

(iii) Short-term inpatient.

(b) Such evaluation and treatment services shall be provided by an evaluation and treatment facility or facilities.

(15) "Medical evaluation" means an evaluation performed by a licensed physician including both a mental status and physical examination.

(16) "Patient" means a person admitted to an agency, facility or component, voluntarily or involuntarily, for observation, evaluation, care and/or treatment for a mental disorder.

(17) "Mental disorder" means any organic, mental, or emotional impairment having substantial adverse effects on an individual's cognitive or volitional functions, classified in accordance with the current diagnostic and statistical manual of the American psychiatric association.

(18) "Involuntary patient" means a person who, as a result of a mental disorder, presents a likelihood of serious harm (RCW 71.05.020(3)) or is gravely disabled (RCW 71.05.020(1)), and is initially detained and/or court-committed for evaluation and treatment.

(19) "Detention" means a person being held in a facility involuntarily pursuant to applicable sections of chapter 71.05 RCW, and the person not being permitted willful physical movement beyond the facility without express prior permission.

(20) "Initial detention" means the first seventy-two hour period, or part thereof, or involuntary evaluation and treatment required by a petition for initial detention, emergency detention, or supplementary petition for initial detention.

(21) "Seventy-two hour period" shall be computed to:

(a) Start on the time and date the inpatient or outpatient component of the evaluation and treatment facility provisionally accepts the person to be detained as specified in RCW 71.05.170, and

(b) Exclude Saturdays, Sundays, and holidays.

(22) Deleted.

(23) "Admission" means acceptance of a person as an inpatient or outpatient by the facility.

(24) "Discharge" means release of a patient from a component or from a facility.

(25) "Transfer," unless otherwise defined, means a move of the patient by a facility between treatment services or components of the facility, or between facilities, and may or may not include a discharge from the transferring service, component or facility.

(26) "Release from commitment" means legal termination of the order of commitment.

(27) "Early release" means release of the involuntary patient from the order of commitment prior to the original expiration date of the commitment order.

(28) "Conditional release" means a transfer of the involuntary patient from inpatient to outpatient treatment pursuant to conditions specified for the patient by the transferring facility or component. The involuntary patient remains under order of commitment.

(29) "Shock treatment" means electroconvulsive therapy.

(30) Whenever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

(31) "County" means a county, or a combinations of counties jointly agreeing to provide or cause to be provided the services required by this section.

(32) "Coordinator" means county mental health coordinator, and is the person appointed by the county to supervise and/or otherwise coordinate the community mental health program services of a county.

(33) "Mental health professional" means a person regularly involved in mental health evaluation and treatment, and qualifying as one of the following:

(a) A psychiatrist, psychologist, psychiatric nurse, or social worker.

(b) A person with a masters degree or further advanced degree in counseling or one of the social sciences from an accredited college or university. Such person shall have, in addition, at least two years of experience in direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional.

(c) A licensed physician permitted to practice medicine or osteopathy in the state of Washington.

(d) A person otherwise qualified to perform the duties of a mental health professional but does not meet the requirements listed in subsection (33)(a), (b), or (c) of this section, where an exception to such requirements has been granted by the director upon submission of a written request by the county involved, such request to document the following:

(i) The extent to which the county has made an effort to provide and has the capability of providing a mental health professional;

(ii) The amount and type of employment experience the applicant possesses. Such an applicant shall have had at least three years experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional, as defined under subsection (33)(a), (b), or (c) of this section;

(iii) The overall needs of the mental health program in the particular county involved; and

(iv) Such factors as shall be brought to the attention of the director by the county involved.

(34) "Psychiatrist" means a physician licensed to practice medicine in the state of Washington having, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association.

(35) "Psychologist" means persons defined as such in RCW 71.05.020(14).

(36) "Social worker" means persons defined as such in RCW 71.05.020(15).

(37) "Psychiatric nurse" means a registered nurse having had, in addition, at least two years experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional as defined in subsection (33)(a), (b), or (c) of this section.

(38) "Psychiatric nurse clinician" means a registered nurse (~~who has~~) having a (~~master's~~) masters degree or further advanced degree from an accredited college or university and whose graduate specialization was in psychiatric nursing.

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 275-55-021 APPLICATION OF RULES TO MINORS. Where no reference is made to a minor in a particular rule and no specific rule for minors is found in this chapter, or in chapter 71.05 RCW, or in RCW 72.23.070, then the particular rule in question shall apply to the minor as well as to the adult.

#### AMENDATORY SECTION (Amending Order 900, filed 1/25/74)

WAC 275-55-030 PRIVATE ((INSTITUTIONS)) AGENCIES WHICH MAY ADMIT VOLUNTARY PATIENTS. Any private ((institution; hospital, or sanitarium which includes a department or ward conducted for the care and treatment of persons who are mentally ill or deranged)) agency, as defined in RCW 71.05.020(7), may receive ((therein)) as a voluntary patient any person suffering from a mental ((illness or derangement for the treatment for said illness)) disorder.

((1) "Mental illness or derangement" as here used shall mean mental disorder which presents likelihood of serious harm to others or self or which causes a person to be gravely disabled.

(2) "Department or ward" as here used shall mean facilities programmed and staffed appropriately to provide adequate care to the mentally ill or deranged:))

#### AMENDATORY SECTION (Amending Order 955, filed 7/26/74)

WAC 275-55-040 VOLUNTARY ADMISSION TO PUBLIC OR PRIVATE ((INSTITUTION)) AGENCY—VOLUNTARY ADULT ((PATIENT—NO CONSERVATOR OR GUARDIAN)). Any ((institution, hospital, or sanitarium)) private agency receiving a voluntary patient ((18)) eighteen years of age or older pursuant to WAC 275-55-030 ((above)) and any public ((institution, hospital, or sanitarium)) agency as defined in RCW 71.05.020(6) receiving such patient, shall require written application

signed by the voluntary patient stating ~~((that))~~ such application is a voluntary action by the patient, ~~((the application form to state rights retained by such voluntary patient under WAC 275-55-270(1) and (2), with a copy to be retained by the patient personally))~~ and shall advise such patient of his or her rights pursuant to WAC 275-55-211(1).

AMENDATORY SECTION (Amending Order 1122, filed 6/2/76)

WAC 275-55-050 ((VOLUNTARY)) APPLICATION FOR ADMISSION—VOLUNTARY MINOR. (1) A person under ~~((+8))~~ eighteen years of age, or others on his or her behalf, may make application for and authorize treatment pursuant to ~~((the following:))~~ RCW 72.23.070.

~~((+1))~~ All voluntary applications for admissions of persons under the age of 13 shall be made by the parent(s), conservator, guardian, or other person entitled to custody.

~~(2) All applications on behalf of minors more than 13 years of age shall be accompanied by a written consent of the minor.~~

~~(3) A)~~ (2) Any person under the age of ~~((+8))~~ eighteen but over the age of ~~((+3))~~ thirteen may make application for and receive mental health care upon his or her own application without consent of his or her parent, parents, guardian, conservator, or other person entitled to custody, unless such treatment involves inpatient care.

(a) Applications for voluntary inpatient care made by persons in such age range shall be accompanied by a written consent of the parent(s), conservator, guardian, or other person entitled to custody.

(b) Prescription of psychotropic medications shall be made only with prior written consent of the parent(s), conservator, guardian, or other person entitled to custody.

(4) Every person under eighteen years of age shall have all the rights provided for persons eighteen years of age or over as set forth in this chapter, in chapter 71.05 and 72.23 RCW, except the rights specifically modified by RCW 72.23.070. Further, a copy of all such rights shall be provided to the minor upon admission.

AMENDATORY SECTION (Amending Order 1122, filed 6/2/76)

WAC 275-55-060 ((VOLUNTARY)) ADMISSION TO PUBLIC ((INSTITUTIONS, HOSPITALS, SANITARIUMS OR FACILITIES)) AGENCY—VOLUNTARY MINOR. (Reference RCW 72.23.070(2)) (1) Upon receipt of any application for admission of a minor to an inpatient unit of a public agency as defined in RCW 71.05.020(6), such agency shall notify the designated county mental health professional of the county of the patient's residence, who shall submit a written report and evaluation with recommendations to the superintendent or the professional person in charge of such agency as to whether treatment is necessary and proper on a voluntary basis, and stating reasons for such voluntary ~~((commitment))~~ treatment.

(2) After receipt of such recommendations, the professional person in charge ~~((or his designee))~~ shall make final determination as to the admission of the minor.

(3) Before receipt of such recommendations, a patient may be temporarily admitted if the professional person ~~((or his designee))~~ in charge determines temporary admission to be in the best interest of that patient.

NEW SECTION

WAC 275-55-071 DISCHARGE—VOLUNTARY MINOR. (1) A voluntarily admitted minor over thirteen years of age shall have the right to release in accordance with RCW 72.23.070(e).

(2) Minors under thirteen years of age shall not be released at the request of the minor but shall be released immediately upon the request of such minor's parent(s), conservator, guardian, or other person entitled to custody, unless the professional person in charge objects immediately in writing to the juvenile court specifying grounds sufficient for involuntary detention of the minor.

(3) When the facility objects immediately in writing to the juvenile court specifying grounds sufficient to allow involuntary detention, as required in RCW 72.23.070(3)(e), and serves a copy of such objection to the parent(s), conservator, guardian or other person entitled to custody, the facility may detain the minor patient until the next judicial day at which time a petition for involuntary treatment must be filed. When the petition is filed, the minor may be held for a further reasonable time, not to exceed five judicial days, in order for the juvenile court to hear such petition.

(4) The immediate objection in writing to the juvenile court as required by this rule shall be the same as a petition for initial detention of the minor, and shall be filed with the juvenile court on the next judicial day.

NEW SECTION

WAC 275-55-081 PERIODIC REVIEW—VOLUNTARY INPATIENT. The condition and status of a voluntary patient shall be reviewed at least each one hundred eighty days. (Reference RCW 71.05.050) At the time of such review, the patient shall again be advised orally of his or her right to release and in writing of his or her rights as set forth under WAC 275-55-241(1) and (2). The patient's review shall include but not be limited to an evaluation of the patient's individual treatment program and progress, recommendations for future treatment, and consideration of possibly less restrictive treatment. Such review shall be undertaken under the supervision and direction of the professional person in charge. Written documentation of such review shall be maintained in the patient's clinical record.

AMENDATORY SECTION (Amending Order 900, filed 1/25/74)

WAC 275-55-090 ((VOLUNTARY—PATIENTS—)) LIMITATION ON LENGTH OF STAY—READMISSION VOLUNTARY PATIENTS. No person shall be carried continuously as a voluntary patient for a period of more than one year. (Reference RCW 72.23.100 and 71.05.050) However, a

patient may be readmitted pursuant to admission procedures at the end of any one-year period.

AMENDATORY SECTION (Amending Order 1122, filed 6/2/76)

WAC 275-55-110 ((RELEASE)) DISCHARGE OF VOLUNTARY ((AND INVOLUNTARY)) PATIENT—RELEASE OF CLINICAL SUMMARY. (1) For the purposes of this section, "hospital" includes state and federal hospitals for the mentally ill.

((+)) (2) Nothing in these rules and regulations shall be construed so as to prohibit the superintendent or professional person in charge ((of a facility in which a person is being treated)) from ((releasing that person)) discharging a patient at any time when, in the opinion of ((said)) the superintendent or professional person in charge, ((further commitment would no longer be in the best interests of the patient. Upon release, every patient voluntarily or involuntarily admitted or committed pursuant to this chapter shall be advised both orally and in writing of the following: No person is presumed incompetent nor does any person lose any civil rights as a consequence of receiving evaluation and/or treatment for mental disorder, whether voluntary or involuntary, pursuant to Washington law dealing with mental illness)) the patient's condition is no longer appropriate for treatment at the hospital or facility.

((2) Any public or private institution, hospital, sanitarium or facility which receives a voluntary patient pursuant to this chapter shall forward notice of release of such patient to the director within 72 hours of such release if such patient has been receiving inpatient treatment on a continuous basis for over six months.))

(3) Upon ((release, the public or private institution, hospital, sanitarium or evaluation and treatment)) discharge of the voluntary patient the hospital or facility shall:

(a) Seek the patient's permission for release of a clinical summary concerning the patient's condition to the physician, psychiatrist or therapist of his or her choice, or to the local treatment facility or community mental health ((treatment)) program. ((The patient refusing such release shall be notified that a clinical summary concerning his condition and the fact of his release will be forwarded to the designated county mental health treatment agency or professional of the county of the patient's residence and shall remain confidential. All records will be available for use of the person to whom such summary is sent, and he will be so advised)) However, information may be shared with others involved in providing services consistent with RCW 71.05.390.

(b) Advise the patient of his or her competency pursuant to WAC 275-55-221.

((4) Whenever any person involuntarily committed or detained pursuant to this chapter is released prior to expiration of court-ordered commitment, the court ordering such commitment shall be notified either orally or in writing prior to such release of the date of release and release plans through the office of the court clerk. If the court was notified orally and not in writing prior to release, then the facility shall send written confirmation of

release by letter addressed to the clerk of court within 24 hours after such release. The county designated mental health professional shall be sent a copy of any written court notification.

((5) If the person is not approved for admission by a facility providing 72-hour evaluation and treatment and the person has not been arrested, the facility shall furnish transportation for the person to his place of residence or other appropriate place. If the person to be released has been arrested, he will be placed in the custody of the arresting agency.))

#### NEW SECTION

WAC 275-55-121 INVOLUNTARY DETENTION AND COMMITMENT—MINOR. No minor shall be involuntarily committed for treatment of a mental disorder or involuntarily detained for evaluation as to the existence of a mental disorder except according to the following requirements:

(1) The facility accepting the involuntary minor patient must;

- (a) Be certified pursuant to WAC 275-55-331; or
- (b) Be part of or operated by the department or any federal agency and be designated to provide services to minors by the department.

(2) The involuntary commitment is pursuant to a juvenile court order and shall be in accordance with RCW 72.23.070.

#### NEW SECTION

WAC 275-55-131 NONADMISSION OF INVOLUNTARILY DETAINED PERSON—TRANSPORTATION. (1) Admission shall not be denied to a person under initial detention except pursuant to the circumstances specified in WAC 275-55-263(2)(a).

(2) If the person is not admitted by a facility, transportation or arrangements for custody shall be made in accordance with RCW 71.05.190.

#### NEW SECTION

WAC 275-55-141 PROTECTION OF PATIENT'S PROPERTY—INVOLUNTARY PATIENT. (1) Articles brought to the facility shall be inventoried and articles not kept by the patient shall be housed by the facility giving due regard to reasonable precautions necessary to safeguard such property.

(2) The peace officer or mental health professional escorting the patient to the facility shall take reasonable precautions to safeguard the property of the patient in the immediate vicinity of the point of apprehension.

(3) Reasonable precautions shall be taken to safeguard belongings not in the immediate vicinity of the patient by the escorting officer or mental health professional, and/or facility when notice of possible danger thereto is received. Further, reasonable precautions shall be taken to lock and otherwise secure the domicile of the patient as soon as possible after the patient's initial detention. (Reference RCW 71.05.220)

**NEW SECTION**

**WAC 275-55-151 EVALUATION AND EXAMINATION—INVOLUNTARY PATIENT.** Persons doing the initial detention evaluation and treatment pursuant to RCW 71.05.210 shall not include the county-designated mental health professional responsible for the detention, unless no other mental health professional is reasonably available and specific exemption has been granted by the director.

**NEW SECTION**

**WAC 275-55-161 TREATMENT PRIOR TO HEARINGS—INVOLUNTARY PATIENT.** Any involuntary patient may refuse all but emergency lifesaving treatment beginning twenty-four hours prior to any hearing. On admission to the facility such patient shall be informed of his or her right to refuse all treatment except lifesaving treatment during such twenty-four hour period and shall again be so informed within one hour prior to the twenty-four hour period before court hearing. The patient shall be asked if he or she wishes to decline treatment during such twenty-four hour period, and the answer shall be in writing and signed where possible. Compliance with this procedure shall be documented in the patient's clinical record. This section does not preclude use of physical restraints and/or seclusion to protect against injury to the patient or others. (Reference RCW 71.05.200)

**NEW SECTION**

**WAC 275-55-171 EARLY RELEASE OR DISCHARGE OF INVOLUNTARY PATIENT—RELEASE OF CLINICAL SUMMARY—NOTIFICATION OF COURT.** (1) Nothing in these rules and regulations shall be construed so as to prohibit the superintendent or professional person in charge from granting an early release to and/or discharging an involuntary patient at any time when, in the opinion of the superintendent or professional person in charge, the involuntary patient:

(a) May be granted an early release on the grounds such patient:

(i) No longer presents a likelihood of serious harm to others, and is no longer gravely disabled; or

(ii) Is an appropriate candidate for and will accept voluntary treatment elsewhere upon referral; or

(iii) Is an appropriate candidate for and will accept voluntary treatment at the hospital or facility where the person is currently a patient.

(b) May be concurrently discharged, if granted an early release, on the grounds his or her condition is no longer appropriate for treatment at the hospital or facility.

(c) May not qualify for early release, but on the grounds his or her condition is no longer appropriate for treatment at the hospital or facility may be transferred or discharged under the provisions for conditional release as specified in WAC 275-55-181.

(2) Upon transfer or discharge of the involuntary patient not granted an early release, the hospital or facility

shall notify the patient a clinical summary will be forwarded without his or her consent to the receiving facility or component for the purposes of effecting a conditional release, and such disclosure shall remain confidential.

(3) Upon early release, discharge or transfer, the patient shall be advised of his or her competency pursuant to WAC 275-55-221.

(4) Whenever an involuntary patient is granted an early release, the court ordering the original commitment shall be notified in writing of the date of release and release plans. The county-designated mental health professional shall be sent a copy of such written court notification. (Reference RCW 71.05.330)

**NEW SECTION**

**WAC 275-55-181 CONDITIONAL RELEASE—INVOLUNTARY PATIENT.** (1) At any time during the period of commitment, the superintendent or professional person in charge may determine the involuntary patient receiving inpatient services can be more appropriately served by outpatient treatment, such treatment may be required in accordance with RCW 71.05.340.

(2) Ongoing determination for conditional release shall be based on periodic personal contacts with the patient by the facility designated to provide outpatient treatment, (see WAC 275-55-271(2)), and will be documented in the patient's clinical record. Such contacts shall occur at the following intervals during the period of conditional release:

(a) Fourteen-day period – At least once weekly.

(b) Ninety-day period – At least once each month.

(c) One hundred and eighty-day period – At least once each month.

(3) Any patient conditionally released pursuant to RCW 71.05.340 and this section shall be notified orally and in writing of the terms and conditions of the release and shall be notified in writing of any subsequent modifications of such terms and conditions. Other notifications shall be as set forth in RCW 71.05.340. All conditions and modifications thereof shall be made a part of the patient's clinical record. Written acknowledgement from the patient shall:

(a) Be obtained for receipt of the terms and conditions of release by the superintendent or the professional person in charge of the releasing facility or component.

(b) Be obtained for any subsequent modification of the terms of conditional release by the professional person in charge of the receiving facility or component.

**NEW SECTION**

**WAC 275-55-191 REVOCATION OF CONDITIONAL RELEASE—SECRETARY'S DESIGNEE—INVOLUNTARY PATIENT.** (1) The secretary's designee for purposes of revocation of conditional release under RCW 71.05.340 shall be:

(a) The superintendent of the state hospital or his or her specified designee where the patient was conditionally released, or

(b) The director of the division of mental health or his or her specified designee.

(2) Revocation procedures will be as otherwise specified in RCW 71.05.340, including the responsibilities of the designated county mental health professional.

#### NEW SECTION

**WAC 275-55-201 DISCHARGE OF INDIGENT PATIENT—INVOLUNTARY PATIENT.** (1) No indigent patient who is an inpatient in any evaluation and treatment facility shall be discharged or conditionally released during or at the expiration of any involuntary confinement period without suitable clothing and funds of at least the minimum specified under RCW 72.02.100. If such patient has funds of less than such minimum amount, the patient shall be provided an amount necessary to reach such minimum. If the indigent patient has no funds, the total minimal amount shall be provided. Request for suitable clothing or funding therefor and funds shall be made by the person in charge of the facility to the superintendent of the nearest state hospital and the superintendent shall furnish such clothes or funds as required under RCW 71.05.350. Such request shall be made at least seventy-two hours ahead of expected release in the case of any patient under a fourteen-day or longer involuntary confinement period.

(2) In the case of an indigent patient under initial detention, the person in charge of the facility may provide suitable clothing and funds as specified in this section, from resources of the facility, and shall immediately notify the superintendent of such action. The department may then be billed by the facility.

(3) For the purposes of this rule, the superintendent may designate a staff member within the department to handle funding and clothing requests.

(4) If funding is available, the superintendent may provide in addition to the minimum funding required by RCW 72.02.100, an additional amount of up to the optional amount specified in RCW 72.02.100 to any indigent patient applying therefor if such extra funding is necessary for personal and/or living expenses of such patient.

(5) As funds are available, the secretary may provide, as an alternative to the funding specified in subsection (1) of this section, for the conditionally released patient, a weekly payment of an amount specified in RCW 72.02.110 for a period of up to the total time of conditional release.

(6) No patient regardless of the length of involuntary confinement shall be released without transportation to his or her place of residence or other suitable place. If the patient has no suitable means of transportation and is also indigent, then the facility shall provide for transportation by the least expensive method of public transportation not to exceed a cost of one hundred dollars, or, in the alternative, the facility may provide such transportation.

(7) If the superintendent has reasonable cause to believe the patient to be released has ample funds to assume expenses of clothing, transportation, or other payments made herein, the person released shall be required to assume such expenses and the superintendent shall so advise.

(8) Where funding is available, the secretary or the superintendent may at his or her discretion provide funds or clothing pursuant to this rule and the laws of the state of Washington to voluntary patients.

#### NEW SECTION

**WAC 275-55-211 ADVISING PATIENT OF RIGHTS.** (1) Any person voluntarily admitted for inpatient treatment to any agency shall, upon admission, be advised in writing or orally by the agency of his or her right to immediate release and shall be further advised in writing of all rights secured to him or her pursuant to RCW 71.05.050 and to WAC 275-55-241(1) and (2).

(2) All persons involuntarily admitted to the inpatient, outpatient or emergency component of a facility shall, upon admission, be advised in writing or orally by the component of the following (Reference RCW 71.05.200 and 71.05.210):

(a) Each right the patient has as an involuntary patient (listed in WAC 275-55-241(1) and (3)). In addition, when possible, a responsible member of the immediate family, guardian, or conservator, if any, and such other person as designated by the patient shall receive notification in writing of the patient's confinement and his or her rights retained as an involuntary patient. The patient shall be informed who has been notified.

(b) Within twenty-four hours of admission, the patient will undergo a medical and psychosocial evaluation to determine whether continued detention within the facility will be necessary.

(c) If the patient is not released within seventy-two hours, excluding Saturdays, Sundays, and holidays, the patient will be entitled to a judicial hearing before a superior court to decide whether the patient's continued detention within the facility is necessary.

(3) Upon discharge and/or early release as specified in WAC 275-55-110 and 275-55-171, every patient voluntarily admitted or involuntarily committed pursuant to chapter 71.05 RCW shall be advised in writing of the following: No person is presumed incompetent nor does any person lose any civil rights as a consequence of receiving evaluation and/or treatment services for a mental disorder, whether voluntary or involuntary, pursuant to Washington law dealing with mental illness. (Reference RCW 71.05.450)

#### NEW SECTION

**WAC 275-55-231 CONVERSION TO VOLUNTARY STATUS BY INVOLUNTARY PATIENT—RIGHTS.** Patients committed by court order to involuntary treatment shall have all the rights of voluntary patients as specified in WAC 275-55-241(1) and (2). The facility may convert the patient to voluntary status when the patient has signed an application to receive voluntary treatment.

#### NEW SECTION

**WAC 275-55-241 RIGHTS OF PATIENT.** Any agency, facility or component providing services defined in this chapter to persons with a mental disorder shall not withhold from any patient the following rights, and a

list of such rights shall be prominently posted within the department or ward where such person is housed if an inpatient or receiving services from an emergency component. Outpatient facilities or components shall prominently post a list of such rights drawn from the following as are appropriate to an outpatient facility or component, such list to be posted within the reception area. The agency, facility or component shall specifically ensure, unless an imminent danger to the individual or others would result, each patient shall have the rights listed in subsection (1)(a), (i), (k), (o), (2)(a), (b), (3)(a), (c), (d), (f), and (g) of this section.

(1) Rights of all patients:

(a) The right not to be restrained from sending written communications of the fact of the patient's detention, commitment, or admission; any such communication will be mailed to the person to whom addressed by the person in charge of the facility, or his or her designee.

(b) The right to adequate care and individualized treatment.

(c) The right to wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to the protection and safety of the patient or other persons.

(d) The right to keep and be allowed to spend a reasonable sum of his or her own money.

(e) The right of access to individual storage space for his or her private use.

(f) The right to have visitors at reasonable times.

(g) The right to have reasonable access to a telephone, both to make and receive confidential calls.

(h) The right to have ready access to letter writing material, including stamps, and to send and receive uncensored correspondence through the mails.

(i) The right not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery, upon him or her, and not to have shock treatment or nonemergency surgery in such circumstances unless ordered by a court pursuant to a judicial hearing where the patient is present and represented by counsel, and the court appoints a psychiatrist, psychologist, or physician designated by such patient or his or her counsel to testify on behalf of the patient. (Reference RCW 71.05.210, 71.05.370, and 71.05.380)

(j) The right to dispose of property and sign contracts unless the patient has been adjudicated an incompetent in a court proceeding directed to the particular issue.

(k) The right not to have psychosurgery performed under any circumstances.

(l) The right to object to detention or request release through writ of habeas corpus.

(m) No person shall be presumed incompetent or lose any civil rights as a consequence of receiving evaluation or treatment for a mental disorder.

(n) The right of access to attorneys, courts, and other legal redress.

(o) The right to have all information and records compiled, obtained, or maintained in the course of receiving services kept confidential, pursuant to the provisions of RCW 71.05.390 through 71.05.420.

(2) Rights of all voluntary patients:

(a) The right to release, unless involuntary commitment proceedings are initiated. Specific patients' rights to release are as follows:

(i) Adult patient, no guardian – Release at request of patient.

(ii) Adult admitted by guardian – Release at request of guardian or patient.

(iii) Minor, thirteen years of age or under – Release at request of parent(s), conservator, guardian, or other person entitled to custody.

(iv) Minor, fourteen years of age or over – Release upon request of both minor and his or her parent(s), conservator, guardian or other person entitled to custody. If requested by minor only, release on next judicial day.

(b) The right to a review of condition and status at least each one hundred and eighty days. (Reference RCW 71.05.050, 72.23.070, and 71.05.380)

(3) Rights of all involuntary patients:

(a) Unless released within seventy-two hours as defined by WAC 275-55-020(21), all involuntary adult patients have a right to a judicial hearing not more than seventy-two hours, as defined, after initial detention to determine whether probable cause exists to detain such patient after seventy-two hours for a further period up to fourteen days.

(b) The right to communicate immediately with an attorney, and if indigent, the right to have an attorney appointed to represent the patient before and at such hearing, and the right to be told the name and address of the attorney appointed.

(c) The right to remain silent.

(d) The right to be told statements the patient makes may be used in the involuntary proceedings.

(e) The right to present evidence and to cross-examine witnesses testifying against the patient at the probable cause hearing.

(f) The right to refuse medication beginning twenty-four hours prior to any court proceeding wherein the patient has the right to attend and which bears upon the continued commitment of the patient.

(g) When taken into custody by a peace officer and then placed in a facility without prior authorization by the county-designated mental health professional, the involuntary patient shall be examined by a mental health professional within three hours of the patient's arrival, and shall be released within twelve hours unless the county-designated mental health professional files a supplemental petition for initial detention and the detained person receives a copy. (Reference RCW 71.05.150(5))

NEW SECTION

WAC 275-55-261 REQUIREMENTS FOR CERTIFYING EVALUATION AND TREATMENT COMPONENTS. (1) Each county or combination of counties shall develop and coordinate an evaluation and treatment program consistent with chapter 71.05 and 71.24 RCW. Such program shall include, but is not limited to components of outpatient services, emergency services, and short-term inpatient services. The county may directly provide such a program in its entirety, or

may provide one or more components of such a program directly, or may through contract or written agreement with an agency or agencies, provide the remaining component(s) required, or may through contract or agreement arrange with an agency or agencies to provide such a program in its entirety. Component(s) obtained on this basis from an agency or agencies shall be subject to all applicable provisions of these rules and of chapter 71.05 RCW. The county will maintain coordination responsibility over the program.

Any contract or agreement between county and agencies, or between two or more agencies, shall be required to comply with the standards for evaluation and treatment components, WAC 275-55-263, and shall indicate the department will consider those standards in the department's site visit and certification procedure as directed by WAC 275-55-293.

(2) In addition to the responsibilities specified, the following shall be required of the county or of such individual designated by the county as administrator of the evaluation and treatment program:

(a) To identify, recommend to the department for certification, and coordinate the various facilities and components of the evaluation and treatment program.

(b) To assist the department in ensuring facilities and components are in compliance with all applicable rules and regulations set forth in chapter 71.05 RCW and this chapter.

(3) Any agency desiring certification of a component or components in order to become an evaluation and treatment facility, shall make application for such to the county-designated administrator of the evaluation and treatment program.

(4) The department is responsible for certifying each component of an agency desiring to become an evaluation and treatment facility. Upon formal request of the county-designated administrator of the evaluation and treatment program, the department shall:

(a) Inspect and evaluate the applicant agency's component or components for certification in accordance with the provisions of WAC 275-55-293.

(b) In site visits for the purposes of certification will, where possible, include the county-designated administrator of the evaluation and treatment program as part of the site visit team.

(5) The department is responsible for making periodic inspections of a certified component. Such inspections may be in addition to any conducted by the county-designated administrator of the evaluation and treatment program.

(6) All facilities shall be recognized elements of the county's mental health plan. The plan shall list the agencies for which certification is requested, the components to be provided by each, the method whereby components will be coordinated among the several agencies when more than one agency provides evaluation and treatment services, and the method whereby the services of the facility will be coordinated with other elements of the county mental health program. (Reference RCW 71.24.130)

## NEW SECTION

**WAC 275-55-263 CERTIFICATION STANDARDS FOR EVALUATION AND TREATMENT COMPONENTS.** (1) The following general requirements shall apply to any agency desiring certification of a component or components in order to become an evaluation and treatment facility:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following components:

(i) Outpatient.

(ii) Emergency.

(iii) Short-term inpatient.

(b) The agency may directly provide one or more of the components specified in subsection (1)(a) of this section, or may indirectly provide one or more through contractual arrangement or agreements with other agencies. Such arrangements shall be set forth in WAC 275-55-261(1).

(c) One or more of the components specified in subsection (1)(a) of this section may be provided to persons under the age of eighteen only when the providing agency is in compliance with the provisions of WAC 275-55-331.

(d) The agency shall maintain a written statement describing the organizational structure, objectives, and the philosophy of the therapeutic program, such statement to include contractual affiliates (if any).

(e) The agency shall document and otherwise ensure that:

(i) Care for patients is provided in a therapeutic environment.

(ii) Patient rights as described in WAC 275-55-211 and 275-55-241 are incorporated into this environment.

(iii) The use of the least restrictive treatment alternative is considered for each patient and such consideration is documented in each patient's clinical record.

(iv) Continuity of care, coordination, and integration of services is provided.

(v) Immediate transfer from the outpatient component to the inpatient or emergency component of the agency or of the evaluation and treatment program is provided for a patient when a change in the patient's condition necessitates such transfer. In the case of the involuntary patient, such transfer shall be made pursuant to RCW 71.05.340(3). Patients within any component can and will be transferred without unreasonable delay to any other component, and the patient's necessary clinical information will be made available to persons responsible for the patient's treatment within any other component. (Reference RCW 71.05.390) In the event of a referral, the original agency will maintain responsibility for follow-up of the patient until such time as the receiving agency may assume primary service responsibility.

(vi) Referral services and assistance in obtaining supportive services appropriate to treatment including, but not limited to, casework services, vocational rehabilitation, and legal services, are provided to each patient.

(f) The agency desiring certification of the agency's component or components shall make application for such certification pursuant to WAC 275-55-261(3).

(2) In addition to the requirements specified for each in WAC 275-55-271, 275-55-281, and 275-55-291, the following general requirements shall apply to all facilities:

(a) Admissions. Admission to the inpatient component shall not be denied except under the following circumstances:

(i) There is a determination the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.

(iii) A greater degree of control is required than can be provided by the facility.

(iv) No treatment space is available and is so documented.

(v) A less restrictive alternative provided by another facility is more appropriate and available.

(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for appropriate placement elsewhere.

(b) Admission evaluations. Within twenty-four hours of first admission for persons under initial detention, twenty-four hours to include Saturday, Sunday, and holidays, evaluations shall be conducted to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:

(i) Medical evaluation by a licensed physician.

(ii) Psychosocial evaluation by a mental health professional.

(c) Treatment plan and clinical record. All components shall:

(i) Maintain, for each patient, a plan of treatment, and a plan for discharge including a plan for follow-up where appropriate. Such treatment and discharge plans shall be entered in the patient's clinical record and shall be revised periodically as appropriate.

(ii) Maintain, for each patient, a clinical record containing sufficient information to justify the diagnosis, delineate the individual treatment plan, and document the course of treatment. The responsibility of the agency is to safeguard the record against loss, defacement, tampering or use by unauthorized persons.

(d) Treatment. All components shall:

(i) Have immediately available at all times, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional skilled in crisis intervention.

(ii) Ensure each patient has access to necessary medical treatment and support services, and access to emergency life-sustaining treatment and medication.

(iii) Have psychiatric consultation available to other physicians or mental health professionals when treatment is not provided by or under the supervision of a psychiatrist.

(e) Use of restraints and seclusion. The use of medication, physical restraints, or locked seclusion rooms in response to assaultive, self-destructive or unruly patient behavior shall occur only to the extent necessary to ensure the safety of patients and staff, and subject to the following conditions:

(i) In the event of an emergency use of restraints or seclusion, a licensed physician must be immediately notified and shall authorize the restraints or seclusion.

(ii) No patient may be restrained or secluded for a period in excess of four hours without having been examined by a mental health professional. Such patient must be directly observed every thirty minutes, and the observation recorded in the patient's clinical record.

(iii) If restraint or seclusion exceeds twenty-four hours, patient shall be examined by a licensed physician. The facts determined by his or her examination and any resultant decision to continue restraint or seclusion over twenty-four hours shall be recorded in the patient's clinical record over the signature of the authorizing physician. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

(f) Periodic evaluation. Each involuntary patient shall be evaluated periodically for release from commitment, and such evaluation will be documented in each involuntary patient's clinical record.

(g) Training. All components shall develop an inservice training plan, and provide regular training to all personnel having responsibility for any aspect of patient care. Documentation of the type and amount of training received by staff members shall be maintained. Such training shall include information about:

(i) The availability and utilization of less restrictive alternatives.

(ii) Approved methods of patient care.

(iii) Managing assaultive and/or self-destructive behavior.

(iv) Related services, including, but not limited to, transportation, law enforcement, courts, prosecutors, caseworkers, family support systems, advocacy, pharmacotherapy, and hospitals.

(v) The provisions and requirements of this chapter and chapter 71.05 RCW, and standards and guidelines promulgated by the department.

(vi) Other appropriate subject matter.

(h) Administration. All components shall:

(i) Maintain and prominently post written procedures for managing assaultive and/or self-destructive patient behavior.

(ii) Maintain adequate fiscal accounting records.

(iii) Prepare and submit such reports as are required by the secretary.

(iv) Maintain a procedure for collection of fees and third-party payments.

## NEW SECTION

WAC 275-55-271 OUTPATIENT COMPONENT. (1) The outpatient component is defined as a setting where an array of treatment services is provided on a regular basis to patients not in residence in the

component. These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her environment, and may include such services as day treatment or services provided directly by a licensed physician, or by an agency certified as a component of the program.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all outpatient components:

(a) Outpatient services shall be available at least eight hours per day, five days per week.

(b) Such component shall provide a therapeutic program including, but not limited to, generally accepted treatment modalities such as:

- (i) Individual.
- (ii) Group.
- (iii) Family/marital.
- (iv) Pharmacotherapy.

(c) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(d) Each patient must be seen at least weekly by assigned staff during the period of involuntary treatment. A mental health professional must review each outpatient case at least weekly to ensure updating of the treatment plan and such review must be recorded in the patient's clinical record. The frequency of patient contact and case review may be modified if in the opinion of a mental health professional such is warranted and the reasons for so doing are recorded in the patient's clinical record.

(e) Such component must have access to consultation by a psychiatrist or a physician with at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons, such access to be a minimum of one hour per week for each forty hours of direct client services provided by nonmedical staff.

(f) Such component shall include medical consultation with the involuntary patient to assess and prescribe psychotropic medication to meet the needs of the patient. Such consultation shall occur at least weekly during the fourteen-day period, and monthly during the ninety-day period and the one hundred and eighty-day period of involuntary treatment unless determined otherwise by the attending physician and the reasons for so doing are recorded in the patient's clinical record.

(g) Whenever possible, medication should be made available to the patient at a reduced rate through a state medication purchase contract, or through the state hospital pharmacy.

#### NEW SECTION

WAC 275-55-281 EMERGENCY COMPONENT. (1) The emergency component is defined as a hospital emergency room or equivalent setting where immediate therapeutic intervention occurs. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social) posing an imminent threat to the safety and/or well-being of the patient or others.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all emergency components:

(a) Such component shall have the ability to respond immediately to individual crisis situations, and to admit patients on a twenty-four hour per day, seven days per week basis, or to arrange for such admission to an inpatient component.

(b) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall provide or have access to at least one seclusion room meeting the requirements of WAC 248-18-530(5)(a) now or as hereafter amended.

(c) Such component shall have immediate access to life support systems and personnel. A mental health professional and/or licensed physician shall be available for consultation and communication with the patient and the component staff on a twenty-four hour per day, seven days per week basis.

#### NEW SECTION

WAC 275-55-291 SHORT-TERM INPATIENT COMPONENT. (1) The inpatient component is a hospital or residential setting where an array of treatment services is provided on a twenty-four hour per day basis for patients on seventy-two hour detentions or fourteen-day commitments.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all inpatient components:

(a) The inpatient component shall meet the structural standards required for state licensing as a psychiatric hospital, general medical hospital, community mental health center including an inpatient program, skilled nursing facility, intermediate care facility, or boarding home.

(b) Such component shall have the capability to admit the patient on a twenty-four hour per day, seven days per week basis.

(c) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall have access to at least one seclusion room meeting the requirements of WAC 248-18-530(5)(a) now or as hereafter amended.

(d) Such component shall provide a therapeutic program including, but not limited to, generally accepted treatment modalities such as:

- (i) Individual.
- (ii) Group.
- (iii) Family/marital.
- (iv) Pharmacotherapy.
- (v) Therapeutic community.

(e) Such component shall provide treatment to each patient under the supervision of the professional person in charge.

(f) A mental health professional must have contact with each involuntary patient daily for the purpose of observation, evaluation, and the provision of continuity of treatment.

(g) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the patient and the component staff on a twenty-four hour per day, seven days per week basis.

(h) Such component shall periodically evaluate each involuntary patient for conditional release, and such evaluation shall be documented in each involuntary patient's clinical record.

(3) The director may exempt a nonhospital residential facility providing inpatient involuntary treatment from any of the requirements of this section, inappropriate to that type of facility, as well as from selected requirements in WAC 275-55-263(2).

#### NEW SECTION

WAC 275-55-293 CERTIFICATION PROCEDURE—WAIVERS—PROVISIONAL CERTIFICATION—RENEWAL OF CERTIFICATION. (1) In order to certify an agency's component or components, the department shall:

(a) Receive a formal request from the county-designated administrator of the evaluation and treatment program; and

(b) Conduct a site visit of the component or components including an inspection and examination of any records, procedures, materials, areas, programs, staff, and patients necessary to determine compliance with WAC 275-55-263, and the appropriate sections of WAC 275-55-271 through 275-55-291.

(2) The department shall issue full certification to a component only if the component is in full compliance with the applicable sections of this chapter.

(3) Variances from full compliance may be granted by the department in the form of a waiver, pursuant to the provisions of WAC 275-55-371.

(4) Provisional certification may be granted by the director to a component or components are in substantial compliance with the applicable sections of this chapter. Such provisional certification shall specify the number and type of deficiencies temporarily allowed and the length of provisional status.

(5) Renewal of certification is required at least every other year, and shall require a complete site visit of the affected component or components as specified in subsection (1)(b) of this section.

**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 275-55-295 DECERTIFICATION. The department may decertify any component in accordance with the provisions of RCW 71.05.540(4) and (5), guidelines promulgated and procedures for investigation of complaints set forth by the director.

#### NEW SECTION

WAC 275-55-297 APPEAL PROCEDURE. (1) Any agency whose component or components have been

denied certification, or have been decertified by the department may appeal such a decision. (Reference WAC 275-55-371)

(2) Such appeal shall:

(a) Be made in writing to the secretary;

(b) Specify the date of the decision being appealed;

(c) Specify clearly the issue to be reviewed;

(d) Be signed by, and include the address of the agency;

(e) Be made within thirty days of notification of the decision being appealed.

(3) An administrative review and redetermination shall be provided by the department within thirty days of the submission of the appeal, with written confirmation of the findings and the reasons for the findings to be forwarded to the affected agency as soon as possible.

#### NEW SECTION

WAC 275-55-301 ALTERNATIVES TO INPATIENT TREATMENT. In considering all petitions for involuntary commitments to inpatient treatment as to whether the patient's presenting problem is appropriate for care and treatment, the professional person in charge of the inpatient component shall explore less restrictive alternatives, including possible outpatient treatment, and shall consider possible better, or equal treatment elsewhere, preferably within the patient's home community.

#### NEW SECTION

WAC 275-55-331 REQUIREMENTS FOR EVALUATION AND TREATMENT FACILITIES SERVING MINORS. (1) The requirements for certification of components of evaluation and treatment facilities admitting minors shall be as specified in WAC 275-55-263 and in other applicable sections of this chapter, and shall include, but are not limited to, the following:

(a) The admission evaluation specified in WAC 275-55-263(2)(b) shall include assessment of factors possibly contributing to the emotional dysfunctioning of the minor, such as family dynamics, environmental influences, or interactions with other significant persons.

(b) Family therapy shall be available, and shall be provided as needed.

(c) Treatment plans for minors shall include attention to the educational, developmental, legal, and other social service needs of minors, as appropriate.

(2) In general, adults and minors shall be provided services separate from one another, wherever possible. Joint use by adults and minors of a facility's services is permitted only if the minor's clinical record contains documentation that:

(a) The anticipated effects of such joint use on the minor have been considered by the professional staff, and

(b) A professional judgment has been made that such joint use will not be deleterious to the minor.

(3) No minor shall be placed on an adult inpatient unit unless documented no other alternative is available, or an emergency exists, and documentation has been made pursuant to subsection (2) of this section.

(4) Evaluation and treatment services provided to minors shall be provided by:

(a) A child mental health specialist (as defined by WAC 275-25-710(3)), or

(b) A mental health specialist (as defined by WAC 275-25-710(1)) directly supervised by a child mental health specialist, or

(c) A mental health specialist receiving at least one hour per week of clinical consultation from a child mental health specialist for each involuntarily detained minor provided direct client services during the week.

#### NEW SECTION

**WAC 275-55-341 USE OF RESTRAINTS AND SECLUSION BY AGENCY NOT CERTIFIED AS AN EVALUATION AND TREATMENT FACILITY.** An agency not certified as an evaluation and treatment facility pursuant to WAC 275-55-263, or not covered by other appropriate statutes or regulations, may use restraints and seclusion only as specified in WAC 275-55-263(2)(e).

#### NEW SECTION

**WAC 275-55-351 RESEARCH.** All research concerning mentally ill persons, whose cost of care is paid for by the department and who are voluntarily admitted or involuntarily committed under this chapter or involving disclosure of personal records shall be undertaken in accordance with department rules on the protection of human research subjects as specified in chapter 388-10 WAC. Furthermore, any person involved in evaluation or research concerning persons under this chapter shall be required to sign a statement as provided for in RCW 71.05.390. Such statement will be filed with the director.

#### NEW SECTION

**WAC 275-55-361 INVOLUNTARY EVALUATION AND TREATMENT COSTS—RESPONSIBILITY OF INVOLUNTARY PATIENT.** (1) Any person, or his or her estate, or his or her spouse, or the parents of a minor becoming an involuntary patient pursuant to chapter 71.05 RCW shall be responsible for the cost of such evaluation and treatment. (Reference RCW 71.05.100) Payment of such costs by the involuntary patient, or on behalf of the involuntary patient by third-party payors, or other legally responsible persons or entities shall be made to:

(a) The state in instances where evaluation and treatment is provided in a facility maintained and operated by the department, pursuant to RCW 71.02.411.

(b) The local agency in instances where evaluation and treatment is provided by the agency and the agency is not a facility maintained and operated by the department.

(2) In instances where inability to pay or substantial hardship is determined for an involuntary patient pursuant to WAC 275-55-363(4), any unpaid costs for evaluation and treatment provided to such involuntary patient by a nondepartment agency shall be borne by the department, subject to the provisions of WAC 275-55-363, and 275-55-365.

#### NEW SECTION

**WAC 275-55-363 INVOLUNTARY EVALUATION AND TREATMENT COSTS—COLLECTION BY AGENCY.** (1) Definitions. For the purposes of this section:

(a) "Involuntary patient" is as defined by WAC 275-55-020(18).

(b) "Title XIX" means Title XIX of the social security act.

(c) "CSO" means community services office of the department.

(2) Collection of costs for evaluation and treatment provided an involuntary patient by an agency not operated and maintained by the department shall be the responsibility of the agency. Such agency shall make reasonable efforts to make such collection pursuant to the agency's own regulations and policies. Such effort shall also include, but is not limited to, billing all appropriate resources of the involuntary patient and the patient's family, third-party payors, and other legally responsible persons and entities.

(3) Any involuntary patient not having private insurance to cover his or her costs, not already eligible for Title XIX or other state or federal assistance for his or her costs, or not otherwise paying for his or her evaluation and treatment costs, shall be referred by the agency providing the inpatient component to a local CSO for determination of eligibility for Title XIX benefits. If such patient is determined so eligible by the CSO, the agency shall bill according to the instructions set forth by the department.

(4) In the case of any involuntary patient not eligible for Title XIX benefits the agency providing the inpatient component shall determine the amount, if any, the patient should participate in the treatment costs. Such participation shall be in accordance with department instructions as set forth in the applicable mental health division issuance. Physicians, community mental health centers and other agencies not providing inpatient care are not required to make this patient participation calculation.

(5) The agency may bill the department for the balance of costs not collectable by actions taken in accordance with subsections (2), (3), and (4) of this section and not recoverable by any other means or from any other sources. Such billing shall be subject to the following:

(a) Reimbursement is sought through the appropriate county as defined by WAC 275-55-365(1). All bills shall be verified by the county or the county's designee before forwarded by the county to the department for payment.

(b) Certification is made by the agency that every reasonable effort has been made to collect payment from all appropriate resources of the involuntary patient and the patient's family, third-party payors, and other legally responsible persons and entities prior to submitting a claim through the county. This would include, where appropriate, referral to a CSO for medicaid eligibility determination.

(c) Any collections made prior to such billing shall be shown and deducted from such billing. Any collections made subsequent to such billings shall be submitted to the department.

(6) In the event an involuntary patient is determined by the agency or by the local CSO (in instances where such patient had been referred for eligibility determination) to be fully capable of paying for his or her evaluation and treatment services, and such patient refuses to do so, the agency shall have primary responsibility for collection of costs and shall not expect the department to reimburse the agency for any uncollected balance, except as stated in the applicable mental health division issuance.

(7) The agency shall maintain appropriate records and other supporting material necessary to document billings and collection of costs for evaluation and treatment provided any involuntary patient, and shall permit authorized representatives of the county and/or the department to make such review of the records of the agency as may be deemed necessary to satisfy audit purposes. Such review shall be restricted to records for involuntary patients only.

#### NEW SECTION

WAC 275-55-365 INVOLUNTARY EVALUATION AND TREATMENT COSTS—RESPONSIBILITY OF COUNTY. (1) All requests for reimbursement shall be made through the county of detention which shall review and approve requests pursuant to the following:

(a) The person being billed for was in fact an involuntary patient for the period of evaluation and treatment specified.

(b) The date of initial detention is indicated.

(c) Date of the seventy-two hour (probable cause) hearing is indicated.

(d) Date of conversion to voluntary patient status is shown (if appropriate).

(e) Date of release, transfer or discharge is shown.

(f) Days allowed by an approved extension request are shown (if appropriate).

(g) The "patient participation" calculation is shown on inpatient facility invoices, or the patient is shown to be eligible for medicaid or LCP-MI.

(h) If insurance coverage is indicated, such coverage collections have been deducted.

(2) All reimbursement payments for evaluation and treatment costs for involuntary patients shall be made directly to the service-providing agency.

(3) No payments will be made to agencies not certified pursuant to WAC 275-55-263, and not a part of a county's evaluation and treatment program pursuant to WAC 275-55-261, except in the case of licensed physicians.

(4) The counties shall maintain appropriate records and other supporting material necessary to document related administrative costs, and shall submit such reports as the department shall request and shall permit authorized representatives of the department to make such review of records as may be deemed necessary to satisfy audit purposes.

#### NEW SECTION

WAC 275-55-367 INVOLUNTARY EVALUATION AND TREATMENT COSTS—RESPONSIBILITY OF DEPARTMENT. (1) In instances where an involuntary patient is unable to pay any or all of the costs of evaluation and treatment from all of the personal, family when legally responsible, or third-party payor resources available to him or her as required by WAC 275-55-361, or if payment would result in substantial hardship upon such patient or his or her family, the department shall be responsible for paying any uncollected balance of such costs, as set forth in the applicable mental health division issuance, except costs for which the CSO has determined the patient should continue to be liable.

(2) The department shall reimburse the counties for increased administrative costs, if any, resulting from implementation of the provisions of the 1973 involuntary treatment act. Additional costs to the counties shall be reimbursed in accordance with the following rules, subject to the availability of state and federal funds.

(3) For all increased involuntary commitment administrative costs, the department shall award an amount to the counties to pay such costs pursuant to RCW 71.05-.550. "Increased costs" as used here shall mean costs exceeding the level financed by the county for calendar year 1973, resulting from implementation of the provisions of the 1973 involuntary treatment act, and subsequent amendments.

(a) Involuntary commitment administrative costs are for services not listed under the Title XIX modality schedule. Such costs include:

(i) All travel and transportation expenses, whether for staff or involuntary patients;

(ii) All investigative costs not otherwise recoverable as a Title XIX listed service;

(iii) Expenses for hearings, testimony, legal services, courts, and prosecutors; and

(iv) The percentage of total staff time of the county mental health coordinator and agency administrative staff allocated to and expended in the involuntary commitment process.

(b) State funds shall in no case be used to replace local funds from any source used to finance administrative costs for involuntary commitment procedures conducted prior to January 1, 1974.

(4) For the evaluation and treatment provided each and every involuntary patient by a qualifying agency, the department shall reimburse the agencies in the amount of the actual expenditures incurred pursuant to this chapter and applicable departmental instructions. Such reimbursement by the department shall not exceed the Title XIX rate and shall not be allowed for any costs already reimbursed by other means. Such reimbursement by the department shall cover the following involuntary evaluation and treatment statuses only:

(a) Emergency component services for individuals where a petition for initial detention is filed under RCW 71.05.160 within twelve hours of admission to that component.

(b) Initial detention period including Saturdays, Sundays, holidays and up to three judicial days.

(c) Fourteen-day period, including any involuntary outpatient treatment or less restrictive placement recommended by agency staff for the remainder of this period. Reimbursement beyond this fourteen-day period shall require approval from the department consistent with the applicable mental health division issuance.

(d) Conditional release effected pursuant to the applicable provisions of this chapter and chapter 71.05 RCW. Reimbursement shall be restricted to the initial seven-day period.

(e) Conversion to voluntary status. Reimbursement shall be restricted to inpatient or outpatient services provided during the initial seventeen-day period, regardless of the day within that period the involuntary patient converts to voluntary status.

(5) The department may withhold department reimbursement in whole or in part from any county or agency in the event of a failure to comply with the provisions of this chapter.

#### NEW SECTION

WAC 275-55-371 EXCEPTIONS TO RULES—WAIVERS. Any person or agency subject to the provisions of this chapter may seek a waiver of any requirement of this chapter, as set forth in this section.

(1) The applicant shall file an application for a waiver with the director.

(2) Any application for a waiver from any person or agency shall state, in writing, the following:

(a) The name and address of the person or agency seeking the waiver;

(b) The specific section or subsection of this chapter sought to be waived, and the specific practice or procedure required by such section or subsection;

(c) An explanation of why a waiver of the section or subsection is necessary;

(d) The alternative practice or procedure the applicant proposes to follow in lieu of that required by the section or subsection;

(e) A plan and timetable for compliance with the section or subsection for which the waiver is sought; and

(f) Signed documentation from the local mental health coordinator indicating the proposed waiver has been reviewed and what degree of support has been extended.

(3) Upon receipt of an application for a waiver, the director shall appoint a review board comprised of three members professionally acquainted with this chapter. Membership distribution shall be as follows:

(a) One member shall be employed by the state;

(b) One member shall be employed by a county; and

(c) One member shall be a practitioner in the field of voluntary or involuntary treatment, or a lay person active in one such field.

(4) The review board shall meet and consider the strength of the application, taking into account the following:

(a) The number of practices, procedures or other requirements sought to be waived by the applicant;

(b) The degree of noncompliance being sought;

(c) Whether a waiver would run counter to the intent of chapter 71.05 RCW;

(d) Whether a waiver would violate any law; and

(e) Whether any similar applications have been granted or denied.

(5) At the conclusion of the review, the review board shall file a majority recommendation with the director, stating:

(a) Whether a waiver should be granted;

(b) If granted, why the waiver is necessary;

(c) If granted, whether the waiver should be subject to compliance with conditions set forth by the review board; and

(d) If granted, the suggested duration of the waiver. In no case shall the duration exceed one year.

(6) The review board may accompany the recommendation with an additional recommendation the section or subsection in question be modified through the ordinary procedures for modifying WAC.

(7) Upon receipt of the review board's recommendation, the director shall grant or deny the waiver in writing, and shall so notify the applicant. This notice shall be given the applicant within thirty days of receipt of the original application by the director.

(a) If the waiver is granted, the notice shall include:

(i) The section or subsection waived;

(ii) Any conditions with which the applicant must comply;

(iii) The duration of the waiver, in no case to exceed one year from the date the waiver is granted;

(iv) The reason why the waiver is considered necessary.

(b) If the waiver is denied, the notice shall include reasons for the decision.

(8) Appeal of the denial of a waiver request may be made to the secretary, whose decision shall be final.

(9) Requirements prescribed by chapter 13.06 RCW and other legislation are not subject to waiver by the director or the secretary.

(10) A waiver granted by the director shall be attached to and become part of the county plan for that year.

#### REPEALER

The following sections of the Washington Administrative Code are repealed.

(1) WAC 275-55-041 VOLUNTARY ADULT PATIENT DETENTION.

(2) WAC 275-55-061 VOLUNTARY ADMISSION—ADULT CONSERVATOR.

(3) WAC 275-55-070 FORWARDING INFORMATION TO DEPARTMENT.

(4) WAC 275-55-080 ALTERNATIVES TO ADMITTANCE TO INPATIENT TREATMENT.

(5) WAC 275-55-100 MENTAL HEALTH PROFESSIONAL, PSYCHOLOGIST, SOCIAL WORKER, PSYCHIATRIC NURSE.

(6) WAC 275-55-120 CONDITIONAL RELEASE OF PATIENT.

(7) WAC 275-55-130 VOLUNTARY MINOR RELEASE.

- (8) WAC 275-55-140 INVOLUNTARY COMMITMENT AND DETENTION OF MINOR.
- (9) WAC 275-55-150 VOLUNTARY PATIENT—PERIODIC REVIEW.
- (10) WAC 275-55-160 AVAILABLE PHYSICIAN OR OTHER PROFESSIONAL PERSON.
- (11) WAC 275-55-170 ADVISING PATIENT OF RIGHTS.
- (12) WAC 275-55-180 INVOLUNTARY PATIENT—EVALUATION AND EXAMINATION.
- (13) WAC 275-55-190 INVOLUNTARY PATIENTS—TREATMENT PRIOR TO HEARINGS.
- (14) WAC 275-55-200 PROTECTION OF PATIENTS' PROPERTY.
- (15) WAC 275-55-210 VOLUNTARY TREATMENT OF INVOLUNTARY PATIENT.
- (16) WAC 275-55-220 PROFESSIONAL PERSONS IN CHARGE.
- (17) WAC 275-55-230 REVOCATION OF CONDITIONAL RELEASE.
- (18) WAC 275-55-240 RELEASE OF INDIGENT PATIENTS.
- (19) WAC 275-55-250 RESEARCH.
- (20) WAC 275-55-260 RELEASE OF INFORMATION.
- (21) WAC 275-55-270 PATIENT'S RIGHTS.
- (22) WAC 275-55-280 STANDARDS FOR CERTIFICATION OF EVALUATION AND TREATMENT FACILITIES.
- (23) WAC 275-55-282 OUTPATIENT COMPONENT.
- (24) WAC 275-55-284 EMERGENCY COMPONENT.
- (25) WAC 275-55-286 INPATIENT COMPONENT.
- (26) WAC 275-55-288 STANDARDS FOR EVALUATION AND TREATMENT FACILITIES SERVING MINORS.
- (27) WAC 275-55-290 FINANCIAL ASSISTANCE TO COUNTIES.

**WSR 82-07-025** ✓  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Order 1778—Filed March 11, 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 nursing services, amending WAC 248-14-260.

This action is taken pursuant to Notice No. WSR 82-03-038 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 74.42.620 which directs that the Department of Social and Health

Services has authority to implement the provisions of RCW 74.42.010 through 74.42.570.

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 1509, filed 5/28/80)

WAC 248-14-260 NURSING SERVICES. (1) There shall be organized nursing services with adequate administrative space and a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients.

(a) Nursing services shall be under the direction of a full-time registered nurse.

(b) When any patient requires skilled nursing care, there shall be a registered nurse on duty (~~on each shift~~) a minimum of sixteen continuous hours per day.

(c) When all residents in the facility require intermediate nursing care or care for mental retardation or related conditions, there shall be at least one licensed nurse on duty eight hours every day and additional licensed staff on any shifts if indicated.

(d) Sufficient trained support staff shall be available and assigned only to duties consistent with ~~((their))~~ the trained support staff's education, ((their)) experience, and the current standards of nursing practice.

(2) Nursing input into the health record shall include:

- (a) History and continuing assessments.
- (b) Current comprehensive written care plans.
- (c) Nursing orders.
- (d) Ongoing documentation of delivery of appropriate services.

(e) Progress notes evaluating problems, approaches, goals, and resident responses.

(3) No form of restraint may be applied or utilized for the primary purpose of preventing or limiting independent mobility or activity, see chapter ~~((309, Laws of 1977—chapter))~~ 11.92 RCW ~~((§))~~, except that a restraint may be used in a bona fide emergency situation when necessary to prevent an individual from inflicting injury upon self or others. A physician's order for proper treatment which would resolve the emergency situation and eliminate the cause for the restraint must be obtained as soon as possible. If the problem cannot be resolved in seventy-two hours, timely transfer to a certified evaluation and treatment facility must be initiated.

(a) In other situations, protective restraints or support may be necessary for individuals with acute or chronic physical impairments. ~~((This))~~ The intervention must be related to a specific problem identified in the treatment plan. The plan shall be designed to diminish or eliminate the use of restraints.

(b) Any patient (~~who is~~) physically restricted shall be released at intervals not to exceed two hours to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

(c) Appropriate individualized safety measures shall be identified in the treatment plan and implemented.

(d) A restraint may be used as a time-out device within the context of a planned behavior modification program only in a certified IMR:

(i) When the program is approved by the human rights committee,

(ii) During conditioning sessions,

(iii) In the presence of a qualified trainer, and

(iv) For periods of less than one hour.

(4) Resident call lights shall be responded to promptly.

services project and participate for the maximum of thirty days unless such individual is:

(a) Under age sixteen or age sixteen but not yet (~~eighteen who~~) nineteen and is enrolled as, or has been accepted for enrollment as, a full-time student for the next school term, in a secondary school, or the equivalent level of vocational or technical training, and reasonably expected to complete such course during the month he or she reaches nineteen,

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program,

(i) Temporary illness or incapacity (~~((a condition lasting not more than ninety days))~~) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons (~~who have been~~) determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that (~~(his/her)) his or her~~ effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A parent or other needy caretaker relative of a child under the age of six who is personally providing care for the child, with only brief and infrequent absences from the child,

(f) (~~(A mother of an unborn child))~~ For those applicants only in areas subject to the intensive applicant employment services work demonstration project where applicants are required to participate unless exempted, exemption is allowed only to a parent or other needy caretaker relative caring for a child under the age of three. This requirement shall cease when participation is completed to the extent required but not to exceed thirty days from the date of application,

(g) Persons employed at least thirty hours per week.

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until (~~(his/her)) his or her~~ status is finally determined. (See WAC 388-57-090).

(3) The requirements of any individual (~~who fails~~) failing to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.

(4) An exempt parent caretaker of a child (~~(or unborn child under the age of six))~~ shall be advised of (~~(her/his)) his or her~~ option to register if (~~(she/he)) he or she~~ so desires, and of the fact (~~(that))~~ child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

WSR 82-07-026 ✓

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1779—Filed March 11, 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 388-24-107 Eligibility conditions applicable to AFDC—Registration for WIN/Employment and training.

Amd WAC 388-38-110 Applications—Time limit for disposal.

New WAC 388-57-095 Intensive applicant employment services—Departmental authority.

This action is taken pursuant to Notice No. WSR 82-03-040 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 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 2, 1982.

By David A. Hogan  
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or employment and training (E&T) program or the intensive applicant employment

(5) When an AFDC recipient (~~(who has been)~~) classified as exempt from WIN/E&T registration reports any change (~~(which affects)~~) affecting the exempt status, (~~(he/she)~~) he or she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review unless the department becomes aware (~~(that)~~) an AFDC recipient's exempt status has changed. Then the recipient shall be notified (~~(that he/she)~~) he or she shall be registered within thirty days.

(6) The department's (~~(income maintenance unit (IMU))~~) financial service unit shall determine which AFDC ((~~applicants/recipients~~) applicants or recipients are exempt from registration and which are required to register as a condition of eligibility.

~~((7) Persons who are employed at least thirty hours per week are exempt from registration.))~~

AMENDATORY SECTION (Amending Order 1693, filed 8/12/81)

WAC 388-38-110 TIME LIMIT FOR DISPOSAL. (1) Each application shall be acted upon as quickly as possible, and within thirty days unless exceptional circumstances in an individual case require a longer period of time. Although no type of application will necessarily require more than thirty days, it may not be possible to reach a decision in certain circumstances such as:

(a) Cases (~~(in which)~~) where eligibility decisions depend on medical reports and there is delay in obtaining such reports from the examining doctor or in securing medical information;

(b) Cases (~~(in which)~~) where eligibility decisions depend upon state office action and a delayed decision is caused by the state office not having sufficient or adequate information (~~(upon which)~~) to make a decision;

(c) Cases (~~(in which)~~) where eligibility depends upon extensive property appraisals;

(d) Cases (~~(in which)~~) where determination of eligibility requires out-of-state or intercity contacts and where the delaying factor is such correspondence.

(2) Applications for medical assistance will be disposed of in accordance with WAC 388-84-105 and 388-84-110.

(3) For applications submitted in intensive applicant employment services demonstration project areas by persons not exempt from participation under WAC 388-57-095, the date of authorization is the day following termination of participation in the intensive applicant employment services, but shall be no later than thirty days after the date of application unless subsection (1)(a) through (d) of this section is applicable.

#### NEW SECTION

WAC 388-57-095 INTENSIVE APPLICANT EMPLOYMENT SERVICES—DEPARTMENTAL AUTHORITY. The intensive applicant employment services demonstration project is authorized under specific approval of the secretary of the department of health and human services through section 1115, social security act, grant number 11-P-98083-10-01.

(1) This project has the following objectives:

(a) To assist applicants for aid to families with dependent children (AFDC) to secure unsubsidized employment prior to authorization of the assistance grant;

(b) To provide certain applicants with preschool children age three years or over applying for AFDC and having previously been excluded from employment programs to participate in such programs;

(c) To provide AFDC applicants with sufficient social and financial supports during the application period to enable the applicants to conduct intensive job search;

(d) To determine the extent AFDC applicants will secure employment if required to participate in a job search program;

(e) To determine the extent AFDC applicants will secure employment through voluntary participation in a job search program;

(f) To determine the extent young applicants with small children can be assisted to become self-supporting as compared to applicants with school-age children.

(2) Applicants for AFDC residing in an area subject to the intensive applicant employment services demonstration project shall participate in this project to engage in job search unless exempted under the following conditions:

(a) Application is made in offices where project participation is voluntary, or there is no project;

(b) A child under age sixteen or attending school full time;

(c) A person is ill, incapacitated, or sixty-five years of age or over;

(d) A person is so remote from a CSO that his or her effective participation is precluded;

(e) A person whose presence in the home is required because of illness or incapacity;

(f) Applicants with children under age three years;

(g) Persons working in unsubsidized employment at least thirty hours per week; and

(h) Undue hardship exists and the client is not eligible for CEAP.

(3) If an applicant fails or refuses without good cause to participate in the intensive applicant employment services demonstration project, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. This sanction shall be consistent with the WIN sanction process in WAC 388-57-064. An applicant adversely affected shall have the opportunity for administrative review.

**WSR 82-07-027**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(Public Assistance)**

[Filed March 11, 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 replacement of exempt property, amending WAC 388-28-474.

It is the intention of the secretary to adopt these rules on an emergency basis on April 1, 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-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 April 14, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 8, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 324, Laws of 1981.

Amend WAC 388-28-474.

The purpose of the rule change is to change the treatment of insurance proceeds in the AFDC and refugee assistance programs.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Recipients may use insurance proceeds from stolen or destroyed exempt property to replace the exempt property or pay medical bills. They cannot retain the cash.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

These rules are necessary as a result of federal law, 45 CFR 233.20 (a)(3)(iii)(D).

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-474 REPLACEMENT OF EXEMPT PROPERTY. (1) A ((general assistance)) recipient may, within sixty days of receipt((:));

(a) Reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property;

(b) Pay medical bills for which the settlement was intended.

(2) A general assistance recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit.

(3) Any remaining portion of the settlement, after applying subsections (1) and (2) of this section, shall be considered newly acquired nonexempt income.

WSR 82-07-028  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

[Filed March 11, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning 1981-83 salary-compensation lid compliance, chapter 392-140 WAC.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, March 19, 1982, in the State Modular Building, 7510 Armstrong Street S.W., Tumwater, WA 98504.

The authority under which these rules are proposed is RCW 28A.41.170.

This notice is connected to and continues the matter in Notice No. WSR 82-04-061 filed with the code reviser's office on February 2, 1982.

Dated: March 11, 1982

By: Frank B. Brouillet

Superintendent of Public Instruction

WSR 82-07-029  
EMERGENCY RULES  
BELLEVUE COMMUNITY COLLEGE  
[Order 76, Resolution No. 144-Filed March 11, 1982]

Be it resolved by the board of trustees of Bellevue Community College, Community College District VIII, acting at Bellevue Community College, Board Room, 3000 Landerholm Circle S.E., Bellevue, WA, that it does promulgate and adopt the annexed rules relating to facility usage for Community College District VIII.

We, the board of trustees, 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 due to the state's financial crisis and the impact on the college, a more equitable facility fee structure is needed immediately; other areas of the rules and regulations need to be clarified including a pet policy for the protection and health of the public.

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 Board of Trustees, Bellevue Community College, Community College District VIII, as authorized in RCW 28B.50.140.

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 9, 1982.

By Paul N. Thompson  
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-010 TITLE. WAC 132H-140-010 through WAC 132H-140-((060)) 110 will be known as ((Fees Relating to Facility Rental and Additional Services)) Facility Usage for Community College District VIII.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-020 STATEMENT OF PURPOSE. ((The purpose of these regulations is to establish a basic facility fee structure and additional services regulations for non-college groups and for college groups where applicable.)) Bellevue Community College District VIII is an educational institution provided and maintained by the people of the state of Washington. The College reserves its facilities, buildings and grounds for those activities which are related to its broad educational mission. At other times, the college facilities will be made available to other individuals and organizations.

The purpose of these regulations is to establish a basic facility fee structure and additional services regulations for non-college groups and for college groups where applicable.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132-140-040 ((BASIC FACILITY FEE STRUCTURE. Non-college groups and college groups where applicable shall be charged according to the following facility fee structure. All rates are for a minimum four hour period with charges being prorated for additional hours.

(1) Theatre	\$100.00
(2) Gymnasium	100.00
(3) Cafeteria	75.00
(4) Athletic fields	60.00
(5) Exercise Room	25.00
(6) Theatre service rooms	
E129, E101, #102, Lobby	25.00
(7) Garden Room	25.00
(8) Continental Room	25.00
(9) Matrix	25.00
(10) Planetarium	25.00
(11) Classrooms - over 50	25.00
(12) Classrooms - under 50	15.00

In cases where income from an event exceeds \$250.00 a 10% of the gross will be charged.)) FACILITY USAGE

BOARD POLICY. The Board of Trustees of Bellevue Community College District VIII provides college personnel, students, faculty, staff, college formal and informal organizations and other outside individuals and organizations for the purpose other than in connection with BCC's regular educational, public service or support programs the opportunity to use the college grounds and buildings subject to WAC 132H-140-010 through WAC 132H-140-110 and in compliance with local, state and federal laws if (1) The individual or organization requesting the space is eligible to use it and (2) The space is available and has been reserved for the activity.

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: The above amendatory section was filed by the agency as WAC 132-140-040. This section is placed among sections forming chapter 132H-140 WAC, and therefore should be numbered WAC 132H-140-040. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-050 ((ADDITIONAL SERVICE FEES. Non-college and college groups may be charged fees for additional services or equipment. These fees are to be assessed by the Campus Operations and Services Office (Scheduling Office) in conjunction with special area managers. These service or equipment fees shall be recorded on the Application For Use of Facilities form BCC 040-026. Additional services and equipment include the following:

- (1) Custodial
- (2) Maintenance
- (3) Audiovisual services and/or equipment
- (4) Music equipment
- (5) Managers or technicians
- (6) Security
- (7) Other equipment))

SCHEDULING AND RESERVATION PRACTICES. No college facilities may be used by individuals or groups from outside the college unless the facilities including buildings, equipment and facilities land have been reserved. Facilities will be scheduled according to the following priorities: (1) Bellevue Community College scheduled programs and activities.

- (2) Major college events.
- (3) Foundation related events.
- (4) Non-college (outside individual or organization) events.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-060 ((EXCEPTIONS. The following activities may be exempt from facility rental fee but not necessarily from service or equipment fees:

- (1) Sponsored by the college.

~~(2) Sponsored by state, county or city agencies.~~

~~(3) Educational public service meetings or gatherings and are open to the general public with no monies being involved.~~

~~(4) Group has contracted for catering in the cafeteria area.))~~ LIMITATIONS. (1) Individuals, groups or organizations will be denied use of the college facilities if such requests are judged to interfere with the college's own teaching, public services or support programs or which interfere with the free flow of pedestrian or vehicular traffic.

(2) College facilities may not be used for private or commercial purposes unless such activities clearly serve the educational mission of the college and when sponsored by an appropriate college unit or when by contractual agreement with the college.

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 132H-140-070 OTHER REQUIREMENTS. (1) When deemed advisable by the Dean of Administrative Services, an individual or organization may be required to make an advance deposit, post a bond and/or obtain insurance to protect the college against cost or other liability.

(2) When the college grants permission to an individual or organization to use its facilities it is with the expressed understanding and condition that the individual or organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the college against any loss or damage claim arising out of such use.

#### NEW SECTION

WAC 132H-140-080 BASIC FACILITY FEE STRUCTURE. For the purpose of establishing and collecting facility rental fees users have been divided into three categories: (1) Recognized Bellevue Community College activities that are supported by a budgeting unit of the college are exempt from facilities fees.

(2) Bellevue Community College student organizations, groups who have contracted for food catering services, government agencies, and educational and non-profit organizations are not charged facility rental fees during the hours of 7 a.m. to 11 p.m., Monday through Thursday and 7 a.m. to 5 p.m., Friday. However, facility usage outside of these established hours will require a payment by the user to the college for out-of-pocket costs. Individuals and organizations, exclusive of Bellevue Community College student organizations and recognized Bellevue Community College activities, who derive financial benefits as a result of the use of facilities, will be charged as stated on the facility fee schedule.

(3) All other individuals, groups and organizations not covered in items (1) and (2) above will be charged as stated on the facility fee schedule.

#### NEW SECTION

WAC 132H-140-090 SERVICES AND EQUIPMENT FEES. Non-college groups may be charged fees for additional services or equipment. These fees are to be assessed by the Campus Operations and Services Offices (Scheduling Office) in conjunction with special area managers. These services or equipment fees shall be recorded on the Application for Use of Facilities form BCC 040-026. Additional services and equipment include the following:

- (1) Custodial
- (2) Maintenance
- (3) Audiovisual services and/or equipment
- (4) Music equipment
- (5) Managers or technicians
- (6) Security
- (7) Other equipment

#### NEW SECTION

WAC 132H-140-100 DELEGATION OF AUTHORITY. The Board of Trustees of Community College District VIII delegates to the President or his/her designee, Dean of Administrative Services, the authority to establish and collect fees from facility users as specified in WAC 132H-140-010 through WAC 132H-140-110.

#### NEW SECTION

WAC 132H-140-110 PET POLICY. Pets (dogs, cats, birds, etc.) are prohibited from entering buildings operated by Bellevue Community College.

Pets on the grounds of Bellevue Community College shall be in the physical control of their owner in accordance with the City of Bellevue "Leash Law" ordinance, Chapter 8.04.

Exceptions to these regulations are animals used for the following purposes: (1) Assisting the visual or hearing impaired persons

(2) As part of an authorized BCC program purpose requiring their use.

(3) As part of a law enforcement agency in the performance of its duties.

(4) Participation in authorized special events.

Animals found to be in violation of these regulations shall be impounded and turned over to the King County Animal Control or a citation issued and a fine imposed on the owner. Exceptions to these regulations other than those listed above shall be directed to the Dean of Administrative Services.

**WSR 82-07-030**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 12, 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 refugee assistance, amending WAC 388-55-010.

It is the intention of the secretary to adopt these rules on an emergency basis effective April 1, 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 April 14, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 43.20A.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 11, 1982

By: David A. Hogan

Director, Division of Administration

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-55-010.

The purpose of the rule or rule change is to implement federal requirements relating to refugee assistance.

Statutory Authority: RCW 43.20A.550.

Summary of the Rule or Rule Change: The \$30 and one-third earned income exemption is eliminated; Work registration age limit for secondary school students is lowered from 21 to 19; and Refugees who have been in this country for more than 18 months will be ineligible. Present limit is 36 months.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31 C, Phone: 3-7317.

These rules are necessary as a result of federal law, 45 CFR Parts 400 and 401.

#### AMENDATORY SECTION (Amending Order 1630, filed 4/1/81)

WAC 388-55-010 REFUGEE ASSISTANCE. (1) Assistance shall be granted to refugees within the provisions of Public Law 96-212, the Refugee Assistance Program.

(2) For the purpose of the refugee assistance program, a refugee is defined as a person who has fled from and cannot return to his or her

country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the following individuals shall be eligible to apply for assistance and/or services under the refugee assistance program:

(a) A person from Cambodia, Laos, or Vietnam (~~(who is)~~) receiving Indochinese refugee assistance because (~~(he/she)~~) he or she was:

(i) A person (~~(who has)~~) having parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94.

(ii) A person (~~(who has)~~) having voluntary departure status as indicated by Form I-94.

(iii) A person (~~(who has)~~) having conditional entry status as indicated by Form I-94.

(iv) A person (~~(who was)~~) admitted to the United States with permanent resident status on or after April 8, 1975 (the date (~~(on which)~~) the president designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551.

(v) A person (~~(who has)~~) having permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.

(b) A person from Cuba (~~(who is)~~) receiving assistance or services under the Cuban phase down program, who entered the United States on or after October 1, 1978. Such persons must have:

(i) A registration card issued by the United States Cuban Refugee Center in Miami on or after October 1, 1978, and

(ii) INS documentation sufficient to establish (~~(that)~~) the person entered the United States on or after October 1, 1978, or verification with the United States Cuban Refugee Center of the refugee's date of entry.

(c) A person from Cambodia, Laos, or Vietnam (~~(who has)~~) having parole status.

(i) Such persons must have a Form I-94 indicating (~~(that)~~) the person has been paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA).

(ii) If the Form I-94 was issued on or after June 1, 1980, (~~(it)~~) the form must clearly indicate (~~(that)~~) the person has been paroled as a refugee or asylee.

(d) A person from Cuba (~~(who has)~~) having been paroled as a refugee or asylee and (~~(who entered)~~) entering the United States on or after October 1, 1978.

(i) Such persons must have a Form I-94 indicating (~~(that)~~) the person has been paroled under Section 212(d)(5) of the INA.

(ii) If the Form I-94 was issued on or after April 21, 1980, (~~(it)~~) the form must clearly indicate (~~(that)~~) the person has been paroled as a refugee or asylee.

(e) An individual from any country other than Cambodia, Laos, Vietnam, or Cuba (~~(who has)~~) having parole status as a refugee or asylee as evidenced by a Form I-94 indicating (~~(that)~~) the person has been paroled under Section 212(d)(5) of the INA as a refugee or asylee.

(f) An individual admitted from any country as a conditional entrant under Section 203(a)(7) of the INA. This must be indicated on the Form I-94.

(g) An individual from any country admitted as a refugee under Section 207 of the INA. This must be indicated on (~~(their)~~) Form I-94.

(h) An individual from any country (~~(who has)~~) having been granted asylum under Section 208 of the INA. This must be indicated on (~~(their)~~) Form I-94.

(i) A person from any country (~~(who)~~) previously (~~(held)~~) holding one of the statuses identified (~~(above)~~) in this section whose status has been changed to (~~(that of)~~) permanent resident alien.

(3) Refugee assistance cases eligible for the AFDC and/or medicaid programs shall be transferred to such programs retroactively effective (~~(as of)~~) October 1, 1977, or as of such date as the case qualified for refugee assistance, whichever is later.

(a) Refugees must meet AFDC or medicaid eligibility criteria to be transferred.

(b) A refugee cash assistance case being transferred to AFDC shall be regarded as a recipient rather than a new applicant so (~~(that)~~) the income shall be disregarded accordingly.

(4) Applications from refugees not currently receiving refugee cash and or medical assistance shall be determined for AFDC or medicaid eligibility before determining eligibility for the refugee assistance program.

(a) If the applicant is determined not eligible for AFDC, eligibility shall then be determined under the refugee assistance program.

(b) If the applicant is determined not eligible for medicaid, eligibility shall ~~((then))~~ be determined under the refugee assistance program.

(5) Requirements of categorical relatedness of federal assistance programs are waived for refugees under the refugee assistance program.

(6) Refugees terminated from the AFDC program because of refusal to comply with requirements, shall not be eligible for refugee assistance.

(7) Except as specified in subsection (8) of this section, assistance to all types of refugee cases, regardless of family composition, shall be provided at the AFDC monthly ~~((payment))~~ standards; income and resources will be treated according to AFDC standards. ~~((No))~~ Resources ~~((which are))~~ not available, including property remaining in Vietnam, Laos or Cambodia, shall be considered in determining eligibility for financial assistance.

(8) Applicants for and recipients of refugee assistance shall not be eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

~~((8))~~ (9) The refugee family unit ~~((which includes))~~ including United States citizen's children, by virtue of ~~((their))~~ being born in this country, shall be treated as a single assistance unit under the refugee assistance program in accordance with the provisions of WAC 388-24-050.

~~((9))~~ (10) (a) All applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which ~~((they))~~ the applicants and recipients are a part are required to register for employment with the state employment service unless the individual is:

(i) An individual ~~((who is))~~ under sixteen, or ~~((who is))~~ under age ~~((twenty-one))~~ nineteen and ~~((is))~~ attending secondary school or an equivalent level of vocational or technical training full time ~~((or who is age twenty-one or over and is attending school or training as approved by the department));~~

(ii) A person ~~((who is))~~ ill, incapacitated, or over sixty-five;

(iii) A person whose presence in the home is required because of illness or incapacity of another member of the household;

(iv) A mother or other caretaker ~~((of))~~ caring for a child under the age of six ~~((who is caring for the child));~~

(v) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause.

~~((b))~~ The nonexempt refugee applicant or recipient must accept employment when available as specified in WAC 388-57-025(3) through (7).

~~((c))~~ (b) Inability to communicate in English does not justify exemption from registration or acceptance of employment.

~~((10))~~ (11) Refusal of an employable adult refugee to register with the employment service without good cause shall result in the following actions. In addition, refusal to accept, continue or participate in a training or employment opportunity or referral, from any source, ~~((which is))~~ determined appropriate for ~~((that))~~ the refugee by the CSO shall also result in the following actions:

(a) The CSO will provide counseling within seven days of the individual's refusal to participate. ~~((This))~~ The counseling is intended to provide the refugee with an understanding of the implications of his or her refusal to accept employment or training, and to encourage the refugee's acceptance of such opportunity. Only one such counseling session is required but additional counseling may be provided at the discretion of the CSO.

(b) An employable adult refugee applicant ~~((who refuses))~~ refusing a work or training opportunity or referral without good cause, as stated ~~((above))~~ in this section within thirty days prior to application shall be ineligible for refugee assistance for thirty days from the date of the refusal. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible.

(c) If the employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated thirty days after the date of his or her original refusal. The refugee shall be given at least ten days written notice of the termination of assistance and the reason therefore. This sanction shall be applied in the following manner:

(i) If the assistance unit includes other individuals, ~~((then))~~ the grant shall be reduced by the amount included on behalf of ~~((that))~~

the refugee. If the employable refugee is a caretaker relative, assistance in the form of protective or vendor payments will be provided to the remaining members of the assistance unit.

(ii) If such individual is the only individual in the assistance unit, the grant shall be terminated.

(iii) The recipient's voluntary agency (VOLAG) shall be notified if ~~((either action (i) or (ii) takes place))~~ action is taken according to subsection ~~((11))~~(c)(i) or (ii) of this section, provided ~~((that))~~ the provisions for safeguarding information in chapter ~~((388-48))~~ 388-320 WAC are met.

(iv) A decision by the refugee to accept employment or training, made at any time within the thirty-day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.

(v) An employable refugee shall be ineligible for a period of thirty days after the termination of assistance because of refusal to accept or continue employment or training.

~~((11))~~ (12) An employable adult refugee shall be exempt from the work registration requirements in subsections ~~((9))~~ (10) and ~~((10))~~ (11) of this section for a period of sixty days after the person's date of entry into the United States.

~~((12))~~ (13) A refugee of any age ~~((who is))~~ otherwise eligible shall not be denied cash assistance while enrolled and participating in a CSO approved employability training program ~~((which is part of an employability plan approved by the ESSO, that is, training))~~ intended to have a definite short-term (less than one year) employment objective.

~~((13))~~ (14)(a) With the exception of the thirty dollar and one-third exemption, adult refugee recipients shall be eligible for earned income exemptions as specified in WAC 388-28-570, regardless of assistance unit composition.

(b) The income of a refugee dependent child shall be treated as specified in WAC 388-28-535.

~~((14))~~ (15) All refugee recipients ~~((who are))~~ sixty-five years of age or older, or ~~((who are))~~ blind or disabled will be referred immediately to the social security administration for SSI benefits. The SSI applicant will be included in the assistance grant at the AFDC standard until payments are received.

~~((15))~~ (16)(a) The refugee recipient receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).

(b) Eligibility for medical care for the nonrecipient refugee shall be determined as specified in chapter 388-83 WAC. Eligibility is based on medical and financial need only; requirements of categorical relatedness are waived. Subsection ~~((13))~~ (14)(a) of this section is applicable in determining the amount of participation in medical costs for refugee recipients.

(c) The refugee recipient ~~((who becomes))~~ becoming ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that:

(i) In the case of a single individual assistance unit:

(A) The individual received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(B) ~~((He/she))~~ He or she continues to be employed.

(ii) In the case of a multiple individual assistance unit:

(A) The family received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(B) A member of the family continues to be employed.

(d) Medical need shall not be an eligibility factor.

~~((16))~~ (17) Refugee recipients shall have ~~((their))~~ continuing eligibility for financial and medical assistance redetermined at least once in every six months of continuous receipt of assistance.

~~((17))~~ The rules in subsections (1) through (16) of this section shall be effective February 1, 1981.)

(18) ~~((Effective April 1, 1981;))~~ Persons ~~((who meet))~~ meeting the ~~((above))~~ criteria in this section shall be eligible for refugee assistance only during the ~~((thirty-six))~~ eighteen-month period beginning in the first month ~~((that))~~ the individual entered the United States.

(19) The rules in this section shall be effective April 1, 1982.

**WSR 82-07-031**  
**ADOPTED RULES**  
**CLARK COLLEGE**

[Order 82-01, Resolution No. 82-01—Filed March 12, 1982]

Be it resolved by the board of trustees of Clark Community College District #14, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to parking and traffic regulations.

This action is taken pursuant to Notice No. WSR 82-02-038 filed with the code reviser on December 31, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Clark College Board of Trustees as authorized in chapters 28B.50 and 28B.10 RCW.

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 16, 1982.

By Ellis F. Dunn

President; Secretary, Board of Trustees

**Chapter 132N-156 WAC**  
**PARKING AND TRAFFIC REGULATIONS**

NEW SECTION

WAC 132N-156-015 PREAMBLE. Pursuant to the authority granted by RCW 28B.50.140(10) the Board of Trustees of Community College District No. 14, Clark Community College, is granted authority to establish rules and regulations for pedestrians and vehicular traffic over property owned, operated and maintained by the College District.

NEW SECTION

WAC 132N-156-025 BOARD POLICY STATEMENT—PARKING AND TRAFFIC REGULATIONS. The parking and traffic regulations have been established to promulgate and maintain the health and safety of all members of the Clark College Community—faculty, students, administrators, classified staff, and visitors.

NEW SECTION

WAC 132N-156-035 PURPOSE. The traffic and parking regulations contained herein provide a fair and uniform method of regulating campus vehicular and pedestrian traffic, and are based on the following objectives:

- (1) To protect and control pedestrian and vehicular traffic;
- (2) To assure access at all times for emergency equipment;
- (3) To minimize traffic disturbance during class hours;

- (4) To facilitate the work of the college by assuring access to institutional vehicles and by assigning the limited parking space for the most efficient use.

NEW SECTION

WAC 132N-156-045 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college security officers in the control and regulation of traffic and parking.

NEW SECTION

WAC 132N-156-055 PEDESTRIAN RIGHT OF WAY. The operator of a vehicle shall yield the right of way to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a crosswalk, slowing down or stopping if need be.

NEW SECTION

WAC 132N-156-065 SPEED LIMITATIONS. No vehicle shall be operated on the campus in excess of ten miles per hour. When safety circumstances dictate, a speed less than ten miles per hour should be maintained.

NEW SECTION

WAC 132N-156-075 PERMIT PARKING ON CAMPUS. No person shall park a vehicle upon the Clark College campus without a valid permit issued by the Clark College Security Department except as noted below (WAC 132N-156-125).

- (1) A valid permit is:
  - (a) A current vehicle permit properly displayed in accordance with permit instructions;
  - (b) A temporary permit authorized by the security department and displayed in accordance with instructions shown on the permit.
- (2) Parking permits are not transferable.
- (3) The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute unlawful activity or, if in the judgment of the administration, present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of the Clark College Parking Policy or other written rules or regulations of Clark College. All outstanding campus parking violations must be settled before a parking permit will be issued or renewed.

- (4) Physically handicapped faculty members, staff personnel, and students may apply through the Health Services office for a handicapped parking permit.

NEW SECTION

WAC 132N-156-085 FEES FOR PERMITS. The fees charged by the college for the issuance of permits shall be set by the Board of Trustees of the college. Parking permits are issued as a license to park on the Clark College campus. A schedule of current parking fees will be included in the policies and procedures manual and published each quarter in the college schedule.

NEW SECTION

WAC 132N-156-095 DESIGNATED AND ASSIGNED PARKING. (1) Vehicles shall be parked on the campus only in those areas set aside and designated as parking areas.

(2) In any area requiring a special parking permit, no vehicle shall park there without said permit.

NEW SECTION

WAC 132N-156-105 ALLOCATION OF PARKING SPACES. The parking spaces available on campus shall be assigned by the Security Advisory Committee in such a manner as will best obtain the objectives of these regulations. The Director of Security, or designee, is authorized to mark various parking areas on the campus with numbers or titles or by the posting of signs or curb markings in those areas. Students, staff, and faculty may obtain daytime or evening parking on campus as follows:

(1) Student parking is limited to areas designated as open parking;

(2) Staff/faculty parking is limited to areas so designated.

NEW SECTION

WAC 132N-156-115 MOTORCYCLE AND SCOOTER PARKING. (1) Motorcycles, motorized bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Special parking areas will be designated for motorcycles, motorized bicycles and scooters.

NEW SECTION

WAC 132N-156-125 VISITOR AND GUEST PARKING. (1) All visitors, including guests, sales persons, maintenance or services personnel and all other members of the public on campus for less than two hours may park in designated visitor parking areas, or as directed by the Clark College security officers or parking checkers. There will be no charge, and no permit required.

(2) Visitors on campus for more than two hours may purchase a visitor's permit and park in open parking areas.

NEW SECTION

WAC 132N-156-135 PROHIBITIONS. No person shall stop or park any vehicle so as to obstruct traffic along or upon any street, fire lane or sidewalk. No vehicle shall be parked:

(1) At any place where official signs or curb markings prohibit parking;

(2) Within ten feet of a fire hydrant;

(3) At any place for which the vehicle does not have a valid permit.

No vehicle (including motorcycles, motorized bicycles and scooters) shall drive on pathways without a special permit issued by the security department. Restrictions

governing the use of intra-campus permits shall be included on the face of the permit.

NEW SECTION

WAC 132N-156-145 IMPOUNDING OF DISABLED/INOPERATIVE VEHICLES. No disabled or inoperative vehicle shall be parked on the campus for a period in excess of forty-eight hours. Vehicles which have been parked for periods in excess of forty-eight hours and which appear to be disabled and inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Notice of intent to impound will be posted on the vehicle twenty-four hours prior to impound. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

NEW SECTION

WAC 132N-156-155 ENFORCEMENT. The Board of Trustees of Clark College shall set and approve fair and uniform schedules of fines for parking violations. If a violation of the traffic and parking rules and regulations is committed on the Clark College campus, the security department is authorized to notify the violator and issue citations as follows:

(1) The first violation shall be cited by a warning citation;

(2) The second and third violations shall be cited by use of a citation and the violator shall be fined;

(3) Any violation occurring after the third citation may result in the violator's permit being revoked.

NEW SECTION

WAC 132N-156-165 VIOLATIONS OF THE FOLLOWING TRAFFIC AND PARKING RULES WILL BE CITED. (1) Parking offense:

(a) Parking without a valid permit displayed on vehicle.

(b) Occupying more than one space.

(c) Parking in space not designated for parking.

(d) Failure to set brakes.

(e) Parking area not authorized.

(f) Blocking traffic.

(g) Parking adjacent to fire hydrant.

(h) Parking in fire lane.

(i) Parking in "No Parking" zone.

(j) Parking on grass.

(k) Parking in "Handicapped" zone without a special permit.

(l) Parking disabled or inoperable vehicle in excess of forty-eight hours.

(2) Traffic offense:

(a) Failure to yield right of way (posted).

(b) Failure to yield right of way to pedestrians.

(c) Failure to yield right of way to automobile.

(d) Failure to yield right of way to emergency vehicle.

(e) Failure to stop at traffic signal/sign.

(f) Failure to use due care and caution.

(g) Obstructed vision.

(h) Passenger or animal outside of vehicle while vehicle is in motion.

- (i) Driving without lights after dark.
- (j) Driving on shoulder, sidewalk, or pathway.
- (k) Disobeying flagman, police, or fireman.

**NEW SECTION**

**WAC 132N-156-175 PAYMENT OF FINES.** (1) A schedule of fines will be published in the Clark College Policies and Procedures Manual and in the student handbook.

(2) Persons cited for violation of the traffic and parking rules and regulations may respond either by filing a written appeal or by paying a fine within fifteen days of receipt of the citation.

(3) All fines are to be made payable to Clark College. Fines can be paid by mail or in person at the cashier's office in the Administration Building. Fines that are mailed must be received within fifteen days of receipt of the citation.

**NEW SECTION**

**WAC 132N-156-185 APPEALS.** Students, faculty and staff members who receive citations for violations of the traffic and parking rules and regulations may appeal to the Director of Security. If the situation is not resolved satisfactorily, students, faculty, and staff members may appeal in writing to the Security Advisory Committee through the Dean of Administrative Services. Appeals must be submitted and received without posting of fine within seven days after date of citation. The Security Advisory Committee meets once a month while the college is in session. The Security Advisory Committee shall consider each appeal on its merits and shall make written notification of each decision of the committee to the appellant and the security department.

**NEW SECTION**

**WAC 132N-156-195 UNPAID FINES.** (1) If any citation remains unpaid after fifteen days, a letter will be sent to the violator stating that if the citation remains unpaid for an additional five days, any of the following actions may be taken by Clark College:

- (a) A hold may be placed on transcripts.
- (b) A delay of registration for the following quarter.
- (c) Revocation of the permit(s).
- (d) Faculty, students and staff will be unable to purchase parking permits unless outstanding tickets are paid.
- (e) Fines due and payable will be withheld from paychecks of all Clark College employees (including faculty, staff and students).
- (f) All fines outstanding may be turned over to a collection agency.

(2) If a violator has three unpaid citations, a letter will be sent notifying the violator of the unpaid citations and that his/her vehicle will be impounded and held until all outstanding fines are paid.

(3) These procedures will be applicable to all students, faculty, and staff members receiving citations for violations of these regulations.

**NEW SECTION**

**WAC 132N-156-205 REVOCATIONS.** Permits are licenses and the property of the college and may be recalled for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used on an unregistered vehicle or by an unauthorized individual.
- (3) Falsification on a parking permit application.
- (4) Continued violations of parking regulations.
- (5) Counterfeiting or altering of permits.
- (6) Failure to comply with a final decision of the Director of Security/Security Advisory Committee.

Appeals of permit revocations may be made to the Security Advisory Committee. Appeals must be filed within seven days of revocation.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 132N-156-010 BOARD POLICY STATEMENT—PARKING AND TRAFFIC REGULATIONS.
- (2) WAC 132N-156-030 PURPOSE.
- (3) WAC 132N-156-040 AUTHORITY.
- (4) WAC 132N-156-050 LIABILITY OF CLARK COLLEGE.
- (5) WAC 132N-156-060 REGULATORY SIGNS AND DIRECTIONS.
- (6) WAC 132N-156-070 PEDESTRIAN RIGHT OF WAY.
- (7) WAC 132N-156-080 SPEED LIMITATIONS.
- (8) WAC 132N-156-090 ALLOCATION OF PARKING SPACES.
- (9) WAC 132N-156-100 PERMIT PARKING ON CAMPUS.
- (10) WAC 132N-156-110 DESIGNATED AND ASSIGNED PARKING.
- (11) WAC 132N-156-120 PARKING WITHIN DESIGNATED AREAS.
- (12) WAC 132N-156-130 SPECIAL CIRCUMSTANCES.
- (13) WAC 132N-156-140 EXEMPTIONS FROM PERMIT REQUIREMENTS.
- (14) WAC 132N-156-150 MOTORCYCLE AND SCOOTER PARKING.
- (15) WAC 132N-156-160 PROHIBITIONS.
- (16) WAC 132N-156-170 IMPOUNDING OF DISABLED/ABANDONED VEHICLES.
- (17) WAC 132N-156-180 ENFORCEMENT.
- (18) WAC 132N-156-190 APPEALS.
- (19) WAC 132N-156-200 UNPAID FINES.
- (20) WAC 132N-156-210 REVOCATIONS.

**WSR 82-07-032**  
**EMERGENCY RULES**  
**CLARK COLLEGE**

[Order 82-02, Resolution No. 82-02—Filed March 12, 1982]

Be it resolved by the board of trustees of Clark Community College District #14, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to parking and traffic regulations.

We, the Clark College Board of Trustees, 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 Clark College is currently without rules pertaining to campus parking and traffic.

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 Clark College Board of Trustees as authorized in chapters 28B.50 and 28B.10 RCW.

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 16, 1982.

By Ellis F. Dunn  
 President; Secretary, Board of Trustees

**Chapter 132N-156 WAC**  
**PARKING AND TRAFFIC REGULATIONS**

**NEW SECTION**

**WAC 132N-156-015 PREAMBLE.** Pursuant to the authority granted by RCW 28B.50.140(10) the Board of Trustees of Community College District No. 14, Clark Community College, is granted authority to establish rules and regulations for pedestrians and vehicular traffic over property owned, operated and maintained by the College District.

**NEW SECTION**

**WAC 132N-156-025 BOARD POLICY STATEMENT—PARKING AND TRAFFIC REGULATIONS.** The parking and traffic regulations have been established to promulgate and maintain the health and safety of all members of the Clark College Community—faculty, students, administrators, classified staff, and visitors.

**NEW SECTION**

**WAC 132N-156-035 PURPOSE.** The traffic and parking regulations contained herein provide a fair and uniform method of regulating campus vehicular and pedestrian traffic, and are based on the following objectives:

- (1) To protect and control pedestrian and vehicular traffic;
- (2) To assure access at all times for emergency equipment;
- (3) To minimize traffic disturbance during class hours;
- (4) To facilitate the work of the college by assuring access to institutional vehicles and by assigning the limited parking space for the most efficient use.

**NEW SECTION**

**WAC 132N-156-045 REGULATORY SIGNS AND DIRECTIONS.** Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college security officers in the control and regulation of traffic and parking.

**NEW SECTION**

**WAC 132N-156-055 PEDESTRIAN RIGHT OF WAY.** The operator of a vehicle shall yield the right of way to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a crosswalk, slowing down or stopping if need be.

**NEW SECTION**

**WAC 132N-156-065 SPEED LIMITATIONS.** No vehicle shall be operated on the campus in excess of ten miles per hour. When safety circumstances dictate, a speed less than ten miles per hour should be maintained.

**NEW SECTION**

**WAC 132N-156-075 PERMIT PARKING ON CAMPUS.** No person shall park a vehicle upon the Clark College campus without a valid permit issued by the Clark College Security Department except as noted below (WAC 132N-156-125).

- (1) A valid permit is:
  - (a) A current vehicle permit properly displayed in accordance with permit instructions;
  - (b) A temporary permit authorized by the security department and displayed in accordance with instructions shown on the permit.
- (2) Parking permits are not transferable.
- (3) The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute unlawful activity or, if in the judgment of the administration, present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of the Clark College Parking Policy or other written rules or regulations of Clark College. All outstanding campus parking violations must be settled before a parking permit will be issued or renewed.
- (4) Physically handicapped faculty members, staff personnel, and students may apply through the Health Services office for a handicapped parking permit.

**NEW SECTION**

**WAC 132N-156-085 FEES FOR PERMITS.** The fees charged by the college for the issuance of permits shall be set by the Board of Trustees of the college.

Parking permits are issued as a license to park on the Clark College campus. A schedule of current parking fees will be included in the policies and procedures manual and published each quarter in the college schedule.

#### NEW SECTION

**WAC 132N-156-095 DESIGNATED AND ASSIGNED PARKING.** (1) Vehicles shall be parked on the campus only in those areas set aside and designated as parking areas.

(2) In any area requiring a special parking permit, no vehicle shall park there without said permit.

#### NEW SECTION

**WAC 132N-156-105 ALLOCATION OF PARKING SPACES.** The parking spaces available on campus shall be assigned by the Security Advisory Committee in such a manner as will best obtain the objectives of these regulations. The Director of Security, or designee, is authorized to mark various parking areas on the campus with numbers or titles or by the posting of signs or curb markings in those areas. Students, staff, and faculty may obtain daytime or evening parking on campus as follows:

(1) Student parking is limited to areas designated as open parking;

(2) Staff/faculty parking is limited to areas so designated.

#### NEW SECTION

**WAC 132N-156-115 MOTORCYCLE AND SCOOTER PARKING.** (1) Motorcycles, motorized bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Special parking areas will be designated for motorcycles, motorized bicycles and scooters.

#### NEW SECTION

**WAC 132N-156-125 VISITOR AND GUEST PARKING.** (1) All visitors, including guests, sales persons, maintenance or services personnel and all other members of the public on campus for less than two hours may park in designated visitor parking areas, or as directed by the Clark College security officers or parking checkers. There will be no charge, and no permit required.

(2) Visitors on campus for more than two hours may purchase a visitor's permit and park in open parking areas.

#### NEW SECTION

**WAC 132N-156-135 PROHIBITIONS.** No person shall stop or park any vehicle so as to obstruct traffic along or upon any street, fire lane or sidewalk. No vehicle shall be parked:

(1) At any place where official signs or curb markings prohibit parking;

(2) Within ten feet of a fire hydrant;

(3) At any place for which the vehicle does not have a valid permit.

No vehicle (including motorcycles, motorized bicycles and scooters) shall drive on pathways without a special permit issued by the security department. Restrictions governing the use of intra-campus permits shall be included on the face of the permit.

#### NEW SECTION

**WAC 132N-156-145 IMPOUNDING OF DISABLED/INOPERATIVE VEHICLES.** No disabled or inoperative vehicle shall be parked on the campus for a period in excess of forty-eight hours. Vehicles which have been parked for periods in excess of forty-eight hours and which appear to be disabled and inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Notice of intent to impound will be posted on the vehicle twenty-four hours prior to impound. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

#### NEW SECTION

**WAC 132N-156-155 ENFORCEMENT.** The Board of Trustees of Clark College shall set and approve fair and uniform schedules of fines for parking violations. If a violation of the traffic and parking rules and regulations is committed on the Clark College campus, the security department is authorized to notify the violator and issue citations as follows:

(1) The first violation shall be cited by a warning citation;

(2) The second and third violations shall be cited by use of a citation and the violator shall be fined;

(3) Any violation occurring after the third citation may result in the violator's permit being revoked.

#### NEW SECTION

**WAC 132N-156-165 VIOLATIONS OF THE FOLLOWING TRAFFIC AND PARKING RULES WILL BE CITED.** (1) Parking offense:

(a) Parking without a valid permit displayed on vehicle.

(b) Occupying more than one space.

(c) Parking in space not designated for parking.

(d) Failure to set brakes.

(e) Parking area not authorized.

(f) Blocking traffic.

(g) Parking adjacent to fire hydrant.

(h) Parking in fire lane.

(i) Parking in "No Parking" zone.

(j) Parking on grass.

(k) Parking in "Handicapped" zone without a special permit.

(1) Parking disabled or inoperable vehicle in excess of forty-eight hours.

(2) Traffic offense:

(a) Failure to yield right of way (posted).

(b) Failure to yield right of way to pedestrians.

(c) Failure to yield right of way to automobile.

(d) Failure to yield right of way to emergency vehicle.

- (e) Failure to stop at traffic signal/sign.
- (f) Failure to use due care and caution.
- (g) Obstructed vision.
- (h) Passenger or animal outside of vehicle while vehicle is in motion.
- (i) Driving without lights after dark.
- (j) Driving on shoulder, sidewalk, or pathway.
- (k) Disobeying flagman, police, or fireman.

#### NEW SECTION

WAC 132N-156-175 PAYMENT OF FINES. (1) A schedule of fines will be published in the Clark College Policies and Procedures Manual and in the student handbook.

(2) Persons cited for violation of the traffic and parking rules and regulations may respond either by filing a written appeal or by paying a fine within fifteen days of receipt of the citation.

(3) All fines are to be made payable to Clark College. Fines can be paid by mail or in person at the cashier's office in the Administration Building. Fines that are mailed must be received within fifteen days of receipt of the citation.

#### NEW SECTION

WAC 132N-156-185 APPEALS. Students, faculty and staff members who receive citations for violations of the traffic and parking rules and regulations may appeal to the Director of Security. If the situation is not resolved satisfactorily, students, faculty, and staff members may appeal in writing to the Security Advisory Committee through the Dean of Administrative Services. Appeals must be submitted and received without posting of fine within seven days after date of citation. The Security Advisory Committee meets once a month while the college is in session. The Security Advisory Committee shall consider each appeal on its merits and shall make written notification of each decision of the committee to the appellant and the security department.

#### NEW SECTION

WAC 132N-156-195 UNPAID FINES. (1) If any citation remains unpaid after fifteen days, a letter will be sent to the violator stating that if the citation remains unpaid for an additional five days, any of the following actions may be taken by Clark College:

- (a) A hold may be placed on transcripts.
- (b) A delay of registration for the following quarter.
- (c) Revocation of the permit(s).
- (d) Faculty, students and staff will be unable to purchase parking permits unless outstanding tickets are paid.
- (e) Fines due and payable will be withheld from paychecks of all Clark College employees (including faculty, staff and students).
- (f) All fines outstanding may be turned over to a collection agency.

(2) If a violator has three unpaid citations, a letter will be sent notifying the violator of the unpaid citations

and that his/her vehicle will be impounded and held until all outstanding fines are paid.

(3) These procedures will be applicable to all students, faculty, and staff members receiving citations for violations of these regulations.

#### NEW SECTION

WAC 132N-156-205 REVOCATIONS. Permits are licenses and the property of the college and may be recalled for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used on an unregistered vehicle or by an unauthorized individual.
- (3) Falsification on a parking permit application.
- (4) Continued violations of parking regulations.
- (5) Counterfeiting or altering of permits.
- (6) Failure to comply with a final decision of the Director of Security/Security Advisory Committee.

Appeals of permit revocations may be made to the Security Advisory Committee. Appeals must be filed within seven days of revocation.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 132N-156-010 BOARD POLICY STATEMENT—PARKING AND TRAFFIC REGULATIONS.

(2) WAC 132N-156-030 PURPOSE.

(3) WAC 132N-156-040 AUTHORITY.

(4) WAC 132N-156-050 LIABILITY OF CLARK COLLEGE.

(5) WAC 132N-156-060 REGULATORY SIGNS AND DIRECTIONS.

(6) WAC 132N-156-070 PEDESTRIAN RIGHT OF WAY.

(7) WAC 132N-156-080 SPEED LIMITATIONS.

(8) WAC 132N-156-090 ALLOCATION OF PARKING SPACES.

(9) WAC 132N-156-100 PERMIT PARKING ON CAMPUS.

(10) WAC 132N-156-110 DESIGNATED AND ASSIGNED PARKING.

(11) WAC 132N-156-120 PARKING WITHIN DESIGNATED AREAS.

(12) WAC 132N-156-130 SPECIAL CIRCUMSTANCES.

(13) WAC 132N-156-140 EXEMPTIONS FROM PERMIT REQUIREMENTS.

(14) WAC 132N-156-150 MOTORCYCLE AND SCOOTER PARKING.

(15) WAC 132N-156-160 PROHIBITIONS.

(16) WAC 132N-156-170 IMPOUNDING OF DISABLED/ABANDONED VEHICLES.

(17) WAC 132N-156-180 ENFORCEMENT.

(18) WAC 132N-156-190 APPEALS.

(19) WAC 132N-156-200 UNPAID FINES.

(20) WAC 132N-156-210 REVOCATIONS.

WSR 82-07-033 ✓  
 ADOPTED RULES  
 WALLA WALLA  
 COMMUNITY COLLEGE  
 [Resolution No. 82-4—Filed March 12, 1982]

Be it resolved by the board of trustees of Community College District No. 20, Walla Walla Community College, acting at Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, that it does promulgate and adopt the annexed rules relating to tenure regulations, chapter 132T-06 WAC.

This action is taken pursuant to Notice No. WSR 82-02-041 filed with the code reviser on December 31, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Community College District No. 20, Walla Walla Community College, as authorized in chapters 34.04, 34.08 and 28B.19 RCW and chapter 1-13 WAC.

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 Eldon J. Dietrich  
 Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order 70-20, filed 4/24/70)

WAC 132T-06-010 PURPOSE. The Board of Trustees of Community College District No. 20 hereby establishes a rule on faculty tenure. The purpose of this tenure policy shall be to protect faculty employment rights and faculty involvement in the protection of those rights at Walla Walla Community College and subsequent community colleges hereafter established within Community College District No. 20. In order to insure the professional objectives of a community college staff, the board hereby adopts the following procedures as they exist now or as hereafter amended for administering faculty tenure.

AMENDATORY SECTION (Amending Order 70-20, filed 4/24/70)

WAC 132T-06-020 DEFINITIONS. As used in this chapter, the following terms and definitions shall mean:

- (1) "Appointing Authority" shall mean the Board of Trustees of Community College District No. 20.
- (2) "Review Committee" shall mean a committee of faculty peers and administrative staff appointed pursuant to WAC 132T-08-030.
- (3) "Dismissal Review Committee" shall mean a committee of faculty and peers and administrative staff approved pursuant to WAC 132T-06-075.

(4) "Regular College Year" shall mean a faculty appointment inclusive of consecutive fall, winter and spring quarters. The regular college year, in all instances shall be deemed to begin with the first fall quarter following the probationer's appointment regardless of the quarter in which the probationer began employment.

~~((4))~~ (5) "President" shall mean the president of Walla Walla Community College, or in such president's absence, the acting president.

~~((5))~~ (6) "Part-time" shall mean an appointment for which the appointee's presence at the college for the entire normal working day during the entire regular college year is not required.

~~((6))~~ (7) "College" shall mean Walla Walla Community College and any subsequent community college hereafter established within Community College District No. 20.

~~((7))~~ (8) "Full-time" shall mean an appointment which requires the appointee's presence at the college for the entire normal working day during the entire regular college year.

~~((8))~~ (9) The definition of "tenure", "faculty appointment", "probationary faculty appointment", "probationer", and "administrative appointment" shall be the same as are contained within section 33, chapter 283, Laws of 1969 ex. sess. and RCW ~~((28.85.851-28B.50-851))~~ 28B.50.851 as now law or hereafter amended.

AMENDATORY SECTION (Amending Order 70-20, filed 4/24/70)

WAC 132T-06-040 DUTIES OF REVIEW COMMITTEE. (1) The president shall on the 15th day of October of each regular college year assign each full-time probationary faculty appointee to the review committee for such committee's evaluation and required recommendations.

(2) The review committee shall establish and publish its method of evaluating performance of each full-time probationary faculty appointee in considering whether the probationary appointee possesses personal characteristics and the necessary professional competence to be granted tenure, placing primary importance upon the probationer's effectiveness in his appointment.

(3) The review committee shall consider the following standards in the course of evaluating each full-time probationer's effectiveness in his appointment:

- (a) Initial employment is the first favorable indication that the probationer should be permanently employed.
- (b) The probationer's instructional skills.
- (c) The probationer's relationship with students.
- (d) The probationer's relationship with academic employees.
- (e) The probationer's relationship with the administration.
- (f) The probationer's knowledge of the subject matter he/she is charged with teaching.

AMENDATORY SECTION (Amending Order 70-20, filed 4/24/70)

WAC 132T-06-050 REQUIRED REVIEW COMMITTEE ACTION. (1) The review committee shall be

required to conduct an evaluation of each full-time probationary faculty appointee assigned to the committee by the president and render the following reports to the president, the probationary faculty appointee and through the president to the appointing authority at the following times during the regular college year:

(a) A written evaluation of each full-time probationary faculty appointee's performance and the subsequent submission of such written evaluation of the performance directed to the said probationer and the president on December 20th and March 15th of each regular college year that said probationer is not a tenured faculty appointee. The review committee shall obtain such appointee's written acknowledgment of receipt of the written performance evaluation each time such evaluation is rendered.

(b) A written recommendation concerning the employment or nonemployment of each full-time probationary faculty appointee for the ensuing regular college year directed to the appointing authority through the president prior to February 15th of each regular college year.

(c) A written recommendation directed through the president to the appointing authority recommending the ~~((approving))~~ appointing authority award or not award tenure, such written recommendations to be submitted at times deemed appropriate by the review committee: **PROVIDED**, That during such full-time probationary faculty appointee's third regular college year of appointment, the review committee shall prior to March 15th of such regular college year make such a recommendation as to the award or nonaward of tenure. If the review committee does not make the written recommendation as to the award or nonaward of tenure by March 15th of the regular college year for each full-time probationary faculty appointee who is then serving his third consecutive year of full-time appointment it shall be deemed a recommendation that tenure not be awarded to such appointee.

(2) The appointing authority shall only be required to give reasonable consideration to an award of tenure recommendation of the review committee but shall not be bound by such recommendation if the appointing authority has given reasonable consideration to such recommendation. The appointing authority shall not be required to give any consideration to the review committee recommendation required by paragraph (1)(b) of this rule.

#### AMENDATORY SECTION (Amending Order 70-20, filed 4/24/70)

WAC 132T-06-060 DISMISSAL FOR CAUSE. Tenured employees shall not be dismissed or laid off except for sufficient cause, nor shall a probationary employee be dismissed or laid off prior to the written terms of an appointment except for sufficient cause. Dismissal for sufficient cause (~~((during the regular college year))~~) shall, in addition to the enumerated grounds contained in section 40, chapter 283, Laws of 1969 ex. sess., and RCW (~~(28.85.862 [28B.50.862])~~) 28B.50.862, include but not be limited to:

- (1) Any unlawful act of violence;

- (2) Any unlawful act resulting in destruction of community college property;

- (3) ~~((Interruption-of))~~ Unlawful interference with the orderly conduct of the educational process;

- (4) Incompetency;

- (5) Failure to perform an assignment as specified by contract;

- (6) ~~((Any other act specified by the president which the review committee determines constitutes unprofessional conduct of a faculty member.))~~ Layoff or reduction-in-force.

#### NEW SECTION

WAC 132T-06-075 PERCENT COMPOSITION OF DISMISSAL REVIEW COMMITTEE. Dismissal Review Committee comprised for the express purpose of hearing dismissal cases formulated by October 15 of each academic year shall be comprised of the following members:

- (1) An administrator chosen by the college president.

- (2) Three academic employees chosen by the employees acting as a body; provided that the initial Dismissal Review Committee employees shall serve a one-year, two-year, and three-year term, respectively. All subsequent elections to this committee by employees shall be limited to an election of a member to a three-year term so that all future elections of an employee to this committee shall be accomplished on a staggered-term basis.

- (3) A full-time student selected each year by the Student Council of the Associated Student Body.

#### NEW SECTION

WAC 132T-06-085 CHARGES. (1) If the president deems sufficient cause exists, a formal charge will be brought against the employee affording an opportunity for a formal hearing after not less than ten days notice. The notice shall include:

- (a) A statement of the time, place and nature of the proceeding;

- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

- (c) A reference to the particular rules of the district involved;

- (d) A statement of the charges and allegations.

Copies of such notice will go to the appropriate dean, the chairperson of the Dismissal Review Committee, and the President of the Association.

(2) Such formal hearing shall be in accordance with and in full compliance with, RCW 28B.19.120; 28B.19.130; and 28B.19.140: **PROVIDED, HOWEVER**, Implementation of RCW 28B.19.120 shall always involve a hearing officer appointed by the district.

#### NEW SECTION

WAC 132T-06-095 CONSIDERATION BY THE DISMISSAL REVIEW COMMITTEE. (1) The designated hearing officer shall conduct a formal hearing pursuant to RCW 28B.19.120, 28B.19.130, and 28B.19.140 as now or hereafter amended. The Dismissal Review Committee shall attend all hearings and at the

discretion of the hearing officer shall examine any witness called.

(2) The hearing officer shall make proposed findings of fact. The hearing officer shall transmit the record, including the proposed findings of fact, to the Board of Trustees within thirty days of the conclusion of the hearing.

(3) The Dismissal Review Committee, based upon evidence presented at the hearing, shall simultaneously transmit a recommendation to the Board of Trustees.

(4) The Board of Trustees shall adopt findings of fact and shall render a decision based upon the record. In rendering such decision, the board shall give careful consideration to the recommendations of the Dismissal Review Committee.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 132T-06-070 DISMISSAL FOR SUFFICIENT CAUSE.
- (2) WAC 132T-06-080 NONRENEWAL OF TENURED FACULTY CONTRACTS.
- (3) WAC 132T-06-090 REVIEW COMMITTEE RECOMMENDATIONS.

**WSR 82-07-034**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed March 12, 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 356-07-030 Description and location of ((central and field)) departmental organization.
- Amd WAC 356-10-050 Positions—Reallocation upward((=)), incumbents.
- New WAC 356-30-335 Reduction-in-force—Voluntary leave without pay—Return—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.

This notice is connected to and continues the matter in Notice Nos. WSR 82-04-025 and 82-05-033 filed

with the code reviser's office on January 27, 1982 and February 16, 1982.

Dated: March 11, 1982  
By: Leonard Nord  
Secretary

**WSR 82-07-035**  
**PROCLAMATION**  
**OFFICE OF THE GOVERNOR**

**PROCLAMATION BY THE GOVERNOR**

The Washington State Legislature has all but concluded the 1982 Regular Session without resolving the major issues critical to our state. It is therefore necessary for me to convene the legislature in extraordinary session for the purpose of addressing only the following:

- The state budget
- State and local revenues
- Unemployment insurance
- New state correctional facilities
- The Washington Public Power Supply System
- Ferry-labor relations
- Bills in dispute

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Washington State Legislature in extraordinary (special) session for a period not to exceed ten days in the Capitol at Olympia at 12:00 noon on March 12, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11th day of March, A.D. nineteen hundred and eighty-two.

John Spellman  
\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
Secretary of State

**WSR 82-07-036**  
**NOTICE OF PUBLIC MEETINGS**  
**WESTERN WASHINGTON UNIVERSITY**  
 [Memorandum—March 12, 1982]

The Board of Trustees of Western Washington University will hold a special meeting on March 16, 1982, at 11 a.m. on the campus of the university in Old Main 450.

**WSR 82-07-037**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY**  
**COLLEGE DISTRICT**  
 [Memorandum—March 9, 1982]

The Board of Trustees of Seattle Community College District 6 will meet in special session at 7 p.m., Monday, March 15 at South Seattle Community College, 6000 16th Avenue S.W., in the president's board room.

**WSR 82-07-038**  
**ADOPTED RULES**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Resolution No. 82-01—Filed March 15, 1982]

Be it resolved by the board of trustees of Eastern Washington University, acting at Pence Union Building, Council Chambers, EWU, that it does promulgate and adopt the annexed rules relating to traffic and parking regulations, chapter 172-116 WAC.

This action is taken pursuant to Notice No. WSR 82-01-083 filed with the code reviser on December 22, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Board of Trustees of Eastern Washington University as authorized in RCW 28B.35.120.

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 January 28, 1982.

By Kenneth R. Dolan  
 Secretary, Board of Trustees

**AMENDATORY SECTION** (Amending Order 72-10, filed 9/20/72)

**WAC 172-116-010 INTRODUCTION.** The rules and regulations provided in this chapter have been established by the Board of Trustees of Eastern Washington (~~(State College)~~) University acting on behalf of Eastern Washington (~~(State College)~~) University to govern pedestrian traffic and vehicular traffic and parking upon all state lands devoted to the educational, recreational, research, and living activities of Eastern Washington (~~(State College)~~) University.

**NEW SECTION**

**WAC 172-116-015 DEFINITIONS.** (1) **MOTOR VEHICLE:** Every vehicle which is self-propelled.

(2) **MOTORCYCLE:** A motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground.

(3) **MOTOR SCOOTER:** A motor driven vehicle with two wheels less than 18 inches in diameter.

(4) **DECAL:** Either a decal sticker or guest, service permit.

(5) **PARKING SERVICES:** Office of Parking Services is same as Office of Campus Safety.

(6) **PARKING SUPERVISOR:** Parking Supervisor is same as Director of Parking Services.

(7) **CAMPUS POLICE:** Office of Campus Police is same as Office of Campus Safety.

(8) **CHIEF OF POLICE:** Chief of Campus Police or Chief of Campus Safety.

(9) **CITATION:** May be a parking citation or a misdemeanor citation.

**AMENDATORY SECTION** (Amending Order 74-1, filed 1/24/74)

**WAC 172-116-020 PURPOSES OF REGULATIONS.** The purposes of these regulations are:

(1) To control parking on (~~(college)~~) university owned or (~~(college)~~) university leased parking lots.

(2) To assure access at all times for emergency equipment.

(3) To expedite Eastern Washington (~~(State College)~~) University business, protect state property, and provide maximum safety and convenience.

(4) To provide funds to obtain and maintain suitable campus parking and traffic facilities.

**AMENDATORY SECTION** (Amending Order 72-10, filed 9/20/72)

**WAC 172-116-030 APPLICABLE RULES AND REGULATIONS.** The traffic and parking regulations which are applicable upon state lands devoted to the educational, recreational, research, and housing activities of Eastern Washington (~~(State College)~~) University are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington;

(2) (~~(The traffic code of the city of Cheney; and~~  
~~(3))~~) Special regulations set forth in this chapter.

**AMENDATORY SECTION** (Amending Order 75-4, filed 4/10/75)

**WAC 172-116-040 AUTHORITY OF OFFICERS.** The employees of the Eastern Washington (~~(State College)~~) University Office of Campus (~~(Safety)~~) Police when duly sworn shall be peace officers of the state of Washington and have such police powers as are vested in sheriffs and peace officers generally under the laws of the state of Washington pursuant to RCW 28B.10.550, RCW 28B.10.555, and by board resolution through which the Board of Trustees of Eastern Washington (~~(State College)~~) University did commission campus safety officers as peace officers of the state of Washington. Noncommissioned personnel of Eastern Washington (~~(State College Office of Campus Safety)~~) University Parking Services shall have authority to enforce traffic and parking regulations on state lands devoted to the educational, recreational, research, and housing activities of Eastern Washington (~~(State College)~~) University. All action and decisions of noncommissioned personnel in the enforcement of traffic and

parking regulations are subject to administrative review and approval.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-050 PERMITS REQUIRED TO PARK ON ((COLLEGE)) UNIVERSITY PROPERTY. Except as provided in subsections (1), (2), and ~~((5))~~ (4) of this section, no ~~((student, faculty, or staff members))~~ vehicle shall park upon the land of Eastern Washington ~~((State College))~~ University without a permit issued by the ~~((Vice President for Business and Management of))~~ Parking Supervisor or his authorized designee pursuant to the authority granted by the Board of Trustees of Eastern Washington ~~((State College))~~ University.

(1) ~~Visitors ((to the campus may park in college parking lots in spaces provided for their use and marked accordingly. Visitors)) shall secure a guest parking permit from the Office of ((Campus Safety. These permits shall be issued without charge))~~ Parking Services, or park in metered spaces. Visitor parking fees may be established by the university.

(2) ~~((Vehicles owned by the government of the United States of America, the state of Washington, or any of its political subdivisions, may be parked in any college parking lot without a permit, except that they may not be parked in reserved or handicapped parking spaces.~~

~~((3))~~ No vehicle shall be parked on ~~((college))~~ university land except in those areas set aside as parking places or areas.

~~((4))~~ (3) No vehicle longer than a 3/4-ton pickup truck, no camper, trailer, or bus, and no pickup equipped with a camper shall park on a ~~((college))~~ university parking lot without the special permission of the ~~((campus police chief))~~ Parking Supervisor.

~~((5))~~ (4) Any vehicle, parking in a ~~((college))~~ university parking lot which requires cash payment to park or which has been set aside for free parking, is not required to display a ~~((college))~~ university parking permit.

(5) No parking permit shall be issued to any person who owes fines or fees under these regulations.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-060 DEFINITION OF VALID PARKING PERMIT. A parking permit is a certification of permission to park in designated lots on the Eastern Washington ~~((State College))~~ University campus.

(1) The parking permit shall consist of a decal denoting the assigned parking lot and the academic quarter for which the vehicle is registered to park.

(2) A guest permit shall consist of a card issued by the Office of ((campus safety and showing the name of the guest, the type and license number of the vehicle, the parking lot to which assigned, and the expiration date of the permit)) Parking Services.

~~((3) Any parking permit shall be issued subject to the rules and regulations stated herein and shall be displayed on the vehicle in accordance with such rules and regulations.))~~

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-080 DISPLAY OF PERMITS. The parking permit will be placed ~~((on the upper edge of the rear bumper on the left hand (driver's) side of the vehicle))~~ as per instructions on the decal. Guest permits shall be ~~((attached to the interior rear view mirror or visibly placed on the dash in front of the steering wheel))~~ displayed as per instructions.

(1) Permits not displayed ~~((in accordance with the provisions of this section))~~ as per instructions shall not be valid.

(2) Vehicles using straight-in or diagonal parking spaces shall park with the front of the vehicle headed into said spaces or toward the curb.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-090 RESPONSIBILITY OF PERSONS TO WHOM PERMITS ARE ISSUED. The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these regulations involving the vehicle for which the permit was issued and to which it was affixed ~~((; provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations)).~~

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-110 STUDENT, FACULTY, AND STAFF PERMITS. ~~((Any member of the faculty and any staff member whose employment is at least half time shall be eligible for a faculty and staff parking permit.))~~

(1) Annual reserved parking stalls or parking spaces will be provided for those students, faculty and staff members requesting the same. Upon payment of the fee for such reserved parking, a sign shall be erected reserving the ~~((staff))~~ space by the ~~((permit))~~ number of the vehicle or vehicles which shall be allowed to park in that space. Quarterly reserved parking ~~((stalls or parking))~~ spaces are not available.

(2) Students, faculty, and staff ((members)) shall be assigned to lots, and are restricted to parking in the assigned lot unless issued a special permit authorizing parking in other lots as provided in WAC 172-116-140.

(3) ~~((Faculty and staff members owning more than one (1) vehicle and wishing to park more than one vehicle on campus will, at the time of original purchase and upon request, be issued more than one parking permit, provided that only one (1) vehicle shall be parked on campus lots at one time. Such additional permits shall be issued for a handling fee of one dollar (\$1.00).))~~ Students, faculty, and staff may purchase duplicate decals for additional vehicles, but only one decal vehicle may

park in the parking lot for which the decal was purchased. Such additional permits shall be issued for a handling fee. Violators of this section will be subject to a fine. All vehicles involved are subject to a fine.

~~((4) Part-time faculty and consultants to the college may secure a guest permit as provided in WAC 172-116-150.))~~

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-130 HANDICAPPED PARKING. Spaces or stalls shall be set aside in certain parking lots adjacent to campus buildings for the exclusive use of handicapped ~~((faculty members, administrative staff, and students))~~ whose physical condition makes it difficult to go to and from classes and buildings.

(1) Persons wishing to utilize handicapped parking spaces must register as a handicapped person at the time that the parking permit is issued. The applicant may be required to secure a written statement from a qualified physician outlining the nature of the handicap and recommended preferred parking.

(2) ~~((A person temporarily handicapped by injury or illness may be authorized to utilize handicapped parking by presenting a statement from his or her physician outlining the nature of the handicap and recommending preferred parking. Permission to use handicapped parking on a temporary basis shall be extended only for the period of the handicap, and shall be revoked when the person returns to normal health.))~~ The Parking Supervisor or his designee will authorize all handicapped permits.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-140 SPECIAL PERMITS. Students, faculty, and staff ~~((members))~~ may be issued special permits authorizing parking in any campus lot ~~((when their vehicle is used in connection with their duties as employees of Eastern Washington State College. Parking in a lot other than that to which originally assigned shall be on a "space available" basis only, and shall not authorize such faculty or staff member to park in a reserved or handicapped space or stall. Applications for special permits shall be approved by the Vice President for Business and Management after review and written recommendation by his designees)).~~ Special permits shall be on a "space available" basis only, and do not authorize parking in a reserved or handicapped space or stall. Applications for special permits shall be approved by the Director of Planning and Budgeting Services or his designee.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-150 VISITORS' PERMITS. Guests, visitors, salesmen, servicemen, vendor representatives, and others doing business with the institution may be issued visitors' permits allowing them to park in designated lots on campus. ~~((Such permits are issued without charge at the discretion of the campus police~~

~~chief upon request by the owner/operator of the parked vehicle:))~~ A fee may be charged.

(1) Parking on the campus will not be provided to persons intending to make personal solicitations from or personal sales to ~~((college))~~ university employees or students.

(2) Visitors' permits shall not allow the user to park in reserved ~~((or))~~ handicapped spaces or stalls.

(3) Visitors' permits shall be in the form provided in WAC 172-116-060(2).

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-160 CAR POOL PERMITS. Duplicate parking permits shall be issued to each car ~~((pool))~~ but shall not exceed five ~~((5))~~ in number for each pool. ~~((A fee of One Dollar (\$1.00) is assessed for each duplicate issued. At no time shall more than one (1) vehicle bearing the duplicate decal number be parked in college parking lots.))~~ A fee is assessed for each duplicate issued. At no time shall more than one vehicle bearing the decal number be parked in the lot for which the decal was purchased. Duplicate permits shall be purchased and signed for by the purchaser of the original decal. Violation of this section will be subject to a fine. All vehicles involved are subject to a fine.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-170 PERMIT REVOCATIONS. Parking permits are the property of the ~~((college))~~ university and may be recalled, revoked, or suspended for violation(s) of any provision of ~~((these parking regulations and without right to prior notice or hearing for))~~ the following ~~((reasons:))~~. Citations may be issued for violations.

(1) When the purpose for which the permit was issued changes or no longer exists ~~((, the permit may be revoked))~~.

(2) When a permit is used on an unregistered vehicle or by an unauthorized individual ~~((, the permit may be revoked, and))~~. The vehicle and/or permit holder shall be subject to citation.

(3) Falsification on a parking permit application shall be grounds for permit revocation.

(4) Continued violations of parking regulations ~~((shall))~~ may be grounds for permit revocation.

(5) Counterfeiting or altering of parking permits shall be grounds for permit revocation and subjects the offender to a citation.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-175 HEARING PROVIDED. Cancellation or revocation of any parking permit because of any of the causes stated in WAC 172-116-170(2) through (5) may be appealed to the ~~((vice president for business and management, who shall then refer the matter to a hearing before a special hearing officer designated by the vice president. The hearing shall conform to the due process requirements of the Eastern~~

~~Washington State College student code and the decision of the hearing officer shall be final))~~ Parking Supervisor.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-190 PARKING AREAS ON CAMPUS. Each authorized parking lot on the Eastern Washington (~~State College~~) University campus shall be designated as such by a sign proclaiming that it is a parking lot and that only registered vehicles shall be allowed to park therein, excepting those lots requiring cash payments or (~~which have been set aside for free~~) special events parking. Each lot will be given a separate and distinguishing number or letter, and only vehicles assigned to that lot shall be allowed to park therein, except as provided in WAC 172-116-050(~~(5)~~)(4) and WAC 172-116-140.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-200 PROHIBITED AREAS. No vehicle shall be parked in any driveway, emergency access, sidewalk, lawn, or any other area not designated as a parking lot. Unless otherwise provided for, no vehicle shall be parked within sixteen (~~(16)~~) feet of any building or structure on the Eastern Washington (~~State College~~) University campus or in any area where a "No Parking Service Drive" sign is posted. Loading and unloading permits are available at the Office of Campus Safety. Violation of the above may result in vehicle being removed at owner's expense.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-210 PARKING WITHIN DESIGNATED SPACES. (1) No vehicle shall be parked so as to occupy any portion of more than one (~~(1)~~) parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than once space or stall shall not constitute an excuse for a violation of this section.

(2) Certain areas may be set aside for the parking of compact vehicles and shall be so designated. Any other vehicle using such a space shall be subject to citation(s), impound, or both.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-220 ABANDONED, DISABLED, AND INOPERATIVE VEHICLES. No disabled or inoperative vehicle shall be parked on the campus (without a decal) for a period in excess of (~~(seventy-two (72))~~) twenty-four hours. Vehicles which have been parked for periods in excess of (~~(seventy-two (72))~~) twenty-four hours and which appear to be disabled or inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Neither the (~~col-~~) lege) university nor its employees shall be liable for loss

or damage of any kind resulting from such impounding and storage.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-230 IMPOUNDING OR IMMOBILIZING ILLEGALLY PARKED VEHICLES. The (~~(campus police chief)~~) Parking Supervisor or his authorized designee may order the impound and storage of, or immobilization of any vehicle parked in areas where parking is not allowed, or parked in a space reserved for another vehicle, or illegally parked in a handicapped (~~(or visitor's)~~) space, or having (~~(three (3) or more)~~) unpaid citations against said vehicle. The impounding and storage shall be at the expense of either or both the owner and operator of the impounded vehicle. The owner or operator of the impounded vehicles shall not recover his vehicle until he has (~~(paid a fine in the amount of Five Dollars (\$5.00) to the college. In either case, all outstanding parking citations shall be paid prior to release of the impounded or immobilized vehicle)~~) made arrangements with the Parking Supervisor. Neither the (~~college~~) university nor its employees or representatives shall be liable for loss or damage of any kind resulting from such impounding, storage, or immobilization.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-240 LIABILITY OF (~~COL-~~) LEGE) UNIVERSITY. The (~~college~~) university assumes no liability for vehicles parked on (~~college~~) university properties. The (~~college~~) university rents space to individuals desiring to park on the campus and who purchase a parking permit. However, no bailment is created by the purchase of a permit.

AMENDATORY SECTION (Amending Order 74-1, filed 1/24/74)

WAC 172-116-250 PARKING VIOLATIONS. The following designated acts or practices will be deemed parking violations for which a violation citation may issue, impound occur, or both, in regard to:

(1) Parking a vehicle in a campus lot in which (~~(reg-~~) istration and) permits or payments are required, or when such vehicle is not registered or does not display a valid permit.

(2) Parking a vehicle in a space or stall reserved (~~(by a faculty or staff member)~~), unless the parked vehicle is registered for that space or stall.

(3) Parking a vehicle in a space or stall reserved for handicapped (~~(students)~~) and not displaying a handicapped parking permit.

(4) (~~(In those lots in which a parking permit is required for such specific lot, parking a vehicle that does not display a parking permit authorizing parking in such designated lot.~~)

(5) Parking a vehicle in such a manner as to occupy more than one (~~(1)~~) space or stall.

~~((6))~~ (5) Parking a vehicle in an area not specifically posted for parking, such as service areas, driveways, loading zones, or areas with yellow curb.

~~((7))~~ (6) Parking vehicles registered for student, faculty, or staff (~~(parking)~~) in a space or stall reserved for (~~(visitor)~~) metered parking without paying meter fee.

Vehicles in violation of one ~~((7))~~ or more of these rules and regulations shall be subject to citation on one or more of the violations and may be given more than one citation. The fact that that particular violation does not appear in this section, shall not be construed to mean that a violation of any of the remainder of the rules contained in this chapter does not exist, and shall not invalidate the citation lawfully issued under these rules, or be a defense for the appeal of the citation or limit the culpability of the person to whom the citation is issued.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-260 REGULATORY SIGNS. Drivers of vehicles shall obey regulatory signs and signs related to the collection of parking fees posted by the (~~(college)~~) university. Drivers of vehicles shall also comply with directions given them by (~~(campus safety)~~) the Parking Services Officers or other representatives of the Office of Campus ((safety)) Police in the control and regulations of traffic and parking.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-270 RULES AND REGULATIONS AVAILABLE. These rules and regulations shall be made available at the (~~(college)~~) University Information Center and other appropriate locations on campus and shall be available in abbreviated form to all persons securing a parking permit at Eastern Washington ((State College)) University. Not being familiar with, or ignorance of one or more of these rules and regulations shall not constitute a defense for violation of a rule or regulation and shall not limit the culpability of a person to whom the violation citation is issued.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-280 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. (~~(Upon special occasions causing additional heavy traffic, during emergencies, or during construction of campus facilities, the President of the college, the Vice President for Business and Management, or the campus police chief, or their authorized designees, are authorized to impose additional traffic and parking regulations or modify the existing rules and regulations for the achievement of the general objectives provided in WAC 172-116-020:))~~ During emergencies, special events or extenuating circumstances the Parking Supervisor or Chief of Campus Police or their designee are authorized to impose additional traffic and parking regulations or modify the existing rules and regulations.

Emergencies, special events, and extenuating circumstances will be determined by the Parking Supervisor or Chief of Campus Police.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-300 FEES. All faculty, staff, and student vehicles shall be issued parking permits upon payment of (~~(the))~~ fees ((listed below, under the priorities of WAC 172-116-100)) as approved by the Board of Trustees.

~~((1))~~ The fee for parking in any lot east of Washington Street and south of Elm Street shall be Seven Dollars and Fifty Cents (\$7.50) per quarter, for every quarter or portion thereof.

(2) The annual fee for faculty, staff, and student parking in any lot east of Washington Street and south of Elm Street shall be Twenty-Two Dollars and Fifty Cents (\$22.50) per year.

(3) Reserved parking for faculty and staff shall be at the rate of Forty-Five Dollars (\$45.00) per year.

(4) The fee for parking in any lot west of Washington Street north of Elm Street, excepting those lots requiring cash payment or which have been set aside for free parking, shall be Five Dollars (\$5.00) per quarter, for every quarter or portion thereof.

(5) The annual fee for parking in any lot west of Washington Street north of Elm Street, excepting those lots requiring cash payment or which have been set aside for free parking, shall be Fifteen Dollars (\$15.00) per year.

(6) To ensure the availability of a parking space in the same lot, persons returning for the following academic year may purchase their parking decals during the last two (2) weeks of Spring Quarter by paying fees as specified in WAC 172-116-300(1) through (5) above.)

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-310 FINES. (~~(Citations issued to faculty, staff or students of Eastern Washington State College shall be payable at the following rates:))~~ All fines will be paid at the Office of Campus Safety, between the hours of 8:00 a.m. - 5:00 p.m., Monday through Friday. Fines shall be applied as approved by the Board of Trustees.

(1) (~~(Fines for Class A parking citations paid within a twenty-four (24) hour period shall be Three Dollars (\$3.00), payable at the Campus Safety Office. Fines for Class B parking citations paid within a twenty-four (24) hour period shall be One Dollar (\$1.00), payable at the Campus Safety office. In cases where the citation is issued the day before a holiday or weekend and the fine may be paid the following workday without additional penalty.))~~ Class A Citations shall include: Parking in safety zones, handicapped spaces, reserved zones, service drives, bus zones, within fifteen feet of a fire hydrant, or altering or misuse of parking permit.

(2) (~~(Fines for Class A parking citations paid after twenty-four (24) hours, but within seven (7) days, shall be Six Dollars (\$6.00), payable at the Campus Safety~~

~~office. Fines for Class B parking citations paid after twenty-four (24) hours but within seven (7) days shall be Two Dollars (\$2.00), payable at the Campus Safety office.))~~ Class B Citations shall include: No parking permit, no valid permit, parked in no parking area, at expired meter, at/or over yellow curb/line, in wrong lot, in driveway, in loading zone, in visitor zone, on lawn or sidewalk, motorcycle off pavement, motorcycle in car space, vehicle immobilized, vehicle impounded, other violations as indicated.

~~(3) ((Fines for Class A parking citations paid after a period of seven (7) days shall be Nine Dollars (\$9.00), payable at the Campus Safety office. Fines for Class B parking citations paid after a period of seven (7) days shall be Three Dollars (\$3.00), payable at the Campus Safety office.))~~ Fines for parking citations referred to EWU Appeals Board shall be at the rate determined by the members of said board and payable to Campus Safety.

~~(4) ((Fines for parking citations referred to the Cheney Justice Court shall be at the rate determined by the judge of said Justice Court and payable to the court.))~~ Fines levied on persons by the EWU Appeals Board upon appeal by the person to whom the citation was issued shall not exceed such fines as determined by the Board of Trustees. Said fines are payable at the Office of Campus Safety.

~~(5) ((Fines levied on students by the student traffic court upon appeal by the person to whom the citation was issued shall be not more than Six Dollars (\$6.00) for Class A citations and Two Dollars (\$2.00) for Class B Citations provided that said appeal is made prior to the expiration of seven (7) days after the citation is issued. Said fines are payable at the Campus Safety office.))~~ The Parking Supervisor or his designee is permitted to reduce or dismiss fines where mitigating circumstances are evident.

~~((6) Class A citations shall include: parking in safety zones, service drives, handicapped spaces, reserved spaces, bus zones, or within fifteen (15) feet of a fire hydrant. All other parking violations shall be Class B.))~~

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-315 ((STUDENT)) CITATION APPEAL. ((Students)) Persons may appeal citations to the ((Associated Student Traffic Court)) Eastern Washington University Appeals Board within seven ((7)) calendar days of ((violation)) issuance of citations. The purpose of the board is to hear all appeals from all sectors of the campus community on an equal basis, to act on all appeals in an equitable fashion. The Appeals Board shall consist of voting members from the following groups: Associated students, classified staff, faculty, administrative exempt. The Parking Supervisor will act as a parking consultant to the board and vote only to break a tie. The board will meet one day a week, with additional hearings as are necessary. All results of the Appeal Board hearings will be posted on campus.

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-320 NONPAYMENT OF FINES. ((Students, faculty, or staff who do not pay the fines listed above within seven (7) days of the issuance of the citation shall be subject to referral to the Cheney Justice Court. Citations so referred will result in the issuance of a summons from the Cheney Justice Court. Failure to comply with the summons of the Justice Court shall result in an arrest warrant issued for the owner and/or operator of the vehicle to which the citation is issued.)) Nonpayment of fines is subject to collection methods used by Parking Services and the university.

AMENDATORY SECTION (Amending Order 72-10, filed 9/20/72)

WAC 172-116-330 DISPOSITION OF FEES AND FINES. The ((vice president for business and management)) Director of Planning and Budgeting Services shall deposit all proceeds from fees and fines collected pursuant to these regulations in the ((general local)) Parking Fund of the ((college)) university. All costs of operating, maintaining, and patrolling the campus parking lots and all direct costs of administering these regulations shall be charged against this fund. The ((vice president for business and management)) Director of Planning and Budgeting Services shall make an annual report of the surplus of revenue over expenses to the president. ((Such surplus funds as may be realized shall be available for the construction of additional parking facilities as the board of trustees deems necessary.))

AMENDATORY SECTION (Amending Order 75-4, filed 4/10/75)

WAC 172-116-340 REFUNDS. ((Students, faculty, and staff members holding annual permits who terminate their education or employment with the college during the year, or who, for any other reason, no longer require a parking permit, may receive a refund under the schedule below:

(1) Students, faculty, and staff members with annual permits to park in lots east of Washington Street and south of Elm Street may receive a refund of Fifteen Dollars (\$15.00) if application is made prior to the close of Fall Quarter or Seven Dollars and Fifty Cents (\$7.50) if application is made prior to the close of Winter Quarter.

(2) Students, faculty, and staff members with annual permits to park in lots west of Washington Street or north of Elm Street may receive a refund of Ten Dollars (\$10.00) if application is made prior to the close of Fall Quarter and Five Dollars (\$5.00) if application is made prior to the close of Winter Quarter.

(3) Faculty and staff members holding annual reserve parking permits may receive a refund of Thirty Dollars (\$30.00) if application is made prior to the close of Fall Quarter and Fifteen Dollars (\$15.00) if application is made prior to the close of Winter Quarter.

(4) Applications for refund must be accompanied by the parking permit or the scrapings thereof.

~~(5) Persons holding quarterly permits shall not be eligible for a refund of the parking fee unless such refund is made for the convenience of the college.) Refunds or fees shall be made in accordance with the schedules as approved from time to time, by the Board of Trustees.~~

#### NEW SECTION

WAC 172-116-345 MOTOR SCOOTERS—BIKES. Shall park in their designated areas as posted.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 172-116-100 ALLOCATION OF PARKING SPACE AND PRIORITIES OF APPLICANTS.

(2) WAC 172-116-120 STUDENT PERMITS.

(3) WAC 172-116-185 SPECIAL EVENTS PARKING.

**WSR 82-07-039**  
NOTICE OF PUBLIC MEETINGS  
TRAFFIC SAFETY COMMISSION  
[Memorandum, Director—March 15, 1982]

The Washington Traffic Safety Commission meeting originally scheduled for Thursday, March 25, 1982, has been postponed. You will be notified as soon as a new date is scheduled.

**WSR 82-07-040**  
PROPOSED RULES  
GAMBLING COMMISSION  
[Filed March 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-08-090, 230-40-050 and 230-08-100;

that such agency will at 10:00 a.m., Thursday, May 6, 1982, in the Sherwood Inn, 8402 South Hosmer, Tacoma, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, May 6, 1982, in the Sherwood Inn, 8402 South Hosmer, Tacoma, WA.

WAC 230-08-090 is promulgated pursuant to RCW 9.46.070(8) and (14), WAC 230-08-100 is promulgated pursuant to RCW 9.46.070(8) and (14) and WAC 230-40-050 is promulgated pursuant to RCW 9.46.070(11) and are intended to administratively implement those statutes.

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 10:00 a.m., Thursday, May 6, 1982, Sherwood Inn, 8402 South Hosmer, Tacoma, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-04-085 filed with the code reviser's office on February 3, 1982.

Dated: March 16, 1982  
By: Richard A. Finnigan  
for Keith Kisor  
Director

**WSR 82-07-041**  
PROPOSED RULES  
BOARD OF ACCOUNTANCY  
[Filed March 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Accountancy intends to adopt, amend, or repeal rules concerning the amending of WAC 4-20-150; that such agency will at 10:00 a.m., Friday, May 28, 1982, in the Marriott Hotel, 3201 South 176th, Seattle, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 22, 1982, in the Marriott Hotel, 3201 South 176th, Seattle, WA.

The authority under which these rules are proposed is RCW 18.04.070 and 18.04.290(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 22, 1982, and/or orally at 10:00 a.m., Thursday, April 22, 1982, Marriott Hotel, 3201 South 176th, Seattle, WA.

Dated: March 3, 1982  
By: Booth W. Havisham  
Chief Executive Officer

#### STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Accountancy.

Description of Rules: Rules governing credit to be given licensees under the board's mandatory continuing professional education program, for books and articles published.

Statutory Authority: RCW 18.04.070 and 18.04.290(2).

Summary of Rule: WAC 4-20-150 is amended to provide that where credit by the board is granted for the publication of books and articles, such credit may not exceed 25% of the renewal period requirement, or 30 hours in any three year reporting period without submission of the article for prior approval.

The Washington State Board of Accountancy and its Chief Executive Officer have the Responsibility for Drafting, Implementing and Enforcing these Rules: State Board of Accountancy, Robert L. Block, CPA, Chairman; E. William Parker, CPA; Robert Aiken, CPA; Al Carvo, LPA; and Jack Roda, LPA. Booth W. Harisham, CPA, is the chief executive officer of the board, 210 East Union, Suite H, Olympia, WA 98504, (206) 753-2585 Comm, (206) 234-2585 Scan.

These rules were proposed by the chief executive officer of the State Board of Accountancy.

These rules were promulgated pursuant to RCW 18.04.070 and 18.04.290(2).

**AMENDATORY SECTION** (Amending Order PL 148, filed 9/25/73)

**WAC 4-20-150 QUALIFICATION OF PROGRAM—PUBLISHED ARTICLES AND BOOKS.** Credit may be awarded for published articles and books. The amount of credits so awarded will be determined by the Board; Provided, that such credit may not exceed 25% of the renewal period requirement or 30 CPE hours in any three year reporting period without submission of the article for prior approval. Credit is given in the period in which the article or book is published.

**WSR 82-07-042**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed March 16, 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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

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 D  
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 April 14, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 15, 1982

By: David A. Hogan  
Director, Division of Administration

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

New sections WAC 388-96-720 and 388-96-902 and amending WAC 388-96-113, 388-96-122, 388-96-553, 388-96-585, 388-96-722, 388-96-735 and 388-96-769.

The Purposes of These Rules are: WAC 388-96-720, to establish a pool consisting of 1981 overpayments to contractors to be distributed to underfunded contractors; WAC 388-96-902, to authorize the department to recoup undisputed overpayments when a preliminary or final settlement appeal is filed by a contractor; WAC 388-96-113, to authorize the department to withhold all or part of current contract payments when records adequate for audit purposes are not maintained by a contractor or inspection of records is not allowed; WAC 388-96-122, to require a contractor to submit a written explanation and supporting documentation with cost report amendments; WAC 388-96-553, to establish criteria for capitalization of building or leasehold improvements; WAC 388-96-585, to include in unallowable costs state assessed interest charges on overdue refunds and interest charges on loans obtained to make refunds; WAC 388-96-722, to establish distribution principles for patient care enhancement using funds from 1981 overpayments to contractors; WAC 388-96-735, to establish rate setting methodology for fiscal year 1983 in the administration and operations cost area; and WAC 388-96-769, to require contractors to submit amendments to cost reports for purposes of rate adjustment and to submit written explanations with amendments.

The Reasons These Rules are Necessary are: WAC 388-96-720, to implement legislative intent contained in House Bill 760, Laws of 1981 ex. sess.; WAC 388-96-902, under current practice when an appeal is filed by a contractor regarding a settlement issue the department is unable to recoup any overpayments, whether disputed or undisputed; WAC 388-96-113, various contractors have failed to maintain records adequate for audit resulting in expenditure of department staff time reconstructing records. At present the department has no means of enforcing the requirements that a contractor maintain adequate records and allow inspection; WAC 388-96-122, to ensure an amendment to a cost report is the result of good faith error or circumstances beyond the control of the contractor; WAC 388-96-553, no guidelines exist to determine which leasehold or building improvements should be capitalized; WAC 388-96-585, no regulation exists which makes clear such interest expenses are not reimbursable as necessary, ordinary and related to care of Medicaid patients; WAC 388-96-722, to implement legislative intent contained in House Bill 760, Laws of 1981 ex. sess.; WAC 388-96-735, current version of rule does not contain 1983 rate setting methodology and rules; and WAC 388-96-769, to ensure adjustments made to reimbursement rates are made only as a result of amendments to cost reports based upon good faith errors or omissions.

Statutory Authority: RCW 74.09.120.

Summary of the Rules: WAC 388-96-720, establishes a redistribution pool consisting of overpayments to

contractors for 1981, less one million dollars, to be distributed to underfunded contractors; WAC 388-96-902, overpayments not disputed when an appeal is filed shall be subject to recoupment. Amounts disputed are subject to recoupment upon completion of appeal to the extent the department's position is upheld; WAC 388-96-113, current version requires contractors to maintain records adequate for audit and to allow inspection, amended version provides that contract payments may be suspended until compliance is forthcoming; WAC 388-96-122, current version allows an amendment to an annual cost report based upon significant errors or omissions to be filed prior to commencement of the department's field audit, amended version requires such amendments to be accompanied by an account of circumstances and documentation; WAC 388-96-553, current version provides no criteria for capitalization of building or leasehold improvements, amended version establishes criteria; WAC 388-96-585, current version lists unallowable costs but omits reference to state interest charges on overdue refunds and interest charges for loans obtained to make refunds, amended version includes such interest expenses in unallowable costs; WAC 388-96-722, current version states general principles of reimbursement for patient care costs and establishes rate setting methodology for fiscal year 1982, amended version established rate setting methodology for fiscal year 1983, including enhancements from redistribution pool established pursuant to WAC 388-96-720; WAC 388-96-735, current version establishes rate setting methodology for fiscal year 1982 in administration and operations cost area, amended version establishes rate setting methodology for 1983, including enhancements from redistribution pool established pursuant to WAC 388-96-720; and WAC 388-96-769, current version allows adjustment to reimbursement rates based upon errors or omissions by the department or the contractor, amended version requires contractors to submit cost report amendments and written justifications when an adjustment is requested.

Person Responsible for Drafting, Implementing and Enforcing the Rules: Taylor Dennen, Manager, Rate Management Program, Bureau of Nursing Home Affairs, MS OB-31, 753-3477, Scan 234-3477.

These rules are proposed by DSHS.

These rules are not necessary as a result of federal laws, federal court decisions, or state court decisions.

#### AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible and reproducible. It is recommended that all entries be typed or in black ink.

(2) Reports shall be completed in accordance with instructions provided by the department. If no specific instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used, except that for governmental institutions operated on a cash method of accounting, data based on this method of accounting will be acceptable. All revenue and expense accruals shall be reversed against the appropriate accounts if ~~((they are))~~ not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented ~~((which justify))~~ justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy is followed.

(4) Methods of allocating costs shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multi-service facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. ~~((These))~~ Records shall be available for review by authorized personnel of the department and of the United States department of health and human services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

#### AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-122 AMENDMENTS TO REPORTS. (1) For purposes of computing a settlement, an amendment to an annual report shall be filed if significant errors or omissions are discovered prior to the commencement of the department's field audit. Errors or omissions shall be deemed "significant" if ~~((they))~~ the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only those pages ~~((on which))~~ where changes ~~((with))~~ appear need to be filed, together with the certification required by WAC 388-96-117. ~~((Adjustments to reimbursement rates resulting from an amended report will be made in accordance with WAC 388-96-769.))~~

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department may refuse to consider an amendment resulting in a more favorable settlement to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 388-96-769; however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in this subsection.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

#### AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-553 CAPITALIZATION. The following costs shall be capitalized:

(1) Expenses for equipment with historical cost in excess of ~~((150))~~ one hundred fifty dollars per unit and a useful life of more than one year from the date of purchase;

(2) Expenses for equipment with historical cost of ~~((150))~~ one hundred fifty dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded ~~((150))~~ one hundred fifty dollars; or

(b) The item was part of the initial stock of the nursing home.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the sum ~~((500))~~ of five hundred dollars replacing the sum ~~((150))~~ of one hundred fifty dollars.

(4) Expenditures for building improvements and leasehold improvements, if required or authorized by the lease agreement, in excess of five hundred dollars and involving one or more of the following:

(a) Increase the interior floor space of the structure;

(b) Increase paved areas outside the structure adjacent to or providing access to the structure;

(c) Modification of the exterior or interior walls of the structure;

(d) Installation of additional heating, cooling, electrical or water-related equipment;

(e) Remodeling or redecorating enhancing the value of the structure sufficiently to justify an increase in service charges to residents or patients;

(f) Increase the useful life of the structure by two years or more;

(g) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with American hospital association guidelines.

#### AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-585 UNALLOWABLE COSTS. (1) Costs will be unallowable if ~~((they are))~~ not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF, ICF or IMR recipients which are covered by the department's medical care program but not included in SNF, ICF or IMR services respectively. Items and services covered by the medical care program are listed in chapter ~~((388-86))~~ 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 C.F.R.) if the department found ~~((it was))~~ the capital expenditure was not consistent with applicable standards, criteria or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods ~~((which circumvent))~~ circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere.

(j) Bad debts.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs or in IMR programs where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend ~~((to))~~ for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.

(ff) Legal and consultant fees in connection with a lawsuit against the department.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

#### NEW SECTION

WAC 388-96-720 REDISTRIBUTION POOL. The department shall establish a redistribution pool consisting of overpayments to contractors for 1981, indicated by preliminary settlements, less one million dollars. This pool shall be distributed to contractors pursuant to WAC 388-96-722 and 388-96-735.

#### AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-722 PATIENT CARE COST AREA RATE. (1) The patient care cost area reimbursement rate will reimburse for the necessary and ordinary costs of providing routine nursing and related services to recipients in accordance with WAC 388-88-050 and 388-88-051.

(2) ~~((Beginning July 1, 1981, patient care reimbursement will be the sum of the following components:~~

~~(a) The January 1, 1981 reimbursement rate, adjusted for inflation.~~

~~(b) A patient care enhancement of three million dollars for July 1, 1981 rate setting, and five million dollars for July 1, 1982 rate setting; will be distributed among facilities proportionately based on the patient care cost center for each facility. These sums will not be adjusted for inflation.~~

~~(c) As reimbursement for nursing assistant certification, thirty cents per medicaid patient day for July 1, 1981 rate setting, and thirty-three cents per medicaid patient day for July 1, 1982 rate setting. These sums will not be adjusted for inflation.) Effective July 1, 1982, the patient care cost area rate will be computed according to this section.~~

(3)(a) For purposes of this section, patient care consultation refers to medical director, pharmaceutical, occupational therapy, physical therapy, speech therapy, other therapy, and patient activities consultation.

(b) The department shall determine the average per patient day expense weighted by patient days for patient care consultation taken from completed 1981 cost reports.

(c) The department shall determine each contractor's per patient day expense for patient care consultation.

(d) A contractor's reported patient care cost will be reduced by the amount the contractor's patient care consultation expense exceeds the average expense computed as provided in subsection (3)(b) of this section.

(e) As used in this section, "desk-reviewed patient care cost" shall be allowable patient care cost as determined by desk reviews conducted in accordance with WAC 388-96-201, including any reduction in expense for patient care consultation computed in accordance with subsection (3)(d) of this section.

(4) Effective July 1, 1982, through June 30, 1983, only:

(a) If a contractor's weighted patient care rate for 1981 as computed in accordance with departmental regulations and instructions is equal to or greater than the contractor's desk-reviewed 1981 patient care costs, the department shall reimburse the patient care cost center at the desk-reviewed 1981 patient care costs plus any patient care funds shifted to other cost centers pursuant to WAC 388-96-223, as adjusted for inflation.

(b) If a contractor's patient care rate for 1981 is less than the contractor's desk-reviewed 1981 patient care costs, the department shall reimburse the contractor's patient care cost at the January 1, 1982,

reimbursement rate, less one and one-half percent, as adjusted for inflation, plus an allowance from the redistribution pool. The total reimbursement paid to a contractor, including any allowance from the redistribution pool, shall not exceed the contractor's 1981 desk-reviewed patient care costs, as adjusted for inflation. The total of allowances distributed pursuant to subsection (4)(b) of this section shall not exceed the total amount in the redistribution pool. If the total of funds in the redistribution pool is equal to or exceeds the total amount of underfunding for patient care for all contractors, each contractor's allowance shall be the amount the contractor was underfunded for patient care, if any, where underfunding is defined as any excess of 1981 desk-reviewed cost over the 1981 rate in this cost area, as adjusted for inflation. If the total of funds in the redistribution pool is less than the total patient care underfunding for all contractors, the allowance distributed to each contractor shall be a percentage of the amount a contractor was underfunded, as defined in subsection (4)(b) of this section, for patient care, if any was experienced by the contractor. The percentage shall be computed by dividing the total of funds in the pool by the total amount of underfunding for all contractors.

(5) To patient care cost area rates determined in accordance with subsections (4)(a) and (b) of this section, a patient care enhancement shall be added. The enhancement shall be distributed among facilities proportionately based upon patient care cost area rates and shall not be adjusted for inflation. The total of enhancements distributed to contractors shall be one million, four hundred thousand dollars.

#### AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

**WAC 388-96-735 ADMINISTRATION AND OPERATIONS COST AREA RATE.** (1) The administration and operations cost area reimbursement rate will reimburse for the necessary and ordinary costs of overall management of the facility, operation and maintenance of the physical plant, and providing dietary service (other than the cost of food and beverages), medical supplies, taxes, and insurance.

(2) ((Beginning July 1, 1981, the wage component of the administration and operations cost area reimbursement rate will be the January 1, 1981 administration and operations wage rate, adjusted for inflation)) For rates effective July 1, 1982, through June 30, 1983, a contractor's administration and operations wage component reimbursement rate will be set pursuant to subsection (2) of this section.

(a) If a contractor's administration and operations wage component rate for 1981 is greater than or equal to the contractor's desk-reviewed 1981 wage component costs, the department shall reimburse the contractor's wage component at the desk-reviewed 1981 administration and operations wage component costs, as adjusted for inflation.

(b) If a contractor's administration and operations wage component rate for 1981 is less than the contractor's desk-reviewed 1981 wage component costs, the department shall reimburse the contractor's wage component costs at the January 1, 1981, reimbursement rate, as adjusted for inflation.

(c) It is further provided, if any funds remain in the redistribution pool established pursuant to WAC 388-96-720 after distribution to contractors pursuant to WAC 388-96-722, the department shall distribute the funds to contractors underfunded in the wage component area, as determined by subsection (2)(b) of this section, according to the following rules:

(i) If the amount remaining in the redistribution pool exceeds or is equal to the total amount the contractors were underfunded in the wage component area, each contractor's allowance shall be the amount the contractor was underfunded for costs in this component, if any, where underfunding is defined as any excess of 1981 desk-reviewed cost over the 1981 rate in this component, as adjusted for inflation.

(ii) If the amount remaining in the redistribution pool is less than the total amount the contractors were underfunded in the wage component area, each contractor shall receive an allowance which shall be a percentage of the amount the contractor was underfunded as defined in subsection (2)(c)(i) of this section. The percentage shall be computed by dividing the amount remaining in the redistribution pool by the total amount of underfunding in the wage component area for all contractors.

(iii) The distribution shall not exceed the total amount of underfunded wage component costs for all contractors nor the amount remaining in the redistribution pool, if any.

(3) For the July 1, 1982, to June 30, 1983, reimbursement period, the nonwage component of the administration and operations cost center shall be adjusted for certain consultation expenses as follows: The department shall calculate the average expense, weighted by patient days, for dietary, and medical record consultant services taken from

the most recent, completed cost reports from all contractors and allowable administration and operations costs as defined in subsection (4)(a) of this section, shall exclude the amount a contractor's administration and operations consultation expense exceeds the average expense so calculated.

((3)) (4) The nonwage component of the administration and operations cost area reimbursement rate will be calculated as follows:

(a) Allowable administration and operations costs, including wages of administrators, assistant administrators, and administrators-in-training, but excluding wages of other support staff, will be taken from the most recent desk-reviewed annual cost report.

(b) Beginning July 1, 1982, if any amounts were shifted into the administration and operations cost area during the period covered by the most recent annual cost report, an annualized amount will be subtracted from administration and operations nonwage costs determined by the following formula:

$$AS = SS \times DR \quad \text{where}$$

(i) "AS" is the amount to be subtracted from administration and operations nonwage costs;

(ii) "SS" is the amount of savings shifted into the administration and operations cost area; and

(iii) "DR" is the deficiency ratio, defined as the ratio of:

(A) Administration and operations nonwage costs minus the nonwage component of the administration and operations prospective rate; to

(B) Total administration and operations costs minus the total administration and operations prospective rate.

This ratio may not be less than zero nor more than one.

(c) Adjusted costs will be updated using ((an annual inflation factor of 10.0 percent for July 1, 1981 rate setting, and 8.7 percent for July 1, 1982 rate setting)) factors specified in WAC 388-96-719.

(d) Reimbursement for this portion of administration and operations will be limited to the eighty-fifth percentile of costs, adjusted as described in ((3)(b)) subsection (4)(b) of this section, of all reporting facilities, except that facilities may be grouped by factors other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

#### AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

**WAC 388-96-769 ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS.** (1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates ((which are)) adjusted in accordance with this section will be effective as of the effective date of the original rate.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by the certification required by WAC 388-96-117 and a written justification explaining why the amendment is necessary. Such amendments shall not be accepted for settlement purposes unless the amendments meet the requirements of WAC 388-96-122, but may be used for purposes of revising a prospective rate. If changes made by the amendments are determined to be material by the department according to standards established by the department, such amended pages shall be subject to field audit. If a field audit determines the amendments are incorrect or otherwise unacceptable, any rate adjustment based on the amendment shall be null and void. Payments based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

((2)) (3) The contractor shall pay an amount owed the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set ((out)) forth in WAC 388-96-904. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

((3)) (4) The department shall pay any amount owed the contractor as a result of a rate adjustment within thirty days after the contractor is notified of the rate adjustment.

((+)) (5) No adjustments will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period ((in which)) the rate was effective is sent to the contractor.

**NEW SECTION**

**WAC 388-96-902 RECOUPMENT OF UNDISPUTED OVERPAYMENTS.** The department is authorized to withhold from the nursing home current payment all amounts found by preliminary or final settlement to be overpayments not identified by the nursing home and challenged as overpayments as part of a good-faith administrative or judicial review. Contested amounts retained by the nursing home pursuant to this section may be subject to recoupment by the department from the nursing home current payment upon completion of judicial and administrative review procedures to the extent the department's position or claims are upheld.

✓  
**WSR 82-07-043**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Dental Disciplinary Board)**  
[Order PL 392—Filed March 17, 1982]

Be it resolved by the Washington State Dental Disciplinary Board, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 308-37-110.

This action is taken pursuant to Notice No. WSR 82-04-087 filed with the code reviser on February 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.32.640 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 12, 1982.  
By Alan D. Adams, DDS  
Chairman

**AMENDATORY SECTION** (Amending Order PL 373, filed 2/20/81)

**WAC 308-37-110 MAINTENANCE AND RETENTION OF PATIENT RECORDS.** Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the Dental Disciplinary Board or its authorized representative: PROVIDED, That x-rays or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee

may be charged the patient to cover mailing and clerical costs.

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 82-07-044**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
[Filed March 17, 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 rules.

The formal adoption, amendment, or repeal of such rules will take place at 3:15 p.m., Thursday, March 18, 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 Nos. WSR 82-02-097 and 82-06-023 filed with the code reviser's office on January 6, 1982 and February 24, 1982.

Dated: March 15, 1982  
By: Gary C. Alexander  
for Rolland A. Schmitt  
Director

✓  
**WSR 82-07-045**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 81-55—Filed March 18, 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 the amending of WAC 173-19-330, Pacific County.

This action is taken pursuant to Notice Nos. WSR 82-01-085, 82-05-015 and 82-06-012 filed with the code reviser on December 22, 1981, February 9, 1982 and February 22, 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 March 16, 1982.  
By John F. Spencer  
Deputy Director

**AMENDATORY SECTION** (Amending Order DE 80-25, filed 6/30/80)

**WAC 173-19-330 PACIFIC COUNTY.** Pacific County master program approved April 8, 1975. Revision approved June 26, 1980. Revision approved March 16, 1982.

**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 82-07-046**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed March 18, 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 Prorating and refunding of fees—Discontinuance of business, WAC 314-12-040;

that such agency will at 10:00 a.m., Wednesday, April 28, 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 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: March 18, 1982

By: Robert D. Hannah  
 Chairman

**STATEMENT OF PURPOSE**

**Title:** WAC 314-12-040 Prorating and refunding of fees—Discontinuance of business.

**Description of Purpose:** The purpose of this amendment is to notify the board and local authorities when a business has discontinued and to prevent the sale of a license rather than a business.

**Statutory Authority:** RCW 66.08.030 and 66.98.070 and Title 34 RCW.

**Summary of Rule:** WAC 314-12-040(4), current version of this rule reads "Upon discontinuance of business by a licensee, he shall forthwith deliver up his license to the board." The amended version reads "Upon discontinuance of business for twenty-one days or more by a licensee, he shall forthwith deliver up his license to the board, or representative of the board. A licensee who is not operating as a seasonal business and who has voluntarily discontinued sale of liquor in excess of forty-five days will not be eligible for renewal of license for a subsequent year unless sale of liquor under the license is

resumed on a permanent basis at the beginning of the next subsequent licensing period."

**Reason Supporting Proposed Action:** This rule amendment will facilitate notification to the board and local authorities when a business has discontinued licensed operation and will enable the board to prevent the sale of a license which is not being used. A license has been held in court to be a privilege which is personal to the holder and not property which is amenable to sale between individuals.

The Following Agency Personnel are Responsible for Drafting, Implementation and Enforcement of this Rule: Ray Hensel, Supervisor of Licenses, 1025 East Union Avenue, Olympia, WA 98504, 753-6259, (Scan) 234-6259.

**Person or Organization Proposing Rule:** This rule change was proposed by the board.

**Agency Comments:** No comment.

This rule change was not made necessary as a result of federal law or federal or state court action.

**AMENDATORY SECTION** (Amending Rule 3, filed 6/13/63)

**WAC 314-12-040 PRORATING AND REFUNDING OF FEES—DISCONTINUANCE OF BUSINESS ((~~RULE 3~~)).** (1) Unless otherwise provided by law, there will be no prorating of any license fee.

(2) Upon denial or withdrawal of an application for license, adoption or change of trade name, or change of location, the fee tendered therewith shall be returned.

(3) When a license is suspended or cancelled, or the licensed business is discontinued, no refund of the license fee shall be made.

(4) Upon discontinuance of business for twenty-one days or more by a licensee, he shall forthwith deliver up his license to the board, or representative of the board. A licensee who is not operating as a seasonal business and who has voluntarily discontinued sale of liquor in excess of forty-five days will not be eligible for renewal of license for a subsequent year unless sale of liquor under the license is resumed on a permanent basis at the beginning of the next subsequent licensing period.

**WSR 82-07-047** ✓  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 82-19—Filed March 18, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

This action is taken pursuant to Notice No. WSR 82-07-044 filed with the code reviser on March 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 18, 1982.

By Gary C. Alexander  
for Rolland A. Schmitt  
Director

AMENDATORY SECTION (Amending Order 1057,  
filed 5/22/73)

WAC 220-12-010 FOOD FISH AND SHELL-  
FISH—CLASSIFICATION—FOOD FISH.

Barracuda	<i>Sphyræna argentea</i>
Pacific barracuda	
Cyprinids	
Carp	<i>Cyprinus carpio</i>
Cods and Hake	
Pacific hake	<i>Merluccius productus</i>
Pollock or Walleye pollock	<i>Theragra chalcogrammus</i>
Pacific Tomcod	<i>Microgadus proximus</i>
Pacific Cod or true cod	<i>Gadus macrocephalis</i>
Flounder, sole and halibut	
Butter sole or Bellingham sole	<i>Isopsetta isolepis</i>
C-O sole	<i>Pleuronichthys coenosus</i>
Dover sole	<i>Microstomus pacificus</i>
English sole	<i>Parophrys vetulus</i>
Flathead sole	<i>Hippoglossoides elassodon</i>
Pacific halibut	<i>Hippoglossus stenolepis</i>
Petræ sole	<i>Eopsetta jordani</i>
Rex sole	<i>Glyptocephalus zachirus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
Sand sole	<i>Psettichthys melanostictus</i>
Slender sole	<i>Lyopsetta exilis</i>
<u>Speckled sand dab</u>	<u><i>Citharichthys stigmaeus</i></u>
Starry flounder	<i>Platichthys stellatus</i>
Turbot or Arrowtooth flounder	<i>Atheresthes stomias</i>
All other species of sole and flounder	
<u>Giant wrymouth</u>	(Pleuronectiformes)
Greenling	<u><i>Delolepis gigantea</i></u>
Lingcod	
Rock greenling	<i>Ophiodon elongatus</i>
Kelp greenling	<i>Hexagrammos superciliosus</i>
All other species of greenling	<i>Hexagrammos decagrammus</i>
Herring and herring-like fishes	(Hexagrammidae)
Northern anchovy	<i>Engraulis mordax</i>
Pacific sand lance or candlefish	<i>Ammodytes hexapterus</i>
Pacific herring	<i>Clupea harengus pallasi</i>
Pacific sardine or pilchard	<i>Sardinops sagax</i>
American shad	<i>Alosa sapidissima</i>
Mackerels, tunas and jacks (carangids)	
Pacific bonito	<i>Sarda chiliensis</i>
Pacific mackerel	<i>Scomber japonicus</i>
Jack mackerel	<i>Trachurus symmetricus</i>
Monterey Spanish mackerel	<i>Scomberomorus concolor</i>
Spanish mackerel	<i>Scomberomorus maculatus</i>
Yellowtail	<i>Seriola dorsalis</i>
Albacore	<i>Thunnus alalunga</i>
Bluefin tuna	<i>Thunnus thynnus</i>
Skipjack tuna	<i>Euthynnus pelamis</i>
Yellowfin tuna	<i>Thunnus albacares</i>
All other species of tunas and mackerels	
<u>Pacific pomfret</u>	(Scombridae)
<u>Pacific pompano</u>	<u><i>Brama japonica</i></u>
<u>Plainfin midshipman</u>	<u><i>Peprilus simillimus</i></u>
Ratfish	<u><i>Parichthys notatus</i></u>
<u>Rattails, all species</u>	<u><i>Hydrolagus collieri</i></u>
Skates	(Coryphaenoididae)
Longnose skate	<i>Raja rhina</i>
Big skate	<i>Raja binoculata</i>
All other species of skates	(Rajidae)
Rockfish	
Bocaccio	<i>Sebastes paucispinis</i>

Black rockfish	<i>Sebastes melanops</i>
Brown rockfish	<i>Sebastes auriculatus</i>
Copper rockfish	<i>Sebastes caurinus</i>
Greenstriped rockfish	<i>Sebastes elongatus</i>
Orange or canary rockfish	<i>Sebastes pinniger</i>
Pacific Ocean perch	<i>Sebastes alutus</i>
Red snapper or rasperhead rock- fish	
Rosefish or splitnose rockfish	<i>Sebastes ruberrimus</i>
Silvergray rockfish	<i>Sebastes diploproa</i>
Yellow backed or Quillback rockfish	<i>Sebastes brevispinis</i>
Yellowtail rockfish	
All other species of rockfish	<i>Sebastes maliger</i>
Sablefish	<i>Sebastes flavidus</i>
Salmon	(Scorpaenidae)
Chinook or King salmon	<i>Anoplopoma fimbria</i>
Chum or dog salmon	
Pink or humpback	<i>Oncorhynchus tshawytscha</i>
Coho or silver	<i>Oncorhynchus keta</i>
Sockeye or blue back	<i>Oncorhynchus gorbuscha</i>
Masu	<i>Oncorhynchus kisutch</i>
Sculpins	<i>Oncorhynchus nerka</i>
<u>Brown Irish lord</u>	<i>Oncorhynchus masu</i>
<u>Buffalo sculpin</u>	
Cabezon	
<u>Great sculpin</u>	
	<u><i>Hemilepidotus spinosus</i></u>
<u>Pacific Staghorn sculpin</u>	<u><i>Enophrys bison</i></u>
<u>Red Irish lord</u>	<u><i>Scorpaenichthys marmoratus</i></u>
Seabass and Drums	<u><i>Myoxocephalus</i></u>
White seabass	<u><i>polyacanthocephalus</i></u>
All other seabass and drums	<u><i>Leptocottus armatus</i></u>
Sharks	<u><i>Hemilepidotus hemilepidotus</i></u>
Mud shark or sixgill shark	
Soupin shark	<i>Cynoscion nobilis</i>
Dogfish or spiny dogfish	(Sciaenidae and Serranidae)
<u>All other species of sharks</u>	
Smelts	
Eulachon or Columbia River smelt	<i>Thaleichthys pacificus</i>
Longfin smelt	<i>Spirinchus dilatus</i>
Surf smelt	<i>Hypomesus pretiosus</i>
All other species of smelt	(Osmeridae)
Sturgeons	
Green sturgeon	<i>Acipenser medirostris</i>
White sturgeon	<i>Acipenser transmontanus</i>
Surfperches	
Blue perch or striped seaperch	<i>Embiotoca lateralis</i>
Kelp perch or brown perch	<i>Brachyistius frenatus</i>
Pogie or redbtail surfperch	<i>Amphistichus rhodoteres</i>
Shiner perch	<i>Cymatogaster aggregata</i>
Silver perch or pile perch	<i>Rhacochilus vacca</i>
Walleye surfperch	<i>Hyperprosopon argenteum</i>
White seaperch	<i>Phanerodon furcatus</i>
All other species of perch	(Embiotocidae)
<u>Wolf-eel</u>	<u><i>Anarrhichthys ocellatus</i></u>

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.

AMENDATORY SECTION (Amending Order 80-  
123, filed 9/17/80)

WAC 220-16-257 RAZOR CLAM BEDS. "Razor clam beds" are defined as that portion of Pacific Ocean beaches westerly of a line 500 feet seaward and parallel to the base of the primary dune or cliff or any portion of Pacific Ocean beaches posted as a razor clam bed and marked with boundary markers. The detached Willapa Harbor Spits that are north of Ledbetter Channel, west of Ellen Sands and south of the Willapa Ship Channel are also defined as "razor clam beds((-))," as are those

portions of the mouths of Grays Harbor and Willapa Harbor which contain razor clams.

AMENDATORY SECTION (Amending Order 79-20, filed 4/11/79)

WAC 220-16-340 GENERAL DEFINITIONS—BOTTOMFISH. The term "Bottom fish", unless otherwise provided, is defined as including Pacific cod, Pacific tomcod, Pacific hake, walleye pollock all species of dabs, sole and flounders (except Pacific halibut), lingcod and all other species of greenling, ratfish, sablefish, cabezon, buffalo sculpin, great sculpin, red Irish lord, brown Irish lord, Pacific staghorn sculpin, wolf-eel, giant wry mouth, plainfin midshipman, spiny dogfish, six gill shark, soupfin shark and all other species of shark, and all species of skate, rockfish, rattails and sea perch.

AMENDATORY SECTION (Amending Order 81-3, filed 1/7/81)

WAC 220-20-010 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the Department of Fisheries.

(2) It shall be unlawful for any person, corporation, business, or company to have in possession or under control or custody any salmon or other food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the Director of Fisheries, unless otherwise provided.

(3) It shall be lawful to take, fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(Hippoglossus stenolepis)
Pacific herring	(Clupea harengus pallasi)
(except when lawfully taken from Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B as prescribed in WAC 220-49-020)	
Salmon	
Chinook	(Oncorhynchus tshawytscha)
Coho	(Oncorhynchus kisutch)
Chum	(Oncorhynchus keta)
Pink	(Oncorhynchus gorbuscha)
Sockeye	(Oncorhynchus nerka)
Masu	(Oncorhynchus masu)

(4) It shall be unlawful for any person to take, fish for or possess food fish or shellfish smaller than the lawful

commercial sizes while aboard any craft engaged in commercial fishing or having commercially caught fish aboard.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the Department of Fisheries approved and registered buoy brand provided that;

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) Effective January 1, 1975, when two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the Department of Fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the Department of Fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the Department of Fisheries.

(9) It shall be unlawful for any person licensed under the Fisheries Code of Washington to fail to make any report or return required of him by the Department of Fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, provided; that it shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersize salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard any salmon or other food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or size limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the Department of Fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the Director of Fisheries, or to perform any act not specifically authorized in said document or in the regulations of the Director of Fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the Director of Fisheries.

(17) It shall be lawful to test commercial fishing gear, excluding gill nets, as follows:

(a) Bellingham Bay – inside of a line from Governor's Point to the north tip of Eliza Island to Point Francis in waters 10 fathoms and deeper.

(b) Georgia Strait – within a 1 mile radius of buoy RB "A" at the north end of Alden Bank during times not under IPSFC control.

(c) San Juan Channel – within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles – inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner – within a 2 mile radius of the entrance to Everett break water.

(f) Central Puget Sound – between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass – between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) All tows or sets are limited to one hour exclusive of setting and retrieving time.

(i) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(j) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(k) Any and all incidentally caught fish must be returned to the waters, and no fish are to be brought aboard the vessel at any time during a gear test operation.

(l) It shall be unlawful for any person conducting such gear testing operations to fail to notify the Fisheries Patrol office in Olympia prior to testing.

#### NEW SECTION

WAC 220-56-112 SAMPLING DATA AND TAG RECOVERY. It is unlawful for any person to fail to comply with the directions of authorized Department of Fisheries personnel related to the collection of sampling data or material from salmon or other food fish. It is also unlawful for any person to fail to relinquish upon request to the department any fish tag or any part of a salmon or other food fish containing coded wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

#### AMENDATORY SECTION (Amending Order 80-17, filed 8/29/80)

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS (1) It (~~shall be~~) is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It (~~shall be~~) is lawful to use two natural baits per line when angling for food fish in (~~saltwater~~) freshwater or from shore, piers, jetties, or docks(-) in saltwater.

(b) It (~~shall be~~) is lawful to use two lines with one lure per line or one line with two lures per line while angling for food fish in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands and Puget Sound.

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case, except as provided in subsections (3) and (4) of this section.

(3) It shall be lawful, while angling for food fish in saltwater from shore, jetties or docks, for an individual to:

(a) Leave the pole in a pole holder while playing or landing the fish. The pole holder may be affixed to a bench, pier railing, wheelchair or other solid object.

(b) Use a power-operated reel attached to a pole.

All other provisions of this section shall apply.

(4) It shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) in those waters west of the mouth of the Sekiu River, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa.

(5) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

**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 220-56-117 RETENTION OF TAGGED BOTTOMFISH AND HERRING.** Nothing in Title 220 WAC shall prohibit the retention and landing of any bottomfish or herring which bears a tag of a governmental agency at the time of capture.

**AMENDATORY SECTION** (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-128 PERSONAL-USE FISHERY—AREAS AND SEASONS.** (1) It ~~((shall be))~~ is unlawful to take, fish for or possess salmon, bottomfish and other food fish taken for personal use in those waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) It ~~((shall be))~~ is lawful, unless otherwise provided, to take, fish for or possess salmon, bottomfish, or other food fish in waters outside of or downstream from the following described lines and as provided in WAC 220-56-105:

(a) Hood Canal: A radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery.

(b) Sinclair Inlet: A line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton.

(c) Budd Inlet: The Fourth Avenue Bridge at Olympia.

(d) Shilshole Bay: For salmon, the line shall be the Burlington Northern Railroad Bridge. For bottomfish or other food fish, the line shall be 400 feet below the fish ladder at the Chittenden Locks from October 1 through May 31; and below the Burlington Northern Railroad Bridge all year.

(e) Chinook River: The tide gate at the Highway 101 Bridge.

(3) It is unlawful to take, fish for, or possess food fish for personal use in those waters of the Columbia river between the Vernita Bridge and the Hanford power line crossing (wooden towers at 524, T13N, R27E) from October 16 through May 31.

(4) It is unlawful to take, fish for or possess food fish for personal use in those Columbia River waters between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse.

**AMENDATORY SECTION** (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

**WAC 220-56-131 ELLIOTT BAY PUBLIC FISHING PIER UNDERWATER ARTIFICIAL REEF AREA.** (1) It is unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Elliott Bay Public Fishing Pier as described in subsection (2) of this section, except while fishing from the Elliott Bay Public Fishing Pier.

(2) Elliott Bay Public Fishing Pier Underwater Artificial Reef Area~~((:))~~ includes those waters lying ((south and westerly of the northwestern end of Elliott Bay Park inside of a line from the shore end of the access walkway for the Terminal 86 grain terminal dock, southerly 375' to the junction of the access walkway and the terminal dock, then northwesterly 700' to the easternmost reef marker buoy, then northwesterly 600' to the westernmost reef marker buoy, then north 300' to the shore at the north entrance to the Elliott Bay Park)) inside connecting lines projected from:

(a) The northwesterly white fishing boundary marker on the shore to the most westerly reef marker buoy;

(b) The most westerly reef marker buoy to the most easterly reef marker buoy;

(c) The most easterly reef marker buoy to the southeasterly white fishing boundary marker on the shore; and

(d) Along the shoreline from the southeasterly white fishing boundary marker to the northwesterly white fishing boundary marker.

**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.

**AMENDATORY SECTION** (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-180 BAG LIMIT CODES.** (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of ~~((which may exceed 24 inches in length))~~ these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 inches in length.

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.

(2) Code B: ~~((In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of which may exceed 20 inches in length. 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))~~ Same as Bag Limit A.

(3) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than ~~((24 inches in length))~~ the following:

24 inches in length for chinook; 20 inches in length for coho.

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.

(4) Code D: ~~((In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches or more than 20 inches in length. 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))~~  
Same as Bag Limit C.

(5) Code F: In waters having this code designation, the bag limit in any one day is three salmon, not more than two of which shall be chinook or coho in the aggregate. Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches in length and no minimum size on 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.

(6) Code H: In waters having this code designation, the bag limit in any one day is three salmon. Chinook salmon must be not ~~((be))~~ less than 20 inches in length but there is no minimum size limit 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.

(7) Code I: In waters having this code designation, the bag limit in any one day is eight salmon, not less than 6 inches in length or an aggregate daily catch of eight salmon and other fish not exceeding 6 pounds and one fish. The possession limit shall be the same as the daily catch limit. Salmon angling catch record card is not required.

**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.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS—SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound (including Hood Canal), Gulf of Georgia, San Juan Islands and Straight of Juan de Fuca east of the mouth of the Sekiu River – bag limit H – open entire year except for special provisions in WAC 220-56-195.

(2) Strait of Juan de Fuca from the Sekiu River to a line from Tatoosh Island Light to Bonilla Point (~~((=bag limit F))~~) – open entire year. Bag and size limits shall conform with Pacific Ocean regulations during those times salmon angling is permitted in adjacent coastal ocean waters. During those periods when the ocean salmon angling season is closed, the bag limit shall conform with regulations of adjacent waters of the Strait of Juan de Fuca (Area 5—Sekiu), but size limits shall remain unchanged from those which were in effect when the ocean season was last open.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific

Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 – bag limit F – open on the Saturday nearest to May 1 through October 31.

(4) Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty) – bag limit F – open ~~((entire year))~~ to salmon angling coincidentally with the season in adjacent waters of the Pacific Ocean, but not to extend beyond August 15, unless otherwise provided.

(5) Willapa Harbor (waters east of a line from Lead-better Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) – bag limit F – open entire year.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-56-205 HOOK REGULATIONS—FRESHWATER SALMON ANGLING. (1) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.

(2) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(3) No leads, weights or sinkers may be attached below the lure or less than 12 inches above the lure.

(4) It is unlawful to take, fish for or possess salmon in any freshwater areas of the state with nonbuoyant lures unless they meet the requirements for nonbuoyant lures as defined in subsection (1) of this section. This subsection does not apply to Lake Washington, that portion of the Columbia River below Bonneville Dam ~~((or))~~, that portion of the Chehalis River below the mouth of the Satsop River or that portion of the Skagit River below the mouth of Gilligan Creek.

AMENDATORY SECTION (Amending Order 80-45, filed 6/11/80)

WAC 220-56-250 LINGCOD—AREAS AND SEASONS. It ~~((shall be))~~ is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (salmon punch card areas 1 through 3 and that portion of area 4 west of a line projected from the most westerly point on Cape Flattery to Tatoosh Island Light, thence to Bonilla Point) – open the entire year.

(2) Salmon punch card areas 5, 6, 7 ~~((, that portion of area 9 north of a line between Liplip Point and Bush Point;))~~ and that portion of area 4 east of a line projected from the most westerly point on Cape Flattery to Tatoosh Island Light, thence to Bonilla Point – April 15 through November 30.

(3) All other areas closed the entire year.

**AMENDATORY SECTION** (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-290 STURGEON ANGLING HOURS.** It ~~((shall be))~~ is unlawful to take, fish for or possess sturgeon for personal use in all freshwater areas, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

**AMENDATORY SECTION** (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-310 SHELLFISH—POSSESSION LIMITS.** It ~~((shall be))~~ is lawful unless otherwise provided for any one person to take in any one day or possess for personal use at any one time the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams:

(a) ~~((All areas except Willapa Bay, seven pounds in the aggregate not to exceed a count of forty clams))~~ Hood Canal south of a line projected from Tala Point to Foulweather Bluff – 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first.

(b) Puget Sound south of the Tacoma Narrows Bridge – 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(c) All portions of Puget Sound except those described in (a) and (b) of this subsection – Bag limit January 1 – May 31: 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first. Bag limit June 1 – December 31: 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(d) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance, diggers may retain up to 20 pounds of Eastern softshell clams in the shell in addition to the limit set in (c) of this subsection.

(e) Willapa Bay – clams and borers five pounds in the aggregate.

~~((f))~~ (f) Willapa Bay – twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 20 pounds or 10 quarts in the shell.

(9) Shrimp: 10 pounds or 10 quarts in the shell.

(10) Octopus: 2 octopus.

(11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.

(12) Crawfish: 10 pounds in the shell.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red crabs: 18 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

**AMENDATORY SECTION** (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

**WAC 220-56-320 SHELLFISH GEAR—UNLAWFUL ACTS.** (1) It is unlawful for the owner or operator of any personal-use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the name and address of the operator. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot ~~((must be))~~ weighted ~~((so that it ~~(-)~~))~~ sufficiently to prevent the line ~~(-) does not float~~ from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating above the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) The entire buoy must be fluorescent yellow if attached to shrimp gear.

(c) The buoy must be half fluorescent red and half white if attached to crab gear.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) It is unlawful for any person using shellfish traps for personal-use shellfishing to allow said traps to become uncovered by water.

(3) It is unlawful to take, fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The top, bottom, and at least one-half of the area of the sides of the shellfish pots must have the minimum mesh size defined below.

(b) The minimum mesh size for shrimp pots is defined as a square or rectangular mesh such that the inside distance between any knot or corner and each adjacent knot or corner shall be no less than 7/8-inch: PROVIDED, That the shortest inside diagonal of each mesh shall be no less than 1-1/8 inches.

**AMENDATORY SECTION** (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

**WAC 220-56-340 GENERAL PROVISIONS—CLAMS, COCKLES, MUSSELS—GEAR.** (1)(a) It is lawful to take, dig for and possess clams ~~((including))~~ excluding razor clams), cockles, and mussels taken for

personal use by hand or with hand-operated forks, picks, mattocks and shovels(~~(, and)~~).

(b) It is lawful to take, dig for and possess razor clams taken for personal use by hand, shovels or with cylindrical cans ((or), tubes or hinged digging devices: PROVIDED, That when used for digging razor clams, the opening of these ((cans or tubes)) devices be either circular or elliptical; with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of 4 inches at the bottom.

(2) Any newly-designed or modified digging device intended for the recreational use of razor clams must receive the specific approval of the director of fisheries.

(3) Each digger, including holders of razor clam disability permits, must have his or her limit in a separate container.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-360 RAZOR CLAMS—AREAS AND SEASONS. It ~~((shall be))~~ is unlawful to take, dig for or possess razor clams taken for personal use from ~~((Pacific Ocean))~~ any beaches in Razor Clam Areas 1, 2, and 3: PROVIDED, That:

(1) From January 1 through March 15, it is lawful to dig 24 hours per day.

(2) From March 16 through June 30, it is unlawful to dig except from 12 midnight to 12 noon daily.

(3) It is unlawful to dig during the months of July, August, and September.

(4) From October 1 through December 31, it is lawful to dig 24 hours per day.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-56-372 RAZOR CLAM SANCTUARIES. The following areas are hereby set aside for experimental purposes by the department of fisheries razor clam enhancement project. As need arises in the future, specific sections of these areas will be closed to public use.

(1) Long Beach – from a line extending westward from the middle of the Oysterville approach – north for one quarter mile (1,320 feet).

(2) Twin Harbors Beach – from a line extending westward from the middle of the county line approach south for one quarter mile (1,320 feet).

(3) Copalis Beach – in the posted no driving area at Ocean Shores, from a point beginning ~~((one-half))~~ three-quarters of a mile ((south)) north of the ~~((no driving area signs))~~ Oyhut approach and extending ~~((south))~~ north for one quarter mile (1,320 feet).

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-56-380 OYSTERS—AREAS AND SEASONS. ~~((It is unlawful to take, fish for or possess~~

~~oysters taken for personal use from the waters of the state from July 15 through September 15: PROVIDED, That:))~~

(1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) ~~((All state-owned tidelands at the Hoodspout Salmon Hatchery are closed to personal-use harvest of oysters through December 31, 1980. All state-owned tidelands at Belfair State Park are closed to personal-use harvest of oysters through March 31, 1983:))~~

(a) It is unlawful to take or possess oysters for personal use from all Hood Canal beaches south of a line projected from Misery Point to Quatsop (Black) Point through December 31, 1983.

(b) It is lawful to take and possess oysters for personal use from all other Washington state public beaches, except all federally-owned tidelands at Seal Rock Forest Service campground are closed to personal-use harvest of oysters from July 16 through May 14. ((All state-owned tidelands at Twanoh State Park shall be closed to personal-use harvest of oysters from June 16 through December 31:))

(3) It ~~((shall be))~~ is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

(4) It shall be lawful for private beach owners to harvest oysters for their own personal use from their own tidelands.

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.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-390 SQUID, OCTOPUS. It ~~((shall be))~~ is lawful to take, fish for and possess squid taken for personal use by ~~((hand))~~ hook and line, squid lures and herring rake, or with hand dip net gear((, and)). Octopus may be taken by hand or by any instrument which will not penetrate or mutilate the body.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-135 EDMONDS AND ELLIOTT BAY FISHING PIERS.

AMENDATORY SECTION (Amending Order 78-8, filed 2/21/78, effective 4/1/78)

WAC 220-57-001 FRESHWATER SEASONS AND BAG LIMITS. It shall be unlawful to take, fish for or possess salmon taken ~~((by angling))~~ for personal use, except from the following areas during the seasons, in the quantities, sizes, and for the species designated as follows in chapters 220-57 and 220-57A WAC and for the bag limits as defined in WAC ~~((220-56-013))~~ 220-56-180.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-120 BEAR RIVER. Bag limit A - July 1 through October 31: Downstream from the ~~((old stringer bridge at the))~~ lime quarry road to Highway 101 Bridge (a distance of approximately 2 stream miles).

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-130 BOGACHIEL RIVER. Bag limit A - July 1 through October 31: Downstream from the Highway 101 Bridge. Coho salmon greater than 24 inches in length must be immediately released if taken on or after October 1.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-135 CALAWAH RIVER. Bag limit A - July 1 through October 31: Downstream from the Highway 101 Bridge. Coho salmon greater than 24 inches in length must be immediately released if taken on or after October 1.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-140 CHEHALIS RIVER. Bag limit C - ~~((April 1 through July 31, Bag limit A = August 1 through March 31))~~ open entire year. Downstream from markers approximately 1/2-mile upstream from the Porter Bridge to the Union Pacific Railroad Bridge in Aberdeen. ~~((All chinook salmon over 28 inches caught upstream from the mouth of the Satsop River must be released.))~~

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-155 CLEARWATER RIVER (JEFFERSON COUNTY). (1) Bag limit C - July 1 through ~~((October 31))~~ September 30: Downstream from the mouth of the Snahapish River.

(2) Bag limit A - October 1 through October 31: Downstream from the mouth of the Snahapish River. Coho salmon over 24 inches must be released.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag limit ~~((A))~~ C - June 1 through ~~((December 31))~~ October 15: Downstream from Chief Joseph Dam to the Richland-Pasco Highway 12 Bridge. ~~((From October 15 through December 31, chinook salmon over 28 inches taken upstream from a marker at Ringold Wasteway must be released.))~~ The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam to a point 400 feet below the spawning channel discharge stream.

(c) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream line of these dams to a point 1,000 feet downstream.

(d) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 1,500 feet downstream.

(e) Jackson (Moran) Creek - waters within 500 feet of the mouth.

(2) Bag limit A - April 1 through June 30: East bank only in that portion of the Columbia River from WDF boundary marker located approximately 1/2 mile upstream from Spring Creek (Ringold hatchery rearing pond outlet) downstream to a WDF boundary marker located approximately 1/4 mile downstream of Ringold wasteway outlet.

(3) Waters downstream from the Richland-Pasco Highway 12 Bridge to ~~((Bonneville Dam))~~ Hood River Bridge: ~~((Bag limit A = January 1 through March 15.))~~ Closed ~~((March 16 through May 31, Bag limit C = June 1 through August 7, Bag limit A = August 8 through December 31. The following are closed waters:~~

(a) McNary Dam - waters between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - from the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that fishing is permitted up to 400 feet below the fishway entrance from the Washington shore.

(c) The Dalles Dam - from the upstream line of The Dalles Dam to the upstream side of the Interstate Bridge at The Dalles, except that fishing is permitted up to 400 feet below the fishway entrance from the Washington shore.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish & Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance)) entire year.

~~((3))~~ (4) Bag limit A - ~~((open August))~~ September 1 through March 15 ~~((; closed March 16 through May 31, Bag limit C = June through July 31))~~: That portion downstream from ~~((Bonneville Dam))~~ Hood River Bridge to the ~~((Megler-Astoria))~~ Interstate 5 Bridge at Vancouver, with the exception of the following closed waters:

~~((Waters between the upstream line of Bonneville Dam and the downstream power line crossing between the Washington shore and Bradford Island, thence on a direct line through the westernmost steel mooring dolphin in the navigation channel to the Oregon shore provided that it shall be lawful to fish from the Washington shore to within 600 feet of the spillway dam, with bait-lure presentation restricted to rod-and-reel casting only. All other modes of terminal gear transport to set baits are prohibited.))~~

Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between

posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

((~~(4)~~)) (5) Bag limit A - August 16 through March 15: Waters downstream from the (~~(Megler-Astoria)) Interstate 5~~ bridge to a line projected true north and south through Buoy 10(~~(- Bag limit F during those times)), except that on or after August 16 ((that the waters of the Pacific Ocean are open to salmon angling. At all other times the bag limit shall be the same as that in effect for Columbia river waters between Bonneville Dam and)) and through September 30, regulations downstream from the Megler-Astoria Bridge shall conform with the most recent ocean fishing regulations when the ocean was last open. During the month of September, it is unlawful to take, fish for, or possess salmon for personal use in that portion of the Columbia River north of a line projected from Abernathy Point light to a boundary marker east of the mouth of Abernathy Creek.((The possession limit of fresh salmon shall not exceed two daily bag limits. Additional salmon may be possessed in a frozen or processed form.))~~

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.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-175 COWLITZ RIVER. (1) Special bag limit ((~~(A)~~)) - ((~~Open entire year~~)) April 1 through July 31: Downstream from ((~~markers~~))400 feet)) the cross river cable below the Cowlitz Salmon Hatchery Barrier Dam to the mouth. Bag limit is six salmon per day over 10 inches in length, only three of which may exceed 24 inches in length. That portion of the Cowlitz River downstream of a line drawn perpendicular to the river from the lowermost Cowlitz Salmon Hatchery property boundary is open to night-time fishing from April 1 to July 31.

(2) Bag limit A - August 1 through March 31: Downstream from markers 400 feet below the barrier dam.

During the period October 1 through December 31, chinook salmon over 28 inches in length taken upstream ((~~from the highway bridge at Castle Rock~~)) of boundary markers at Toutle River mouth must be released. Salmon angling from boats is prohibited the entire year in those open waters between ((~~the markers below~~)) the barrier dam and the mouth of Mill Creek.

((~~(2)~~)) (3) Bag limit C - November 1 through December 31: From the confluence of the Muddy Fork and Ohanapecosh Rivers downstream to Riffe (Davisson) Lake.

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.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-220 DUWAMISH RIVER. (1) Bag limit ((~~(B)~~)) A - July 1 through November 30: Upstream

from the First Avenue South Bridge to the Highway 405 Bridge.

(2) Bag limit A - September 1 through October 15: Downstream from the First Avenue South Bridge to an east-west line projected through S.W. Hanford Street on Harbor Island and parallel to S.W. Spokane Street where it crosses Harbor Island.

(3) Bag limit H - October 16 through August 31: Downstream from the First Avenue South Bridge; open to salmon angling 24 hours a day.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-255 GREEN RIVER (COWLITZ COUNTY). ((~~(1)~~)) Bag limit A - September 1 through November 30)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-260 GREEN RIVER (KING COUNTY). (1) Bag limit ((~~(B)~~)) A - July 1 through ((~~November 30~~)) October 15: Downstream from the Porter Bridge (Auburn Eighth Street NW Bridge) to Highway 405 Bridge.

(2) Bag limit A - October 16 through November 30: Downstream from the downstream side of the Highway 18 Bridge to the Highway 405 Bridge.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-270 HOH RIVER. (1) Special bag limit - Saturday preceding Memorial Day through ((~~September 15~~)) October 31: Downstream from a marker approximately a quarter mile above Highway 101 Bridge to the National Park boundary at Oil City the bag limit is six salmon not less than 10 inches in length, ((~~not more than two~~)) only one of which may exceed 24 inches in length except that the salmon greater than 24 inches in length may not be a coho salmon.

(2) ((~~Bag limit C - September 16 through October 31: Downstream from a marker approximately a quarter mile above Highway 101 Bridge to the National Park Boundary at Oil City.))~~

((~~(3)~~)) Bag limit C - Saturday preceding Memorial Day through October 31: Upstream from a marker approximately one-quarter mile above Highway 101 Bridge to the National Park Boundary near the confluence of the South Fork.

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.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

WAC 220-57-280 HOQUIAM RIVER. (1) Bag limit C - July 1 through November 30 - in main Hoquiam River and tributaries.

(2) Bag limit ((A)) C - November 16 through January 31 ((im)) : East fork of Hoquiam River ((=)) downstream from the Game Department access area below Berryman Creek.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77, effective 3/1/77)

WAC 220-57-285 HUMPTULIPS RIVER. (1) Bag limit ((A)) C - July 1 through January 31: Downstream from confluence of East and West forks to ((Highway 109 Bridge)) confluence with Stevens Creek.

(2) Bag limit A - July 1 through November 30: Downstream from confluence of Stevens Creek to Highway 109 Bridge. ((A)) Chinook salmon over ((28)) 24 inches in length and all chum salmon ((taken upstream from the power line crossing near Walker Road)) must be released.

(3) Bag limit C - December 1 through January 31: Downstream from confluence of Stevens Creek to Highway 109 Bridge.

((2)) (4) Bag limit F ((=September 15 through August 15:)) Open to salmon angling downstream from Highway 109 Bridge((-)) coincidentally with the season in adjacent waters of Grays Harbor, but not to extend beyond August 15, unless otherwise provided.

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.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-300 JOHNS RIVER. Bag limit ((A)) C - July 1 through January 31: Downstream from old M&B Logging Camp Bridge at upper boundary of Johns River Game Range to Highway 105 Bridge.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-310 KALAMA RIVER. (1) Bag limit A - Saturday preceding Memorial Day through November 30: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point.

(2) Bag limit A - Saturday preceding Memorial Day through November 30: Downstream from the mouth of Summers Creek to the markers at the Kalama Falls (Upper) Salmon Hatchery.

(3) Bag limit A - open the entire year: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery, with the following exception: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be open for fly fishing only.

October 1 through December 31: Chinook salmon over 28 inches caught in the area downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the natural gas pipeline must be released.

(4) During the time the department of fisheries temporary rack is installed just below the Modrow Bridge, that portion of the river from ((the Modrow Bridge)) a point 200 feet above the temporary rack downstream to a set of markers 1,500 feet below the temporary rack ((will be)) is closed to salmon angling.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-315 KLUCKITAT RIVER. (1) Bag limit A - ((June 1 through January 31)) April 1 through January 31: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth EXCEPT open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31.

(2) Bag limit C - Saturday preceding Memorial Day through November 30: - Downstream from the Lydel Bridge to a point 400 feet ((below)) above the No. 5 fishway.

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.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77, effective 3/1/77)

WAC 220-57-380 QUILCENE (BIG QUILCENE) RIVER. Bag limit ((B)) A - October ((15)) 1 through January 31: Downstream from ((deadline posted by Game Department below Rainbow Forest Park. Closed from)) Highway 101 ((to Quilcene Hatchery rack)) Bridge.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-385 QUILLAYUTE RIVER. Bag limit A - ((May 23)) Saturday preceding Memorial Day through ((October 31)) November 30: Outside the ((boundaries)) boundary of ((the Quillayute Indian Reservation and)) Olympic Nation Park. During the period October 1 through November 30, coho salmon over 20 inches in length must be released.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

WAC 220-57-390 QUINAULT RIVER. Bag limit A - July 1 through ((November 30 - outside the boundaries of the Quinault Indian Reservation)) October 31: Downstream from the bridge connecting Graves Creek and North Shore roads.

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.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-405 SAMISH RIVER. Bag limit ~~((B))~~ A - ~~((September 1))~~ October 15 through November 30: Downstream from Interstate 5 Bridge to ~~((a line running north across the river from the Gun Club Dock))~~ markers located approximately ~~((200 yards))~~ one-quarter mile downstream from Samish Island Bridge. Chinook salmon over ~~((28))~~ 24 inches in length must be released.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-415 SATSOP RIVER. (1) Bag limit ~~((A))~~ C - July 1 through ~~((January 31))~~ September 30: Downstream from the bridge at Schafer State Park on East Fork. ~~((Chinook salmon over 28 inches in length must be released.))~~

(2) Bag limit A - October 1 through November 30: Downstream from the bridge at Shafer State Park on East Fork. Chinook salmon over 24 inches in length and all chum salmon must be released.

(3) Bag limit C - December 1 through January 31: Downstream from the bridge at Shafer State Park on East Fork.

**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.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-425 SKAGIT RIVER. (1) Bag limit ~~((B))~~ A - July 1 through December 31: Downstream from the mouth of the Cascade River to Gilligan Creek. Chinook salmon over ~~((28))~~ 24 inches in length must be released.

(2) Special bag limit ~~((B - June 16 through April 15))~~ - Downstream from Gilligan Creek ~~((:))~~ bag limit A from July 1 through December 31 EXCEPT the six salmon daily bag limit may include no more than one chinook salmon greater than 24 inches in length.

(3) The entire Skagit River is closed to the taking of pink salmon in odd-numbered years.

**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 220-57-427 SKAMOKAWA CREEK. Bag limit A - August 16 through December 31: Downstream from mouth of first west fork downstream to Highway 4 Bridge.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-460 SOLEDUCK RIVER. Bag limit A - ~~((May 23))~~ Saturday preceding Memorial Day through October 31: Downstream from Concrete pump

station at Soleduck Hatchery. During the period October 1 through October 31, coho salmon over 24 inches in length must be released.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-480 TOUTLE RIVER. ~~((1))~~ Bag limit A - open entire year. Downstream from mouth of North Fork:

(2) North Fork - bag limit A - Open entire year. Downstream from the mouth of the Green River:

September 1 through October 31 - taking of salmon from the area between the Weyerhaeuser Railroad Bridge and the Cook Road Bridge is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring no more than 1/2 inch between shank and point)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57-505 WHITE SALMON RIVER. Bag limit A - ~~((August 8))~~ September 1 through December 31: Downstream from ~~((points 1,200 feet))~~ a set of markers approximately 1/2 mile north of Highway 14 Bridge. (Little) White Salmon River (Drano Lake): Bag limit A - ~~((August 8))~~ September 1 through December 31: Downstream from markers on point of land downstream and across from federal salmon hatchery.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-515 WIND RIVER. ~~((Bag limit C = Saturday preceding Memorial Day through October 31: Beginning 1-1/2 river miles upstream from the High Bridge to the south boundary of Section 36, Township 4 North, Range 7-1/2 East as posted (about 2-1/2 miles). Fly fishing only. Legal tackle is limited to single-hook artificial flies measuring no more than 1/2 inch between the shank and point.))~~ Closed to salmon angling the entire year.

**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 76-14, filed 3/15/76, effective 5/1/76)

WAC 220-57-520 WISHKAH RIVER. Bag limit ~~((A))~~ C - July 1 through January 31 - downstream from the mouth of the West Fork.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-525 WYNOOCHEE RIVER. (1) Bag limit A - ~~((Saturday preceding Memorial Day through))~~ July ~~((31))~~ 1 ~~((Open except for the following closed waters: Downstream from Wynoochee Dam to 400 feet below the fish barrier dam.~~

~~(2) Bag limit A—August 1~~) through September 30 ((~~January 31~~)): Downstream from the mouth of Schafer Creek. Chinook salmon over ((~~28~~)) 24 inches in length and all chum salmon must be released.

(2) Bag limit C—October 1 through January 31: Downstream from the mouth of Shafer Creek.

**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.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57A-012 BAKER LAKE (WHATCOM COUNTY). Bag limit I—April ((~~26~~)) 18 through October 31.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57A-040 CUSHMAN LAKE (MASON COUNTY). Bag limit I—April ((~~26~~)) 18 through October 31.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57A-065 DUCK LAKE (GRAYS HARBOR COUNTY). Bag limit I—((~~April 26 through October 31~~)) open entire year.

NEW SECTION

WAC 220-57A-082 (UPPER) GOOSE LAKE (GRANT COUNTY). Bag limit of five salmon not less than 6 inches in length or an aggregate daily catch of five salmon and other fish not exceeding six pounds and one fish. Open entire year.

NEW SECTION

WAC 220-57A-112 MCMURRAY LAKE (SKAGIT COUNTY). Bag Limit I—April 18 through September 16.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57A-120 MERWIN LAKE (RESERVOIR). Bag limit I—April ((~~26~~)) 18 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57A-152 SHANNON RESERVOIR (SKAGIT COUNTY). Bag limit I—April ((~~26~~)) 18 through October 31.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-57A-190 WYNOOCHEE RESERVOIR (GRAYS HARBOR COUNTY). Bag limit I—April ((~~26~~)) 18 through October 31.

WSR 82-07-048 ✓

NOTICE OF PUBLIC MEETINGS  
BOARD FOR  
VOLUNTEER FIREMEN  
[Memorandum—March 17, 1982]

The State Board for Volunteer Firemen meeting scheduled for March 23, 1982 has been cancelled. The August 11, 1982 meeting has been rescheduled to August 4, 1982 and will be held at the Ocean Shores Inn, Ocean Shores, Washington.

WSR 82-07-049 ✓

NOTICE OF PUBLIC MEETINGS  
COMMUNITY COLLEGE  
DISTRICT TWELVE  
[Memorandum—March 17, 1982]

The following change in the location of the regular meeting schedule of the Board of Trustees of Community College District 12 is from Centralia College to Thursday, April 8, 1982, 7:30 p.m., Board Room, Olympia Technical Community College.

WSR 82-07-050 ✓

ATTORNEY GENERAL OPINION  
Cite as: AGLO 1982 No. 6  
[March 17, 1982]

OFFICES AND OFFICERS—STATE—HIGHER EDUCATION PERSONNEL BOARD—CIVIL SERVICE—COLLEGES AND UNIVERSITIES—COMMUNITY COLLEGES—COSTS OF TRANSCRIPT ON APPEAL

(1) The requirement of WAC 251-12-285 that employers pay the initial costs of transcribing the record for appeal under RCW 28B.16.130 is not enforceable in personnel actions arising under RCW 28B.16.120 in view of the Washington Supreme Court's decision in the analogous case of Zoutendyk v. Washington State Patrol, 95 Wn.2d 693, 628 P.2d 1308 (1981).

(2) In the event that the employee prevails on such an appeal, the Higher Education Personnel Board may recover its costs in preparation of the transcript from the employing institution or related board pursuant to RCW 28B.16.130; if, however, the institution or related board prevails, there is no provision in current law allowing recovery against the employee.

Requested by:

Honorable Douglas E. Sayan  
Director  
Higher Education Personnel Board  
1200 Black Lake Blvd., FT-11  
Olympia, Washington 98504

**WSR 82-07-051** ✓  
**ADOPTED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 [Order 9A—Filed March 19, 1982]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Seattle, Washington, that it does repeal the annexed rules relating to standards of board on correctional training standards and education, repealing WAC 139-36-010.

This action is taken pursuant to Notice No. WSR 82-04-065 filed with the code reviser on February 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.101.080(2) 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 11, 1982.

By James C. Scott  
Executive Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 139-36-010 STANDARDS OF BOARD ON CORRECTIONAL TRAINING STANDARDS AND EDUCATION.**

**WSR 82-07-052** ✓  
**ADOPTED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 [Order 15—Filed March 19, 1982]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to:

- New WAC 139-36-020 Requirement of basic corrections training.
- New WAC 139-36-030 Requirements of basic corrections academy.
- New WAC 139-36-031 Basic corrections officers academy curriculum.
- New WAC 139-36-032 Basic correctional services academy curriculum.
- New WAC 139-36-033 Basic group life and youth camp counselors academy curriculum.
- New WAC 139-36-034 Basic juvenile detention workers academy curriculum.
- New WAC 139-36-040 Requirement of first- and second-level corrections supervisory training.
- New WAC 139-36-041 First- and second-level supervision curriculum—Corrections.

- New WAC 139-36-050 Requirement of middle-management corrections training.
- New WAC 139-36-051 Middle-management curriculum—Corrections.
- New WAC 139-36-060 Requirement of executive management corrections training.
- New WAC 139-36-061 Executive management curriculum—Corrections.

This action is taken pursuant to Notice No. WSR 82-04-066 filed with the code reviser on February 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.101.080(2) 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 11, 1982.

By James C. Scott  
Executive Director

**NEW SECTION**

**WAC 139-36-020 REQUIREMENT OF BASIC CORRECTIONS TRAINING.** As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, initially hired on or after January 1, 1982, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington State Criminal Justice Training Commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the Commission; provided, that those persons hired on or after January 1, 1982, and prior to July 1, 1982, shall complete the required basic training before January 1, 1983. Requests for extension or waiver of the basic training requirement shall be submitted to the Commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as prescribed below:

(a) Corrections Officers Academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) Correctional Services Academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile and adult probation and parole officers, institution counselors, and psychiatric social workers.

(c) Juvenile Detention Workers Academy. All employees who are responsible for the care, custody and

safety of youth in county juvenile court detention centers.

(d) Group Life and Youth Camp Counselors Academy. All employees responsible for the care, custody, and safety of juvenile offenders in state institutions, camps and group homes. Representative job classes include, but are not limited to, group life counselors, youth camp counselors, and cottage parents.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the Commission.

(3) Failure to comply with the above requirements of the Board on Correctional Training Standards and Education shall result in a notification of non-compliance from the Commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the Civil Service Commission, the State Jail Commission, and/or the State Auditor's Office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the Commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

#### NEW SECTION

**WAC 139-36-030 REQUIREMENTS OF BASIC CORRECTIONS ACADEMY.** (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the Commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification. Provided, that any applicant whose beginning date of continuous corrections officer employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections officer training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

(c) Deportment and conduct. Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.

(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the Commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part, as determined by the Commission.

Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

(3) In all other instances of termination of a trainee's academy assignment, the Commission shall allow such trainee's admission to any subsequent academy only if:

(a) such trainee has been terminated by the employing agency and subsequently rehired by it, or

(b) such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Correctional Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

#### NEW SECTION

**WAC 139-36-031 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM.** The basic Corrections Officers Academy of the Washington State Criminal Justice Training Commission shall be 80 instructional hours in length and shall include the following subject matters:

(1) The System

(a) Overview of the Criminal Justice System

(b) Practical Law for Corrections Officers

(c) Problem Solving

(2) Supervision and Care of Inmates

(a) Supervising Inmates

(b) Physical and Safety Needs

(c) Orienting an Inmate

(d) Mental and Physical Problems

(e) Discipline and Rewards

(3) Safety and Security

(a) Security Management

(b) Proper Use of Physical Force

(c) Observation of Group Dynamics

(d) Teamwork and Security

(4) Communication Skills

(a) Incident Report Writing

(b) Listening

(c) Interpersonal Skills

(5) Personal Development

(a) Stress Management

(b) Professionalism and Self-Image Building

(c) Physical Fitness

NEW SECTION

WAC 139-36-032 BASIC CORRECTIONAL SERVICES ACADEMY CURRICULUM. The basic Correctional Services Academy curriculum of the Washington State Criminal Justice Training Commission shall be 80 hours in length and shall include the following subject matter:

- (1) Key Treatment Approaches
  - (a) Research Review
  - (b) Program Specificity
  - (c) Offense Prevention
  - (d) Life Goals
  - (e) Skills Training
- (2) Core Skills
  - (a) Interpersonal Skills
  - (b) Interviewing
  - (c) Managing Information
  - (d) Report Writing
  - (e) Rewards and Sanctions
  - (f) Legal Issues
- (3) Personal Skills
  - (a) Stress Management
  - (b) Physical Fitness (alternate option – Health class)
  - (c) Time Management
  - (d) Personal Development
  - (4) Case Management Skills
    - (a) Assessment
    - (b) Goal Setting
    - (c) Program Planning
    - (d) Intervention and Monitoring

NEW SECTION

WAC 139-36-033 BASIC GROUP LIFE AND YOUTH CAMP COUNSELORS ACADEMY CURRICULUM. The Basic Group Life and Youth Camp Counselors Academy curriculum of the Washington State Criminal Justice Training Commission shall be 80 instructional hours in length and shall include the following subject matter:

- (1) The System
  - (a) Overview of the Juvenile Justice System
  - (b) Legal Aspects
- (2) Supervision and Care
  - (a) Physical and Safety Needs
  - (b) Basic Child Care Techniques
  - (c) Discipline Techniques
- (3) Program Techniques
  - (a) Listening Skills
  - (b) Interpersonal Skills
  - (c) Observation Skills
  - (d) Group Dynamics
  - (e) Counseling Skills
  - (f) Empathetic Responding
  - (g) Leading Groups in the Correctional Setting
  - (h) Youth Skills Training
- (4) Security
  - (a) Incident Report Writing
  - (b) Proper Use of Physical Force
- (5) Personal Development
  - (a) Physical Fitness
  - (b) Stress Management

## (c) Positive Image Building

NEW SECTION

WAC 139-36-034 BASIC JUVENILE DETENTION WORKERS ACADEMY CURRICULUM. The basic Juvenile Detention Workers Academy curriculum of the Washington State Criminal Justice Training Commission shall be 40 instructional hours in length and shall include the following subject matter:

- (1) The System
  - (a) Overview of the Juvenile Justice System
  - (b) Legal Rights of Incarcerated Youth
- (2) Communications Skills
  - (a) Listening Skills
  - (b) Incident Report Writing
  - (c) Interpersonal Skills
- (3) Security Management
  - (a) Principles of Security
  - (b) Proper Use of Physical Force
  - (c) Discipline Techniques
- (4) Personal Development
  - (a) Physical Fitness
  - (b) Stress Management

NEW SECTION

WAC 139-36-040 REQUIREMENT OF FIRST- AND SECOND-LEVEL CORRECTIONS SUPERVISORY TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time first- or second-level supervisory position on or after January 1, 1982, shall obtain the supervisory certification of the Washington State Criminal Justice Training Commission prior to or within six months after such promotion or appointment, unless otherwise extended or waived by the Commission; provided that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the supervisory certification before January 1, 1983. The requirements for supervisory certification are:

(a) possession of a basic corrections academy certificate of the Washington State Criminal Justice Training Commission; and

(b) successful completion of the Commission's First- and Second-Level Supervision course, or other training deemed the equivalent by the Board on Correctional Training Standards and Education.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the first- and second-level supervisors course, based on job duties and the prerequisites for the above required course. In general, first-level supervision positions are defined as positions above operational level for the direct supervision of non-supervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes include sergeants, lieutenants, district supervisors, district administrators, classification and parole supervisors, cottage supervisors, unit supervisors, unit program directors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Corrections Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

#### NEW SECTION

WAC 139-36-041 FIRST- AND SECOND-LEVEL SUPERVISION CURRICULUM—CORRECTIONS. The First- and Second-Level Supervision curriculum of the Washington State Criminal Justice Training Commission shall be 40 instructional hours in length and shall include the following subject matter:

- (1) Role of the Supervisor
- (2) Advanced Oral Communication
- (3) Team Building
- (4) Goal Setting
- (5) Work Planning/Time Management
- (6) Scheduling and Delegating
- (7) On-the-Job Training
- (8) Performance Monitoring
- (9) Employee Selection
- (10) Employee Performance Appraisal
- (11) Handling Incompetent Staff and Preventing Grievances
- (12) Handling Criticism from Staff
- (13) Preventing and Handling Staff Burnout
- (14) Leading Meetings

#### NEW SECTION

WAC 139-36-050 REQUIREMENT OF MIDDLE-MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time middle management position on or after January 1, 1982, shall obtain the middle-management certification of the Washington State Criminal Justice Training Commission prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission; provided, that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the middle-management certification before January 1, 1983. The requirements for middle-management certification are:

(a) possession of the supervisory certificate of the Washington State Criminal Justice Training Commission; provided, that such certificate requirement may be

waived for any person serving within a first- or second-level supervisory position as defined in WAC 139-36-040 prior to January 1, 1982; and further provided that this waiver shall be extended to persons laterally entering a correctional department as a middle manager;

(b) successful completion of the Commission's Corrections Middle-Management course and Advanced Problem Solving and Conflict Management course or Correctional Services Academy Phase II, or other middle-management training deemed the equivalent thereof by the Board on Correctional Training Standards and Education.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the middle-management course, based on job duties and the prerequisites for the above required course. In general, middle managers shall be defined as those people in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first- and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, and superintendents of small and medium sized jails and correctional facilities.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Correctional Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

**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 139-36-051 MIDDLE-MANAGEMENT CURRICULUM—CORRECTIONS. The Middle-Management curriculum of the Washington State Criminal Justice Training Commission shall be 40 instructional hours in length and shall include the following subject matter:

- (1) Teamwork
- (2) Internal Consulting
- (3) Budgeting
- (4) Program Development
- (5) Program Evaluation
- (6) Procedures Development
- (7) Motivation and Bureaucracy
- (8) Procedure Writing
- (9) Managing by Systems

**NEW SECTION**

**WAC 139-36-060 REQUIREMENT OF EXECUTIVE MANAGEMENT CORRECTIONS TRAINING.** (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time executive management position on or after January 1, 1982, shall obtain the executive management certification of the Washington State Criminal Justice Training Commission prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission; provided, that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the executive management certification before January 1, 1982. The requirements for executive management certification are:

(a) possession of middle-management certification of the Washington State Criminal Justice Training Commission; provided, that such certification requirements may be waived for any person serving in a middle-management position as defined by WAC 139-36-050 prior to January, 1982; and

(b) successful completion of the Commission's Corrections Executive Management training program or other executive management training deemed the equivalent thereof by the Board on Correctional Training Standards and Education.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the executive management course, based on job duties and the prerequisites for the above required course. In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors in large jurisdictions.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Correctional Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

**NEW SECTION**

**WAC 139-36-061 EXECUTIVE MANAGEMENT CURRICULUM—CORRECTIONS.** The Executive Management curriculum of the Washington State Criminal Justice Training Commission shall be 64

instructional hours in length and shall include the following subject matter:

- (1) Team Building and Organizational Goal Setting
- (2) Long-Range Planning
- (3) Your Public Image
- (4) Creating Momentum for Organizational Change
- (5) Organizational Communication
- (6) Organizational Leadership
- (7) Policy Development
- (8) Executive Self-Care
- (9) Managing with Limited Resources
- (10) Executive Career Ladder and Power Base
- (11) Program Effectiveness Research
- (12) Quality Control
- (13) View of the Executive
- (14) Training Systems
- (15) Budgeting
- (16) Futures Planning

✓ **WSR 82-07-053**  
**ADOPTED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 [Order 16—Filed March 19, 1982]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to requirement of training for fire marshals, new WAC 139-50-010.

This action is taken pursuant to Notice No. WSR 82-03-047 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 pursuant to RCW 43.101.080(2) 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 11, 1982.

By James C. Scott  
 Executive Director

**NEW SECTION**

**WAC 139-50-010 REQUIREMENT OF TRAINING FOR FIRE MARSHALS.** (1) As a pre-condition of any exercise of police powers to enforce the laws of this state, deputy state fire marshals and resident fire marshals shall:

(a) if hired on or after July 26, 1981, possess the Washington State Criminal Justice Training Commission's basic law enforcement certificate or basic equivalency certificate, or in the alternative, successfully complete a training program of at least 244 hours and which shall include:

- (i) Introduction to Law Enforcement, 14 hours
- (ii) Criminal Procedure, 30 hours
- (iii) Evidence Law, 16 hours
- (iv) Criminal Law, 32 hours
- (v) Communication Skills, 24 hours
- (vi) Criminal Investigations, 72 hours
- (vii) Self-defense, 16 hours
- (viii) at least 40 hours of firearms training, involving both classroom and range activity in the development of firearms proficiency, and instruction in the legality and liabilities of the use of deadly force;

or

(b) if hired prior to July 26, 1981, meet the training requirement described in subsection (1)(a) above, or have completed a previous training program or programs deemed the equivalent thereof by the State Fire Marshal;

and

(c) notwithstanding date of hire, successfully complete an eight-hour firearms requalification course at least annually, in addition to any other in-service training program other wise required by the State Fire Marshal.

(2) It shall be the responsibility of the State Fire Marshal to effect and ensure personnel compliance herein, and to provide necessary records and information upon request of the Training Commission's Board on Law Enforcement Training Standards and Education, to which said Marshal shall be accountable for purposes of compliance.

#### WSR 82-07-054

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Public Assistance)

[Filed March 19, 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:

- Amd WAC 388-15-562 Congregate care—Eligible persons.
- Amd WAC 388-15-568 Congregate care—Payment—Standards—Procedures.

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 April 14, 1982. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 74.08.044.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 17, 1982

By: David A. Hogan

Director, Division of Administration

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 388-15-562 and 388-15-568.

Purpose of the rule change is to amend existing rules so as to provide rules under which the regular client CCF program can exclude payment for developmental disability specialized services, mental health specialized services and alcoholism and/or drug treatment.

The reason these rules are necessary is that CCF budget and program transfers have been made to Division of Developmental Disability, Division of Mental Health, and Bureau of Alcohol and Substance Abuse corresponding to their respective areas of responsibility. There is no longer a specialized congregate care program rate for developmentally disabled persons.

Statutory Authority: RCW 74.08.044.

Summary of the Rule Change: Redefine regular client congregate care eligible persons and payment standards to exclude persons requiring developmental disability specialized services in a CCF and to redefine those persons eligible to receive mental health congregate care and alcoholism and/or drug treatment.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Bonner J. Gordon, Program Manager, CCF, Bureau of Aging and Adult Services, Mailstop: OB-43 G, Phone: 753-4921.

The Person or Organization who Proposed These Rules is: Ernest Furnia, AAG, Mailstop PY-13, (206) 459-6567.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

#### AMENDATORY SECTION (Amending Order 1579, filed 12/17/80)

WAC 388-15-562 CONGREGATE CARE—ELIGIBLE PERSONS. (1) Persons are eligible to receive regular program congregate care who:

(a) Are adults eighteen years of age or over;  
~~((a))~~ (b) Are ((beneficiaries)) recipients of supplemental ((social)) security income and state supplementation or ((who)) are recipients of continuing general assistance;

~~((b)) do not require medical or nursing services;~~  
(c) Are unable to maintain a safe environment in an independent living arrangement(;) or ((the person requires assistance)) require personal care and supervision ((related to)), assistance with activities of daily living ((in order to achieve independent self care.)) and/or health related services;

(d) Do not require nursing care in excess of that allowed by board-ing home licensure;

(e) Do not require developmental disabilities specialized services as described in chapter 275-36 WAC unless there is a plan of care developed to provide for these specialized services apart from regular CCF services provided by the congregate care facility;

(f) Are not eligible for mental health CCF program as described in subsection (2)(e) of this section unless there is a plan of care developed to provide for mental health specialized services apart from the regular congregate care services provided by the CCF facility; and,

(g) Do not require alcoholism and/or drug treatment as described in subsection (3) of this section.

(2) Persons are eligible to receive mental health congregate care who:

(a) Are adults eighteen years of age or over;  
(b) Are recipients of supplemental security income and state supplementation or are recipients of continuing general assistance;

(c) Are unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health related services;

(d) Do not require nursing care in excess of that allowed by boarding home licensure;

(e) Meet the following mental health client criteria:

(i) Have been discharged from a state psychiatric hospital or a local psychiatric inpatient facility within the past twelve months; or

(ii) Be expected, as a result of a mental disorder, to continue to exhibit one or more of the following characteristics for an extended period:

(A) Inability to perform basic living skills without supervision,  
(B) Inability to maintain or develop a personal support system,  
(C) Have a combination of physical, cognitive, or emotional disabilities leading to serious behavioral problems; or

(iii) In the opinion of a mental health specialist (as defined by WAC 275-25-710) psychiatric hospitalization is imminent unless placement in an extended care facility is secured;

(f) Are actively involved in mental health treatment as defined in the client's individual treatment plan or on a waiting list to receive such treatment. A client shall be ineligible for the mental health rate after a sixty-day period of refusal of mental health treatment.

(3) Persons are eligible to receive alcoholism and/or drug treatment congregate care who:

(a) Are adults eighteen years of age or over;  
(b) Are recipients of supplemental security income and state supplementation or are recipients of continuing general assistance;

(c) Are unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health related services;

(d) Do not require nursing care in excess of that allowed by boarding home or private establishment licensure;

(e) For drug treatment congregate care, are using a controlled substance once a week or more and are at least mildly dysfunctional due to drug use as defined by the office of drug abuse. Clients recently released from jail or prison or a treatment program are eligible when judged by the drug treatment professional to be in imminent danger of recidivism without treatment;

(f) For alcoholism congregate care, manifest any physical and/or behavioral problem due to the use or abuse of alcohol as determined by staff of a state-approved alcohol treatment facility.

((2)) (4) Placement is limited to facilities having available DSHS contracted beds.

#### AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-568 CONGREGATE CARE—PAYMENT—STANDARDS—PROCEDURES. (1) All nonexempt income of a person placed in a congregate care facility shall first be applied to the person's clothing, personal maintenance and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of the congregate care.

(2) Payment is limited to the level of care approved by the department for the type of care authorized i.e., regular, mental health or alcoholism and/or drug treatment. There is no specialized congregate care program rate for developmentally disabled persons.

(3) The department shall pay to the congregate care facility, for those services provided, a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.

## WSR 82-07-055 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1763—Filed March 19, 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 refugee assistance, amending WAC 388-55-010.

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 meet the curtailment of federal funding resulting from changes in federal regulations contained in 45 CFR 400 and 45 CFR 401.

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 43.20A.550.

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 19, 1982.

By David A. Hogan  
Director, Division of Administration

#### AMENDATORY SECTION (Amending Order 1630, filed 4/1/81)

WAC 388-55-010 REFUGEE ASSISTANCE. (1) Assistance shall be granted to refugees within the provisions of Public Law 96-212, the Refugee Assistance Program.

(2) For the purpose of the refugee assistance program, a refugee is defined as a person who has fled from and cannot return to his or her country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the following individuals shall be eligible to apply for assistance and/or services under the refugee assistance program:

(a) A person from Cambodia, Laos, or Vietnam ((who is)) receiving Indochinese refugee assistance because ((he/she)) he or she was:

(i) A person ((who has)) having parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94.

(ii) A person ((who has)) having voluntary departure status as indicated by Form I-94.

(iii) A person ((who has)) having conditional entry status as indicated by Form I-94.

(iv) A person (~~(who was)~~) admitted to the United States with permanent resident status on or after April 8, 1975 (the date ~~((on which))~~) the president designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551.

(v) A person (~~(who has)~~) having permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.

(b) A person from Cuba (~~(who is)~~) receiving assistance or services under the Cuban phase down program, who entered the United States on or after October 1, 1978. Such persons must have:

(i) A registration card issued by the United States Cuban Refugee Center in Miami on or after October 1, 1978, and

(ii) INS documentation sufficient to establish ~~((that))~~ the person entered the United States on or after October 1, 1978, or verification with the United States Cuban Refugee Center of the refugee's date of entry.

(c) A person from Cambodia, Laos, or Vietnam (~~(who has)~~) having parole status.

(i) Such persons must have a Form I-94 indicating ~~((that))~~ the person has been paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA).

(ii) If the Form I-94 was issued on or after June 1, 1980, ~~((it))~~ the form must clearly indicate ~~((that))~~ the person has been paroled as a refugee or asylee.

(d) A person from Cuba (~~(who has)~~) having been paroled as a refugee or asylee and ~~((who entered))~~ entering the United States on or after October 1, 1978.

(i) Such persons must have a Form I-94 indicating ~~((that))~~ the person has been paroled under Section 212(d)(5) of the INA.

(ii) If the Form I-94 was issued on or after April 21, 1980, ~~((it))~~ the form must clearly indicate ~~((that))~~ the person has been paroled as a refugee or asylee.

(e) An individual from any country other than Cambodia, Laos, Vietnam, or Cuba (~~(who has)~~) having parole status as a refugee or asylee as evidenced by a Form I-94 indicating ~~((that))~~ the person has been paroled under Section 212(d)(5) of the INA as a refugee or asylee.

(f) An individual admitted from any country as a conditional entrant under Section 203(a)(7) of the INA. This must be indicated on the Form I-94.

(g) An individual from any country admitted as a refugee under Section 207 of the INA. This must be indicated on ~~((their))~~ Form I-94.

(h) An individual from any country (~~(who has)~~) having been granted asylum under Section 208 of the INA. This must be indicated on ~~((their))~~ Form I-94.

(i) A person from any country (~~(who))~~ previously ~~((held))~~ holding one of the statuses identified ~~((above))~~ in this section whose status has been changed to ~~((that of))~~ permanent resident alien.

(3) Refugee assistance cases eligible for the AFDC and/or medicaid programs shall be transferred to such programs retroactively effective ~~((as of))~~ October 1, 1977, or as of such date as the case qualified for refugee assistance, whichever is later.

(a) Refugees must meet AFDC or medicaid eligibility criteria to be transferred.

(b) A refugee cash assistance case being transferred to AFDC shall be regarded as a recipient rather than a new applicant so ~~((that))~~ the income shall be disregarded accordingly.

(4) Applications from refugees not currently receiving refugee cash and or medical assistance shall be determined for AFDC or medicaid eligibility before determining eligibility for the refugee assistance program.

(a) If the applicant is determined not eligible for AFDC, eligibility shall then be determined under the refugee assistance program.

(b) If the applicant is determined not eligible for medicaid, eligibility shall ~~((then))~~ be determined under the refugee assistance program.

(5) Requirements of categorical relatedness of federal assistance programs are waived for refugees under the refugee assistance program.

(6) Refugees terminated from the AFDC program because of refusal to comply with requirements, shall not be eligible for refugee assistance.

(7) Except as specified in subsection (8) of this section, assistance to all types of refugee cases, regardless of family composition, shall be provided at the AFDC monthly ~~((payment))~~ standards, income and resources will be treated according to AFDC standards. ~~((No))~~ Resources ~~((which are))~~ not available, including property remaining in Vietnam, Laos or Cambodia, shall be considered in determining eligibility for financial assistance.

(8) Applicants for and recipients of refugee assistance shall not be eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

~~((8))~~ (9) The refugee family unit ~~((which includes))~~ including United States citizen's children, by virtue of ~~((their))~~ being born in this country, shall be treated as a single assistance unit under the refugee assistance program in accordance with the provisions of WAC 388-24-050.

~~((9))~~ (10) (a) All applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which ~~((they))~~ the applicants and recipients are a part are required to register for employment with the state employment service unless the individual is:

(i) An individual ~~((who is))~~ under sixteen, or ~~((who is))~~ under age ~~((twenty-one))~~ nineteen and ~~((is))~~ attending secondary school or an equivalent level of vocational or technical training full time ~~((, or who is age twenty-one or over and is attending school or training as approved by the department));~~

(ii) A person ~~((who is))~~ ill, incapacitated, or over sixty-five;

(iii) A person whose presence in the home is required because of illness or incapacity of another member of the household;

(iv) A mother or other caretaker ~~((of))~~ caring for a child under the age of six ~~((who is caring for the child));~~

(v) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in

the home is registered and has not refused to accept employment without good cause.

~~((b)) The nonexempt refugee applicant or recipient must accept employment when available as specified in WAC 388-57-025(3) through (7).~~

~~((c)) (b) Inability to communicate in English does not justify exemption from registration or acceptance of employment.~~

~~((+1)) (11) Refusal of an employable adult refugee to register with the employment service without good cause shall result in the following actions. In addition, refusal to accept, continue or participate in a training or employment opportunity or referral, from any source, ((which is)) determined appropriate for ((that)) the refugee by the CSO shall also result in the following actions:~~

~~(a) The CSO will provide counseling within seven days of the individual's refusal to participate. ((This)) The counseling is intended to provide the refugee with an understanding of the implications of his or her refusal to accept employment or training, and to encourage the refugee's acceptance of such opportunity. Only one such counseling session is required but additional counseling may be provided at the discretion of the CSO.~~

~~(b) An employable adult refugee applicant ((who refuses)) refusing a work or training opportunity or referral without good cause, as stated ((above)) in this section within thirty days prior to application shall be ineligible for refugee assistance for thirty days from the date of the refusal. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible.~~

~~(c) If the employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated thirty days after the date of his or her original refusal. The refugee shall be given at least ten days written notice of the termination of assistance and the reason therefore. This sanction shall be applied in the following manner:~~

~~(i) If the assistance unit includes other individuals, ((then)) the grant shall be reduced by the amount included on behalf of ((that)) the refugee. If the employable refugee is a caretaker relative, assistance in the form of protective or vendor payments will be provided to the remaining members of the assistance unit.~~

~~(ii) If such individual is the only individual in the assistance unit, the grant shall be terminated.~~

~~(iii) The recipient's voluntary agency (VOLAG) shall be notified if ((either action (i) or (ii) takes place)) action is taken according to subsection (11)(c)(i) or (ii) of this section, provided ((that)) the provisions for safeguarding information in chapter ((388-48)) 388-320 WAC are met.~~

~~(iv) A decision by the refugee to accept employment or training, made at any time within the thirty-day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.~~

~~(v) An employable refugee shall be ineligible for a period of thirty days after the termination of assistance~~

because of refusal to accept or continue employment or training.

~~((+1)) (12) An employable adult refugee shall be exempt from the work registration requirements in subsections ((+9)) (10) and ((+10)) (11) of this section for a period of sixty days after the person's date of entry into the United States.~~

~~((+2)) (13) A refugee of any age ((who is)) otherwise eligible shall not be denied cash assistance while enrolled and participating in a CSO approved employability training program ((which is part of an employability plan approved by the ESSO, that is, training)) intended to have a definite short-term (less than one year) employment objective.~~

~~((+3)) (14)(a) With the exception of the thirty dollar and one-third exemption, adult refugee recipients shall be eligible for earned income exemptions as specified in WAC 388-28-570, regardless of assistance unit composition.~~

~~(b) The income of a refugee dependent child shall be treated as specified in WAC 388-28-535.~~

~~((+4)) (15) All refugee recipients ((who are)) sixty-five years of age or older, or ((who are)) blind or disabled will be referred immediately to the social security administration for SSI benefits. The SSI applicant will be included in the assistance grant at the AFDC standard until payments are received.~~

~~((+5)) (16)(a) The refugee recipient receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).~~

~~(b) Eligibility for medical care for the nonrecipient refugee shall be determined as specified in chapter 388-83 WAC. Eligibility is based on medical and financial need only; requirements of categorical relatedness are waived. Subsection ((+3)) (14)(a) of this section is applicable in determining the amount of participation in medical costs for refugee recipients.~~

~~(c) The refugee recipient ((who becomes)) becoming ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that:~~

~~(i) In the case of a single individual assistance unit:~~

~~(A) The individual received assistance in at least three of the six months immediately preceding the month of ineligibility; and~~

~~(B) ((He/she)) He or she continues to be employed.~~

~~(ii) In the case of a multiple individual assistance unit:~~

~~(A) The family received assistance in at least three of the six months immediately preceding the month of ineligibility; and~~

~~(B) A member of the family continues to be employed.~~

~~(d) Medical need shall not be an eligibility factor.~~

~~((+6)) (17) Refugee recipients shall have ((their)) continuing eligibility for financial and medical assistance redetermined at least once in every six months of continuous receipt of assistance.~~

~~((+7) The rules in subsections (1) through (16) of this section shall be effective February 1, 1981.)~~

(18) ((Effective April 1, 1981,)) Persons ((who meet)) meeting the ((above)) criteria in this section shall be eligible for refugee assistance only during the ((thirty-six)) eighteen-month period beginning in the first month ((that)) the individual entered the United States.

(19) The rules in this section shall be effective April 1, 1982.

**WSR 82-07-056**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
[Filed March 19, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning licensing procedures for insurance agents, solicitors and adjusters, and continuing education requirements for insurance agents, solicitors and brokers.

that such agency will at 10 a.m., Wednesday, April 28, 1982, in the Insurance Commissioner's Office, State Modular Building, Airdustrial Way and Armstrong Street S.W., Olympia, 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 48.02.060, 48.14.010, 48.17.130 and 48.17.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10 a.m., Wednesday, April 28, 1982, Insurance Commissioner's Office, State Modular Building, Airdustrial Way and Armstrong Street S.W., Olympia, Washington, Mailing address: Insurance Building, AQ-21, Olympia, Washington 98504.

Dated: March 19, 1982  
By: Robert E. Johnson  
Deputy Commissioner

**STATEMENT OF PURPOSE**

The amendment and repeal of existing sections and the promulgation of a new rule, all in chapter 284-17 WAC, pertaining to licensing procedures and continuing education for licensees.

The proposed changes have two principal purposes. With respect to licensing procedures, existing rules are repealed and a new rule is established whereby examinations of applicants will be conducted by an independent testing service, pursuant to RCW 48.14.010 and 48.17.130. With respect to continuing education requirements, two sections of the chapter are amended to limit the scope of the requirements to resident insurance agents, brokers and solicitors who are licensed to sell life, disability, property or casualty insurance, pursuant to RCW 48.17.150.

Proposed WAC 284-17-120 sets forth the examination procedures to be followed by applicants for licensing as agents, solicitors and adjusters, utilizing the services of Educational Testing Service, an independent testing

service with which the commissioner has entered into a contract for the development and administration of licensing examinations. Washington state will become one of approximately fifteen states that use its services. Existing sections, WAC 284-17-100 and 284-17-110, are repealed because they conflict with the new procedures.

The proposed amendments to WAC 284-17-210 and 284-17-310 have the effect of eliminating continuing education requirements with respect to nonresident licensees and licensees with limited licenses. Without the change, such licensees would be required to meet continuing education requirements beginning October 1, 1983. At this time, the commissioner is not able to meet that time schedule because of budget and personnel limitations.

The insurance commissioner's deputy responsible for drafting the proposed changes is Robert Higley, who is also responsible for their implementation and enforcement, as well as the overall management of the licensing and continuing education program. Mr. Higley's phone number is (206) 753-3492. His address is Insurance Building, AQ-21, Olympia, Washington 98504.

The proponent of the proposed changes to the rules is the office of the insurance commissioner.

It would be desirable to have minimum continuing education requirements for all licensees. It is hoped that the proposed change will constitute only a temporary deferral and that the continuing education program will be enlarged in the future.

These rule changes are not the result of federal law or federal or state court decisions.

NEW SECTION

WAC 284-17-120 EXAMINATION PROCEDURES FOR AGENTS, SOLICITORS AND ADJUSTERS. (1) The commissioner has contracted with an independent testing service for the administration of agents', solicitors', and adjusters' examinations. On and after June 1, 1982, any person desiring to take an examination for the type of license shown in subsection (2) of this section will be required to submit a registration form and the appropriate examination fee to Educational Testing Service. Such fee is not refundable. Registration forms and information about examinations may be obtained from the Office of Insurance Commissioner or from Educational Testing Service.

(2) At least twice each month at predetermined locations, Educational Testing Service will conduct the examinations required for the following types of licenses:

TYPE OF LICENSE REQUIRED	EXAMINATIONS(S)
Life Insurance Agent or Solicitor . . . . .	Life
Disability Insurance Agent or Solicitor . . . . .	Disability
Life and Disability Agent or Solicitor . . . . .	Life, Disability
Property/Casualty Agent or Solicitor . . . . .	Property, Casualty
General Lines Agent or Solicitor . . . . .	Property, Casualty, Disability
All Lines Agent or Solicitor . . . . .	Life, Disability, Property, Casualty
Vehicle Only Agent or Solicitor . . . . .	Vehicle
Surety Only Agent or Solicitor . . . . .	Surety
Credit Life & Disability Agent or Solicitor . . . . .	Credit life and Disability
Independent Adjuster . . . . .	Independent Adjuster
Public Adjuster . . . . .	Public Adjuster

(3) If an applicant fails to take a scheduled examination, a new registration form and appropriate fees must be submitted for any later examination, unless a serious emergency prevented attendance.

(4) Tests for vehicle, surety, and credit insurance and for adjusters will be graded by the insurance commissioner's licensing department which will notify applicants of the results. Other tests will be graded by Educational Testing Service which will provide each applicant with a score report, following examination. If the examination is passed, the score report must be forwarded to the insurance commissioner with a completed Insurance License Application, finger print card and the appropriate license fee.

(5) An applicant who fails to pass the insurance agent, solicitor or adjuster examination may request reexamination at such time as the applicant believes that he or she has completed sufficient additional study. Each reexamination request must be accompanied by a new registration form and the appropriate examination fee.

**AMENDATORY SECTION** (Amending Order R 80-3, filed 3/20/80)

**WAC 284-17-210 DEFINITIONS.** As used in this continuing education regulation, unless the context requires otherwise;

(1) "Course" includes courses, programs of instructions, correspondence courses and seminars.

(2) "Hours" means the time assigned by the commissioner as recognition for the satisfactory completion of an approved course. For college level work entirely on approved subjects:

(a) Twelve hours will be assigned for each quarter "credit hour".

(b) Sixteen hours will be assigned for each semester "credit hour". The number of hours assigned for other programs will normally be based upon the number of classroom contact hours or their equivalent. However, based upon the evaluation of the course content, the number of hours assigned may be less than the total amount of time spent by the student in the course.

(3) "Licensee" means each natural person licensed as a resident (~~or nonresident~~) insurance agent, solicitor or broker (~~except those holding Title Only Agent licenses~~) to sell life, disability, property, or casualty insurance. A credit insurance licensee is not included.

(4) "Certificate of completion" means a document signed by the course instructor or other responsible officer which shall signify satisfactory completion of the course and shall reflect hours of credit earned. Such certificates shall be in standard form as prescribed by the Insurance Commissioner.

**AMENDATORY SECTION** (Amending Order R 81-5, filed 8/31/81)

**WAC 284-17-310 ((FIRST DATES)) WHEN CONTINUING EDUCATION REQUIREMENT MUST BE MET.** Each licensee, as defined in WAC 284-17-210(3), shall be required to present evidence of completing the continuing education requirement, prior to license renewal, ~~((according to the following time schedule:~~

~~((1) For resident licensees qualified to sell life, disability, property or casualty insurance;)) beginning with those license renewals falling due on or after October 1, 1981.~~

~~((2) For any other licensee, beginning with those license renewals falling due on or after October 1, 1983. The purpose of this deferred effective date is to provide sufficient time for analysis of the appropriate continuing education requirement for such other licensees.~~

~~((3) Any continuing education course started and completed after April 1, 1980, and any course that is approved by WAC 284-17-240(1) that is completed after April 1, 1980, shall be allowed to be applied toward satisfaction of continuing education requirements:))~~

**AMENDATORY SECTION** (Amending Order 1704, filed 9/25/81)

**WAC 388-24-270 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—GRANT STANDARDS.** (1) CEAP requirements shall be paid in the amount necessary to meet allowable emergent needs under the CEAP program, with the issuance of not more than one hundred percent of the payment standard for any month and issuance of not more than one hundred and twenty-five percent of the payment standard for two months' eligibility. Following are payment maximums:

Number in Household	<del>((Area I))</del>	Two-Month Maximum	<del>((Area H))</del>
	One-Month Maximum		Two-Month Maximum
1	<del>((282))</del> 288	<del>((352))</del> 360	<del>((260))</del> 325
2	<del>((339))</del> 365	<del>((424))</del> 456	<del>((287))</del> 359
3	<del>((415))</del> 451	<del>((519))</del> 564	<del>((370))</del> 463

**REPEALER**

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

(1) WAC 284-17-100 AGENT, SOLICITOR OR ADJUSTER EXAMINATION SCHEDULING AND FEES.

(2) WAC 284-17-110 REEXAMINATION AFTER FAILURE TO PASS EXAMINATION.

**WSR 82-07-057  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 1780—Filed March 19, 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 388-24-270 Consolidated emergency assistance—(CEAP)—Grant standards.

Amd ch. 388-29 WAC Standards—Eligibility.

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 10, Laws of 1981 2nd ex. sess. and a federal interpretation of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)

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 March 18, 1982.

By David A. Hogan  
Director, Division of Administration

Number in Household	(Area I)	Two-Month Maximum	(Area II)
	One-Month Maximum		(One-Month Maximum) (Two-Month Maximum)
4	<del>((501)) 531</del>	<del>((626)) 664</del>	<del>((452)) 565</del>
5	<del>((593)) 612</del>	<del>((741)) 765</del>	<del>((546)) 683</del>
6	<del>((672)) 693</del>	<del>((839)) 866</del>	<del>((621)) 776</del>
7	<del>((778)) 802</del>	<del>((973)) 1,003</del>	<del>((730)) 913</del>
8 ((for more))	<del>((859)) 887</del>	<del>((1,074)) 1,109</del>	<del>((809)) 1,011</del>
9	<del>887</del>	<del>1,109</del>	
10 (or more)	<del>887</del>	<del>1,109</del>	

(2) If less than the full standard in subsection (1) of this section is used during the first month of CEAP eligibility, eligibility for the second month may exist up to the amount of the difference between the two-month maximum in subsection (1) of this section and the amount of the first month's CEAP payment, except that payment may not exceed the one-month payment maximum.

(3) The following are individual monthly payment maximums for the allowable emergent need items payable under the CEAP program. These limits may not be exceeded for individual need items. If more than one emergent need exists, the total payment for all needs may not exceed the standards in subsection (1) of this section.

	1	2	3	4	5	6	7	8 (or more)
Food	<del>((138)) 150</del>	<del>((171)) 190</del>	<del>((204)) 236</del>	<del>((255)) 277</del>	<del>((306)) 320</del>	<del>((354)) 362</del>	<del>((400)) 419</del>	<del>((444)) 463</del>
Shelter	<del>((140)) 159</del>	<del>((174)) 202</del>	<del>((208)) 249</del>	<del>((260)) 293</del>	<del>((312)) 338</del>	<del>((367)) 383</del>	<del>((408)) 443</del>	<del>((452)) 491</del>
Clothing	<del>21</del>	<del>((25)) 26</del>	<del>((30)) 33</del>	<del>38</del>	<del>((46)) 44</del>	<del>((53)) 50</del>	<del>((60)) 58</del>	<del>((66)) 64</del>
Minor Medical	54	67	80	100	120	139	157	174
Utilities	<del>((25)) 32</del>	<del>((31)) 40</del>	<del>((37)) 50</del>	<del>((46)) 59</del>	<del>((55)) 68</del>	<del>((64)) 77</del>	<del>((72)) 88</del>	<del>((80)) 98</del>
Household Maint.	<del>((36)) 27</del>	<del>((44)) 34</del>	<del>((53)) 42</del>	<del>((66)) 49</del>	<del>((79)) 56</del>	<del>((92)) 64</del>	<del>((104)) 74</del>	<del>((115)) 82</del>

Clothing and transportation - as needed not to exceed the grant maximum.

**AMENDATORY SECTION** (Amending Order 1701, filed 9/23/81)

**WAC 388-29-100 MONTHLY STANDARDS ((FOR BASIC REQUIREMENTS))—AFDC AND CONTINUING GENERAL ASSISTANCE.** (1) ((The state standards shall be the United States department of agriculture thrifty food plan in effect January 1, 1981:)) Effective April 1, 1982, the state-wide monthly need standards for food, clothing, personal maintenance, and necessary incidentals, household maintenance, shelter, and ((energy)) transportation for those owning (including life estate), buying or renting an apartment or house are ((calculated as follows)):

(a) Recipients in Household	Thrifty Food Plan ((Benefit)) State ((level)) Standard	((Area I Multiplier and benefit payment for King, Pierce, Snohomish, Kitsap and ((Thurston counties)) State ((Multiplier payment))	Area II Multiplier and benefit payment for counties not included in Area I ((Multiplier payment))	Energy Amount Designated for both Areas I and II)
	1	\$ ((70)) 428	<del>((4.03)) \$ 282</del>	<del>3.72 \$ 260</del>
2	<del>((120)) 541</del>	<del>((2.65)) 339</del>	<del>2.24 287</del>	<del>94</del>
3	<del>((183)) 670</del>	<del>((2.27)) 415</del>	<del>2.02 370</del>	<del>100</del>
4	<del>((233)) 788</del>	<del>((2.15)) 501</del>	<del>1.94 452</del>	<del>106</del>
5	<del>((277)) 908</del>	<del>((2.14)) 593</del>	<del>1.97 546</del>	<del>112</del>
6	<del>((322)) 1,030</del>	<del>((2.02)) 672</del>	<del>1.87 621</del>	<del>118</del>
7	<del>((367)) 1,190</del>	<del>((2.12)) 778</del>	<del>1.99 730</del>	<del>124</del>
8	<del>((419)) 1,317</del>	<del>((2.05)) 859</del>	<del>1.93 809</del>	<del>130</del>
9	<del>((472)) 1,446</del>	<del>((1.99)) 939</del>	<del>1.89 892</del>	<del>136</del>
10 or more	<del>((525)) 1,571</del>	<del>((1.94)) 1,019</del>	<del>1.85 971</del>	<del>142</del>

(b) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and ((designated energy amount)) transportation.

Recipients in household - all counties	((Energy Amount)) ((Designated for)) ((both Areas)) ((I and II))	Recipients in household - all counties	((Energy Amount)) ((Designated for)) ((both Areas)) ((I and II))
1	\$ 172	3	330
2	249	4	411
	<del>((94))</del>	5	492
		6	572
		7	653
		8	734
		9	815
		10 or more	896

(2) ~~((These standards are))~~ Effective ~~((July 1, 1981))~~ April 1, 1982, the state-wide monthly payment levels reflecting 67.4 percent of the need standards shall be:

(a) Recipients in Household	State Payment Levels
1	\$ 288
2	365
3	451
4	531
5	612
6	693
7	802
8	887
9	974
10 or more	1,058

(b) Household with supplied shelter.

The monthly payment levels for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in household - all counties	
1	\$ 172
2	249
3	330
4	411
5	492
6	572
7	653
8	734
9	815
10 or more	887

(3) In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in subsection (2) of this section.

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 1701, filed 9/23/81)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS ~~((FOR BASIC REQUIREMENTS))~~.

(1) Grants to families of eight or more shall not exceed the following maximums. In computing the grant amount nonexempt income and resources ~~((which are))~~ available to meet need shall be deducted from the monthly ~~((standard))~~ payment levels specified in WAC 388-29-100.

~~((2) These standards are effective July 1, 1981.))~~

Maximums	Number of recipients in household		
	8	9	10 or more
	\$ <del>((859))</del> 887	\$ <del>((859))</del> 887	\$ <del>((859))</del> 887

(2) This rule is effective April 1, 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-112 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—STANDARDS OF ASSISTANCE. Effective ~~((July 1, 1981))~~ April 1, 1982, the state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment standard for any month and issuance of not more than one hundred and twenty-five percent of the payment standard for two months' eligibility. Following are payment maximums:

(1) Number in Household	<del>((Area I</del> <u>Area I</u>		<del>((Area II))</del> <u>Area II</u>	
	<del>((One-month Maximum))</del> <u>(One-month Maximum)</u>	<del>((Maximum Two-month Total))</del> <u>(Maximum Two-month Total)</u>	<del>((one month (maximum))</del> <u>(one month (maximum))</u>	<del>((two month (total))</del> <u>(two month (total))</u>
1	\$ <del>((282))</del> 288	<del>((352))</del> 360	<del>((260</del> 325)	<del>((325))</del>
2	<del>((339))</del> 365	<del>((424))</del> 456	<del>((287</del> 359)	<del>((359))</del>
3	<del>((415))</del> 451	<del>((519))</del> 564	<del>((370</del> 463)	<del>((463))</del>
4	<del>((501))</del> 531	<del>((626))</del> 664	<del>((452</del> 565)	<del>((565))</del>
5	<del>((593))</del> 612	<del>((741))</del> 765	<del>((546</del> 683)	<del>((683))</del>
6	<del>((671))</del> 693	<del>((839))</del> 866	<del>((621</del> 776)	<del>((776))</del>
7	<del>((778))</del> 802	<del>((973))</del> 1,003	<del>((730</del> 913)	<del>((913))</del>
8 <del>((or more))</del>	<del>((859))</del> 887	<del>((1,074))</del> 1,109	<del>((809</del> 1,011)	<del>((1,011))</del>
9	887	1,109		
10 or more	887	1,109		

(2) The following are payment maximums for individual emergent need items payable under consolidated emergency assistance program (CEAP).

	1	2	3	4	5	6	7	8 (or more)
Food	<del>((138</del> 171	<del>171</del> 204	<del>204</del> 255	<del>255</del> 306	<del>306</del> 354	<del>354</del> 400	<del>400</del> 444)	<del>444)</del>
Shelter	<del>((140</del> 174	<del>174</del> 208	<del>208</del> 260	<del>260</del> 312	<del>312</del> 361	<del>361</del> 408	<del>408</del> 452))	<del>452))</del>
Clothing	21	<del>((25</del> 30))	38	<del>((46</del> 53	60	66)		
Minor Medical	54	67	80	100	120	139	157	174
Utilities	<del>((25</del> 31	<del>31</del> 37	<del>37</del> 46	<del>46</del> 55	<del>55</del> 64	<del>64</del> 72	<del>72</del> 80))	<del>80))</del>
Household Maint.	<del>((36</del> 44	<del>44</del> 53	<del>53</del> 66	<del>66</del> 79	<del>79</del> 92	<del>92</del> 104	<del>104</del> 115))	<del>115))</del>
	27	34	42	49	56	64	74	82

Clothing & transportation - as needed not to exceed the grant maximum.

**WSR 82-07-058** ✓  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 82-4—Filed March 19, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 1981-83 salary-compensation lid compliance, chapter 392-140 WAC.

This action is taken pursuant to Notice Nos. WSR 82-04-061 and 82-07-028 filed with the code reviser on February 2, 1982 and March 11, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41.170 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 19, 1982.

By Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-010 1981-83 SALARY-COMPENSATION LID COMPLIANCE—AUTHORITY AND PURPOSES. The provisions of WAC 392-140-010 through 392-140-023 are adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.41.170 and the provisions of the legislative appropriations acts for the common schools (~~chapter 340, Laws of 1981~~) currently in effect. The purposes of WAC 392-140-010 through 392-140-023 are (1) to set forth the standards and procedures which the superintendent of public instruction shall use to determine whether or not each school district is in compliance with that portion of section 92, chapter 340, Laws of 1981, the 1981-83 biennial appropriations act, which establishes limits on the amount and/or percentage of salary and compensation increases which school districts may grant to employees in the 1981-82 and 1982-83 school years (hereinafter referred to as the salary-compensation lid), and (2) to determine whether or not a school district is in compliance with the salary-compensation lid.

(NOTE: Compliance with the provisions of the salary-compensation lid as defined herein does not necessarily insure that the same school district will be in compliance with the several provisions of chapter 16, Laws of 1981—i.e., Substitute House Bill No. 166).

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-011 1981-83 SALARY-COMPENSATION LID COMPLIANCE—DEFINITIONS. As used in WAC 392-140-010 through 392-140-023, the term:

(1) "Basic education certificated staff" shall mean all full time equivalent certificated staff reported on the Form S-275 in the following programs as specified in the Accounting Manual for Public School Districts in the state of Washington:

- (a) Basic education, program 00;
- (b) Secondary vocational education, program 30;
- (c) Skill centers, program 45;
- (d) General instructional support, program 94; and
- (e) General support, program 97.

(2) "Basic education classified staff" shall mean all full time equivalent classified staff reported on the Form S-277 in the following programs as specified in the Accounting Manual for Public School Districts in the state of Washington:

- (a) Basic education, program 00;
- (b) Secondary vocational education, program 30;
- (c) Skill centers, program 45;
- (d) General instructional support, program 94; and
- (e) General support, program 97.

(3) "Certificated staff salaries" shall mean those moneys which a school district has agreed to pay all basic education certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's summer school or extracurricular duties, regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract as reported to the superintendent of public instruction on Form S-275. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

(4) "Classified staff salaries" shall mean moneys which a district has agreed to pay, exclusive of overtime pay, to all basic education classified staff who are employed as of November 1 of each school year for employment services to the district for the school year as reported to the superintendent of public instruction on Form S-277. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018.

(5) "Insurance benefits" shall mean the district cost for those items of protection designed to benefit individual employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining process as reported to the superintendent of public instruction for basic education certificated staff on Form S-275 and for basic education classified staff on Form S-277.

(6) "Compensation" shall mean the total dollar amount which a district has agreed to provide basic education staff, directly or indirectly, for employment services to the district for 1981-82 or 1982-83 in the form of salary and insurance benefits as those terms are defined in this section.

(7) "LEAP Document 1" shall mean the table of incremental values to three decimal places established to recognize differences in salary costs of basic education certificated staff attributable to the various levels of educational training and years of professional work experience which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981 at 11:35 a.m.

(8) "LEAP Document 2" shall mean the computer tabulation of 1980-81 derived base salaries for basic education certificated staff, 1980-81 average salaries for basic education classified staff and 1981-82 and 1982-83 salary increase percentages which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981 at 2:02 p.m.

(9) "Staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-121.

(10) "District staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-125.

(11) "1981-82 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent certificated staff for 1981-82 as defined in WAC 392-121-115 to obtain an average salary amount for 1981-82;

(b) The 1981-82 average salary amount is then divided by the district staff mix factor for 1981-82; and

(c) The quotient obtained is the 1981-82 district derived base salary.

(12) "1982-83 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent certificated staff for 1982-83 as defined in WAC 392-121-115 to obtain an average salary amount for 1982-83;

(b) The 1982-83 average salary amount is then divided by the district staff mix factor for 1982-83; and

(c) The quotient obtained is the 1982-83 district derived base salary.

(13) "1981-82 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent classified staff for 1981-82 as defined in WAC 392-121-115.

(14) "1982-83 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent classified staff for 1982-83 as defined in WAC 392-121-115.

(15) "Form S-275" shall mean the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1

and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report serves as the basis for placement of each certificated employee on LEAP Document 1 and provides salary and compensation data for each certificated employee.

(16) "Form S-277" shall mean the classified personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual classified employee's name, social security number, work assignment, hourly rate of pay, hours worked per day, days worked per year, amount of fringe benefits and insurance benefits for the year.

(17) "Report 1191" shall mean the monthly statement of a school district's estimated basic education allocation for the current school year calculated by the superintendent of public instruction and distributed to school districts each month.

(18) "Report 1191F" shall mean the end-of-the-year statement of a school district's actual basic education allocation for the school year just completed. This report is calculated by the superintendent of public instruction and distributed to school districts after the close of the school year when all actual data are known.

(19) "Day" shall mean a calendar day. The number of days shall be counted by excluding the first day and including the last day, unless the last day is a holiday or Sunday, and then it is also excluded.

(20) "RIF" shall mean any person employed by a school district during the prior school year and reported on the Form S-275 or the Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a reduction in force policy adopted by the district.

(21) "New position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

(a) No comparable job or job which performs substantially the same duties or functions existed in the appropriate employee category the prior school year; and

(b) The district has employed an individual in the newly established job for the current school year effective on or before the first school day in October for certificated employees and on or before the first school day in November for classified employees.

**AMENDATORY SECTION** (Amending Order 81-7, filed 7/30/81)

**WAC 392-140-014 1981-83 SALARY-COMPENSATION LID COMPLIANCE-INITIAL REPORTING CYCLE-DISTRICT EDIT OF PERSONNEL DATA.** The superintendent of public instruction (~~by the third Wednesday in December,~~) shall return to each school district on or about the third

Wednesday in December, appropriate personnel data in a standard format including individual staff mix factors for basic education certificated staff and individual salary or compensation amounts for both certificated and classified staff. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days of receipt of such data.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-015 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION. Within fifteen calendar days (~~of receipt of~~) after district edited data are printed by the superintendent of public instruction as compliance records, the superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid pursuant to WAC 392-140-019 and 392-140-020. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-016 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid may (~~request in writing that~~) submit additional data to the superintendent of public instruction (~~provide an informal review of additional data and its bearing on the district's status regarding such determination~~): PROVIDED, The superintendent of public instruction receives (~~the request~~) such additional data within (~~twenty~~) thirty calendar days from the date the district receives the written notice of the need for additional information from the superintendent of public instruction. The school district has the option of submitting such additional data to the superintendent of public instruction either on forms prepared by the superintendent of public instruction or in a format which is similar to the format of the state forms. If the superintendent of public instruction does not receive such (~~a timely request~~) additional information in a timely manner, the district shall be notified that five percent of its basic education allocation will be withheld pursuant to WAC 392-140-

023 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional data submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent shall notify the district in writing of such determination. Within ten calendar days of receipt of such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent and the district. If the district does not make a timely request for an informal review, the superintendent shall withhold five percent of the district's basic education funds pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE—FINAL REPORTING CYCLE. In the event a school district change personnel data reported on the Form S-275 or Form S-277 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent, assistant superintendent, principal, assistant principal, teacher, counselor, director, supervisor, secretary, custodian—pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections of appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within (~~twenty~~) thirty calendar days. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-140-015 through 392-140-017 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-019 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education certificated staff, if the 1981-82 district derived base salary exceeds the district's 1980-81 derived base salary shown on LEAP Document 2 improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, the district shall be

considered in violation of the salary-compensation lid for the 1981-82 school year: PROVIDED, That the compliance calculation made after the the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21): PROVIDED FURTHER, That a district shall not be in noncompliance as a result of corrections to the reported staff mix data for the 1980-81 school year if the 1981-82 average salary does not increase over the 1981-82 control average salary. The 1981-82 control average salary shall be calculated by the superintendent of public instruction as follows:

(a) Increasing the district's 1980-81 derived base salary shown on LEAP Document 2 by the percent increase specified for the 1981-82 school year on LEAP Document 2;

(b) Multiplying the district's 1981-82 mix factor by the ratio obtained by using the district's corrected 1980-81 derived base salary as the numerator and the 1980-81 derived base salary reported on LEAP Document 2 as the denominator; and

(c) Multiplying (a) by (b). This product is the 1981-82 control average salary.

(2) For basic education certificated staff, if the 1982-83 district derived base salary exceeds the district's 1980-81 derived base salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement shown on LEAP Document 2 for 1982-83, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 shall not include compensation of certificated employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either the 1981-82 school year or the 1982-83 school year or both years: PROVIDED, That the maximum salary increase of certificated staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 derived base salary of those staff improved by the district's percent

entitlement for certificated staff shown on LEAP Document 2 for 1981-82: PROVIDED FURTHER, That the maximum salary increase of certificated staff not covered by such a contract for 1982-83 shall not exceed the 1980-81 derived base salary of those staff improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1982-83.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-020 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education classified staff, if the 1981-82 district average classified salary exceeds the district's 1980-81 average classified salary shown on LEAP Document 2 improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, the district shall be considered in violation of the salary-compensation lid for the 1981-82 school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(2) For basic education classified staff, if the 1982-83 district average classified salary exceeds the district's 1980-81 average classified salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for 1982-83, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 shall not include compensation of classified employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either

the 1981-82 school year or the 1982-83 school year or both years: PROVIDED, That the maximum salary increase of classified staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1981-82: PROVIDED FURTHER, That the maximum salary increase of classified staff not covered by such a contract for 1982-83 shall not exceed the 1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1982-83.

**WSR 82-07-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**EMERGENCY SERVICES**  
 [Order 82-02—Filed March 20, 1982]

I, Hugh H. Fowler, director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, WA, the annexed rules relating to Mt. St. Helens closure, adopting rules for permitted entry and/or occupation, chapter 118-03 WAC.

I, Hugh H. Fowler, Director, Department of Emergency Services, 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 Governor's Executive Order 82-03.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 43.06 and 38.52 RCW 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 20, 1982.

By Hugh H. Fowler  
 Director

*Chapter 118-03 WAC*  
**MT. ST. HELENS CLOSURE — RULES FOR**  
**PERMITTED ENTRY AND/OR OCCUPATION**

**NEW SECTION**

**WAC 118-03-020 PURPOSE.** *The purpose of this chapter is to adopt emergency rules, regulations, and guidelines to implement Executive Order 82-03, prohibiting any person or persons with certain exceptions from*

*entering the high risk danger zone known as the Red Zone, and prohibiting any person or persons with certain exceptions from entering the lower risk administrative Blue Zone of the Mt. St. Helens volcano area as described in that Executive Order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. The Executive Order issued by the Governor effective 20 March 82, recognizes the continuing danger from additional eruptions, earthquakes, and other related events from Mt. St. Helens.*

**NEW SECTION**

**WAC 118-03-040 DEFINITIONS.** *"Red Zone" shall mean that high hazard area immediately adjacent to or surrounding the Mt. St. Helens volcano closed to public access by the Governor of the state of Washington pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The Red Zone boundary area may change from time to time as conditions warrant. "Blue Zone" shall mean that less hazardous, administrative area immediately adjacent to or surrounding the Red Zone closed to public access by the Governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The Blue Zone boundary area may change from time to time as conditions warrant. The abbreviation "DES" as used hereinafter shall mean the Washington State Department of Emergency Services. The term "Director" used hereinafter shall mean the Director of the Department of Emergency Services. "DOL" shall mean the Washington State Department of Licensing. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the Emergency Coordinating Center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean Driver's License Examiner. "USFS" shall mean United States Forest Service. "USGS" shall mean United States Geological Survey.*

**NEW SECTION**

**WAC 118-03-060 EXEMPTED PERSONNEL.** *Consistent with Executive Order 82-03, the following shall be exempted from rules prohibiting entry and/or occupation of the Blue or Red Zone, subject to the limitations in paragraphs below.*

(1) *U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessment requiring their presence in the Blue and Red zones.*

(2) *U.S. Forest Service personnel in performance of their official duties requiring entry into the Blue and Red Zones.*

(3) U.S. Army Corps of Engineers personnel in performance of their official duties requiring their presence in the Blue and Red Zones.

(4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Blue or Red Zone. The sheriffs of Cowlitz and Skamania Counties or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel under their supervision.

(5) Federal, state, county or local law enforcement and firefighting personnel whose jurisdictions are within the Blue or Red Zone and who are on official business within the Blue or Red Zone.

(6) If permitted by the Director, or his designee(s), federal, state, county or local administrative personnel on official business within the Blue or Red Zone.

(a) The Director of DES, or his designee(s), shall have the authority to approve entry and/or occupation of state, county and local administrative personnel on official business.

(b) Federal administrative personnel, other than those exempted in section (1), (2) and (3) above, will be required to obtain and possess a permit.

(7) Individual(s) whose official permanent residence is within the Blue or Red Zone, provided they comply with the requirements and conditions under WAC 118-03-140 and WAC 118-03-220, and only for purposes of going to and coming from their residences.

(8) Individual(s) with a legitimate business reason for being within the Blue or Red Zone, provided their entry is approved by the DES Director or his designee(s).

(9) Persons who own, lease, or rent property for recreational purposes may be admitted upon showing substantial need to enter the Blue and Red Zone provided they are approved by the DES Director or his designee(s).

#### NEW SECTION

##### WAC 118-03-080 CONDITIONS FOR ENTRY.

(1) All permit holders must have two-way communications available within the Blue or Red Zone with a base station located outside of the zones. The base station must be monitored at all times while the permittee is in the Blue or Red Zone. The base station emergency phone number must be on file with DES.

(2) The Red Zone will be open only when volcanic monitoring instruments are functioning properly. The Red Zone will be closed when volcanic monitoring instruments are unreliable. The Blue and Red Zone will be closed also during eruptions, when there is an alert issued by the U.S. Geological Survey, and occasionally during advisories issued by the U.S. Geological Survey.

(3) Overnight stays in the Blue or Red Zone will be granted only by special permission from the Director of DES or his designee. The permit holder must be doing work requiring nighttime operations and have constant radio communications. Otherwise, entry and occupancy of the Blue or Red Zone will normally be limited to the period between one-half hour before sunrise to one-half hour before sunset, as established by the National Weather Service.

(4) The permit for entry into the Blue or Red Zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, alternative routes, and names of those entering.

(5) Helicopters entering the Blue or Red Zone must obtain a mission number from the ECC. Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequently 118.6 MHZ.

(6) Entry into the crater will be limited to scientists, media permit holders, and other officials on official business with supervision by the USFS.

(7) Permit holders must be able to leave the Blue or Red Zone within one hour.

(8) Permit holders will leave the Blue or Red Zone when ordered by proper authorities.

(9) Anyone entering the Blue or Red Zone must have with them either a Blue or Red Zone permit or a Blue or Red Zone contractor's permit card.

(10) It is strongly recommended that all who enter the Blue or Red Zone carry emergency gear and a first aid kit. Recommended minimal emergency equipment should include: hard hat, respirator or face mask, goggles, water and food.

**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 118-03-100 WASHINGTON STATE DEPARTMENT OF LICENSING TO PROCESS PERMITS. The DOL shall process Blue and/or Red Zone entry permit applications at the following locations:

Longview, 773 Third Avenue, 98632  
 Vancouver, 915 MacArthur Blvd., 98661  
 Morton, 141 North 2nd, 98356  
 (P.O. Box 774)  
 Centralia, 112 Harrison Ave., 98531  
 Seattle, King County Administrative Bldg.  
 Room 615, 500 4th Avenue

The DOL, under the direction of the Director of DES or his designee(s), may issue a permit for entry to the Blue and/or Red Zone, only to such individuals and for such purposes as are clearly permitted by this chapter and Executive Order. The DOL shall compile a daily status list of approved and denied entry permits to the Blue and/or Red Zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the Blue or Red Zone. Permanent residents or property owners will keep DOL advised by mail of the names and number of visitors and the dates that the visitors will be present.

#### Phone Numbers of DOL Offices

Longview — 206-577-2235 or 2236  
 Vancouver — 206-696-6671 or 6672  
 Morton — 206-496-5637  
 Centralia — 206-736-2855 or 2856  
 Seattle — 206-464-5846

NEW SECTIONWAC 118-03-120

**APPLICATION/PROCESSING PROCEDURES — NON-PERMANENT RESIDENTS.** (1) Individuals desiring access to the Blue and/or Red Zone should contact one of the designated DOL Driver's License Examiners at the locations listed during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5 p.m., an complete an application form of a permit stating the nature and need for access and sign the waiver contained on the application form. Federal, state and local governmental personnel on official business will be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the application will be approved or disapproved within five (5) regular working days by DOL. After approval of the application a permit will be issued immediately.

(2) Individuals who are employers or government entities applying for a permit under WAC 118-03-240 may complete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the Blue and/or Red Zone by its authorized employees, contractors or agents for business reasons.

(3) DOL will screen applicants according to the criteria published herein and will issue permits to those who have demonstrated a need to enter and/or occupy the Blue and/or Red Zone. The DLE will assure that all pertinent data such as time of entry, duration of need, and mode of travel has been presented and will inform the applicant of entry requirements as stated herein.

(4) DOL will provide the Director of DES; the Director of the USFS Emergency Coordination Center, and the sheriffs of Cowlitz, Lewis, and Skamania Counties with a daily list of permits issued.

NEW SECTION

**WAC 118-03-140 PERMIT AND WAIVER ISSUANCE PROCEDURES — PERMANENT RESIDENTS.** (1) Permanent resident applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent residence status at the time of application.

(2) Permanent resident applicants eighteen (18) years of age and older shall be required to obtain a permit and sign a waiver.

(3) Permanent resident applicants between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(4) All permanent resident applicants under sixteen (16) years of age must be included on the application of their parent/guardian.

(5) DOL will maintain a current list of permanent residents with permits within the Blue and Red Zones.

(6) Permanent residents must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

NEW SECTION

**WAC 118-03-160 PERMIT AND WAIVER ISSUANCE PROCEDURES — RECREATION PROPERTY OWNERS, RENTERS, OR LESSEES.** (1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen (18) years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen (16) years of age must be included on the application of their parent/guardian.

(2) DOL will maintain a current list of recreation property owners, renters, or lessees with permits within the Blue or Red Zones.

(3) Recreation property owners, renters, or lessees must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

NEW SECTION

**WAC 118-03-180 PERMIT AND WAIVER ISSUANCE PROCEDURES — VISITORS TO PERMANENT RESIDENTS OR RECREATIONAL PROPERTY OWNERS.** (1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen (18) years of age and older shall sign a waiver.

(b) All visitors between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age must have a waiver signed on their behalf by their parent or guardian.

(c) All visitors under sixteen (16) years of age must be included on the waiver signed by their parent or guardian.

(2) Permanent residents or recreational property owners must notify DOL by mail in advance of the names of visitors and the dates the visitors will be with them in the Blue or Red Zone.

(3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed.

NEW SECTION

**WAC 118-03-200 PERMIT AND WAIVER ISSUANCE PROCEDURES — MEDIA AND SCIENTIFIC RESEARCH.** (1) Media permit applications will be reviewed by a Mt. St. Helens Review Committee composed of members of the media community.

(2) Scientific research permit applications will be reviewed by a Mt. St. Helens Scientific Research Review Committee composed of members of the scientific community.

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS Volcano Center coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-080 and 118-03-240.

#### NEW SECTION

WAC 118-03-220 CONDITIONS FOR ENTRY — PERMANENT RESIDENTS AND RECREATION PROPERTY OWNERS. (1) Individuals who establish proof of permanent residence in communities or areas within the Blue or Red Zone will be issued a permit by DOL.

(2) Movement within the Blue or Red Zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations with the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the Blue or Red Zone unless a specific permit has been issued.

#### NEW SECTION

WAC 118-03-240 CONDITIONS FOR ENTRY — EMPLOYEES, CONTRACTORS, AND AGENT OF INDIVIDUAL(S) OR GOVERNMENT ENTITY(S) ISSUED INDUSTRIAL PERMITS. (1) Individual(s) or governmental entity(s) issued a permit under WAC's 118-03-060, 118-03-120, and 118-03-280 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the Blue or Red Zone for the permittee's business.

(b) Inform each authorized employee, agent and contractor of predesignated escape routes.

(c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens.

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the Blue or Red Zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the Director of DES or his designee to each authorized employee, agent and contractor who is within the Blue or Red Zone for the permittee's business.

(f) Provide the foreman of each work crew, or one member of each group working together, with a two-way radio and require them to make regular contact with a central dispatcher.

(g) Inform each employee, agent and contractor authorized to enter the Blue or Red Zone for permittee's business that they must be able to leave the Blue or Red Zone within one hour.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC's 118-03-080, 118-03-240, and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the state of

Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries, or losses suffered by any person while within the Blue or Red Zone or as a result of entering or occupying these zones under the authority of the industrial permit.

(3) Entry and occupancy of the Blue or Red Zone for industrial permittees will be authorized as per WAC 118-03-080(3).

(a) Industrial permits will be good for the length of contract, not to exceed three months.

(b) Industrial permits may be renewed upon approval of the Director of DES or his designee(s).

(4) Entry and occupancy of the Blue or Red Zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the Director of DES or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-060 and 118-03-120 or prior to application must file with DES an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the Blue or Red Zone.

#### NEW SECTION

WAC 118-03-260 INDUSTRIAL PERMIT RE-APPLICATION PROCEDURE. (1) Industrial permits issued for the Red Zone prior to 20 March 1982, are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-240 have been complied with.

(2) Industrial permittee(s) may request a new permit prior to the existing permit date via telephone or personal contact with/or in person to the DLE whose DOL office issued the application and permit.

(3) The DLE must be advised of the date and approximate time an authorized agent of the industrial permittee will arrive to sign and pick up the new permit.

(4) The industrial permittee must also give all necessary information required to process the application.

(5) On assigned day, the authorized industrial agent must go to the DOL identify him/herself to the DLE, review the application form and permit for accuracy, and sign the waiver.

NEW SECTION

**WAC 118-03-280 FEDERAL, STATE, AND LOCAL GOVERNMENT ADMINISTRATIVE PERSONNEL.** Federal, state or local government administrative personnel on official business shall be authorized entry into the Blue or Red Zone when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the Blue or Red Zone, and

(2) Such entry is limited, to the extent possible, to specified destination(s) and route(s) within the Blue or Red Zone, and

(3) Approval for permit issue has been made by the Director of DES or his designee(s), and

(a) Such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area, or

(b) Such entry is necessary to assess damages caused by volcanic activity for the purpose of mitigating further damage or providing for the well being of disaster victims, or

(c) Such entry will provide information necessary for federal, state or local officials responsible for disaster response.

NEW SECTION

**WAC 118-03-300 OTHER PERMIT APPLICANTS.** The Director of DES, or his designee(s) may authorize persons not included in the above specific categories to enter the Blue or Red Zone when:

(1) Such entry be limited, to the extent possible, to specified destinations and routes within the Blue or Red Zone, and

(2) Such entry will not burden official search and rescue missions or other emergency operations, and

(3) Such entry is limited in duration and by type of transportation to minimize, to the extent consistent with urgency of the entry, the safety of those granted entry permits, and

(a) Such entry is necessary for or will contribute to the health, safety, and welfare of the citizens in the disaster area, or

(b) Such entry is necessary for maintenance of privately owned property within the Blue or Red Zone, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity.

NEW SECTION

**WAC 118-03-320 REVOCATION AND SUSPENSION.** (1) In the event that volcanic activity or other events increase the danger already present in the Blue or Red Zone, permits, except permanent residents and scientific personnel approved by the Director of DES or his designee(s), may be suspended or revoked by the Director of DES, or his designee(s). This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC Director) and DES. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by DES in accordance with established DES operational procedures.

(2) The Director of DES or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter.

NEW SECTION

**WAC 118-03-340 UNIFORM PROCEDURAL RULES.** The Washington State Department of Emergency Services, hereinafter designated as the Department, adopts as its own rules or practice all those uniform procedural rules promulgated by the Code Reviser, now codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, subject to any additional rules the Department may add from time to time. The Department reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the Department, said determination to be in accordance with the spirit and intent of the law.

**WSR 82-07-060**

**NOTICE OF PUBLIC MEETINGS  
ADVISORY COUNCIL  
ON VOCATIONAL EDUCATION**

[Memorandum—March 20, 1982]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held on Friday, April 23, 1982, in the Auditorium of the Seattle-Tacoma International Airport, Seattle, Washington. The meeting is scheduled to begin at 10:00 a.m.

This meeting is being held in a barrier-free site. Interpreters for the deaf, and brailled or taped information for the blind will be provided on request, if the State Advisory Council on Vocational Education is notified by April 9, 1982.

For further information, please contact Dennis D. Coplen, Sr., Executive Director, State Advisory Council on Vocational Education, 120 East Union, Room 207, M/S EK-21, Olympia, WA 98504, telephone (206) 753-3715.

**WSR 82-07-061**

**NOTICE OF PUBLIC MEETINGS  
HOSPITAL COMMISSION**

[Memorandum—March 19, 1982]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, April 8, 1982. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135.

Such information is on file in the commission's office and is available for inspection.

A meeting of the State Hospital Commission is also scheduled for April 22, 1982 at the Vance Airport Inn, Seattle.

nineteen hundred and eighty-two.

John Spellman

Governor of Washington

**WSR 82-07-062  
PROCLAMATION  
OFFICE OF THE GOVERNOR**

**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION OF MARCH 11,  
1982, AND  
EXTENDING THE 1982 FIRST  
EXTRAORDINARY SESSION**

On March 11, 1982, I issued a proclamation convening the legislature in extraordinary session for a period not to exceed ten days for the purpose of addressing the following issues:

- The state budget
- State and local revenues
- New state correctional facilities
- The Washington Public Power Supply System
- Ferry-labor relations
- Bills in dispute

Because the legislature still has not resolved these issues, it is necessary to extend the session for seven days.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12, (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby extend the 1982 First Extraordinary Session and amend my proclamation of March 11, 1982, so that "a period of time not to exceed ten days" is amended to "a period of time not to exceed seventeen days."

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the seal of  
the state of Washington to  
be affixed at Olympia this  
21st day of March, A.D.

BY THE GOVERNOR:

Ralph Munro

Secretary of State

**WSR 82-07-063  
ADOPTED RULES  
DEPARTMENT OF TRANSPORTATION  
(Transportation Commission)  
[Order 28, Resolution No. 143—Filed March 22, 1982]**

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to adoption of a new schedule of tolls for the Washington State Ferry System, amending WAC 468-300-005, 468-300-010, 468-300-020, 468-300-030 and 468-300-040 and repealing WAC 468-300-050.

This action is taken pursuant to Notice No. WSR 82-04-045 filed with the code reviser on January 29, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.60.326 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.326.

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 9, 1982.

By Vaughn Hubbard  
Chairman, Transportation Commission





for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

((~~\*\*\*One day excursion for bicycle and rider with limited time ashore.~~))

((~~\*~~))~~\*\*\*~~Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage or for refunds.

Washington state ferries shall enter into agreements with banks to sell commutation tickets.

**SUMMER SURCHARGE**

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

**PENALTY CHARGES**

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

**SPECIAL SCHOOL RATE**

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route (~~between May 1, and September 1~~) beginning the third Sunday in June and ending the third Saturday in September due to limited space.

**PROMOTIONAL TOLLS**

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 23, Resolution 117, filed 7/22/81)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER ((AND)), EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER ((25')) 28' LONG		OVERSIZED VEHICLES** ((25')) 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton	<del>((7.25</del> 8.15	<del>116.00</del> 130.40	<del>9.95</del> 16.15	<del>159.20</del> 258.40	<del>9.95</del> 10.60	<del>.70</del> .75
Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon	<del>((9.60</del> 11.40	<del>76.80</del> 91.20	<del>12.80</del> 22.60	<del>102.40</del> 180.80	<del>12.80</del> 13.60	<del>.90</del> 1.00
Southworth-Vashon Pt. Defiance-Tahlequah						
Mukilteo-Clinton	<del>((4.80</del> 5.70	<del>76.80</del> 91.20	<del>6.40</del> 11.30	<del>102.40</del> 180.80	<del>6.40</del> 6.80	<del>.45</del> .50
Lofall-Southpoint						
Anacortes to Lopez,		10 Rides				<del>((.85)</del> .90
Shaw, Orcas or Friday Harbor	<del>((9.95</del> 9.75	<del>79.60</del> 78.00	<del>13.55</del> 19.35	<del>108.40</del> 154.80	<del>13.55</del> 14.45	<del>.95</del> 1.00
Sidney	<del>((28.95)</del> 29.60	N/A	<del>((39.55)</del> 50.00	N/A	<del>((39.55</del> 42.10	<del>2.50)</del> 2.65

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER ((25')) 28' LONG		OVERSIZED VEHICLES** ((25')) 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Friday Harbor to Lopez, Shaw or Orcas	<del>((7.25))</del> 6.65	<del>58.00</del> 53.20	9.95 13.05	<del>79.60</del> 104.40	9.95 10.60	<del>(.70))</del> .75
Between Lopez, Shaw or Orcas	<del>((4.80))</del> 4.90	<del>38.40</del> 39.20	6.40 9.70	<del>51.20</del> 77.60	6.40 6.80	<del>(.45))</del> .50
Sidney to Lopez,						<del>((1.80))</del> 1.90
Shaw, Orcas or	<del>((20.15))</del> 23.50	N/A	<del>((27.55))</del> 39.70	N/A	<del>((27.55))</del> 29.35	<del>(1.65))</del> 1.75
Friday Harbor						<del>((1.60))</del> 1.70

~~((a))~~ (1) BULK NEWSPAPERS per 100 lbs. ~~\$(1.75))~~2.00  
 (Shipments exceeding 60,000 lbs. in any month shall be assessed ~~((85))~~.95¢ per 100 lbs.)  
Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

~~((b))~~ (2) EXPRESS SHIPMENTS per 100 lbs. ~~\$(17.00))~~19.20  
 (Shipments exceeding 100 lbs. assessed ~~\$(5.65))~~7.50 for each 25 lbs. or fraction thereof.)  
Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.00  
 (Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.)

San Juan Inter-Island express shipments will be handled @ ~~\$(2.25))~~2.55 per 100 lbs.

\*These routes operate on one-way only toll collection system.

\*\*Includes Motor Homes, and Mobile Campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

~~((\*\*\*Stages - Option of paying Auto-driver rate plus full fare for each passenger.))~~

\*\*\*Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under Auto.

\*\*\*\*Half fare.

\*\*\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.

Washington state ferries shall enter into agreements with banks to sell commutation tickets.

**SUMMER SURCHARGE**

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

**PENALTY CHARGES**

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

~~((a) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.~~

~~(b) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.))~~

**PROMOTIONAL DISCOUNTS**

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 23, Resolution 117, filed 7/22/81)

WAC 468-300-040 TRUCKS AND ALL VEHICLES WITH TRAILER FERRY TOLLS.

((TRUCK;)) INCL. DRIVER  
OVERALL UNIT LENGTH

ROUTES	Class							((Over—Over)) Class VIII			
	I	II	III	IV	V	VI	VII	Class VIII	Cost Per		
	***((8,001	10,001	16,001	22,001	28,001	36,001	48,001	60,001	72,001	80,000))	
	Under 18'	28'	38'	48'	58'	68'					
	((to))	to	to	to	to	to	to	((to	to	per))	
	18'							78'		over	
	((10,000	16,000	22,000	28,000	36,000	48,000	60,000	72,000	80,000	1,000	
										Lbs.))	
				((****))							
		Under	Under	Under	Under	Under	Under			78 Ft.	
		28'	38'	48'	58'	68'	78'				
			****								
Fauntleroy—Southworth	}	7.20	10.00	12.80	15.60	19.20	25.00	31.20	37.00	43.00	.70))
Seattle—Bremerton		4.80	8.15	16.15	24.15	32.15	40.15	48.15	48.15	.65	
Seattle—Winslow	}	7.20	10.00	12.80	15.60	19.20	25.00	31.20	37.00	43.00	.70))
Pt. Townsend—Keystone		4.80	8.15	16.15	24.15	32.15	40.15	48.15	48.15	.65	
Edmonds—Kingston	}	9.60	12.80	16.00	19.60	24.00	32.00	39.60	48.00	55.20	.90))
Fauntleroy—Vashon		6.50	11.40	22.60	33.80	45.00	56.20	67.40	67.40	.90	
Southworth—Vashon	}	4.80	6.40	8.00	9.80	12.00	16.00	19.80	24.00	27.60	.45))
Pt. Defiance—Tahlequah		3.25	5.70	11.30	16.90	22.50	28.10	33.70	33.70	.45	
Mukilteo—Clinton	}	5.25									
Lofall—Southpoint		5.25									
**Anacortes to Lopez	}	10.00	13.60	17.20	20.80	25.60	33.40	41.60	49.40	57.40	.80))
Shaw, Orcas		5.95	9.75	19.35	28.95	38.55	48.15	57.75	57.75	.80	
or Friday Harbor	}	29.00	39.60	50.20	60.80	73.40	97.40	121.60	145.60	152.20	2.60))
Sidney		22.60	29.60	50.00	70.40	90.80	111.20	131.60	131.60	1.80	
**Friday Harbor to Lopez,	}	7.20	10.00	12.80	15.60	19.20	25.00	31.20	37.00	43.00	.85))
Shaw or Orcas		4.25	6.65	13.05	19.45	25.85	32.25	38.65	38.65	.55	
**Between Lopez,	}	4.80	6.40	8.00	9.80	12.00	16.00	19.80	24.00	27.60	.55))
Shaw or Orcas		2.90	4.90	9.70	14.50	19.30	24.10	28.90	28.90	.40	
**Sidney to Lopez	}	17.90									
Shaw or		17.90									
Orcas	}	20.20	27.60	35.40	42.40	50.80	67.80	84.80	101.60	106.00	1.80))
Friday Harbor		17.30	23.50	39.70	55.90	72.10	88.30	104.50	104.50	1.45	

\*These routes operate on one-way only toll collection system.

\*\*Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

\*\*\*Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles((, unless over 8 feet in overall height. (See Oversized Vehicles.))).

Also includes all vehicles pulling trailers except motorcycles, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

\*\*\*\*UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the ((22,001 to 28,000)) 28' to under 38', class III rate. ((Semi-trucks are considered two truck units.))

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 or more, one-way ((unit)) crossings within any consecutive six day period ..... 25%  
((Semi-trucks are considered two truck units.))

((OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.))

Emergency trips during nonservice hours – while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-050 TRAILER FERRY TOLLS.

### **WSR 82-07-064**

#### **ADOPTED RULES**

### **EASTERN WASHINGTON UNIVERSITY**

[Resolution No. 82-02—Filed March 22, 1982]

Be it resolved by the board of trustees of Eastern Washington University, acting at Pence Union Building, Council Chambers, Eastern Washington University, that it does promulgate and adopt the annexed rules relating to library policies, chapter 172-168 WAC.

This action is taken pursuant to Notice No. WSR 82-01-084 filed with the code reviser on December 18, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the board of trustees of Eastern Washington University as authorized in RCW 28B.35.120.

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 January 28, 1982.

By Kenneth R. Dolan  
Secretary, Board of Trustees

### AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-010 EASTERN WASHINGTON ~~((STATE COLLEGE))~~ UNIVERSITY LIBRARY. The library at Eastern Washington ~~((State College))~~ University exists first and foremost to serve the students and faculty. It also serves the rest of the ~~((college))~~ university community, the regional needs of Eastern Washington, and the general scholarly community. Although normal hours for providing service varies from forty-five to more than eighty hours per week, the library may adjust these hours to meet changing public demand, availability of staff, and budgetary limitations.

### AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-020 SELECTION OF SERVICES, PERSONNEL, RESOURCES. It is the policy of the Eastern Washington ~~((State College))~~ University Library to select on the basis of what is best and most

suitable whether the choice involves staff members, library materials, or equipment and services. The library expressly rejects any form of negative selection based on censorship of materials or prejudicial considerations based upon race, religion, sex, national origin, or political viewpoint.

### AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-060 SMOKING. Smoking in the JFK Memorial Library is restricted to areas so specified by the ~~((College))~~ university Librarian or his designee.

### AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-070 DISPLAYS. Displays utilizing library space and facilities shall be by invitation only. Solicitation of a display invitation must be submitted to the ~~((College))~~ university Librarian or his ~~((designed [designee]))~~ designee for review and evaluation concerning the display's relation to the library services. The library shall have discretionary authority regarding the decision to extend display invitations.

### AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-080 LIBRARY CARRELS. Locked library carrels are generally assigned to faculty members and graduate students (working on a thesis). The library may assign others to the carrels if space is available. Assignment is on a first-come, first-serve basis for a quarter, and multiple assignments per carrel may be made. All closed carrels shall be subject to the following:

(1) All library materials kept in a carrel must be checked out, and are subject to the library's loan policies. ~~((College))~~ University staff members may enter the carrels for checking and retrieval of library materials and for cleaning and maintenance.

(2) The library is not responsible for personal property left in the carrels.

(3) A carrel assignment may be withdrawn or denied if the rules governing its use are not observed.

### AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-090 GIFTS. The library welcomes the donations of books, other library materials, and money. Valuation of gifts for tax purposes will be based upon information available in the library and assessment of value incurs no liability of proof by the library. Gifts become ~~((College))~~ university property when accepted and received. The library reserves the right to reject, dispose, or return to the donor any gift.

AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-100 LIBRARY BORROWERS. Use of the library as part of a state public institution is the right of any adult resident of the state; however, borrowing privileges and other services may be limited in order to serve first the primary clientele of students and faculty. Children under ~~((eleven))~~ twelve years of age must be accompanied by an adult or obtain permission from the senior staff member on duty. Use of the library may be denied to anyone for continuing abuse of library services or resources. Library materials may be circulated to the following:

~~((Regularly enrolled))~~ Students either full time or part time, including those serving as student teachers ~~((2))~~, graduate students ~~((on continuous registration. (3))~~, faculty members including special categories as visiting professors, and emeriti faculty, administrative and civil service staff, and trustees.

~~((4))~~ (2) Faculty members of public higher education institutions of Washington State.

~~((5) Administrative staff (civil service exempt).~~

~~(6) Civil service staff members.~~

~~((7))~~ (3) Spouses of faculty, staff members, and students.

~~((8))~~ (4) "Friends" of the library or "Library Associates".

~~((9) Trustees of Eastern Washington State College.~~

~~((10))~~ (5) Other libraries through interlibrary loans.

~~((11) Extension and correspondent students with special library cards.)~~

(6) Registrants, in good standing, of other SCOALIS (Spokane County Automated Library and Information System) libraries.

(7) Children between ages twelve and sixteen years may register and be issued a borrower's card, provided the card is co-signed by their parent or guardian.

~~((12))~~ (8) Other (agencies and) individuals, (non-residents) if in the judgment of the (College) university Librarian, or his designee, the purpose is serious and the loan will not conflict with service to others.

AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-110 LIBRARY CIRCULATION POLICY. Amounts of materials borrowed at a given time may be limited by demand, materials available, and judgment of library personnel, but normally will not exceed forty items. All materials held past the due date are considered overdue. Those materials designated for the Reference ~~((and)),~~ Periodicals, and certain Special Collections ordinarily do not circulate. With these exceptions, library materials circulate for ~~((two weeks))~~ twenty-eight days and are renewable, except as follows:

(1) Items that have had holds placed on them may not be renewed, and return may be requested before the due date to meet special needs, such as reserve for class use.

(2) Unbound periodicals may be checked out for three days, ((but)) and may ((not)) be renewed.

(3) Reserve materials may be checked out for two hours, one day, or three days, ((or seven days,)) depending on the type of reserve requested.

(4) Prints, framed pictures, browsing materials, and other small special collections may be established from time to time and be governed by varying circulation rules.

(5) Uncatalogued library materials may be loaned at the discretion of the library staff for varying loan periods.

(6) Faculty members may check out ((two weeks materials for one school quarter, except government documents which are limited to the two week checkout period)) general collection materials for ninety days. They may request renewal, but are subject to the "holds" rule (1) above.

(7) The library reserves the right to request immediate return of materials needed for classwork or other special assignment. Failure to do so may cause the Library to impose a penalty not to exceed \$1.00/item/day.

(8) New graduate students and certain other borrowers, at library staff discretion, may be issued general collection materials for sixty days with renewal, subject to hold rule (1) above.

AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-120 LIBRARY FINES AND CHARGES FOR LOST, DAMAGED, AND OVERDUE MATERIALS. (1) Persons to whom overdue materials are checked out are subject to the following ~~((fine))~~ schedule:

~~((Five cents per day, except on reserved material as follows:))~~ One dollar for first overdue notice. Two dollars for second notice.

(2) Reserve materials fine schedule:

Two hours - twenty cents per hour ((maximum one dollar per day));

~~((Three days))~~ One day - fifty cents per day;

~~((Seven))~~ Three days - ((twenty-five)) fifty cents per day.

Fines will be charged for reserve materials on weekends and holidays.

~~((2))~~ (3) Ordinarily the library sends reminder notices and hold notices on overdue materials. However, it must be recognized that the return of library materials is solely the borrower's responsibility, and the library may, when necessary, curtail the practice of sending notices.

~~((3))~~ (4) Reimbursement shall be made to the library for lost or damaged materials, the charges to be established by the Librarian or his designee. Such charges will be a fair estimate of replacement or repair cost plus a ((one)) five-dollar ((and fifty-cent)) processing charge.

~~((4))~~ (5) The library may request of the Registrar and the Student Accounting Office that registration of any student charged with overdue materials or unpaid fines be withheld until such materials are returned and/or fines paid.

(6) The charge for replacement of a borrower's identification card will be one dollar.

~~((5))~~ (7) All library patrons should be aware of the following section of the Revised Code of Washington:

"27.12.340 Penalty for wilfully retaining books. Whoever wilfully retains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept, shall be guilty of a misdemeanor."

(8) The library may refuse to loan materials to patrons who have a record of abuse of library privileges at other SCOALIS libraries.

~~((6))~~ (9) The library may resort to legal action to obtain compliance with these regulations.

AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-130 LIBRARY SERVICE FEES. Fees may be levied for some special services in the library which are not funded and must be self-supporting. In all cases, the fees reflect the actual cost of the service. A current fee schedule will be maintained in the library as established by the ~~((College))~~ university Librarian, or his designee. At present, fees are charged for a variety of photocopying, bibliographic and related services. Normally these charges will not exceed actual costs incurred, including labor and overhead.

**WSR 82-07-065  
EXECUTIVE ORDER  
OFFICE OF THE GOVERNOR  
[EO 82-03]**

**AMENDING EO 82-02**

**ESTABLISHMENT OF BOUNDARIES, ENTRY,  
AND  
OCCUPANCY RULES, AND THE  
ADMINISTRATION OF  
RESTRICTED ZONES 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 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 Blue and Red Zone, with the exception 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 Blue or Red Zone;
- (2) U.S. Forest Service personnel in performance of their official duties that require entry into the Blue or Red Zone;
- (3) U.S. Army Corps of Engineers personnel in performance of their official duties that require their presence in the Blue or 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 Blue or Red Zone. The sheriffs of Lewis, 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 Blue or Red Zone and who are on official business within the Blue or Red Zone;
- (6) Federal, state, county or local administrative personnel on official business within the Blue or 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 Blue or 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 Blue or 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 the administrative authority vested in me by chapter 38.52 RCW.

Each individual given permission to enter and/or occupy the Blue or 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 Blue or 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 Blue or 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.

#### BLUE ZONE

The "Blue Zone" is described as follows:

Beginning at the southwest corner of Section 31, Township 11 North, Range 2 East, just north of Kid Valley, Cowlitz County; thence east to the northwest corner of Section 5, T10N, R2E; thence south along section lines to the southwest corner of Section 8, T10N, R2E; thence west to the northwest corner of Section 18, T10N, R2E; thence south along the west boundary of R2E to T7N, R2E, Kalama River Road (Weyerhaeuser 6000 Line); thence easterly along said road to a point opposite the mouth of Arnold Creek; thence southeasterly along Arnold Creek to its intersection with the south line of Section 32, T7N, R2E; thence east along the south boundary of T7N to the south one-fourth corner of Section 33, T7N, R4E; thence north to the north one-fourth corner of said Section 33; thence east to the southeast corner of Section 28, T7N, R4E; thence north to the east one-fourth corner of said Section 28; thence east to the east one-fourth corner of section 27, T7N, R4E; thence north to the northeast corner of said Section 27; thence east along section lines to the Skamania/Cowlitz County line; thence south along the Skamania/Cowlitz County line to the high-water line of the north shore of the Lewis River; thence northwesterly along said high-water line to the high-water line of Yale Reservoir; thence westerly along said high-water line to Cougar Creek; thence south to the southerly high-water line of Yale Reservoir; thence northeasterly along said high-water line to the south high-water line of the Lewis River; thence easterly along the high-water line of the Lewis River to Swift Reservoir Dam; then easterly along the south high-water line of Swift Reservoir to the center of Section 35, T7N, R6E; thence northeasterly through the southwest corner of Section 25, T7N, R6E to U.S. Forest Service Road N90; thence northeasterly along the north edge of said road N90 to its intersection with Quartz Creek in Section 18, T8N, R8E; thence

northerly upstream along Quartz Creek to its intersection with Straight Creek; thence northerly along Straight Creek to its intersection with U.S. Forest Service Boundary Trail No. One (1) located in the southwest quarter of Section 17, T9N, R8E; thence southwesterly, northerly and westerly along said U.S. Forest Service Boundary Trail No. One (1) to its intersection with the east line of Section 32, T10N, R7E; thence north along section lines to U.S. Forest Service Road 119, located in Section 17, T11N, R7E; thence west along the south edge of said U.S. Forest Service Road 119 to its intersection with U.S. Forest Service Road 125, located in the west half (W-1/2) of Section 19, T11N, R7E; thence southerly along the south edge of said U.S. Forest Service Road 125 to its intersection with U.S. Forest Service Road 115, located in the west half (W-1/2) of Section 24, T11N, R7E; thence northwesterly along the south edge of said U.S. Forest Service Road 115 to its intersection with the north line of Section 23, T11N, R6E; thence west along the section lines to the northwest corner of Section 19, T11N, R5E, (Wakeawasis Creek area); thence north to the northeast corner of Section 13, T11N, R4E; thence west along section lines to the northwest corner of Section 18, T11N, R3E; thence south to the northwest corner of Section 19, T11N, R3E; thence west along section lines to the northwest corner of Section 19, T11N, R2E; thence south along section lines to the southwest corner of Section 31, T11N, R2E 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 20th day of March, A.D., nineteen hundred and eight-two, 1201 a.m. P.S.T.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

**WSR 82-07-066**  
**ADOPTED RULES**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
 [Order 82-01—Filed March 22, 1982]

I, Karen Rahm, director of the Planning and Community Affairs Agency, do promulgate and adopt at Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to head start, amending WAC

365-40-051, 365-40-061, 365-40-071 and repealing 365-40-031.

This action is taken pursuant to Notice No. WSR 81-11-057 filed with the code reviser on May 20, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.06.110 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Planning and Community Affairs Agency as authorized in RCW 43.63A.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 June 23, 1981.

By Karen Rahm  
 Director

AMENDATORY SECTION (Amending Order 79-02, filed 7/20/79)

WAC 365-40-051 ELIGIBILITY CRITERIA. In order to receive Head Start funds, a contractor must provide services to families and individuals eligible according to federal Head Start guidelines who are in need of skills, knowledge, opportunities and motivation to become economically self-sufficient. Each Head Start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. State Head Start funds are allocated ~~((by a formula recommended by the State Head Start Advisory Council and approved by the director. This formula shall be reviewed annually by the State Head Start Advisory Council))~~ to programs based on the federal enrollment levels. An additional set-aside of 3% of the pass through funds are allocated for programs with 60 or less children.

AMENDATORY SECTION (Amending Order 79-02, filed 7/20/79)

WAC 365-40-061 ALLOWED AND FORBIDDEN USES OF STATE HEAD START FUNDS. (1) Allowable uses of state Head Start funds include but are not limited to:

- (a) Purchase of supplies to be consumed by Head Start program children.
- (b) Payment of salaries for nonadministrative personnel such as full or part-time teachers or specialists in speech, hearing, hygiene, reading, etc.
- (c) Purchases under contract of medical or dental services for Head Start children and their families.

(2) Forbidden uses of Head Start funds include but are not limited to:

(a) Payment of salaries for administrative personnel such as program directors, assistant directors, bookkeepers, secretaries, etc.

(b) Payment of administrative support expenses such as postage, telephone, travel, utilities, and equipment.

(c) Purchase of non-expendable equipment with an original cost of \$100 or more and a useful life of at least one year.

AMENDATORY SECTION (Amending Order 79-02, filed 7/20/79)

WAC 365-40-071 METHOD OF PAYMENT AND REPORTING REQUIREMENTS. (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will provide for monthly or quarterly expenditure reimbursement, with vouchers submitted within fifteen days of the end of each quarter or month, as appropriate.

(a) At the time of application the applicant shall state whether vouchers will be submitted on a quarterly or monthly basis.

(b) If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

(c) If a contractor fails to file a claim for expense reimbursement within any six month period, the agency may elect to terminate the contract.

(d) Funds allocated for a program will be reduced by the amount unclaimed in the program year immediately preceding the new funding year.

(3) If an intended use is not allowable under these rules or the approved contract, the voucher will not be paid.

(4) The agency will notify the contractor within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract will be terminated. Funds allocated to the contractor may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the contractor, the provisions of the contract may be amended.

(7) Quarterly reports to the agency to assure ~~((the))~~ that funds are being expended for purposes authorized in the approved contract are required in a format approved by the agency.

(8) The contractor shall submit an annual audit of funds provided under ~~((these))~~ this rule((s)) by an independent auditor using standard accepted auditing techniques. Such audit may be that conducted for and provided to other funding sources. This audit report must include a breakdown of state funds by contract number.

**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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 365-40-031 ESTABLISHMENT OF ADVISORY COUNCIL.

**WSR 82-07-067**

**ADOPTED RULES**

**DEPARTMENT OF CORRECTIONS**

[Order 82-005—Filed March 22, 1982]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of chapter 137-58 WAC, guideline for implementing the State Environmental Policy Act.

Correspondence regarding this notice and attached rules should be addressed to:

John J. Sinclair, Administrator  
Office of Contracts and Regulations  
Division of Management and Budget  
Mailstop FN-61  
(206) 753-5770

This action is taken pursuant to Notice No. WSR 82-03-013 filed with the code reviser on January 13, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.66.080 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 Amos E. Reed  
Secretary

NEW SECTION

WAC 137-58-010 PURPOSE. (1) The purpose of this chapter is to ensure department compliance with the State Environmental Policy Act, (SEPA), chapter 43.21C RCW, and the regulations promulgated thereto, chapter 197-10 WAC and to set forth department procedures in regards to SEPA requirements.

(2) These rules are supplemental to chapter 43.21C RCW and chapter 197-10 WAC and are not intended to provide a comprehensive description of the SEPA requirements therein listed.

NEW SECTION

WAC 137-58-020 DEFINITIONS. The definitions set forth in chapter 197-10 WAC are hereby incorporated by reference into this chapter and should be referred to if necessary.

**NEW SECTION**

**WAC 137-58-030 AGENCY RESPONSIBILITIES.** (1) The secretary or his/her designee shall be responsible for making final decisions regarding threshold determinations, adequacy of draft EISs and adequacy of final EISs where the department is the lead agency.

(2) The department's office of capital programs, division of prisons, shall be responsible for submitting the necessary data set forth in WAC 137-58-040 to the secretary for his/her decision.

**NEW SECTION**

**WAC 137-58-040 RESPONSIBILITIES, OFFICE OF CAPITAL PROGRAMS.** The department's office of capital programs, division of prisons, shall be responsible for complying with the threshold determination procedures of WAC 197-10-300 through 197-10-390; and shall be responsible for the supervision, or actual preparation of draft EISs pursuant to WAC 197-10-400 through 197-10-495, including the circulation of such statements, and the conduct of any public hearing required by chapter 197-10 WAC. The office of capital programs shall also prepare or supervise the preparation of any required final EIS pursuant to WAC 197-10-550 through 197-10-695.

**WSR 82-07-068**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**  
 [Memorandum—March 22, 1982]

The State Board of Education schedule of meeting dates and locations for the 1982 calendar year as filed with the code reviser on September 2, 1981, in WSR 81-18-081, has been amended to change the location, date and time of the May 13-14, 1982 meeting to May 12-13, 1982, convening at 4:00 p.m., Alderbrook Inn, Union, Washington.

**WSR 82-07-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 22, 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:

Amd WAC 388-24-270 Consolidated emergency assistance program (CEAP)—Grant standards.

Amd ch. 388-29 WAC Standards—Eligibility.

It is the intention of the secretary to adopt these rules on an emergency basis effective April 1, 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 April 14, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 18, 1982

By: David A. Hogan  
 Director, Division of Administration

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-24-270 and chapter 388-29 WAC.

The Purpose of the Rule or Rule Change: To increase public assistance grant standards.

The Reason(s) These Rules are Necessary is: To implement chapter 10, Laws of 1981 2nd ex. sess. and a federal interpretation of the Food Stamp Act of 1977.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Public assistance grant standards are increased and simplified. The area differential and references to food stamps and energy assistance are eliminated.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule is: Mick Determan, Program Manager, Division of Income Assistance, Mailstop: OB-31 C, Phone: 3-4381.

These rules are necessary as a result of federal law, Food Stamp Act of 1977 (7 U.S.C. 2011 et. seq.).

AMENDATORY SECTION (Amending Order 1704, filed 9/25/81)

WAC 388-24-270 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—GRANT STANDARDS. (1) CEAP requirements shall be paid in the amount necessary to meet allowable emergent needs under the CEAP program, with the issuance of not more than one hundred percent of the payment standard for any month and issuance of not more than one hundred and twenty-five percent of the payment standard for two months' eligibility. Following are payment maximums:

Number in Household	(Area I)	Two-Month Maximum	(Area II)
	One-Month Maximum		(One-Month Maximum Two-Month Maximum)
1	<del>((282)) 288</del>	<del>((352)) 360</del>	<del>((260) 325)</del>
2	<del>((339)) 365</del>	<del>((424)) 456</del>	<del>((287) 359)</del>
3	<del>((415)) 451</del>	<del>((519)) 564</del>	<del>((370) 463)</del>
4	<del>((501)) 531</del>	<del>((626)) 664</del>	<del>((452) 565)</del>
5	<del>((593)) 612</del>	<del>((741)) 765</del>	<del>((546) 683)</del>
6	<del>((672)) 693</del>	<del>((839)) 866</del>	<del>((621) 776)</del>
7	<del>((770)) 802</del>	<del>((973)) 1,003</del>	<del>((730) 913)</del>
8 ((or more))	<del>((859)) 887</del>	<del>((1,074)) 1,109</del>	<del>((809) 1,011)</del>
9	887	1,109	
10 (or more)	887	1,109	

(2) If less than the full standard in subsection (1) of this section is used during the first month of CEAP eligibility, eligibility for the second month may exist up to the amount of the difference between the two-month maximum in subsection (1) of this section and the amount of the first month's CEAP payment, except that payment may not exceed the one-month payment maximum.

(3) The following are individual monthly payment maximums for the allowable emergent need items payable under the CEAP program. These limits may not be exceeded for individual need items. If more than one emergent need exists, the total payment for all needs may not exceed the standards in subsection (1) of this section.

	1	2	3	4	5	6	7	8 (or more)
Food	<del>((138)) 150</del>	<del>((171)) 190</del>	<del>((204)) 236</del>	<del>((255)) 277</del>	<del>((306)) 320</del>	<del>((354)) 362</del>	<del>((400)) 419</del>	<del>((444)) 463</del>
Shelter	<del>((140)) 159</del>	<del>((174)) 202</del>	<del>((208)) 249</del>	<del>((260)) 293</del>	<del>((312)) 338</del>	<del>((367)) 383</del>	<del>((408)) 443</del>	<del>((452)) 491</del>
Clothing	<del>((25)) 21</del>	<del>((30)) 26</del>	<del>((38)) 33</del>	<del>((46)) 38</del>	<del>((53)) 44</del>	<del>((60)) 50</del>	<del>((66)) 58</del>	<del>((72)) 64</del>
Minor Medical	54	67	80	100	120	139	157	174
Utilities	<del>((25)) 32</del>	<del>((34)) 40</del>	<del>((37)) 50</del>	<del>((46)) 59</del>	<del>((55)) 68</del>	<del>((64)) 77</del>	<del>((72)) 88</del>	<del>((80)) 98</del>
Household Maint.	<del>((36)) 27</del>	<del>((44)) 34</del>	<del>((53)) 42</del>	<del>((66)) 49</del>	<del>((79)) 56</del>	<del>((92)) 64</del>	<del>((104)) 74</del>	<del>((115)) 82</del>

Clothing and transportation - as needed not to exceed the grant maximum.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-100 MONTHLY STANDARDS ((FOR BASIC REQUIREMENTS))—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) ~~((The state standards shall be the United States department of agriculture thrifty food plan in effect January 1, 1981.))~~ Effective April 1, 1982, the state-wide monthly need standards for food, clothing, personal maintenance, and necessary incidentals, household maintenance, shelter, and ~~((energy))~~ transportation for those owning (including life estate), buying or renting an apartment or house are ~~((calculated as follows))~~:

(a) Recipients in Household	((Area I Multiplier and benefit payment for King, Pierce, Snohomish, Kitsap and Thurston counties))		Area II Multiplier and benefit payment for counties not included in Area I		Energy Amount Designated for both Areas I and II
	Thrifty Food Plan ((Benefit)) State ((level)) Standard ((Multiplier))	payment	Area I Multiplier	payment	
1	\$ ((70)) 428	<del>((4.03)) \$ 282</del>	3.72	<del>\$ 260</del>	<del>\$ 88)</del>
2	<del>((128)) 541</del>	<del>((2.65)) 339</del>	2.24	<del>287</del>	<del>94)</del>
3	<del>((183)) 670</del>	<del>((2.27)) 415</del>	2.02	<del>370</del>	<del>100)</del>
4	<del>((233)) 788</del>	<del>((2.15)) 501</del>	1.94	<del>452</del>	<del>106)</del>
5	<del>((277)) 908</del>	<del>((2.14)) 593</del>	1.97	<del>546</del>	<del>112)</del>
6	<del>((322)) 1,030</del>	<del>((2.02)) 672</del>	1.87	<del>621</del>	<del>118)</del>
7	<del>((367)) 1,190</del>	<del>((2.12)) 778</del>	1.99	<del>730</del>	<del>124)</del>
8	<del>((419)) 1,317</del>	<del>((2.05)) 859</del>	1.93	<del>809</del>	<del>130)</del>
9	<del>((472)) 1,446</del>	<del>((1.99)) 939</del>	1.89	<del>892</del>	<del>136)</del>
10 or more	<del>((525)) 1,571</del>	<del>((1.94)) 1,019</del>	1.85	<del>971</del>	<del>142)</del>

(b) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and ~~((designated energy amount))~~ transportation.

Recipients in household - all counties		((Energy Amount)) Designated for both Areas I and II
1	\$ 172	<del>((88))</del>
2	249	<del>((94))</del>
3	330	<del>((100))</del>
4	411	<del>((106))</del>
5	492	<del>((112))</del>

Recipients in household - all counties		((Energy Amount)) ((Designated for)) ((both Areas)) ((I and H))
6	572	((+18))
7	653	((+24))
8	734	((+30))
9	815	((+36))
10 or more	896	((+42))

Recipients in household - all counties	
3	330
4	411
5	492
6	572
7	653
8	734
9	815
10 or more	887

(2) ((These standards are)) Effective ((July 1, 1981)) April 1, 1982, the state-wide monthly payment levels reflecting 67.4 percent of the need standards shall be:

(a) Recipients in Household	State Payment Levels
1	\$ 288
2	365
3	451
4	531
5	612
6	693
7	802
8	887
9	974
10 or more	1,058

(b) Household with supplied shelter.

The monthly payment levels for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in household - all counties	
1	\$ 172
2	249

(3) In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in subsection (2) of this section.

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 1701, filed 9/23/81)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS ((FOR BASIC REQUIREMENTS)). (1) Grants to families of eight or more shall not exceed the following maximums. In computing the grant amount nonexempt income and resources ((which are)) available to meet need shall be deducted from the monthly ((standard)) payment levels specified in WAC 388-29-100.

((2) These standards are effective July 1, 1981.)

	Number of recipients in household		
	8	9	10 or more
Maximums	\$((859)) 887	\$((859)) 887	\$((859)) 887

(2) This rule is effective April 1, 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-112 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—STANDARDS OF ASSISTANCE. Effective ((July 1, 1981)) April 1, 1982, the state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment standard for any month and issuance of not more than one hundred and twenty-five percent of the payment standard for two months' eligibility. Following are payment maximums:

(1)	Number in Household	((Area I))		((Area H))	
		((One-month Maximum))	((Maximum Two-month Total))	((one-month (maximum)))	((two-month (maximum)))
	1	\$ ((282)) 288	((352)) 360	((260)) 325	
	2	((339)) 365	((424)) 456	((287)) 359	
	3	((415)) 451	((519)) 564	((370)) 463	
	4	((501)) 531	((626)) 664	((452)) 565	
	5	((593)) 612	((741)) 765	((546)) 683	
	6	((671)) 693	((839)) 866	((621)) 776	
	7	((778)) 802	((973)) 1,003	((730)) 913	
	8 ((or more))	((859)) 887	((1,074)) 1,109	((809)) 1,011	
	9	887	1,109		
	10 or more	887	1,109		

(2) The following are payment maximums for individual emergent need items payable under consolidated emergency assistance program (CEAP).

	1	2	3	4	5	6	7	8 (or more)
Food	((138)) 171	204	255	306	354	400	444	
	150	190	236	277	320	362	419	463
Shelter	((140)) 174	208	260	312	361	408	452	
	159	202	249	293	338	383	443	491
Clothing	21	((25)) 30	38	((46)) 53	60	66		
		26	33	44	50	58	64	
Minor Medical	54	67	80	100	120	139	157	174
Utilities	((25)) 31	37	46	55	64	72	80	
	32	40	50	59	68	77	88	98
Household Maint.	((36)) 44	53	66	79	92	104	115	
	27	34	42	49	56	64	74	82

Clothing & transportation - as needed not to exceed the grant maximum.

**WSR 82-07-070**  
**PROPOSED RULES**  
**BELLEVUE COMMUNITY COLLEGE**  
 [Filed March 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning fees relating to facility rental and additional services for Community College District VIII;

that such institution will at 1:30 p.m., Tuesday, May 4, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle, S.E., Bellevue, WA 98007, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, May 4, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution orally at 1:30 p.m., Tuesday, May 4, 1982, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: March 19, 1982

By: Paul N. Thompson  
 Secretary, Board of Trustees

**STATEMENT OF PURPOSE**

Community College District VIII, chapter 132H-140 WAC.

Description of Purpose: Amendments and additions to the facility usage for Community College District VIII is necessary in order to clarify the rules and regulations, establish a more equitable fee structure, and establish a pet policy.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: Rules and regulations for use of Bellevue Community College facilities.

Reasons for Supporting Proposed Action: The reason for amending and adding to the facility usage chapter is to more clearly define the basic facility fee structure and additional services regulations for non-college groups and for college groups where applicable and to establish a pet policy.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul N. Thompson, President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 641-2301, Scan 334-2301.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Board of Trustees, Bellevue Community College.

Institution Comments or Recommendations, if any: None.

Rule Necessary as Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-010 TITLE. WAC 132H-140-010 through WAC 132H-140-((060)) 110 will be known as ((Fees Relating to Facility Rental and Additional Services)) Facility Usage for Community College District VIII.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-020 STATEMENT OF PURPOSE. ((The purpose of these regulations is to establish a basic facility fee structure and additional services regulations for non-college groups and for college groups where applicable.)) Bellevue Community College District VIII is an educational institution provided and maintained by the people of the state of Washington. The College reserves its facilities, buildings and grounds for those activities which are related to its broad educational mission. At other times, the college facilities will be made available to other individuals and organizations.

The purpose of these regulations is to establish a basic facility fee structure and additional services regulations for non-college groups and for college groups where applicable.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132-140-040 ((BASIC FACILITY FEE STRUCTURE: Non-college groups and college groups where applicable shall be charged according to the following facility fee structure. All rates are for a minimum four hour period with charges being prorated for additional hours:

(1) Theatre	\$100.00
(2) Gymnasium	100.00
(3) Cafeteria	75.00
(4) Athletic fields	60.00
(5) Exercise Room	25.00
(6) Theatre service rooms	
E129, E101, #102, Lobby	25.00
(7) Garden Room	25.00
(8) Continental Room	25.00
(9) Matrix	25.00
(10) Planetarium	25.00
(11) Classrooms - over 50	25.00
(12) Classrooms - under 50	15.00

In cases where income from an event exceeds \$250.00 a 10% of the gross will be charged.)) FACILITY USAGE BOARD POLICY. The Board of Trustees of Bellevue Community College District VIII provides college personnel, students, faculty, staff, college formal and informal organizations and other outside individuals and organizations for the purpose other than in connection with BCC's regular educational, public service or support programs the opportunity to use the college grounds and buildings subject to WAC 132H-140-010 through WAC 132H-140-110 and in compliance with local, state and federal laws if (1) The individual or organization requesting the space is eligible to use it and

2) The space is available and has been reserved for the activity.

**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:** The above amendatory section was filed by the agency as WAC 132-140-040. This section is placed among sections forming chapter 132H-140 WAC, and therefore should be numbered WAC 132H-140-040. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-050 ((ADDITIONAL SERVICE FEES. Non-college and college groups may be charged fees for additional services or equipment. These fees are to be assessed by the Campus Operations and Services Office (Scheduling Office) in conjunction with special area managers. These service or equipment fees shall be recorded on the Application For Use of Facilities form BCC 040-026. Additional services and equipment include the following:

- (1) Custodial

- (2) Maintenance
- (3) Audiovisual services and/or equipment
- (4) Music equipment
- (5) Managers or technicians
- (6) Security
- (7) Other equipment)

SCHEDULING AND RESERVATION PRACTICES. No college facilities may be used by individuals or groups from outside the college unless the facilities including buildings, equipment and facilities land have been reserved. Facilities will be scheduled according to the following priorities: (1) Bellevue Community College scheduled programs and activities.

- (2) Major college events.
- (3) Foundation related events.
- (4) Non-college (outside individual or organization) events.

AMENDATORY SECTION (Amending Order No. 64, filed 9/17/79)

WAC 132H-140-060 ((EXCEPTIONS. The following activities may be exempt from facility rental fee but not necessarily from service or equipment fees:

- (1) Sponsored by the college.
- (2) Sponsored by state, county or city agencies
- (3) Educational public service meetings or gatherings and are open to the general public with no monies being involved:

(4) Group has contracted for catering in the cafeteria area.) LIMITATIONS. (1) Individuals, groups or organizations will be denied use of the college facilities if such requests are judged to interfere with the college's own teaching, public services or support programs or which interfere with the free flow of pedestrian or vehicular traffic.

(2) College facilities may not be used for private or commercial purposes unless such activities clearly serve the educational mission of the college and when sponsored by an appropriate college unit or when by contractual agreement with the college.

**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 132H-140-070 OTHER REQUIREMENTS. (1) When deemed advisable by the Dean of Administrative Services, an individual or organization may be required to make an advance deposit, post a bond and/or obtain insurance to protect the college against cost or other liability.

(2) When the college grants permission to an individual or organization to use its facilities it is with the expressed understanding and condition that the individual or organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the college against any loss or damage claim arising out of such use.

#### NEW SECTION

WAC 132H-140-080 BASIC FACILITY FEE STRUCTURE. For the purpose of establishing and collecting facility rental fees users have been divided into three categories: (1) Recognized Bellevue Community College activities that are supported by a budgeting unit of the college are exempt from facilities fees.

(2) Bellevue Community College student organizations, groups who have contracted for food catering services, government agencies, and educational and non-profit organizations are not charged facility rental fees during the hours of 7 a.m. to 11 p.m., Monday through Thursday and 7 a.m. to 5 p.m., Friday. However, facility usage outside of these established hours will require a payment by the user to the college for out-of-pocket costs. Individuals and organizations, exclusive of Bellevue Community College student organizations and recognized Bellevue Community College activities, who derive financial benefits as a result of the use of facilities, will be charged as stated on the facility fee schedule.

(3) All other individuals, groups and organizations not covered in items (1) and (2) above will be charged as stated on the facility fee schedule.

#### NEW SECTION

WAC 132H-140-090 SERVICES AND EQUIPMENT FEES. Non-college groups may be charged fees for additional services or equipment. These fees are to be assessed by the Campus Operations and Services Office (Scheduling Office) in conjunction with special area managers. These services or equipment fees shall be recorded on the Application for Use of Facilities form BCC 040-026. Additional services and equipment include the following:

- (1) Custodial
- (2) Maintenance
- (3) Audiovisual services and/or equipment
- (4) Music equipment
- (5) Managers or technicians
- (6) Security
- (7) Other equipment

#### NEW SECTION

WAC 132H-140-100 DELEGATION OF AUTHORITY. The Board of Trustees of Community College District VIII delegates to the President or his/her designee, Dean of Administrative Services, the authority to establish and collect fees from facility users as specified in WAC 132H-140-010 through WAC 132H-140-110.

#### NEW SECTION

WAC 132H-140-110 PET POLICY. Pets (dogs, cats, birds, etc.) are prohibited from entering buildings operated by Bellevue Community College.

Pets on the grounds of Bellevue Community College shall be in the physical control of their owner in accordance with the City of Bellevue "Leash Law" ordinance, Chapter 8.04.

Exceptions to these regulations are animals used for the following purposes: (1) Assisting the visual or hearing impaired persons

- (2) As part of an authorized BCC program purpose requiring their use.
- (3) As part of a law enforcement agency in the performance of its duties.
- (4) Participation in authorized special events.

Animals found to be in violation of these regulations shall be impounded and turned over to the King County Animal Control or a citation issued and a fine imposed on the owner. Exceptions to these regulations other than those listed above shall be directed to the Dean of Administrative Services.

**WSR 82-07-071**

**PROPOSED RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Filed March 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning parking and traffic regulations for Community College District VIII;

that such institution will at 1:30 p.m., Tuesday, May 4, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, May 4, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution orally at 1:30 p.m., Tuesday,

May 4, 1982, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: March 19, 1982  
By: Paul N. Thompson  
Secretary, Board of Trustees

### STATEMENT OF PURPOSE

Community College District VIII, chapter 132H-116 WAC.

Description of Purpose: Amendment to parking and traffic regulations for Community College District VIII is necessary for the purpose of clarification of rules pertaining to use of bicycles and other foot propelled devices on the Bellevue Community College campus.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: The parking and traffic regulations for Community College District VIII speaks to appropriate rules for traffic on the Bellevue Community College campus. The section speaking on bicycle and other foot propelled devices clarifies the use of such devices on campus, designated parking areas and restrictions for use of such devices.

Reasons Supporting Proposed Action: The reasons for amending this section of the parking and traffic regulations for Community College District VIII is that it is necessary to clarify regulations pertaining to the use of bicycle and other foot propelled devices in order to assure a smooth flow of traffic and protection for pedestrians.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul N. Thompson, President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 641-2301, Scan 334-2301.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Board of Trustees, Bellevue Community College, Public.

Institution Comments or Recommendations, if any: None.

Rule Necessary as Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order No. 143, filed 1/21/82)

WAC 132H-116-780 BICYCLE AND OTHER FOOT PROPELLED DEVICES. No foot propelled device designed for recreation and/or transportation purposes shall be allowed on the walkways, corridors or hallways of Bellevue Community College with the exception of designated parking areas for such devices. They also shall not be allowed inside Bellevue Community educational buildings unless they are to be used as part of the educational process in an authorized program requiring their use.

When on college roadways, bicycle riders shall obey the college traffic regulations. Bicycles, when left unattended, shall be placed in designated areas only and should be securely locked. They may not be locked to light poles, trees, shrubs, sign posts, or corridor railings.

Bicycles found to be in violation of these regulations may be impounded and a citation and/or fine imposed on the owner.

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 82-07-072  
PROPOSED RULES  
BELLEVUE COMMUNITY COLLEGE  
[Filed March 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning the student code for Community College District VIII;

that such institution will at 1:30 p.m., Tuesday, May 4, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, May 4, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution orally at 1:30 p.m., Tuesday, May 4, 1982, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: March 19, 1982  
By: Paul N. Thompson  
Secretary, Board of Trustees

### STATEMENT OF PURPOSE

Community College District VIII, chapter 132H-120 WAC.

Description of Purpose: Amendment to the student code for Community College District VIII is necessary for the purpose of clarification of procedures pertaining to student grievance appeals.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: The student grievance appeal procedures section of the student code for Community College District VIII speaks to appropriate procedures to enable a student to express and resolve misunderstandings, complaints, or grievances with faculty and other college personnel in a fair and equitable manner.

Reasons Supporting Proposed Action: The reasons for amending this section of the student code for Community College District VIII is to provide students the right to receive clear information and fair application of college policies, standards, rules and requirements and to clarify responsibility of students to comply with these procedures in their relationships with faculty and other college personnel.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul N. Thompson, President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 641-2301, Scan 334-2301.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Board of Trustees, Bellevue Community College, Public.

Institution Comments or Recommendations, if any:  
None.

Rule Necessary as Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order No. 39, filed 3/15/72)

WAC 132H-120-060 STUDENT GRIEVANCE APPEAL PROCEDURES. ((A) Protection Against Improper Instruction And/Or Academic Evaluation. It is recognized that students are responsible for maintaining standards of academic performance established and made known by their instructors, but that they should have protection, through orderly procedures, against prejudicial or capricious instruction and/or evaluation. If a student alleges prejudicial or capricious instruction and/or evaluation, he shall have 1 quarter in which to initiate an appeal to the Instructional Appeals Committee.

The procedures shall be as follows: (1) The student shall first consult with the instructor in an attempt to resolve the situation.

(2) If the situation remains unresolved, the student and/or the instructor shall apply by written request, for a meeting with the appropriate division chairman in an attempt to resolve the situation.

(3) In the event that the problem remains unresolved, the student and/or the instructor shall appeal for a hearing before the Instructional Appeals Committee. Such appeals shall be made in writing to the office of the Dean of Instruction. All hearings shall be closed meetings of the committee, the instructor, and the student and shall be held within 20 days of the written appeal. The committee shall, at the request of the instructor or the student call in all requested witnesses.

(4) Based on the hearing(s), the Instructional Appeals Committee shall make a written recommendation to the instructor involved. Copies of the recommendation shall be furnished to: a) The instructor; b) the student; c) the appropriate division chairman; and d) the Dean of Instruction.

(5) In the event that the instructor is not available to receive the recommendation of the committee, the recommendation shall be turned over to the Dean of Instruction for action.

(6) If the instructor fails to comply with the recommendation of the committee within 20 days, a complete report of the action shall be sent by the chairperson of the Instructional Appeals Committee to the Dean of Instruction for review. Further action shall rest with the Dean of Instruction.

(7) Should either the instructor or the student wish to appeal the actions taken by the Dean of Instruction, such appeal shall be made to the President of the college. A complete report of all recommendations and actions shall be forwarded to the President by the Dean of Instruction.

(8) An appeal to the Instructional Appeals Committee and to the President shall be considered an informal proceeding under the Higher Education Administrative Procedure Act and shall not be considered a contested case.

(B) Protection Against Improper Dismissal. It is recognized that students are responsible for maintaining standards of performance established and made known by their duly appointed college instructor, publisher, coach or advisor in any college recognized student program or activity. Students shall have protection, through orderly procedures, against prejudicial or capricious dismissal from such recognized college student programs or activities.

If a student alleges prejudicial or capricious dismissal, he/she shall have the right to appeal such action by following these procedures for redress of such grievance: (1) The student shall first consult with the instructor, publisher, coach or advisor in an attempt to resolve the situation.

(2) If the situation remains unresolved, the student and/or the instructor, publisher, coach or advisor shall apply by written request for a meeting with the Dean for Student Services and Development in an attempt to resolve the situation.

(3) If the problem remains unresolved, the student and/or the instructor, publisher, coach or advisor shall appeal for a hearing before the Student Appeals Committee. Such appeals shall be made in writing to the office of the Dean for Student Services and Development. All hearings shall be closed meetings of the committee, the instructor, publisher, coach or advisor and the student. The committee shall at the request of either party in the alleged action, call in all requested witnesses.

(4) Based on the hearing(s), the Student Appeals Committee shall make a recommendation to the instructor, publisher, coach or advisor,

regarding disposition of the alleged grievance. Copies of the recommendation shall be furnished to: a) The instructor, publisher, coach or advisor; b) the student; c) the appropriate administrative person in the area of student programs or activities; d) the Director of Student Programs and Activities; and e) the Dean for Student Services and Development.

(5) If the instructor, publisher, coach or advisor fails to comply with a corrective recommendation of the committee, the recommendation shall be turned over to the Dean for Student Services and Development for action.

(6) Should either the instructor, publisher, coach or advisor or the student wish to appeal the actions taken by the Dean for Student Services and Development, such appeal shall be made to the President of the college. A complete report of all recommendations and actions shall be forwarded to the President by the Dean for Student Services and Development.

(7) An appeal to the Student Appeals Committee and the President shall be considered an informal proceeding under the Higher Education Administrative Procedure Act and shall not be considered a contested case.)

PURPOSE AND SCOPE. The purpose of these procedures is to enable a student to express and resolve misunderstandings, complaints, or grievances with faculty and other college personnel in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with faculty and other college personnel. Such information is to be found in the College Policies and Procedures Manual, the BCC Catalogue, the Student Code, official bulletins or announcements, and other written information about programs or courses. Students also have protection through orderly processes against actions by all college personnel which are: I. Arbitrary, capricious, or unprofessional; or II. Prejudicial, discriminatory, or illegal. For purposes of student complaints or grievances, all matters are divided into two categories: (1) Academic matters which include: (1) class instruction (including information about course requirements, grading, and grading standards); (2) educational planning; (3) counseling; and (4) dismissal from classes, academic programs, or extracurricular activities; and (2) Non-academic matters (complaints relative to other action(s) taken by college personnel.) The emphasis of the grievance procedure by definition is on informal resolution of the grievance. Grievances before a Student Academic Grievance Committee should be rare. (1) ACADEMIC MATTERS. (a) STEP 1. One-to-One. The college employee and student shall make a good faith effort to resolve the grievance on a one-to-one basis within twenty (20) instructional days from the alleged complaint with the exclusion of summer quarter in which case the student shall have twenty (20) instructional days from the beginning of fall quarter to attempt to resolve the matter. In the case of absence from the campus of either of the parties, the student shall inform the unit administrator in writing, of the existence of the grievance; and the unit administrator shall arrange for consultation between the parties concerned at the earliest possible opportunity. Should the college employee be on extended leave or have resigned from the college, the unit administrator shall arrange a proxy for the college employee with his/her approval, if he/she can be reached; otherwise, the unit administrator shall act for the college employee within twenty (20) instructional days of receipt of the written grievance. Grievances resolved at this stage do not require a written record unless the resolution involves a grade change.

(b) STEP 2. Third Party Facilitator. If the issue remains unresolved, the student shall seek assistance through the ASBCC Vice President of Student Affairs or the employee's immediate administrator or supervisor (for instructors this shall be the Division Chairman and/or Program Chairman) to facilitate a solution to the grievance which will include a facilitator agreeable to both parties. If the issue is resolved, the facilitator shall prepare an informal agreement in writing for both parties to sign. No reasons need be given. Such an agreement, once signed by both parties, shall be kept for one (1) year in a student grievance file by the affected organizational unit. The period for Step 2 shall be no longer than ten (10) instructional days following completion of Step 1.

(c) STEP 3. Student Academic Grievance Committee Review. If the issue remains unresolved, the student shall submit a written request to the appropriate Dean within ten (10) instructional days following completion of Step 2 for a review with the appropriate Student Academic Grievance Committee. The written request for a review shall include a description of the complaint and outcomes of Steps 1 and 2

which the student completed prior to the formal written request. Sufficient documentation of the issues shall be included to facilitate a committee decision on whether or not to hear the grievance. The ASBCC Vice President for Student Affairs is available for consultation with the student in further matters regarding the grievance.

The Dean shall notify the faculty chairman of this request within five (5) instructional days following receipt of request. The Dean shall also establish the committee membership and first meeting date of the committee in consultation with the faculty chairman. The Dean shall notify all parties to the grievance of the committee membership and the meeting date for review of the grievance of the committee membership and the meeting date for review of the grievance within the same five (5) instructional days. The Dean shall forward a copy of the student request for a committee review to the second party to the grievance who may respond to the faculty chairman in writing. The student has five (5) instructional days from the date of the written review request to present pertinent information to the Student Academic Grievance Committee Chairman. Each party to the grievance shall have one peremptory challenge of the committee membership except the permanent chairman. A peremptory challenge must be given in writing, to the appropriate Dean at least two (2) instructional days prior to the initial committee meeting. A replacement shall be named by the appropriate Dean in consultation with the faculty chairman, if a faculty member, or the ASBCC President, if a student member.

(d) STEP 4. Student Academic Grievance Committee Composition and Procedures. (i) Student Academic Grievance Composition. The Ad Hoc Student Academic Grievance Committee shall be comprised of six members; four faculty and two students. One faculty member shall be elected annually by the faculty at large, under the auspices of the BCCAHE in the conduct of their annual elections during spring quarter. The elected faculty member shall serve as permanent chairman for the academic year commencing the following fall quarter. In the unusual circumstances that the permanent chairman is unable to serve within the established timeframe, the BCCAHE President in consultation with the appropriate Dean, shall appoint a temporary faculty chairman. The remaining three faculty members shall be appointed by the appropriate Dean in consultation with the permanent faculty chairman. Two faculty members shall be selected from the same or closely aligned discipline (normally within the organizational unit of the college employee against whom the grievance is filed). One faculty member shall be selected from the same or other organizational unit who in the judgement of the appropriate Dean, in consultation with the permanent faculty chairman, is sufficiently aware of related discipline issues so as to add professional perspective to the hearing committee. Two student justices appointed by the ASBCC President from the ASBCC Judicial Board shall serve on each Ad Hoc Student Academic Grievance Committee.

(ii) Student Academic Grievance Committee Procedures. (A) Other interested persons may, upon the request of one of the parties to the grievance, or upon the request of the review committee, submit in writing any observations or relevant information.

(B) The Student Academic Grievance Committee shall consider each case separately within five (5) instructional days of the filing of the grievance with the faculty chairman. The committee may exercise its judgement in examining relevant material which may assist in making a decision on the academic matter. The committee may choose not to hear a grievance. In such cases, the student may proceed to Step 5 for possible administrative action.

(C) If the committee decides to hear the grievance, the Chairman of the Student Academic Grievance Committee shall consult with both parties to the grievance prior to scheduling a meeting time which shall be held within ten (10) instructional days of the committee decision. If the Chairman is unable to contact the college employee after reasonable effort, the Chairman shall notify the appropriate Dean. The Dean shall make reasonable effort to contact both parties involved in the grievance and schedule a meeting of the Student Academic Grievance Committee within the ten (10) day instructional period noted above. If the Dean is unsuccessful in this attempt, the student shall proceed to Step 5.

(D) All hearings shall be closed meetings of the Student Academic Grievance Committee to include the student and the college employee except that any party to the grievance may have one representative or adviser in attendance. In exceptional circumstances, where a student cannot be available for the hearing, the student may submit a written request to designate a proxy to the Chairman of the Student Academic Grievance Committee. The committee shall determine whether or not

to grant the request and proceed with the hearing. All contents of the hearing shall be considered confidential.

(E) If the student or approved proxy fails to appear for the hearing, the grievance shall be considered terminated.

(F) If the person against whom the complaint is filed or his/her proxy fails to appear for the hearing, the grievance proceeds to Step 5.

(G) The Student Academic Grievance Committee shall, at the request of either or both parties to the grievance, request the presence of witnesses for testimony. Either party may submit written statements of evidence regarding his/her position.

(H) The Student Academic Grievance Committee shall: (1) hear opening statements from both parties (or proxy) to the grievance; (2) hear testimony from witnesses; (3) ask questions of either party and/or witnesses to clarify positions; and (4) hear summary statements from both parties to the grievances. There shall be no cross examination by the parties and/or witnesses in these proceedings.

(I) Based upon the evidence and proceedings, the Student Academic Grievance Committee shall find findings of fact and make a written recommendation of action to resolve the grievance within five (5) instructional days of the hearing to: (1) the college employee; (2) the student; and (3) the appropriate Dean.

(J) Within five (5) instructional days after notice of the Student Academic Grievance Committee recommendation, each party to the grievance shall send a written response with actions taken to the Chairman of the Student Academic Grievance Committee, to the other party involved, and to the appropriate Dean. If the issue is resolved, the Chairman of the Student Academic Grievance Committee shall prepare a written agreement for both parties to sign. Such an agreement, once signed by both parties, shall be forwarded to the Institutional Records Officer along with a summary statement of committee deliberations. These records are confidential, not accessible under the Public Information Law, and shall be maintained for one (1) year. If parties do not agree to fulfill the recommendations of the Student Academic Grievance, or if they do not respond, or if the committee recommends the appropriate Dean take action, the Chairman of the Student Academic Grievance Committee shall immediately forward the entire record of the hearing deliberations to the appropriate Dean.

(e) STEP 5. Possible Administrative Actions. (i) Regarding the matter of grades, it is standard educational and professional practice that the institution shall formally record grades as assigned by the instructor of record. It is also traditional professional practice for an instructor to heed the considered judgement of colleagues such as an academic grievance committee. It would be a rare circumstance for a Dean to direct a grade change from the instructor's grade of record. In such an instance, the course grade record shall be coded and indicate "grade changed by administrative action". Should a Dean direct a change in grade different from the committee's recommendation, which changes the instructor's grade of record, the transcript shall indicate "Changed by Administrative Action". The Dean shall provide the Associate Dean for Student Services a summary position of the committee's and his/her rationale for the change for inclusion in the grade record file.

(ii) Without Student Academic Grievance Committee Recommendation. The appropriate Dean shall consider student grievances without prior Student Academic Grievance Committee deliberations in the following instances: (1) committee decided not to hear the case; (b) the person against whom the complaint was filed refused to respond to prior steps; or (c) was unreachable. Within five (5) instructional days of receipt of request, the appropriate Dean shall make a reasonable effort to consult appropriate parties to the grievance and initiate action to resolve the grievance. The Dean may consult with any parties to the grievance, the Chairman of the Student Academic Grievance Committee, or persons in the involved program or designated areas. The Dean shall inform the parties involved in the grievance of his/her intended action in writing.

(iii) With Student Grievance Committee Recommendations. Within five (5) instructional days of receipt of the entire record of committee deliberations for any of the reasons in Step 4(ii-1), the appropriate Dean shall decide upon a course of action to resolve the grievance and inform the parties to the grievance of his/her intended action in writing.

(iv) Implementation of Action. The Dean shall implement his/her decision after five (5) instructional days unless either party to the grievance files a written appeal to the President of the College.

(v) If there is no appeal to the President, the Dean shall forward all documentation received from the Chairman of the Student Academic

Grievance Committee and a statement of his/her action to the Institutional Records Officer to be retained for a period of one (1) year. These records are considered confidential and not accessible under the Public Information Law.

(F) STEP 6. Student Grievance Appeal Process. A complete report of all recommendations and actions shall be forwarded to the President of the College by the appropriate Dean. An appeal to the President shall be based solely upon procedural or prejudicial grounds and deliberations therein are based solely upon the written record. The President shall have ten (10) instructional days from receipt of the complete report upon which to render a final decision. The President shall inform the parties to the grievance, the appropriate Dean and the Chairman of the Student Academic Grievance Committee in writing of his/her final decision.

The appeal to the President shall be considered an informal proceeding under the Higher Education Administrative Procedure Act and shall not be considered a contested case. A summary statement of the findings by the President shall be forwarded to the Institutional Records Officer where they shall be maintained for a period of one (1) year. These records are considered confidential and not accessible under the Public Information Law.

(2) NON-ACADEMIC MATTERS. (a) STEP 1. One-to-One. Step 1 is the same as Step 1 - Academic Matters with the following addition: if the student believes he/she is unable to initiate Step 1, he/she may initiate the grievance at Step 2.

(b) STEP 2. Third Party Facilitator. Step 2 is the same as Step 2 - Academic Matters with the following addition: if the matter is a possible violation of law, the student shall proceed to Step 4.

(c) STEP 3. Administrative Review. (i) If the non-academic grievance has not been resolved in Steps 1 and 2, the student may bring the formal complaint to the administrative officer designated by the College President for further action within ten (10) instructional days following completion of Step 2.

(ii) The designated administrative officer shall discuss the concerns outlined with the student and the options available for resolution. If the designated administrative officer determines the matter to be an academic matter, the student shall be referred to Step 3 - Academic Matters of this policy. Should the student elect to proceed with a formal grievance, the concerns must be outlined in writing, specifying the grievance and identifying dates and persons involved as accurately as possible within five (5) instructional days.

(A) When the written grievance is filed with the designated administrative officer, it shall be forwarded to the appropriate organizational unit administrator and other persons named in the grievance for response, within ten (10) instructional days.

(B) Should the written responses not resolve the grievance, then a conference shall be convened by the designated administrative officer among all parties involved, within ten (10) instructional days, for the purpose of achieving a resolution of the grievance.

(C) The designated administrative officer shall keep all written statements, transcripts, and minutes associated with the grievance as part of the confidential files of the college.

(D) If the conference resolutions do not satisfy the grievant, the designated administrative officer shall notify the appropriate Dean and forward the written grievance, with all submitted documentation, for resolution within five (5) instructional days.

(iii) The appropriate Dean shall review the written documentation, minutes, and transcripts, and discuss the grievance with all parties involved. The Dean shall then issue a recommendation for resolution of the grievance within ten (10) instructional days from receipt of the materials from the designated administrative officer.

(iv) The recommendation of the Dean and all preceding documentation shall be reviewed by the College President. The President, in his/her review, shall discuss the grievance with all parties involved if he/she ascertains that new information pertaining to the grievance merits such review. The President may amend, modify or reverse the recommendations and shall implement the resolution within five (5) instructional days of receipt of the written materials regarding the grievance. All parties to the grievance, the appropriate Dean, the designated administrative officer, and the appropriate organizational unit administrator shall be notified in writing of the final disposition of the matter. A summary statement of the findings by the President shall be forwarded to the Institutional Records Officer where they shall be maintained for a period of one (1) year. These records are considered confidential and not accessible under the Public Information Law.

(v) The decision of the College President shall be final. Appeals or formal hearings to the Board of Trustees of Community College District VIII shall not be provided.

(3) POSSIBLE VIOLATION OF LOCAL, STATE, OR FEDERAL LAW. Grievances relating to an allegation concerning violation of local, state, or federal laws shall be directed to the appropriate Dean. The appropriate Dean shall investigate the matter and attempt to resolve the grievance. If the issue remains unresolved, the Dean shall be available for consultation with the student regarding possible courses of action to appropriate local, state, or federal authorities.

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 82-07-073**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
(Filed March 23, 1982)

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College education intends to adopt, amend, or repeal rules concerning tuition and fee charges for ungraded courses offered by community colleges;

that such agency will at 10:00 a.m., Thursday, May 6, 1982, in the Columbia Basin College, Pasco, 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.15.502.

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 10:00 a.m., Thursday, May 6, 1982, Columbia Basin College, Pasco, Washington.

Dated: March 22, 1982

By: Gilbert J. Carbone  
Assistant Director

**STATEMENT OF PURPOSE**

Title: Tuition and fee charges for certain ungraded courses.

Description: The purpose of this rule amendment is to make adjustments in the amount of tuition and fees charged by community colleges for certain courses, identified as "ungraded courses" based on definitions contained in WAC 131-28-026(2). The proposed rate adjustments are based on the findings of a review of the state board policy on charges for ungraded courses, revenue therefrom, and the generation of FTE student units by such courses.

Statutory Authority: The state board is authorized by RCW 28B.15.502 to establish the rates for certain types of courses offered by community colleges. Ungraded courses is one such type of offering. This authorization was initially set forth in the Community College Act of 1967.

Summary of Rule: The rule, WAC 131-28-026, defines ungraded courses and establishes a mechanism for

community colleges to obtain approval of the state director of community colleges, for proposed tuition and fees to be charged for such courses. In addition, the rule establishes uniform rates of tuition and operating fees that must be charged for enrollment in the most frequently offered ungraded courses. The charges established attempt to take into consideration unique characteristics of the courses and circumstances related to offering them that justify departure from the standard tuition and fee charge made for other courses.

Responsible Personnel: Drafting of the rule was done by Gilbert J. Carbone, Assistant Director, SBCCE, (3-3560);

Implementation and enforcement of the rule is the responsibility of John N. Terrey, Director, 3-7412, and Frank Price, Associate Director, 3-3674, SBCCE. The address of all the above individuals is 319 7th Avenue FF-11, Olympia, Washington 98504.

Agency Proposing Rule: The amendments described herein are proposed by the State Board for Community College Education and the community college districts of the state.

Agency Comments: As noted above the state board conducted a review of its policy on this matter during the past year. The results of that review supported the changes in charges contained in these amendments. Differential rates are charged for ungraded courses because they serve special student groups, are frequently offered off campus in contributed facilities, may require students to participate in unique ways in the conduct of the class, utilize equipment of supplies contributed by the students or interested organizations, or are consistent with generally accepted social policies of providing discounts to senior citizens.

Legal Relationship: The proposed rule is not related to any federal law or court action, either federal or state.

**AMENDATORY SECTION** (Amending Order 89, Resolution 81-65, filed 9/14/81)

**WAC 131-28-026 TUITION AND FEE CHARGES FOR CERTAIN UNGRADED COURSES.** (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition and fee rates that differ from the standard rates set by WAC 131-28-025, the board of trustees may propose such designations and tuition and fee levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition and fee charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition and fees, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

Course	Tuition	Operating Fee	Services and Activities Fee
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington State Apprenticeship Council or Federal Bureau of Apprenticeship and Training	<del>(\$24.00)</del> \$1.40 per ((year)) credit	<del>(\$24.00)</del> \$3.60 per ((year)) credit	No Charge
(b) Department of Labor and Industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	<del>(No Charge)</del> Standard Rate	<del>(No Charge)</del> Standard Rate	No Charge
(c) Parent education involving cooperative pre-school program	The combined stand-ard district charge per credit hour for tuition and operating fees less the pre-school cooperative fee, with any remainder divid-ed equally be-tween tuition and operating fee		No Charge
(d) Farm management and small business management	<del>(\$36.00)</del> per year per-person enrolled; minimum charge \$72.00 per-year)) Standard Rate	<del>(\$36.00)</del> per year per-person enrolled; minimum charge \$72.00 per-year)) Standard Rate	No Charge

Course	Tuition	Operating Fee	Services and Activities Fee
(e) Adult Basic Education courses supported by federal funds and English as a Second Language courses funded from such sources	No Charge	No Charge	No Charge
(f) Emergency Medical Technician	<del>(\$9.00)</del> per \$1.40 ((course)) credit	<del>(\$9.00)</del> per \$3.60 ((course)) credit	No Charge
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	\$1.00 per credit hour	\$1.00 per credit hour	No Charge

For the purpose of computing any refunds related to such tuition and fees charged for apprenticeship, small business management and farm management courses, the total tuition and fees charged on a yearly basis shall be prorated to a quarterly basis.

(5) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(6) Tuition, operating fees, and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

**WSR 82-07-074**

**ADOPTED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Order 94—Filed March 23, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Centralia Community College, Centralia, Washington, that it does promulgate and adopt the annexed rules relating to layoff, WAC 251-10-030.

This action is taken pursuant to Notice No. WSR 82-04-068 filed with the code reviser on February 3, 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

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 18, 1982.

By Douglas E. Sayan  
Director

**AMENDATORY SECTION** (Amending Order 76, filed 6/29/79, effective 8/1/79)

**WAC 251-10-030 LAYOFF.** (1) An appointing authority may separate or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds(~~(, curtailment))~~ or lack of work(~~(, or good faith reorganization for efficiency reasons))~~).

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-04-020, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in WAC 251-10-030(5) and (6). The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to comparable position(s), as determined by the personnel officer, in:

(a) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(b) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option WAC 251-10-030 (5)(a) or (5)(b) provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) above shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

- (i) At the same level or lower than the class from which the employee is being laid off; and
- (ii) Vacant or held by a provisional, temporary, or probationary employee; and
- (iii) In a class for which the employee being laid off meets the minimum qualifications and

can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection (6) will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which selective certification as identified in WAC 251-18-250(1)(a) has been authorized by the personnel officer, the employee must possess the required prerequisite skill(s) called for in the selective certification.

(8) In a layoff action involving a position for which a particular sex is a bonafide occupational requirement, as approved by the Washington State Human Rights Commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(9) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction-in-force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-18-410 shall be administered as provided in WAC 251-10-035.

**WSR 82-07-075**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
**STATE FIRE MARSHAL**

[Filed March 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner/State Fire Marshal intends to adopt, amend, or repeal rules concerning Hospice care centers—Standards for fire protection, chapter 212-26 WAC;

that such agency will at 10:00 a.m., Thursday, April 29, 1982, in the Office of State Fire Marshal, Room

500-B, State Modular Office Building, Thurston Airdustrial Center, Tumwater, Washington, conduct a hearing relative thereto.

The formal adoption, amendment or repeal of such rules will take place at 10:00 a.m., Thursday, May 6, 1982, in the Office of State Fire Marshal, Thurston Airdustrial Center, Conference Room, DSHS, Building #12, Tumwater, Washington.

The authority under which these rules are proposed is RCW 70.41.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 29, 1982, and/or orally at 10:00 a.m., Thursday, April 29, 1982, Office of State Fire Marshal, Room 500-B, State Modular Office Building, Thurston Airdustrial Center, Tumwater, Washington.

Dated: March 23, 1982

By: Thomas R. Brace

Director, Division of State Fire Marshal

**STATEMENT OF PURPOSE**

Rules of the State Fire Marshal governing fire life safety in hospice care centers licensed by the state of Washington pursuant to RCW 70.41.080.

This rule establishes minimum standards for fire life safety for patients occupying hospice care centers licensed by the Department of Social and Health Services. It prescribes requirements for abating the conditions which present a threat to human life, by ensuring that patients, staff and visitors are properly forewarned of the presence of fire, and that they are able to leave the building by way of a tenable means of egress.

Procedures for enforcing these rules shall be in accordance with the licensing laws and rules of the licensing agency.

This rule is necessary to ensure that a uniform program of inspection and hazard abatement may take place in hospice care centers licensed by the Department of Social and Health Services.

Implementing this rule will expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

The agency personnel responsible for the drafting, implementation and enforcement of this rule is Mr. Ted Curcio, Supervisor, Health Care Facilities Fire Protection, Office of State Fire Marshal, Thurston Airdustrial Center, LM-14, Building 12, Tumwater, Washington 98504, Telephone: (206) 753-3658.

The Office of State Fire Marshal is proposing this rule.

This rule is not made necessary by either a change in federal law or state court action.

Chapter 212-26 WAC  
**HOSPICE CARE CENTERS—STANDARDS FOR FIRE PROTECTION**

**NEW SECTION**

**WAC 212-26-001 PURPOSE.** The purpose of this regulation is to adopt recognized standards for the protection of life against the cause and spread of fire and fire hazards pursuant to RCW 70.41.080, with respect to all facilities to be licensed as hospice care centers by the department of social and health services.

NEW SECTION

WAC 212-26-005 DEFINITIONS. The following definitions shall apply to this regulation:

(1) "Building official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act.

(2) "Fire chief" means the chief of the fire department providing fire protection services to the facility.

(3) "Fire official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act.

(4) "Hospice care center" means any building, facility, place or equivalent organized, maintained and operated specifically to provide beds, accommodations, facilities and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease, as well as support and care of the family during and immediately following death.

(5) "Licensing agency" means the Washington state department of social and health services.

(6) "State Building Code Act" means chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes, and mandates enforcement by each city, town and county.

NEW SECTION

WAC 212-26-010 APPLICABILITY. This regulation applies to all facilities licensed or subject to licensure by the department of social and health services, pursuant to RCW 70.41.090.

NEW SECTION

WAC 212-26-015 COMPLIANCE. All facilities licensed by the department of social and health services as hospice care centers shall comply with the provisions of this regulation.

NEW SECTION

WAC 212-26-020 INSPECTION. The licensing agency, upon receipt of an application for a license, or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for an inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed to effect the corrective measures, a reinspection shall be made to determine compliance.

NEW SECTION

WAC 212-26-025 APPROVAL. Upon the completion of the inspection, if the facility is in reasonable compliance with applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency.

NEW SECTION

WAC 212-26-030 RIGHT OF APPEAL. A facility aggrieved by the corrective orders of the state fire marshal or his authorized representative may appeal to the state fire marshal within five days of the order. If the state fire marshal confirms the order, it shall remain in force.

NEW SECTION

WAC 212-26-035 LOCAL CODES. Approvals are issued or denied on the basis of applicant's compliance with the state fire marshal's minimum fire and life safety standards. The enforcement of local fire and building codes is the responsibility of the respective fire and building officials.

NEW SECTION

WAC 212-26-040 STANDARDS. The following standards, WAC 212-26-045 through 212-26-100, shall be applicable to all facilities built or licensed after the effective date of this regulation.

NEW SECTION

WAC 212-26-045 CONSTRUCTION REQUIREMENTS. New construction or major remodeling shall comply with the Group I, Division 1 requirements of the 1979 Uniform Building Code, regardless of the number of occupants. This classification is advisory but not binding on local building officials charged with the administration and enforcement of the State Building Code Act. This minimum requirement is mandatory; however, local fire and building officials charged with the administration and enforcement of the State Building Code Act, chapter 19.27 RCW, may exceed these requirements.

NEW SECTION

WAC 212-26-050 MODERNIZATION OR RENOVATION. No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as nearly as possible in conformance with the requirements for new construction.

NEW SECTION

WAC 212-26-055 ADDITIONS. Any addition shall be separated from any existing nonconforming structure by a noncombustible fire partition having at least a two hour fire-resistance rating. Communicating openings in dividing fire partitions shall occur only in corridors and shall be protected by approved self-closing doors.

NEW SECTION

WAC 212-26-060 DESIGN, OPERATION. All facilities shall be so designed, constructed, maintained and operated as to minimize the possibility of a fire emergency requiring the evacuation of patients. The protection of patients from fire shall be provided by appropriate arrangement of facilities, adequate staffing and careful development of operating and maintenance procedures composed of the following:

- (1) Proper design, construction and compartmentation.
- (2) Provision for detection, alarm and extinguishment.
- (3) Fire prevention and planning, training and drilling programs for the isolation of fire, transfer of patients to areas of refuge or evacuation of the building.

NEW SECTION

WAC 212-26-065 SMOKE DETECTION. An approved, automatic smoke detection system shall be installed in all corridors. Detectors shall not be spaced further than thirty feet apart nor more than fifteen feet from any wall, and shall be electrically interconnected with the fire alarm system.

EXCEPTION: Where each patient sleeping room is protected by such an approved detection system and a local detector is provided at the smoke partition and horizontal exits, such corridor systems will not be required on the sleeping room floors.

NEW SECTION

WAC 212-26-070 FIRE ALARM. Every hospice care center shall have an approved, electrically supervised manual fire alarm system. Operation of any fire alarm initiating device shall automatically, without delay, activate a general alarm and audible and visual indication throughout the building. The fire alarm system shall automatically transmit off the premises by the most direct and reliable method approved by the state fire marshal. These include, but are not limited to, in order of priority:

- (1) A direct connection of the building alarm to the municipal alarm system, including radio alarm boxes.
- (2) A direction connection of the building alarm to an approved central station.

Annunciators shall be provided where the system serves more than one floor, one building or one fire division.

NEW SECTION

WAC 212-26-075 EMERGENCY LIGHTING. Emergency lighting for means of egress shall be provided for every facility and shall comply with the following provisions:

(1) Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is provided by a prime mover-operated electric generator, a delay of not more than ten seconds shall be permitted.

(2) Electric battery-operated emergency lights shall use only reliable types of storage batteries, provided with suitable facilities for maintenance in properly charged conditions.

(3) Emergency lighting facilities shall be arranged to maintain illumination to values of not less than one footcandle measured at the floor for a period of one and one-half hours in the event of failure of normal lighting.

(4) An emergency lighting system shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as any failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities.

NEW SECTION

WAC 212-26-080 SPRINKLER PROTECTION. Complete, approved automatic fire extinguisher protection shall be provided throughout all hospice care centers. The main sprinkler control valve(s) shall be electrically supervised and the system electrically interconnected with the fire alarm system. The fire department connection shall be located as directed by the fire chief.

NEW SECTION

WAC 212-26-085 FIRE AND EVACUATION PLAN. The administration of every hospice care center shall have in effect, and available to all supervisory personnel, written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building, when necessary. All employees shall be instructed and kept informed respecting their duties under the plan.

NEW SECTION

WAC 212-26-090 SMOKE CONTROL. Every sleeping room shall have an outside window or outside door arranged and located so that it can be opened from the inside without the use of tools or keys to permit the venting of products of combustion and to permit any occupant to have direct access to fresh air in case of emergency.

**EXCEPTION:** Buildings designed with an engineered smoke control system in accordance with the 1978 edition of National Fire Protection Association Pamphlet 90A need not comply with this requirement.

NEW SECTION

WAC 212-26-095 FIRE DRILLS. At least twelve fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarm. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions, except that the movement of infirm or bedridden patients to safe areas is not required.

NEW SECTION

WAC 212-26-100 EQUIPMENT MAINTENANCE. Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other items or equipment required by this regulation or the applicable building and/or fire codes shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturer's recommendations and/or at sufficient intervals to assure reliability. Records of all tests and inspections shall be maintained for review. Tests and inspections shall be under the supervision of a responsible person.

NEW SECTION

WAC 212-26-105 SEVERABILITY. If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected.

**WSR 82-07-076****ADOPTED RULES****PARKS AND****RECREATION COMMISSION**

[Order 56—Filed March 23, 1982]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to commission police powers granted to certain employees, WAC 352-32-020.

This action is taken pursuant to Notice No. WSR 82-02-069 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 43.51.040 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 15, 1982.

By Robert T. McCoy  
Rules CoordinatorREPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-32-020 POLICE POWERS GRANTED TO CERTAIN EMPLOYEES.

**WSR 82-07-077****ADOPTED RULES****PARKS AND****RECREATION COMMISSION**

[Order 57—Filed March 23, 1982]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to duties of the commission chairman and the conduct of commission meetings, WAC 352-04-010.

This action is taken pursuant to Notice No. WSR 82-04-033 filed with the code reviser on January 27, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.060 and 42.30.070 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 March 15, 1982.

By Robert T. McCoy  
Rules Coordinator

AMENDATORY SECTION (Amending Order 47, filed 9/22/80)

WAC 352-04-010 DUTIES OF CHAIRMAN AND CONDUCT OF MEETINGS. (1) The chairman shall call and preside at all regular or special meetings.

(2) The duties of the vice-chairman shall be to preside at all regular or special meetings in the absence of the chairman. In addition, the vice-chairman shall serve as chairman upon his resignation, death, or incapacitation for any reason, and shall so serve until the next regular election, or until the chairman is again able to serve, whichever shall first occur.

(3) The secretary shall cause minutes to be taken and recorded of all regular or special meetings, and shall sign such minutes when transcribed and approved by the commission. In addition, the secretary shall succeed to the offices of vice-chairman or chairman in the same manner and under the same conditions as set forth above for the vice-chairman.

(4) ~~((One))~~ Eight regular meetings shall be held each calendar year, commencing at 9:00 a.m., on the third ((Thursday)) Monday of each month in which a meeting is to be held, unless otherwise called by the chairman or a majority of the commissioners. An annual schedule of the months in which meetings are to be held, and their locations, will be adopted by the commission during the last regular meeting of each calendar year, and will be published each January in the Washington state register, in accordance with RCW 42.30.075.

(5) An annual election shall be conducted for the offices of chairman, vice-chairman, and secretary, at the first regular meeting of every year. The election shall be conducted by written ballot.

(6) The order of business at all regular meetings shall be:

- (a) The call of the roll.
- (b) Minutes of the previous meeting.
- (c) Acceptance of agenda.
- (d) Business of the day.
- (e) Date and location of next meeting.
- (f) Adjournment.

(7) The chairman shall be a voting member of the commission. A majority of the ~~((appointed commissioners))~~ authorized commission membership shall constitute a quorum((, unless otherwise required by law)) for the transaction of business at all regular and special meetings. A majority vote of the commissioners present shall be sufficient to pass or defeat each measure brought to a

vote, ~~((provided there is a quorum present))~~ unless otherwise required by law. When a unanimous vote of the authorized membership of the commission is required by law to pass any measure brought to a vote, the vote of any absent commissioner may be registered by mail, or by telephone; provided that any mailed ballot shall be opened and read, or any telephoned vote shall be communicated during the meeting at which such measure is being considered; and provided further that the chairman shall identify the absent commissioner or commissioners so voting, and that such identification shall be incorporated into the minutes of the meeting.

**WSR 82-07-078**

**ADOPTED RULES**

**PARKS AND**

**RECREATION COMMISSION**

[Order 58—Filed March 23, 1982]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to land acquisition procedure, WAC 352-04-030.

This action is taken pursuant to Notice No. WSR 82-04-057 filed with the code reviser on February 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 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 15, 1982.

By Robert T. McCoy  
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-04-030 LAND ACQUISITION PROCEDURE.

**WSR 82-07-079**

**PROPOSED RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed March 23, 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 adoption of the 1981 American National

Standards Institute (ANSI) A17.1, the safety code for elevators, dumbwaiters, escalators, and moving walks for conveyances installed after July 1, 1982; increasing fees for installation and operating permits and for inspections of conveyances; clarification of the requirements for photoelectric and electric eye devices in WAC 296-81-260; and new rules governing an advisory board on conveyances.

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; also, correspondence relating to this notice and the proposed rules should be addressed to:

Bill O'Hara, Chief  
Elevator Section  
1616-B N.E. 150th  
Seattle, WA 98155  
(206) 367-7635;

that such agency will at 9:00 a.m., Tuesday, May 11, 1982, in the 300 West Harrison Building, Room 412, Seattle, Washington 98119, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Friday, May 14, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 70.87.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 11, 1982, and/or orally at 9:00 a.m., Tuesday, May 11, 1982, Room 412, 300 West Harrison Building, Seattle, Washington 98119.

Dated: March 22, 1982

By: Sam Kinville  
Director

## STATEMENT OF PURPOSE

### Title and Number of Rule Sections:

WAC	
296-81-005	National elevator codes adopted.
296-81-006	National elevator code adopted—1967.
296-81-007	National elevator code adopted.
296-81-008	National elevator code supplement adopted.
296-81-260	Photo electric or electric eye devices.
296-81-990	Advisory board.
296-86-010	Permits for construction, alteration, relocation of installations.
296-86-020	Construction and alteration fee.

296-86-030	Installation fee for personnel elevators, material hoists, and cantilever hoists.
296-86-040	Submission of plans for new installations.
296-86-060	Annual operating permit fees.
296-86-070	Supplemental inspections.
296-86-075	Reinspection fees.
296-86-080	Fee for inspection of regular elevators being used for temporary personnel elevators.
Repealing	
296-81-002	Foreword.
296-81-003	Waiver and variance.

Statutory Authority: RCW 70.87.030.

Summary of the Rules: The rules adopt the 1981 edition of the American National Standards Institute (ANSI) safety code for elevators, dumbwaiters, escalators, and moving walks (ANSI A17.1); clarify the requirements for photoelectric and electric eye devices; increase the fees for inspections of and permits for conveyances; and set up an advisory board.

Description of the Purpose of the Rules: The 1981 edition of ANSI A17.1 will ensure that conveyances in Washington are constructed and installed in conformance with the latest applicable standards. The fee increase will enable the department to cover the costs of its inspections and of administering and enforcing the law. The advisory board is set up at the request of the conveyance industry to enable the industry to communicate more effectively with the department.

Reasons Supporting the Proposed Rules: The current edition of ANSI A17.1 does not incorporate the latest construction techniques and safety requirements. The department needs an increase in fees to cover the costs of inflation. The advisory board will improve communication between the department and the regulated industry.

The Agency Personnel Responsible for the Drafting: Thornton Wilson, Assistant Attorney General, 300 West Harrison, #504, Seattle, WA 98119, 464-6436; Implementation and Enforcement: Bill O'Hara, Chief, Elevator Section, 1616-B N.E. 150th, Seattle, WA 98155, 367-7635.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rules: The department must increase its fees in order to cover the costs of administering and enforcing the elevator laws.

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

Any Other Information that may Help Identify the Rule or its Purpose: None.

AMENDATORY SECTION (Amending an order effective 11/11/63)

WAC 296-81-005 NATIONAL ELEVATOR CODES ADOPTED. (1) American Standard Safety Code for Elevators, Dumbwaiters

and Escalators A17.1 1960 shall apply to all ((new installations)) elevators, dumbwaiters, and escalators installed between November 1, 1963, and December 29, 1967.

(2) American Standard Safety Code Rules for Moving Walks A.S.A. 17.1.13 1962((-This)) shall apply to all ((installations)) moving walks installed between November 1, 1963, and December 29, 1967.

(3) ((Safety Standards for Belt Manlifts adopted by department of labor and industries, safety division and was effective December 1, 1962. [Chapter 296-82 W.A.C.] This for new installations.

(4)) Part X of A.S.A. A17.1 1960 Maintenance shall apply to ((existing)) installations in existence on November 1, 1963.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70)

WAC 296-81-006 NATIONAL ELEVATOR CODE ADOPTED-1967. USAS STANDARD A 17.1-1965 "Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks" (Revision and Consolidation of A17.1-1-1960, A17.1a-1963, and A17.1-13-1962) plus Supplement USAS-A17.1a-1967, USAS A17.1b-1968, USAS A17.1c-1969 (excluding Appendix E) and ANSI A17.1d-1970 shall apply to all elevators, dumbwaiters, escalators, and moving walks installed from December 30, 1967, through February 24, 1972.

AMENDATORY SECTION (Amending Order 72-2, filed 2/25/72)

WAC 296-81-007 NATIONAL ELEVATOR CODE ADOPTED. (1) The American National Standard Safety Code for elevators, dumbwaiters, escalators and moving walks, American National Standards Institute A17.1, as amended or revised through the year 1971, are hereby adopted as the standards for compliance in this state for elevators, dumbwaiters, escalators, and moving walks ((and by this reference such standards are incorporated herein as though fully set forth. A full, complete and accurate copy of the American National Standards Institute A17.1 for elevators, dumbwaiters, escalators and moving walks will be at all times available in the offices of the Elevator Section of the Division of Building and Construction Safety Inspection Services, of the Department of Labor and Industries at Olympia and available during business hours at such office for public inspection and review)) installed from February 25, 1972, through May 1, 1982.

(2) The American National Standard Safety Code for elevators, dumbwaiters, escalators, and moving walks, ANSI A17.1, 1981 edition, is hereby adopted as the standards for elevators, dumbwaiters, escalators, and moving walks installed after July 1, 1982.

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-81-008 NATIONAL ELEVATOR CODE SUPPLEMENT ADOPTED. The American National Standard Supplement to Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, A17.1-1971, ANSI A17.1a-1972 is hereby adopted as additional standards for compliance in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through May 1, 1982, and by this reference such standards are incorporated herein as though fully set forth. Copies of this supplement may be obtained from The American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-81-260 PHOTO ELECTRIC OR ELECTRIC EYE DEVICES. An elevator((s)) equipped with a photo electric or electric eye device((s)) for reopening of the car and hoistway doors shall be provided with a means that will automatically bypass the light ray ((in case of its failure)) until the doors are fully closed if the elevator fails or if the doors become inoperative due to smoke or other abnormal conditions within 20 seconds after normal door opening time((-PROVIDED, That)). Upon a sufficient showing of need by a hospital or a nursing home, the department may authorize an automatic bypass means that will cause the doors to close within ((a time period of up to)) 35 seconds after normal door open time.

NEW SECTION

WAC 296-81-990 ADVISORY BOARD. (1) There is created an advisory board on conveyances. The board shall be composed of five persons appointed by the director of labor and industries with the advice of the chief of the elevator section. The first board members shall serve the following terms:

- (a) One member shall serve for one year;
(b) One member shall serve for two years;
(c) One member shall serve for three years; and
(d) Two members shall serve for four years.

After the first terms, all members shall serve for four years.

(2) The board shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief of the elevator section. The board members shall serve without per diem or travel expenses.

(3) The purposes of the board are to advise the department on: Adoption of codes and rules that apply to conveyances; methods for enforcing and administering the elevator law, chapter 70.87 RCW; and matters of concern to the industry and to owners and users of conveyances.

(4) The chief of the elevator section shall act as secretary for the board.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 296-81-002 FOREWORD.
(2) WAC 296-81-003 WAIVER AND VARIANCE.

AMENDATORY SECTION (Amending Order 70-5, filed 6/2/70)

WAC 296-86-010 PERMITS FOR CONSTRUCTION, ALTERATION, RELOCATION OF INSTALLATIONS. Before a permit is issued for the construction, alteration, relocation, or installation of a conveyance subject to the provisions of this act, application for such a permit shall be made to the ((supervisor)) department accompanied by ((a)) the fee ((as)) set forth in the appropriate fee schedule in this ((section)) chapter. No work shall be done until the permit has been issued. Construction and alteration permits shall be valid for one year from date of issue. Renewals may be obtained for one dollar for each permit. No permit or fee shall be required for ordering repairs and replacement of damaged, broken, or worn parts necessary for normal maintenance and no permit or fee shall be required for any conveyance exempted by RCW 70.87.200.

AMENDATORY SECTION (Amending Order 70-5, filed 6/2/70)

WAC 296-86-020 CONSTRUCTION AND ALTERATION FEE. The construction and alteration fee schedule shall be:

Table with 2 columns: TOTAL COST and FEE. Rows include fee schedules for various cost ranges from \$250.00 to over \$100,001.

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-86-030 INSTALLATION FEE FOR PERSONNEL ELEVATORS, MATERIAL HOISTS, AND CANTILEVER HOISTS. The fee for the installation of each personnel elevator, material hoist, and cantilever hoist shall be \$((45-00))60.00.

AMENDATORY SECTION (Amending Order 74-36, filed 10/1/74)

WAC 296-86-040 SUBMISSION OF PLANS FOR NEW INSTALLATIONS. Plans shall be submitted in duplicate to the elevator

section prior to construction for approval in accordance with the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A 17.1-((+97+))1981.

**AMENDATORY SECTION** (Amending Order 76-37, filed 12/3/76)

**WAC 296-86-060 ANNUAL OPERATING PERMIT FEES.** Fees for annual operation shall be paid in accordance with the following schedule and no operating permit shall be issued for the operation of a conveyance until such fees have been received.

CONVEYANCE	ANNUAL FEE
Each passenger elevator .....	\$((45.00)) 60.00
Each freight elevator .....	((45.00)) 60.00
Each sidewalk freight elevator .....	((45.00)) 60.00
Each hand power freight elevator .....	((15.00)) 20.00
Each hand power manlift .....	((20.00)) 26.00
Each incline lift .....	((45.00)) 60.00
Each belt manlift .....	((45.00)) 60.00
Each boat launching elevator .....	((45.00)) 60.00
Each auto parking elevator .....	((45.00)) 60.00
Each escalator .....	((40.00)) 52.00
Each moving walk .....	((40.00)) 52.00
Each dumbwaiter .....	((15.00)) 20.00
Each people mover .....	((35.00)) 45.00
Each stair lift .....	((10.00)) 13.00
Each wheel chair lift .....	((10.00)) 13.00
Each personnel elevator .....	((45.00)) 60.00
Each material hoist .....	((45.00)) 60.00
Each cantilever hoist .....	((45.00)) 60.00

**AMENDATORY SECTION** (Amending Order 76-37, filed 12/3/76)

**WAC 296-86-070 SUPPLEMENTAL INSPECTIONS.** Any person, firm, corporation or governmental agency may secure supplemental inspections of conveyances by paying to the ((division)) department a fee of \$((+0))235.00 per day plus the standard per diem and mileage allowed by the ((division)) department to its inspectors.

**AMENDATORY SECTION** (Amending Order 76-37, filed 12/3/76)

**WAC 296-86-075 REINSPECTION FEES.** No fee shall be charged for the yearly inspection or for the initial inspection after installation or alteration. If, however, the conveyance does not meet the requirements of the department, and if another inspection is required to confirm compliance by the person having control over the conveyance with the regulations of the department, then an inspection fee of \$35 per conveyance to be inspected shall be charged for ((such)) the reinspection, and if there is still failure to comply with the rules of the department, a fee of \$40 shall be charged for every ((unit)) conveyance requiring a further reinspection. These fees are in addition to the fees charged under WAC 296-86-020 and must be paid before issuance of an operating permit((-PROVIDED;)). The department may waive the ((assessment-of-a)) reinspection fee where ((reinspection-is not possible due to)), through no fault of the requesting person or agency, or of the person or agency responsible for payment of the reinspection fee, reinspection is not possible; or for other reasons ((which)) that in justice or equity ((should)) obviate the necessity of payment of the reinspection fee.

**AMENDATORY SECTION** (Amending Order 76-37, filed 12/3/76)

**WAC 296-86-080 FEE FOR INSPECTION OF REGULAR ELEVATORS BEING USED AS TEMPORARY PERSONNEL ELEVATORS.** The fee for the inspection and testing of regular elevators for use as temporary personnel elevators shall be \$((45.00))60.00.

**WSR 82-07-080  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 1781—Filed March 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 mandatory monthly reporting, new WAC 388-24-044.

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 45 CFR 233.

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 March 22, 1982.

By David A. Hogan  
Director, Division of Administration

**NEW SECTION**

**WAC 388-24-044 MANDATORY MONTHLY REPORTING.** (1) As a condition of continuing eligibility for AFDC and RA, the recipient must return to the department a completed monthly status report (MSR) by the fifth day of the month following the month for which the MSR describes the household circumstances.

(2) Failure to return a completed MSR by the fifth day of the month shall result in termination except as provided in subsection (3) of this section.

(3) If the recipient furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (2) of this section, the department shall:

- (a) Accept the replacement form; and
- (b) Reinstate assistance if the information on the replacement form indicates the recipient is still eligible.

(4) If the information on the replacement form indicates the recipient is ineligible or eligible for an amount

less than the prior month's payment, the department must notify the recipient according to chapter 388-33 WAC.

(5) These rules shall apply only to selected recipients in the Kent and Olympia CSOs as selected by the department.

**WSR 82-07-081**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
[Filed March 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning the method of calculating eligibility for supplemental benefits for participants in the TIAA/CREF retirement annuity program, clarifying use of the term "surviving spouse" for that purpose and removing a restriction on the manner in which a retiree may receive pension benefits;

that such agency will at 10:00 a.m., Thursday, May 6, 1982, in the Columbia Basin College, 2600 North 20th, Pasco, 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 28B.10.400(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 5, 1982, and/or orally at 10:00 a.m., Thursday, May 6, 1982, Columbia Basin College, 2600 North 20th, Pasco, WA.

This notice is connected to and continues the matter in Notice Nos. WSR 81-24-065 and 82-05-031 filed with the code reviser's office on December 2, 1981 and February 16, 1982.

By: Gilbert J. Carbone  
Assistant Director

**WSR 82-07-082**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 82-20—Filed March 23, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

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 personal use of commercially caught sturgeon goes unrecorded and management of fishery require notification of resource

utilization. Egg sales without carcass present does not insure the caught fish were of legal size.

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 23, 1982.

By Gary C. Alexander  
for Rolland A. Schmitten  
Director

NEW SECTION

WAC 220-20-02100A SALE OF COMMERCIALLY CAUGHT STURGEON. (1) It shall be unlawful for any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW to:

(a) Keep any sturgeon he takes under such license for personal use; or

(b) Sell any sturgeon he takes under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers; or

(c) Sell, barter or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time the sturgeon is sold under section (1)(b) above.

(2) It shall be unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

**WSR 82-07-083**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
[Memorandum, Director—March 23, 1982]

The Washington State Planning and Community Affairs Agency will be holding public meetings to discuss a proposed plan for administering the Small Cities Community Development Block Grant (CDBG) program in the event that the state assumes responsibility for it from the U.S. Department of Housing and Urban Development. The governor must decide by May 7, 1982 if the state will accept the administration of the program. Copies of the proposed plan will be mailed to all eligible

cities and counties in April for their review and comments. The meetings will begin at 10:00 a.m. on the dates and at the locations noted below. For further information about the meetings, or the CDBG program, please contact Nick Turnbull at (206) 753-2223 or scan 234-2223.

April 28, Moses Lake, Big Bend Community College, Basement Library Room, 28th and Chanute; and Mount Vernon, PUD #1, Meeting Room, 1415 Freeway Drive.

April 29, Spokane, Sheriff's Training Room, Public Safety Building, West 1100 Mallon; and Longview, Parks and Recreation Department, The McClellan Arts Center, 951 Delaware.

**WSR 82-07-084**  
**PROPOSED RULES**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
**(Drug Abuse Prevention Office)**

[Filed March 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Planning and Community Affairs Agency intends to adopt, amend, or repeal rules concerning the state drug abuse prevention program; Title 167 WAC Drug abuse prevention office; WAC 167-040-010 Office purpose; WAC 167-040-030 Office organization; WAC 167-040-050 Appearance and practice before office—Who may appear; WAC 167-060-010 Purpose of chapter; WAC 167-060-020 Availability of public records and office procedures applicable to such availability; and WAC 167-080-010 Uniform procedural rules.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, April 27, 1982, in the Planning and Community Affairs Agency, Fifth Floor, Ninth and Columbia Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 42.17.250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 27, 1982.

Dated: March 16, 1982

By: Karen Rahm  
Director

**STATEMENT OF PURPOSE**

Title: Drug Abuse Prevention Office, Title 167 WAC.  
Summary of Rule and Reasons Supporting the Proposed Action: Title 167 WAC relates to the general procedures, public records, and uniform procedural rules of the Drug Abuse Prevention Office. This office was transferred to the Department of Social and Health Services in 1977 and has adopted rules under the rule-making authority of that department. Title 167 WAC, therefore, is both inaccurate and unnecessary.

Agency Personnel Responsible for Drafting Rule Action: Karen Rahm, Director, Planning and Community

Affairs Agency, Ninth and Columbia Building, MS GH-51, Olympia, Washington 98504, (206) 753-2200.

Name of Person or Organization Proposing the Rule Change: Planning and Community Affairs Agency, on behalf of the Office of the Governor.

Agency Comments or Recommendations: No further comments or recommendations.

This action is not necessary as the result of federal law or federal or state court action.

**REPEALER**

Chapter 167-04 of the Washington Administrative Code is repealed as follows:

- (1) WAC 167-04-010 OFFICE PURPOSE.
- (2) WAC 167-04-030 OFFICE ORGANIZATION.
- (3) WAC 167-04-050 APPEARANCE AND PRACTICE BEFORE OFFICE—WHO MAY APPEAR.

**REPEALER**

Chapter 167-06 of the Washington Administrative Code is repealed as follows:

- (1) WAC 167-06-010 PURPOSE OF CHAPTER.
- (2) WAC 167-06-020 AVAILABILITY OF PUBLIC RECORDS AND OFFICE PROCEDURES APPLICABLE TO SUCH AVAILABILITY.

**REPEALER**

Chapter 167-08 of the Washington Administrative Code is repealed as follows:

- WAC 167-08-010 UNIFORM PROCEDURAL RULES.

**WSR 82-07-085**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 82-5—Filed March 24, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to purpose, WAC 392-139-005.

This action is taken pursuant to Notice No. WSR 82-05-026 filed with the code reviser on February 11, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.52-.0531 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 23, 1982.

By Frank B. Brouillet  
Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 81-31, filed 9/29/81)

**WAC 392-139-005 PURPOSE.** The purpose of WAC 392-139-010 through (~~{392-139-038}~~ ~~{392-139-036}~~) 392-139-038 is to establish the exclusive means for fixing the maximum dollar amount of taxes which may be levied on property and collected on behalf of any school district in a given tax year for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531. These rules shall be effective for calculation of taxes collected in calendar years 1982 and 1983.

**WSR 82-07-086**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
 [Order FT 82-1—Filed March 24, 1982]

I, Donald Burrows, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to private forest land grades according to species and site index, amending WAC 458-40-19300.

This action is taken pursuant to Notice No. WSR 82-04-067 filed with the code reviser on February 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.33.120 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 March 24, 1982.

By John B. Conklin  
 Supervisor, Forest Tax

**AMENDATORY SECTION** (Amending Order FT 80-4, filed 12/1/80)

**WAC 458-40-19300 PRIVATE FOREST LAND GRADES ACCORDING TO SPECIES AND SITE INDEX.** Notwithstanding the provisions of WAC 458-40-020, those counties that have received certification of their forest land grades by the department of revenue as

required by RCW 84.33.110 through 84.33.118, the following shall constitute the conversion of species and site indices to forest land grades:

**WASHINGTON STATE PRIVATE FOREST LAND GRADES**

Species	(Site Index	Land Grade	
<b>WESTSIDE</b>			
Douglas Fir	136 ft. and over	1	
	118-135 ft.	2	
	99-117 ft.	3	
	84-98 ft.	4	
	under 84 ft.	5	
Western Hemlock	136 ft. and over	1	
	116-135 ft.	2	
	98-115 ft.	3	
	83-97 ft.	4	
	68-82 ft.	5	
	under 68 ft.	6	
Red Alder	117 ft. and over	6	
	under 117 ft.	7	
	MFP & NC #2	8	
<b>EASTSIDE</b>			
Douglas Fir	137 ft. and over	*1 3	
&	120-136 ft.	*1 4	
Ponderosa	95-119 ft.	*1 5	
Pine	69-94 ft.	*1 6	
	under 69 ft.	*1 7	
	MFP & NC	*2 8	
))			
<b>SPECIES</b>	<b>SITE INDEX</b>	<b>LAND GRADE</b>	
<b>WESTSIDE</b>	Douglas Fir	136 ft. and over	1
		118-135 ft.	2
		99-117 ft.	3
		84-98 ft.	4
		under 84 ft.	5
	Western Hemlock	136 ft. and over	1
		116-135 ft.	2
		98-115 ft.	3
		83-97 ft.	4
		68-82 ft.	5
		under 68 ft.	6
	Red Alder	117 ft. and over	6
		under 117 ft.	7
		MFP	7 or 8
		NC	*2 8
			*3
<b>EASTSIDE</b>	Douglas Fir	140 ft. and over	3
	&	120-139 ft.	4
	Ponderosa	96-119 ft.	5
	Pine	70-95 ft.	6
		under 70 ft.	7
		MFP	7 or 8
		NC	*2 8
			*3

\*1 These are the site indices for 100% stocked stands. Stands with lower stocking levels would require higher site indices to occur in the same land grade.

\*2 (MFP) Marginal Forest Productivity will be land grade 7 operability class 3, in the following townships. All MFP in other townships will be land grade 8.

#### WESTERN WASHINGTON

Whatcom County – All townships east of Range 6 East, inclusive.

Skagit County – All townships east of Range 7 East, inclusive.

Snohomish County – All townships east of Range 8 East, inclusive.

King County – All townships east of Range 9 East, inclusive.

Pierce County – T15N, R7E; T16N, R7E; T17N, R7E; T18N, R7E; T19N, R9E; T19N, R10E; T19N, R11E.

#### EASTERN WASHINGTON

Chelan County – All townships west of Range 17 East, inclusive.

Kittitas County – All townships west of Range 15 East, inclusive.

Yakima County – All townships west of Range 14 East, inclusive.

\*3 (NC) Non Commercial

#### **WSR 82-07-087**

#### **EMERGENCY RULES ENERGY OFFICE**

[Order 82-1—Filed March 24, 1982]

I, Richard H. Watson, acting director of the Washington State Energy Office, do promulgate and adopt at 400 East Union Avenue, Olympia, WA, the annexed rules relating to fees for the perpetual care and maintenance of radioactive waste management facilities, chapter 194-16 WAC.

I, Richard H. Watson, 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 assure the perpetual care and maintenance of radioactive waste management facilities and thereby protect the public health, safety, and welfare, an adequate fund supported by fees is necessary. The existing fund and fee structure has been determined to be inadequate and the procedures for collecting the fees are not formalized. Therefore, the office must promulgate these rules immediately to formalize the collection procedures and assure financing for perpetual care and maintenance.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.21F.075(2) 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 24, 1982.

By Richard H. Watson  
Acting Director

#### *Chapter 194-16 WAC* **FEES—RADIOACTIVE WASTE MANAGEMENT FACILITIES**

#### NEW SECTION

WAC 194-16-010 PURPOSE AND SCOPE. *The proper perpetual care and maintenance of radioactive waste management facilities is required to protect the public health, safety, and welfare. This chapter establishes the fees charged by the Washington state energy office for financing the necessary perpetual care and maintenance of radioactive waste management facilities. Promulgation of this regulation is further intended to satisfy the state's financial responsibilities to the United States government pursuant to the perpetual care agreement executed July 29, 1965.*

#### NEW SECTION

WAC 194-16-020 AUTHORITY. *This chapter is promulgated by the state energy office pursuant to authority granted in RCW 43.21F.045 and 43.21F.075.*

#### NEW SECTION

WAC 194-16-030 DEFINITIONS. (1) "Facility" means any site, location, structure, or property used or to be used for the storage, disposal, or burial of radioactive materials or waste, which lies within the one hundred acre tract described in the perpetual care agreement between the state of Washington and the United States government executed July 29, 1965.

(2) "Office" means the Washington state energy office.

(3) "Perpetual care and maintenance" means the activities necessary to stabilize and secure a closed facility during the perpetual care period, including but not limited to: Trench stabilization; upkeep of erosion control measures, fences, and warning signs; and sampling of monitor wells.

(4) "Sublease" means a party to a sublease with the state of Washington for a portion of the one thousand acres of land, as described in the state's lease with the United States government executed September 10, 1964, lying within the Hanford Reservation.

#### NEW SECTION

WAC 194-16-040 PERPETUAL CARE AND MAINTENANCE FEE. (1) Any sublessee of the state

who stores, disposes, or buries radioactive materials or waste at a facility shall pay a perpetual care and maintenance fee.

(2) The perpetual care and maintenance fee shall be one dollar seventy-five cents per cubic foot of radioactive material or waste buried or permanently stored at a facility.

#### NEW SECTION

WAC 194-16-050 PCM FEE—METHOD OF PAYMENT. (1) The perpetual care and maintenance fee shall be due on a quarterly basis for the quarters ending January 15, April 15, July 15, and October 15. All perpetual care and maintenance fee payments shall be paid within forty-five days after the due date.

(2) Perpetual care and maintenance payments shall be by check, draft, or money order payable to the Washington state energy office.

#### NEW SECTION

WAC 194-16-060 PCM FEE—DISPOSITION. (1) Upon receipt of perpetual care and maintenance fee payments, the office shall transmit such payments to the state treasurer for deposit in the perpetual maintenance account authorized by RCW 43.21F.075(2).

(2) Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account.

(3) The office shall maintain a segregated account of perpetual care and maintenance fee payments which are deposited in the perpetual maintenance account.

(4) The office, in consultation with the state radiation control agency, shall periodically evaluate the perpetual care and maintenance fee to determine whether it will provide adequate financing to assure perpetual care and maintenance of a closed facility. Any adjustments to the fees shall be made by rule adopted pursuant to chapter 34.04 RCW.

#### NEW SECTION

WAC 194-16-070 SEVERABILITY. If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

**WSR 82-07-088**  
**PROPOSED RULES**  
**ENERGY OFFICE**  
 [Filed March 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Energy Office intends to adopt, amend, or repeal rules concerning the imposition of fees to finance the perpetual care and maintenance of closed radioactive waste management facilities and adding a new chapter to Title 194 WAC;

that such agency will at 1:30 p.m., Tuesday, April 27, 1982, in the Federal Building, Room G-53, Richland, Washington, and at 10:00 a.m., Wednesday, April 28, 1982, in the Conference Room at the Washington State Energy Office, Olympia, Washington, conduct hearings relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, May 7, 1982, in the Conference Room at the Washington State Energy Office, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.21F.045 and 43.21F.075(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 3, 1982, and/or orally at the hearings above.

Dated: March 24, 1982  
 By: Richard H. Watson  
 Acting Director

#### STATEMENT OF PURPOSE

**Purpose and Implementation:** The purpose of these rules is to add a new chapter to Title 194 WAC, to provide for collection of fees to finance the perpetual care and maintenance of closed radioactive waste management facilities as required by RCW 43.21F.075. The proposed rules adjust and codify the procedures and fees which have been established through leasing negotiations.

**Adopting Agency:** Washington State Energy Office.

**Statutory Authority:** RCW 43.21F.045 and 43.21F.075.

**Summary of Rules and Reasons Therefore:** These rules add a new chapter to Title 194 WAC to implement the State Energy Office's responsibility to provide, by rule, for the financing of perpetual care and maintenance of closed radioactive waste management facilities. The rules establish the perpetual care and maintenance fee and establish procedures for payment, deposit, and adjustment.

**Agency Personnel Responsible for Drafting:** Richard H. Watson, Director, Washington State Energy Office, 400 East Union Avenue, Olympia, WA 98504, 754-0701; and Ed McGuire, Washington State Energy Office, 400 East Union Avenue, Olympia, WA 98504, 754-0795; **Implementation** Dave Sjoding, Assistant Director, Washington State Energy Office, 400 East Union Avenue, Olympia, WA 98504, 754-0704; and **Enforcement:** Personnel listed above and subordinates.

**Proponent:** The proposed rules were initiated by the State Energy Office in response to statutory direction. No opponents are known.

**Agency Comment:** The rules are necessary to assure adequate financing of perpetual care and maintenance activities and to comply with statutory mandate.

Chapter 194-16 WAC  
 FEES—RADIOACTIVE WASTE MANAGEMENT FACILITIES

#### NEW SECTION

WAC 194-16-010 PURPOSE AND SCOPE. The proper perpetual care and maintenance of radioactive waste management facilities is required to protect the public health, safety, and welfare. This chapter

establishes the fees charged by the Washington state energy office for financing the necessary perpetual care and maintenance of radioactive waste management facilities. Promulgation of this regulation is further intended to satisfy the state's financial responsibilities to the United States government pursuant to the perpetual care agreement executed July 29, 1965.

#### NEW SECTION

WAC 194-16-020 **AUTHORITY.** This chapter is promulgated by the state energy office pursuant to authority granted in RCW 43.21F.045 and 43.21F.075.

#### NEW SECTION

WAC 194-16-030 **DEFINITIONS.** (1) "Facility" means any site, location, structure, or property used or to be used for the storage, disposal, or burial of radioactive materials or waste, which lies within the one hundred acre tract described in the perpetual care agreement between the state of Washington and the United States government executed July 29, 1965.

(2) "Office" means the Washington state energy office.

(3) "Perpetual care and maintenance" means the activities necessary to stabilize and secure a closed facility during the perpetual care period, including but not limited to: Trench stabilization; upkeep of erosion control measures, fences, and warning signs; and sampling of monitor wells.

(4) "Sublease" means a party to a sublease with the state of Washington for a portion of the one thousand acres of land, as described in the state's lease with the United States government executed September 10, 1964, lying within the Hanford Reservation.

#### NEW SECTION

WAC 194-16-040 **PERPETUAL CARE AND MAINTENANCE FEE.** (1) Any subleasee of the state who stores, disposes, or buries radioactive materials or waste at a facility shall pay a perpetual care and maintenance fee.

(2) The perpetual care and maintenance fee shall be one dollar seventy-five cents per cubic foot of radioactive material or waste buried or permanently stored at a facility.

#### NEW SECTION

WAC 194-16-050 **PCM FEE—METHOD OF PAYMENT.** (1) The perpetual care and maintenance fee shall be due on a quarterly basis for the quarters ending January 15, April 15, July 15, and October 15. All perpetual care and maintenance fee payments shall be paid within forty-five days after the due date.

(2) Perpetual care and maintenance payments shall be by check, draft, or money order payable to the Washington state energy office.

#### NEW SECTION

WAC 194-16-060 **PCM FEE—DISPOSITION.** (1) Upon receipt of perpetual care and maintenance fee payments, the office shall transmit such payments to the state treasurer for deposit in the perpetual maintenance account authorized by RCW 43.21F.075(2).

(2) Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account.

(3) The office shall maintain a segregated account of perpetual care and maintenance fee payments which are deposited in the perpetual maintenance account.

(4) The office, in consultation with the state radiation control agency, shall periodically evaluate the perpetual care and maintenance fee to determine whether it will provide adequate financing to assure perpetual care and maintenance of a closed facility. Any adjustments to the fees shall be made by rule adopted pursuant to chapter 34.04 RCW.

#### NEW SECTION

WAC 194-16-070 **SEVERABILITY.** If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

### WSR 82-07-089

#### PROPOSED RULES

### DEPARTMENT OF AGRICULTURE

[Filed March 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning seed assessment fees, chapter 16-304 WAC;

that such agency will at 1:00 p.m., Friday, April 30, 1982, in the Franklin County PUD Auditorium, 1411 West Clarke Street, Pasco, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Wednesday, May 5, 1982, in the Director's Office.

The authority under which these rules are proposed is RCW 15.49.310, 15.49.370 and 15.49.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 30, 1982, and/or orally at 1:00 p.m., Friday, April 30, 1982, Franklin County PUD Auditorium, 1411 West Clarke Street, Pasco, WA.

Dated: March 24, 1982

By: Michael V. Schwisow  
Deputy Director

#### STATEMENT OF PURPOSE

Title: WAC 16-304-110 Annual seed inspection charge and 16-304-130 Effective dates.

Description of Purpose: To provide a consumer protection program which requires inspection of seed sold in this state for compliance with truth-in labeling provisions of the Seed Act and provides for corrective action against those not in compliance. These assessment fees based on dollar sales are to support this consumer protection program.

Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400.

Summary of Rule: Assesses a fee on dollar sales to support a consumer protection program.

Reasons for Supporting Proposed Action: Amendments will extend the seed assessment for another two years in or to continue the consumer protection program.

Agency Personnel Responsible for Drafting, Implementing and Enforcing Rules: Max G. Long, Chief, Seed Branch, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750.

Person or Organization Supporting Rule: Washington State Department of Agriculture.

Agency Comments: None.

Whether Rule is a Result of Federal Law or Court Action: No.

AMENDATORY SECTION (Amending Order No. 1683, filed 5/30/80)

WAC 16-304-110 **ANNUAL SEED INSPECTION CHARGE.** Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington state seed act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of 10 cents per one

hundred dollars gross annual dollar sales in excess of \$10,000 of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, (~~(1980)~~) 1981 through June 30, (~~(1981)~~) 1982 shall be due August 1, (~~(1981)~~) 1982 and payable by February 1, (~~(1982)~~) 1983. The assessment fees for the period beginning July 1, (~~(1981)~~) 1982 through June 30, (~~(1982)~~) 1983 shall be due August 1, (~~(1982)~~) 1983 and payable by February 1, (~~(1983)~~) 1984.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of \$10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

**AMENDATORY SECTION** (Amending Order No. 1683, filed 5/30/80)

**WAC 16-304-130 EFFECTIVE DATES.** This regulation is effective through June 30, (~~(1982)~~) 1984. Between January 1, (~~(1982)~~) 1984 and March 1, (~~(1982)~~) 1984, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under (~~(the)~~) the authority of (~~(chapters)~~) chapter 42.30, the open public meetings act, and chapter 34.04 RCW, the administrative (~~(Procedures Acts)~~) procedure act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.

### WSR 82-07-090

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning the basic fee charged for the brand inspection of cattle and calves;

that such agency will at 8:00 p.m./8:00 p.m., Wednesday/Thursday, April 28, 1982/April 29, 1982, in the WSU SW Washington Research Unit, 1918 N.E. 78th Street, Vancouver/PUD of Klickitat County, 1313 South Columbus, Goldendale, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, April 30, 1982, in the Office of the Director of Agriculture, 406 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 16.57.220.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 29, 1982, and/or orally at 8:00 p.m./8:00 p.m., Wednesday/Thursday, April 28,

1982/April 29, 1982, WSU SW Washington Research Unit, 1918 N.E. 78th Street, Vancouver, WA/PUD of Klickitat County, 1313 South Columbus, Goldendale, WA.

Dated: March 24, 1982

By: Mike Willis  
Assistant Director

#### STATEMENT OF PURPOSE

Title: Relating to brand inspection.

Purpose: Decrease fee for brand inspection of cattle and calves at public livestock markets in Oregon which are established as brand inspection points for Washington.

Agency: Department of Agriculture.

Statutory Authority: Chapter 16.57 RCW.

Summary: The basic fee for the brand inspection of cattle and calves is 45¢ per head. By cooperative agreement with the Oregon Department of Agriculture, the Washington Department of Agriculture maintains brand inspection at three public livestock markets in Oregon which are located near the Washington/Oregon border and are utilized to a great extent by Washington producers. Due to recent changes in the Oregon Brand Law, the cooperative agreement between the states has been revised and those revisions make a reduction in the fee charged from brand inspection at the Oregon sales yards appropriate. The proposed reduction is to 30¢ per head.

Agency Personnel to Contact: Mike Willis, Assistant Director, Department of Agriculture, Regulatory Services Division, Union Avenue Building, EK-22, Olympia, WA 98504, (206) 753-5065.

Agency Comments: None.

Proponents: Department of Agriculture.

Opponents: Unknown.

**AMENDATORY SECTION** (Amending Order 1748, filed September 9, 1981)

**WAC 16-96-130 BRAND INSPECTION FEES.** The fee for inspecting cattle and calves of or for brands, and/or any other method of identifying cattle and calves, shall be forty-five cents per head(;;), except at those public livestock markets in Oregon, which are declared to be brand inspection points for Washington, where the fee shall be thirty cents per head.

### WSR 82-07-091

#### PROPOSED RULES

#### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Service intends to adopt, amend, or repeal rules concerning mandatory monthly reporting, new WAC 388-24-044.

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-33 C  
Olympia, WA 98504

(5) These rules shall apply only to selected recipients in the Kent and Olympia CSOs as selected by the department.

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 April 14, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 23, 1982

By: David A. Hogan  
Director, Division of Administration

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

New WAC 388-24-044 Mandatory monthly reporting.

The purpose of the rule or rule change is to require monthly reporting of circumstances by selected AFDC and refugee assistance recipients.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule is: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31 C, 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.

#### NEW SECTION

WAC 388-24-044 MANDATORY MONTHLY REPORTING.

(1) As a condition of continuing eligibility for AFDC and RA, the recipient must return to the department a completed monthly status report (MSR) by the fifth day of the month following the month for which the MSR describes the household circumstances.

(2) Failure to return a completed MSR by the fifth day of the month shall result in termination except as provided in subsection (3) of this section.

(3) If the recipient furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (2) of this section, the department shall:

(a) Accept the replacement form; and

(b) Reinstate assistance if the information on the replacement form indicates the recipient is still eligible.

(4) If the information on the replacement form indicates the recipient is ineligible or eligible for an amount less than the prior month's payment, the department must notify the recipient according to chapter 388-33 WAC.

#### WSR 82-07-092 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed March 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning WAC 480-80-125 relating to notice by utilities to customers concerning hearing. The proposed amendatory section is shown with the original notice of which this is a continuation, Cause No. U-82-03. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, May 5, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 30, 1982, and/or orally at 8:00 a.m., Wednesday, May 5, 1982, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

This notice is connected to and continues the matter in Notice No. WSR 82-05-047 filed with the code reviser's office on February 17, 1982.

Dated: March 24, 1982

By: Barry M. Mar  
Secretary

#### WSR 82-07-093 PROPOSED RULES PUBLIC DISCLOSURE COMMISSION

[Filed March 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

- |     |                |   |
|-----|----------------|---|
| Amd | WAC 390-16-011 | Registration statement for candidates and committees.                                     |
| Amd | WAC 390-16-031 | Forms for statement of contributions deposit.   |
| Amd | WAC 390-16-036 | Form for reporting fund raising events.   |
| Amd | WAC 390-16-041 | Forms for summary report of contributions/expenditures.                                   |
| Amd | WAC 390-16-050 | Forms for contributions and expenditures of committees not domiciled in Washington state. |

Amd WAC 390-16-060 Forms for campaign financing—Special reports;

that such agency will at 9:00 a.m., Tuesday, April 27, 1982, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, April 27, 1982, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 27, 1982, and/or orally at 9:00 a.m., Tuesday, April 27, 1982, Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

Dated: March 24, 1982

By: David R. Clark  
for Graham E. Johnson  
Administrator

#### STATEMENT OF PURPOSE

Title: WAC 390-16-011, 390-16-031, 390-16-036, 390-16-041, 390-16-050 and 390-16-060.

Description of Purpose: Adopt PDC forms.

Statutory Authority: RCW 42.17.370(1).

Summary of Rule: Each rule adopts a revised PDC form.

Reasons Supporting Proposed Action: Changes in the public disclosure law.

Agency Personnel Responsible for Drafting and Implementation: Graham E. Johnson, Administrator; and Enforcement: Commission.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Public Disclosure Commission.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: [No information supplied by agency]

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: [No information supplied by agency]

AMENDATORY SECTION (Amending Order 81-04, filed 12/28/81)

WAC 390-16-011 FORMS—REGISTRATION STATEMENT FOR CANDIDATES AND POLITICAL COMMITTEES. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for providing statement of organization by political committees as required by RCW 42.17.040, for designating campaign treasurer and depository as required by RCW 42.17.050, and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting as permitted by RCW 42.17.370(7) and WAC 390-16-115, WAC 390-16-120 or WAC 390-16-150 is hereby adopted for use in reporting to the Public Disclosure Commission. This form, revised ((12/81)) 6/82, shall be designated as "C-1". This form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

REGISTRATION CANDIDATES AND POLITICAL COMMITTEES

C1 P D C C O F F I C I E M E N T R E C V. Date

1. Candidate or Committee Name (Do Not Abbreviate. Include Candidate's Full Name) Address City County Zip

2. Purpose of Committee Office Sought: District, County or City Position No. Political Party, Central Committee, District Club, etc. Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Political Action Committee.

3. Political Party (if partisan office or committee) 4. Date of General or Special Election 5. Is committee a continuing organization? (more than one election)

6. REPORTING SYSTEM TO BE USED. CHOOSE ONE. Option I MINI REPORTING (For candidates only - Not available to political committees) Option II ABBREVIATED REPORTING (For candidates and political committees) Option III FULL REPORTING (For candidates and political committees).

7. Committee Treasurers Name. (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) Daytime Phone no. Address City State Zip

8. Committee's Principal Officers. List name, address and title.

9. Campaign Bank or Depository. (See instructions for additional bank or accounts.) Account No. Address or Branch City State Zip

10. Related or affiliated committees. List name, address and relationship.

11. Place where campaign records are open for public inspection last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Address

12. Statement as to distribution of any surplus campaign funds after the campaign or in the event of dissolution of committee. (Distribution must be reported as an expenditure on C-4 report.) Return to contributors Donate to registered charity Hold for future election campaign Give to other candidates or committee (\$2,000 maximum) Reimburse candidate for loans or lost earnings (substantiation must accompany C-4 which reports payment.) Donate to State General Fund Other; Specify:

13. Fair campaign practices. I have read the Code of Fair Campaign Practices. I (We) will voluntarily comply with the principles of the Code. I (We) do not choose to subscribe to some or all of the provisions of the Code.

14. CERTIFICATE: I certify that the above information is true, complete and correct. Candidate's Signature Date Committee Treasurer's Signature Date

**PUBLIC DISCLOSURE COMMISSION**  
403 EVERGREEN PLAZA  
OLYMPIA, WASHINGTON 98504  
PHONE: 206-753-1111

PDC FORM <b>C-1</b> <small>REV. 12/81</small>	<b>REGISTRATION STATEMENT FOR CANDIDATES AND POLITICAL COMMITTEES</b>
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**INSTRUCTIONS**

*Please consult PDC instruction booklets or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, call or write PDC (telephone 206-753-1111).*

**WHO MUST REPORT**

Candidates who run for office where there are 5,000 or more registered voters' or the office includes an entire county. Political committees which support or oppose those candidates or any ballot proposition.

**WHEN TO REPORT**

**Starting registration**

When becoming a candidate, forming a committee, filing a ballot proposition. If you expect to receive contributions or make expenditures, publicly announce a candidacy, file for office, or reserve space or facilities you must begin reporting

Candidates—at the time you become a candidate  
Other committees—within 2 weeks

**When changes to original C-1 occur**

Within 2 weeks

**Continuing committees using abbreviated reporting.**

Each January  
in addition to above

**WHERE TO REPORT**

**Send original to:**

Public Disclosure Commission  
403 Evergreen Plaza  
Olympia, WA 98504

**Send copies to:**

County Elections Dept. (or County Auditor)  
Candidates—County where candidate lives  
Committees—County where headquarters is located

**REPORTING OPTIONS:**

**Option I. (MINI)** Used by candidates who anticipate a small campaign, spending no more than \$200 plus any filing fee for the office. The expenditure limit includes money spent by the candidate from personal funds. No one except the candidate may contribute more than \$100 to a campaign using mini reporting.

**Option II. (ABBREVIATED)** Used by candidates or committees who will spend no more than \$1,000 during a campaign or calendar year. The \$1,000 maximum includes the candidates own expenditures. No contribution may be over \$100 except a candidates own funds.

**Option III. (FULL)** Larger campaigns and committees report in detail contributions and expenses. There are no dollar limits on contributions or expenditures.

*See instruction booklets for a full explanation of all reports required with each option.*

**OTHER REPORTS:**

**F-1 (financial affairs statement)** Candidates file this report within two weeks of candidacy.

**C-3 and C-3A (bank deposits)** used with FULL reporting only.

**C-4 (summary of total contributions and expenditures)** Not used with MINI reporting. See PDC instruction booklets for times required with ABBREVIATED and FULL Reporting.

**FAIR CAMPAIGN PRACTICES CODE**

This is a voluntary code adopted by PDC to guide candidates and committees concerning fair campaign practice. You are urged to subscribe to and abide by these ethical standards. The codes are printed in PDC instruction booklets.

REGISTRATION CANDIDATES AND POLITICAL COMMITTEES

Y2603

C1	PM Date
	Recv. Date

1. Candidate or Committee Name (Do Not Abbreviate. Include Candidate's Full Name)

Address

City County Zip

2. Purpose of Committee Office Sought District, County or City Position No.

Candidate's Committee

Political Party, Central Committee, District Club, etc. Are you supporting entire party ticket? YES NO If no, attach a list of candidates you support

Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Name or description of ballot measure: Ballot Number FOR AGAINST

Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name:

Other. Explain on attached sheet.

3. Political Party (If partisan office or committee) 4. Date of General or Special Election 5. Is committee a continuing organization? (more than one election) YES NO

6. REPORTING SYSTEM TO BE USED. CHOOSE ONE. If no box is checked, you are obligated to use Option III, Full Reporting.

Option I MINI REPORTING (For candidates only—Not available to political committees) I will limit contributions or expenditures during this campaign to my filing fee of \$..... plus no more than \$200 which includes charges for the voters pamphlet. I will accept no contribution over \$100 from any single source.

Option II ABBREVIATED REPORTING (For candidates and political committees). I (this committee) will use the Abbreviated Reporting System. I (we) will limit aggregate contributions and aggregate expenditures to \$1,000 and will accept no contribution over \$100 from a single source except from the candidate's personal funds.

Option III FULL REPORTING (For candidates and political committees). I (this committee) will use the Full Reporting System.

7. Committee Treasurers Name. (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) Daytime Phone no.

Address City State Zip

8. Committee's Principal Officers. List name, address and title.

*Will provide PROOF with copy.*

9. Campaign Bank or Depository. (See instructions for additional bank or accounts.) Account Number or Name

Address or Branch City State Zip

10. Related or affiliated committees. List name, address and relationship.

11. Place where campaign records are open for public inspection last eight days before election. (Two hours daily between 8 AM - 6 PM, Monday - Friday.) Street Address (Do not use a Post Office Box Number) Hours

12. Statement as to distribution of any surplus campaign funds after the campaign or in the event of dissolution of committee.

(Distribution must be reported as an expenditure on C-4 report.)

- Return to contributors
- Donate to registered charity
- Hold for future election campaign
- Give to other candidates or committee
- Reimburse candidate for loans or lost earnings (substantiation must accompany C-4 which reports payment.)
- Donate to State General Fund
- Other; Specify:

13. Fair campaign practices. I have read the Code of Fair Campaign Practices.

- I (We) will voluntarily comply with the principles of the Code.
- I (We) do not choose to subscribe to some or all of the provisions of the Code.

14. CERTIFICATE: I certify that the above information is true, complete and correct.

Candidate's Signature	Date	Committee Treasurer's Signature	Date
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AMENDATORY SECTION (Amending Order 81-04, filed 12/28/81)

WAC 390-16-031 FORMS FOR STATEMENT OF CONTRIBUTIONS DEPOSIT. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for statement of contributions deposit as

required by RCW 42.17.060 is hereby adopted for use in reporting to the Public Disclosure Commission. This form, revised (~~12/81~~) 6/82, shall be designated as "C-3". This form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.



**PUBLIC DISCLOSURE COMMISSION**  
403 EVERGREEN PLAZA  
OLYMPIA, WASHINGTON 98504  
PHONE: 206-753-1111

PDC FORM  
**C-3**  
REV. 12/81

**BANK DEPOSITS  
AND  
CASH RECEIPTS**

**INSTRUCTIONS**

**GENERAL INSTRUCTIONS**

1. All contributions must be deposited in the campaign bank account.
2. Anonymous contributions (or those for which you do not have the contributors name and address) are limited to the larger of \$300 or 1% of the total contributions in a calendar year. This restriction does not apply to funds raised through retail sales or gambling activities and reported on PDC form C-3A.
3. A candidate's contributions or loans to the campaign are reported on C-3 form. Out of pocket expenditures are shown on C-4 Schedule B.
4. Contributions less than \$10 need not be itemized if you keep the contributors name and address on a separate, private list in your campaign records. Any person who contributes a total over \$10 during the campaign must be itemized.

**WHO MUST REPORT**

Treasurer of each candidate or committee who used FULL reporting option. Those who use MINI or ABBREVIATED reporting are not required to file this report.

**WHEN TO DEPOSIT CONTRIBUTIONS**

Deposit all contributions and cash receipts within three business days of receipt. During the last eight days prior to the election, deposit within one day.

**WHEN TO FILE C-3 REPORT**

The same day the deposit is made.

**WHERE TO REPORT**

**Send original to:**

Public Disclosure Commission  
403 Evergreen Plaza Building  
Olympia, WA 98504

**Send duplicate to:**

County Elections Dept. (or County Auditor)  
Candidates—County where candidate lives  
Committees—County where committee head-  
quarters is located

Please see PDC instruction booklet for full reporting or RCW 42.17 and WAC 390-16 for further information and examples of reporting various contributions. If you need assistance call or write PDC (telephone 206-753-1111).



AMENDATORY SECTION (Amending Order 81-04, filed 12/28/81)

WAC 390-16-036 FORM FOR REPORTING FUND RAISING EVENTS. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for reporting fund raising events under

the provisions of RCW 42.17.067, is hereby adopted for use in reporting to the Public Disclosure Commission. This form, revised 6/82, shall be designated as "C-3A." This form (~~(, revised 12/81,)~~) may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

RETAIL SALES AND GAMBLING REPORT

C3A

PDC OFFICE USE  
PM Date  
Recv. Date

Candidate or Committee Name (Do not abbreviate. Include candidate's full name.)

Address

City

County

Zip

1. Description of activity and methods used in raising funds

2. Location of event or activity (street & city)

Date(s) of Activity

3. Responsible leaders or organizers Name and Address

Title

4. List each person who contributed total goods or services worth \$10 or more

(Do not report volunteer labor in conducting activity)

Name and Address

Item or Service Contributed

Item Value

Aggregate Contribution

\$

\$

Check if additional pages are attached

5. List each purchaser or player from whom a profit of \$10 or more was realized Name and Address

Approximate Profit

\$

Check if additional pages are attached

6. Excess goods not retained in inventory at completion of fund raising activity were disposed of in the following manner. If goods or supplies remaining exceed \$500 in retail value attach inventory listing each item or class valued in excess of \$25.

CERTIFICATE

I certify that the income resulting from the conduct of the activity is derived solely from either the retail sale of goods or services at prices which in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity, or a gambling operation which is licensed, conducted, or operated in accordance with the provisions of Chapter 9.46 RCW and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity and the report is true and complete.

Candidate's Signature

Date

Treasurer's Signature (if a political committee)

Date

FINANCIAL STATEMENT

RECEIPTS FROM SALES/WAGERS

\$

LESS COST OF SALES/PRIZES

GROSS PROFIT

OPERATING EXPENSES

EMPLOYMENT COSTS

SUPPLIES

RENT/UTILITIES

TAXES/LICENSES

PRINTING/ADVERTISING

OTHER EXPENSES

TOTAL OPERATING EXPENSES

NET PROFIT (LOSS)

Report profit in line 1, Schedule A to C-4

Report loss in line 4, Schedule A to C-4

**PUBLIC DISCLOSURE COMMISSION**  
403 EVERGREEN PLAZA BUILDING  
OLYMPIA, WASHINGTON 98504  
PHONE: 206-753-1111

PDC FORM <b>C-3A</b> <small>REV. 12/81</small>	<b>RETAIL SALE or GAMBLING REPORT</b>
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**INSTRUCTIONS**

*Please see PDC instruction booklet or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, call or write PDC (telephone 206-753-111).*

**GENERAL**

The C-3A report is used to report income from the retail sale of goods and services at a fair market value or from licensed gambling activities.

Contributions or income reported on C-3A are not required to be itemized on the C-3 report.

Expenditures included in the financial statement on the C-3A should not again be itemized on Schedule A to C-4. To do so would mean reporting the expenditure twice.

If the activity results in a net profit, report that amount on line 2, Schedule A. If you have a net loss on the event, show that as an expenditure on line 4, Schedule A.

**WHO MUST REPORT**

Candidates and political committees which sponsor retail sales or gambling activities.

Note: Those using MINI or ABBREVIATED reporting options are not required to file a C-3A report.

**WHEN TO REPORT**

Funds must be deposited in the campaign account within three business days following completion of the activity. The C-3A report is submitted the same day the deposit is made. For retail sales activities which last more than one week, a weekly report is required each Tuesday to cover the preceeding week.

**WHERE TO REPORT**

**Send original to:**

Public Disclosure Commission  
403 Evergreen Plaza  
Olympia, WA 98504

**Send duplicate to:**

County Elections Dept. (or County Auditor)  
Candidates—County where candidate lives  
Committees—County where committee head-  
quarters is located

RETAIL SALES AND GAMBLING REPORT

C3A	P. P.M. Date
	Recv. Date

Candidate or Committee Name (Do not abbreviate. Include candidate's full name.)

Address

City County Zip

1. Description of activity and methods used in raising funds

2. Location of event or activity (street & city) Date(s) of Activity

3. Responsible leaders or organizers Name and Address Title

4. List each person who contributed total goods or services worth \$25 or more (Do not report volunteer labor in conducting activity)

Name and Address	Item or Service Contributed	Item Value \$	Aggregate Contribution \$
<input type="checkbox"/> Check if additional pages are attached			

5. List each purchaser or player from whom a profit of \$25 or more was realized Approximate Profit

Name and Address	Approximate Profit
	\$
<input type="checkbox"/> Check if additional pages are attached	

6. Excess goods not retained in inventory at completion of fund raising activity were disposed of in the following manner. If goods or supplies remaining exceed in retail value attach inventory listing each item or class valued in excess of \$25.

**CERTIFICATE**

I certify that the income resulting from the conduct of the activity is derived solely from either the retail sale of goods or services at prices which in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity, or a gambling operation which is licensed, conducted, or operated in accordance with the provisions of Chapter 9.48 RCW and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity and the report is true and complete.

\_\_\_\_\_  
Candidate's Signature Date

\_\_\_\_\_  
Treasurer's Signature (if a political committee) Date

**FINANCIAL STATEMENT**

RECEIPTS FROM SALES/WAGERS	\$ _____
LESS COST OF SALES/PRIZES	_____
GROSS PROFIT	_____
OPERATING EXPENSES	
EMPLOYMENT COSTS	_____
SUPPLIES	_____
RENT/UTILITIES	_____
TAXES/LICENSES	_____
PRINTING/ADVERTISING	_____
OTHER EXPENSES	_____
TOTAL OPERATING EXPENSES	_____
NET PROFIT (LOSS)	_____
Report profit in line 1, Schedule A to C-4 Report loss in line 4, Schedule A to C-4	

PUBLIC DISCLOSURE COMMISSION  
 403 EVERGREEN PLAZA —FJ-42  
 OLYMPIA, WASHINGTON 98504  
 PHONE: 206-753-1111

PDC FORM <b>C-3A</b> REV 9/82	<b>RETAIL SALE or GAMBLING REPORT</b>
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## INSTRUCTIONS

(1982 amendments are incorporated)

*Please see PDC instruction booklet or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, call or write PDC (telephone 206-753-111).*

### GENERAL

The C-3A report is used to report income from the retail sale of goods and services at a fair market value or from licensed gambling activities.

Contributions or income reported on C-3A are not required to be itemized on the C-3 report.

Expenditures included in the financial statement on the C-3A should not again be itemized on Schedule A to C-4. To do so would mean reporting the expenditure twice.

If the activity results in a net profit, report that amount on line 2, Schedule A. If you have a net loss on the event, show that as an expenditure on line 4, Schedule A.

### WHO MUST REPORT

Candidates and political committees which sponsor retail sales or gambling activities.

Note: Those using MINI or ABBREVIATED reporting options are not required to file a C-3A report.

### WHEN TO REPORT

Funds must be deposited in the campaign account within five business days. The C-3A report is submitted the same day the deposit is made. For retail sales activities which last more than one week, a weekly report is required.

### WHERE TO REPORT

Send original to:

Public Disclosure Commission  
 403 Evergreen Plaza—FJ-42  
 Olympia, WA 98504

Send duplicate to:

County Elections Dept. (or County Auditor)  
 Candidates—County where candidate lives  
 Committees—County where committee headquarters is located

AMENDATORY SECTION (Amending Order 81-04, filed 12/28/81)

WAC 390-16-041 FORMS—SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES. Pursuant to the statutory authority of RCW 42.17.360(1), the official forms for reports of contributions and expenditures by candidates and political committees as

required by RCW 42.17.080 - RCW 42.17.090 and WAC 390-16-120 are hereby adopted for use in reporting to the Public Disclosure Commission. The form, revised (~~12/81~~) 6/82, shall be designated as "C-4" and includes Schedules A, B, and C. These forms may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

CONTRIBUTION AND EXPENDITURE SUMMARY

C4 P D C O M M I S S I O N Recv. Date

Candidate or Committee Name (Do not abbreviate. Include candidate's full name). Address City County Zip

Report Period Covered From: (last C-4) To: (end of period) Funds on hand at start of this report period: Checking and Petty Cash \$ Savings Other \$

RECEIPTS

Table with columns: Description, This Report Period, Total for Campaign or Year. Rows 1-9: Previous total cash, Cash received, In kind contributions, Total cash, Loan repayments, Corrections, Net contributions, Total cash during campaign, Total pledge payments due.

EXPENDITURES

Table with columns: Description, This Report Period, Total for Campaign or Year. Rows 10-17: Previous cash and in kind expenditures, Total cash expenditures, In kind expenditures, Total cash and in kind expenditures, Corrections, Net expenditures, Total cash and in kind expenditures during campaign, Orders placed but not yet paid, Pledges made to other candidates.

RECAPITULATION

ELECTION RESULTS: Candidates please complete this section for reports filed after primary or general elections

PRIMARY [ ] Won [ ] Lost [ ] Unopposed [ ] Did not run GENERAL [ ] Won [ ] Lost [ ] Unopposed [ ] Did not run

Table with columns: Description, This Report Period, Total for Campaign or Year. Rows 19-23: Cash balance to date, Total loans owed, Total unpaid orders and outstanding bills, Total debts and liabilities, Surplus or deficit.

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true. Candidate's Signature Date Treasurer's Signature (if a political committee) Date

**PUBLIC DISCLOSURE COMMISSION**  
403 EVERGREEN PLAZA  
OLYMPIA, WASHINGTON 98504  
PHONE: 206-753-1111

PDC FORM

**C-4**  
Rev. 12/81

**CONTRIBUTION AND  
EXPENDITURE SUMMARY**

**INSTRUCTIONS**

*Please consult PDC instruction book or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, write or telephone PDC (phone 206-753-1111).*

**WHO MUST REPORT:**

Each candidate or political committee which receives contributions or makes expenditures in an election campaign. This report is not required by candidates who use the MINI reporting option.

**WHEN TO SEND C-4 REPORTS:**

	ABBREVIATED REPORTING	FULL REPORTING
Day C-1 registration is filed	No	Yes
Tenth of each month if contributions received or expenditures were made since last C-4 report was filed. <i>Tenth of month report is not required if another C-4 is required to be filed during that month</i>	No	Yes
For each election for which the committee will make an expenditure:		
19 days prior to each election	No	Yes
5 days prior to each election	No	Yes
10 days after primary election	No	Yes
21 days after general or special election	Yes	Yes
By January 31 (Continuing committees which use Abbreviated Reporting).	Yes	No
Final report. When campaign is finished or committee closes operation. This is often the same as 21 days after the election.	Yes	Yes

**SCHEDULES AND ATTACHMENTS (FULL REPORTING ONLY):**

The C-4 report is a summary page. Schedules A, B and C as appropriate must be attached to support financial information on the C-4. Also, copies of C-3 and C-3A reports must be attached if they have not previously been filed with PDC and the county election office.

**WHERE TO SEND REPORTS:**

**Send original to:**  
Public Disclosure Commission  
403 Evergreen Plaza  
Olympia, WA 98504

**Send duplicate to:**  
County Election Dept. (or County Auditor)  
where candidate lives  
Political committees sent to county where headquarters is located

**OTHER REPORTS REQUIRED:**

C-1 (registration statement) is used to register candidates and committee.

C-3 (contribution report) is used to list campaign contributors.

F-1 (financial affairs statement) is filed by candidates (not required from other committees).

CONTRIBUTION AND EXPENDITURE SUMMARY

Candidate or Committee Name (Do not abbreviate. Include candidate's full name).			C4	P M D O P P I E L I S E	Pr. Date
Address				Recv. Date	
City	County	Zip			

Report Period Covered	From: (last C-4)	To: (end of period)	Funds on hand at start of this report period:	Checking and Petty Cash \$	Savings Other \$
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RECEIPTS		This Report Period	Total for Campaign or Year
1.	Previous total cash and in kind contributions (From line 8, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)		
2.	Cash received during this reporting period (From line 3, Schedule A)	_____	_____
3.	In kind contributions received during this reporting period (From line 1, Schedule B)	_____	_____
4.	Total cash and in kind contributions received (Line 2 plus 3)	_____	_____
5.	Loan repayments made during this period (From line 5, Schedule A)	(-) _____	_____
6.	Corrections (From line 1 or 4 Schedule C) Show + or (-)	+ _____ (-) _____	_____
7.	Net contributions this period (Combine lines 4, 5, & 6) Show + or (-)	+ _____ (-) _____	_____
8.	Total cash and in kind contributions during campaign (Total lines 1 & 7)	_____	_____
9.	Total pledge payments due (From line 4, Schedule B)		_____

EXPENDITURES		This Report Period	Total for Campaign or Year
10.	Previous cash and in kind expenditures (From line 16, last C-4)		
11.	Total cash expenditures during this reporting period (From line 4, Schedule A)	_____	_____
12.	In kind expenditures (goods & services) during this reporting period (From line 1, Schedule B)	_____	_____
13.	Total cash and in kind expenditures made (Line 11 plus line 12)	_____	_____
14.	Corrections (From line 2 or 4, Schedule C) Show + or (-)	+ _____ (-) _____	_____
15.	Net expenditures this period (Combine lines 13 & 14) Show + or (-)	+ _____ (-) _____	_____
16.	Total cash and in kind expenditures during campaign (Total lines 10 and 15)	_____	_____
17.	Orders placed but not yet paid (From line 3, Schedule B)		_____
18.	Pledges made to other candidates or committees but not yet paid (From line 5, Schedule B)		_____

<p><b>ELECTION RESULTS:</b> Candidates please complete this section for reports filed after primary or general elections</p> <p style="text-align: center;"><b>PRIMARY</b></p> <p><input type="checkbox"/> Won <input type="checkbox"/> Lost <input type="checkbox"/> Unopposed <input type="checkbox"/> Did not run</p> <p style="text-align: center;"><b>GENERAL</b></p> <p><input type="checkbox"/> Won <input type="checkbox"/> Lost <input type="checkbox"/> Unopposed <input type="checkbox"/> Did not run</p>	<p style="text-align: center;"><b>RECAPITULATION</b></p> <p>19. Cash balance to date (Subtract line 16 from line 8) _____</p> <p>20. Total loans owed _____</p> <p>21. Total unpaid orders and outstanding bills _____</p> <p>22. Total debts and liabilities (Line 20 plus line 21) (-) _____</p> <p>23. Surplus or deficit (Subtract line 22 from line 19) _____</p>
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**CERTIFICATION:** I certify that the information herein and on accompanying schedules and attachments is true.

Candidate's Signature _____	Date _____	Treasurer's Signature (if a political committee) _____	Date _____
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PUBLIC DISCLOSURE COMMISSION  
403 EVERGREEN PLAZA—FJ-42  
OLYMPIA, WASHINGTON 98504  
PHONE: 206-753-1111

PDC FORM <div style="font-size: 2em; font-weight: bold; text-align: center;">C-4</div> <small>Rev. 9/82</small>	<b>CONTRIBUTION AND EXPENDITURE SUMMARY</b>
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**INSTRUCTIONS**

(1982 amendments are incorporated)

*Please consult PDC instruction book or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, write or telephone PDC (phone 206-753-1111).*

**WHO MUST REPORT:**

Each candidate or political committee which receives contributions or makes expenditures in an election campaign. This report is not required by candidates who use the MINI reporting option.

**WHEN TO SEND C-4 REPORTS:**

	ABBREVIATED REPORTING	FULL REPORTING
Day C-1 registration is filed if contributions have been received or expenditurea made.	No	Yes
Tenth of each month if contributions received or expenditures were over \$200 made since last C-4 report was filed.	No	Yes
<i>Tenth of month report is not required if another C-4 is required to be filed during that month</i>		
For each election for which the committee will make an expenditure:		
21 days prior to each election	No	Yes
7 days prior to each election	No	Yes
21 daya after each election	Yes*	Yes
<small>* Not required after primary.</small>		
By January 31 (Continuing committees which use Ab- breviated Reporting).	Yes	No
Final report. When campaign is finished or committee closes operation. This is often the same as 21 days after the elec- tion.	Yes	Yes

**SCHEDULES AND ATTACHMENTS (FULL REPORTING ONLY):**

The C-4 report is a summary page. Schedules A, B and C as appropriate must be attached to support financial information on the C-4. Also, copies of C-3 and C-3A reports must be attached if they have not previously been filed with PDC and the county election office.

**WHERE TO SEND REPORTS:**

Send original to:  
Public Disclosure Commission  
403 Evergreen Plaza  
Olympia, WA 98504

Send duplicate to:  
County Election Dept. (or County Auditor)  
where candidate lives  
Political committees sent to county where  
headquartera is located

**OTHER REPORTS REQUIRED:**

C-1 (registration statement) is used to register candidates and committees.

C-3 (contribution report) is used to list campaign contributors.

F-1 (financial affairs statement) is filed by candidates (not required from other committees).

CASH RECEIPTS AND EXPENDITURES

SCHEDULE A to C4

Candidate or Committee Name (Do not abbreviate. Use candidate's full name)

1. Cash Receipts (Contributions) which have been reported on C3 or C3A. List each deposit made since last C4 report was submitted.

Table with 7 columns: Date of Deposit, Type Report (C3 or C3A), Amount, Date of Deposit, Type Report (C3 or C3A), Amount, Total Deposits

2. Miscellaneous cash receipts not reported on C3 or C3A.

Table with 3 columns: Date Received, Source: Name, Address and Explanation of Receipt, Amount

3. Total receipts

Sum of parts 1 and 2 above. Enter also on line 2 of C4

4. Cash Expenditures

Table with 4 columns: Date of Payment, Name and address of recipient or vendor paid, Purpose of expenditure, Amount

\*Itemize all expenditures of \$25 or more. Report total of expenditures less than \$25 which do not have to be itemized.

Total expenditures each under \$25 not listed above

Total from attached pages

Total Cash Expenditures. Enter also on Line 11 of C4

6. Loan repayments made

Table with 4 columns: Date, Name, Address, Amount

Total Loan Payments this Reporting Period. Enter as an Adjustment to Contributions on Line 6 of C4



AMENDATORY SECTION (Amending Order 77, filed 6/2/76)

WAC 390-16-050 FORMS FOR CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES NOT DOMICILED IN WASHINGTON STATE. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for the report of

contributions and expenditures of political committees not domiciled in Washington state, as required by RCW 42.17.090, is hereby adopted for use in reporting to the Public Disclosure Commission. This form, revised 6/82, shall be designated as "C-5". Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington(;) 98504.



REPORT OF CONTRIBUTIONS & EXPENDITURES BY OUT OF STATE COMMITTEES

TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
400 EVERETTEN PLAZA BUILDING
711 CAPITOL WAY
OLYMPIA, WASHINGTON 98504
PHONE: 855-785-1111

FILING FORM C-5
TO BE FILED BY OUT OF STATE POLITICAL COMMITTEE OR RECIPIENT OF FUNDS (RCW 42.17.090)

THIS SPACE FOR OFFICE USE
DATE DATE RECEIVED

See Instructions on Reverse Side.

(Type or Print Clearly)

1. NAME AND ADDRESS OF OUT OF STATE POLITICAL COMMITTEE
DATE PREPARED
FILE NUMBER
2. CHECK APPROPRIATE BOX
THIS IS THE FIRST REPORT SUBMITTED DURING 19\_\_
THIS SHOWS NEW EXPENDITURES, CONTRIBUTIONS OR INFORMATION CHANGED FROM REPORTS SUBMITTED PREVIOUSLY THIS CALENDAR YEAR

3. THIS POLITICAL COMMITTEE IS NOT A CONTINUING ORGANIZATION

4. CANDIDATES IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING (IF COMMITTEE IS SUPPORTING ENTIRE PARTY TICKET SHOW ONLY PARTY NAME)
NAME OFFICE SOUGHT PARTY AFFILIATION

5. BALLOT PROPOSITION(S) IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING OR OPPOSING
NAME OF PROPOSITION BALLOT NUMBER INDICATE FOR OR AGAINST

6. EXPLAIN PURPOSE OF COMMITTEE IF NOT OTHERWISE STATED

7. OFFICERS OR RESPONSIBLE LEADERS OF COMMITTEE
NAME AND ADDRESS TITLE

EXPENDITURES MADE

Table with 4 columns: NAME AND ADDRESS OF RECIPIENT, DATE, AMOUNT, PURPOSE. Includes a row for TOTAL THIS REPORT.

9. TOTAL REPORTABLE EXPENDITURES MADE DURING THIS CALENDAR YEAR

CAUTION: FAILURE TO REPORT TRANSACTIONS WITHIN THREE DAYS OF OCCURRENCE SHALL CAUSE THE FUNDS TO FORFEIT TO THE STATE.

CONTRIBUTIONS RECEIVED

10 ALL CONTRIBUTIONS TO THIS OUT OF STATE COMMITTEE DURING THE PRECEDING 12 MONTHS FROM WASHINGTON RESIDENTS OR CORPORATIONS WITH A PLACE OF BUSINESS IN WASHINGTON

NAME AND ADDRESS	DATE	MONEY VALUE
[Empty table area]		

11 THIS REPORT WAS PREPARED BY  
 OUT OF STATE COMMITTEE  
 CANDIDATE OR COMMITTEE RECEIVING FUNDS

12 CERTIFICATION I hereby certify that the above is a true, complete and correct statement in accordance with Chapter 42.17.090(1)(a) Revised Code of Washington

SIGNATURE OF COMMITTEE OFFICIAL OR RECIPIENT OF FUNDS

NAME

TITLE

DATE

C-5 INSTRUCTIONS

WHO MUST REPORT:

A political committee not domiciled in the State of Washington which has made contributions to a candidate or political committee in Washington State OR candidate or political committee which has received such contribution

WHEN TO REPORT:

A C-5 report is required within three days following the receipt of each contribution.

FORM TO BE FILED WITH:

PUBLIC DISCLOSURE COMMISSION, 403 EVERGREEN PLAZA BUILDING, OLYMPIA, WASHINGTON

ADDITIONAL REPORTS REQUIRED:

Washington candidates or committees receiving funds from an out of state committee must also show receipt of funds on C-3 and C-4 reports filed with the Public Disclosure Commission and the county auditor.

FOR ADDITIONAL INFORMATION:

Contact the Public Disclosure Commission, phone 206-753-1111

"EXCERPTS FROM PUBLIC DISCLOSURE LAW"

42.17.090 Contents of report. (1) Each report required under RCW 42.17.090 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a) "nonreporting committee." Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.





AMENDATORY SECTION (Amending Order 77, filed 6/2/76)

WAC 390-16-060 FORMS FOR CAMPAIGN FINANCING—  
SPECIAL REPORTS. Pursuant to the statutory authority of RCW  
42.17.360(1), the official form for contributors' reports as required by

RCW 42.17.100, is hereby adopted for use in reporting to the Public  
Disclosure Commission. These forms shall be designated as "C-6", re-  
vised 6/82, and "C-7". Copies of these forms may be obtained at the  
commission office, Room 403, Evergreen Plaza Building, Olympia,  
Washington(;) 98504.



**REPORT OF INDEPENDENT EXPENDITURES**  
 TO THE STATE OF WASHINGTON  
**PUBLIC DISCLOSURE COMMISSION**  
 403 EVERGREEN PLAZA BUILDING  
 711 CAPITOL WAY  
 OLYMPIA, WASHINGTON 98504  
 PHONE: 206-753-1111

FILING FORM <b>C-6</b> Rev 4/76	TO BE FILED BY: <b>PERSONS MAKING INDEPENDENT CAMPAIGN EXPENDITURES OF \$100 OR MORE IN AGGREGATE</b> RCW 42.17.100(1)
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THIS SPACE FOR OFFICE USE	
P.M. DATE	DATE RECEIVED

See completion instructions at bottom of page.

(Type or print clearly)

1. NAME AND ADDRESS OF PERSON MAKING EXPENDITURE	CHECK <input type="checkbox"/> One time report. I do not expect to make other independent expenditures. <input type="checkbox"/> I do expect to make other independent expenditures (See instructions) <input type="checkbox"/> Final report.	DATE PREPARED
		FILE NUMBER

2. NAME OF CANDIDATE OR BALLOT PROPOSITION SUPPORTED OR OPPOSED: CHECK  SUPPORT OR  OPPOSE

3a. LIST THE VALUE OF ALL INDEPENDENT EXPENDITURES MADE IF AGGREGATE IS \$100 OR MORE. ITEMIZE EXPENDITURES OF \$25 OR MORE MADE IN SUPPORT OF OR IN OPPOSITION TO ANY CANDIDATE OR BALLOT PROPOSITION DURING AN ELECTION CAMPAIGN. DO NOT INCLUDE MONETARY OR IN-KIND CONTRIBUTIONS MADE DIRECTLY TO A CANDIDATE OR POLITICAL COMMITTEE.

DATE	NAME AND ADDRESS OF ANY VENDOR OR RECIPIENT	DESCRIPTION OF EXPENDITURE (goods, services, or rights purchased or furnished)	AMOUNT OR VALUE (*see below)
Expenditures less than \$25 not itemized above			
TOTAL THIS REPORT PERIOD			\$

3b. TOTAL INDEPENDENT EXPENDITURES MADE DURING THIS ELECTION CAMPAIGN. INCLUDE EXPENDITURES SHOWN IN THIS REPORT AND PREVIOUSLY SUBMITTED REPORTS. \$

**INSTRUCTIONS**

**WHO MUST REPORT:**  
 Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.

**WHEN TO REPORT:** When aggregate amount reaches:  
 less than \$100 —No report is required  
 \$100 or more (or value cannot be estimated) —Within 3 days  
 If additional expenditures made —10th of month preceding election in which other reports are not required.  
 \*19 days prior to election  
 \* 5 days prior to election  
 \*10 days after primary  
 \*21 days after other elections

\*Required only when expenditures have been made since last report was submitted.

**WHERE TO REPORT:**  
 Copy #1—Public Disclosure Commission, 403 Evergreen Plaza Bldg., Olympia, WA 98504  
 Copy #2—County Auditor of candidate. For ballot propositions with county auditor of person filing this report.

PDC form C-6 (Rev. 4/76)

**AMOUNT OR VALUE**

\*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

**CERTIFICATION:** I hereby certify that the above is a true, complete and correct statement in accordance with RCW 42.17.100(1)

SIGNATURE OF PERSON MAKING EXPENDITURES

NAME

TITLE

**EXTRACT FROM CHAPTER 42.17 RCW  
PUBLIC DISCLOSURE LAW**

**42.17.020 Definitions.**

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: *Provided*, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 6) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

**42.17.100**

(1)(a) For the purposes of this subsection (1) the term "independent campaign expenditure" shall mean any expenditure which is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090.

(b) Within three days after the date of making an independent campaign expenditure which by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within three days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made such independent campaign expenditure shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during such campaign prior to and including such date.

(c) At the following intervals each person who is required to file an initial report pursuant to subsection (1)(b) of this section shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(i) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(ii) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(iii) On the tenth day of each month preceding the election in which no other reports are required to be filed pursuant to this subsection (1): *Provided*, That such further reports required by this subsection (c) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (ii) of this subsection (1)(c) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(d) All reports filed pursuant to this subsection (1) shall be certified as correct by the reporting person.

(e) Each report required by subsections (1)(b) and (1)(c) of this subsection (1) shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than three days prior to the date the report is due:

(i) The name and address of the person filing the report;

(ii) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure: *Provided*, That if no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it shall be sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(iii) The total sum of all independent campaign expenditures made during the campaign to date; and

(iv) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter.



REPORT OF INDEPENDENT EXPENDITURES  
 TO THE STATE OF WASHINGTON  
**PUBLIC DISCLOSURE COMMISSION**  
 403 EVERGREEN PLAZA—FJ-42  
 711 CAPITOL WAY  
 OLYMPIA, WASHINGTON 98504  
 PHONE: 206-753-1111

FILED FORM

**C-6**  
 Rev. 8/82

TO BE FILED BY:

PERSONS MAKING INDEPENDENT  
 CAMPAIGN EXPENDITURES OF  
**\$100 OR MORE IN AGGREGATE**  
 RCW 42.17.100(1)

THIS SPACE FOR OFFICE USE

P.M. DATE

DATE RECEIVED

See completion instructions at bottom of page.

(Type or print clearly)

1. NAME AND ADDRESS OF PERSON MAKING EXPENDITURE

CHECK

- One time report. I do not expect to make other independent expenditures.
- I do expect to make other independent expenditures (See instructions)
- Final report.

DATE PREPARED

2. NAME OF CANDIDATE OR BALLOT PROPOSITION SUPPORTED OR OPPOSED: CHECK  SUPPORT OR  OPPOSE

3a. LIST THE VALUE OF ALL INDEPENDENT EXPENDITURES MADE IF AGGREGATE IS \$100 OR MORE. ITEMIZE EXPENDITURES OF \$25 OR MORE MADE IN SUPPORT OR IN OPPOSITION TO ANY CANDIDATE OR BALLOT PROPOSITION DURING AN ELECTION CAMPAIGN. DO NOT INCLUDE MONETARY OR IN-KIND CONTRIBUTIONS MADE DIRECTLY TO A CANDIDATE OR POLITICAL COMMITTEE.

DATE	NAME AND ADDRESS OF ANY VENDOR OR RECIPIENT	DESCRIPTION OF EXPENDITURE (goods, services, or rights purchased or furnished)	AMOUNT OR VALUE (* see below)
Expenditures less than \$25 not itemized above			
<b>TOTAL THIS REPORT PERIOD</b>			\$ _____
<b>TOTAL INDEPENDENT EXPENDITURES MADE DURING THIS ELECTION CAMPAIGN. INCLUDE EXPENDITURES SHOWN IN THIS REPORT AND PREVIOUSLY SUBMITTED REPORTS.</b>			\$ _____

**INSTRUCTIONS**  
 (1982 amendments are incorporated)

**WHO MUST REPORT:**

Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.

**WHEN TO REPORT:** When aggregate amount reaches:

- less than \$100 — No report is required
- \$100 or more (or value cannot be estimated) — Within 5 days
- If additional expenditures made — \* 10th of month preceding election to which other reports are not required.
  - \* 21 days prior to election
  - \* 7 days prior to election
  - \* 21 days after election

\*Required only when expenditures have been made since last report was submitted.

**WHERE TO REPORT:**

- Copy # 1—Public Disclosure Commission, 403 Evergreen Plaza—FJ-42  
Olympia, WA 98504
- Copy # 2—County Auditor of candidate. For ballot propositions with county auditor of person filing the report.

**AMOUNT OR VALUE**

\*If no reasonable estimate can be made of value, describe activity, services property or right furnished precisely and attach copy of item produced or distributed.

**CERTIFICATION:** I hereby certify that the above is a true, complete and correct.

SIGNATURE OF PERSON MAKING EXPENDITURES

NAME

TITLE

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 82-07-094**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Dental Examiners)**  
 [Order PL 393—Filed March 24, 1982]

Be it resolved by the Washington State Board of Dental Examiners, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the repealing of WAC 308-36-020, 308-36-030, 308-36-040, 308-36-050, 308-36-060, 308-36-065, 308-36-070 and 308-36-080.

This action is taken pursuant to Notice No. WSR 82-04-008 filed with the code reviser on January 22, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.32.040 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 19, 1982.

By Richard D. Swanson  
Secretary

**REPEALER**

Chapter 308-36 and the following sections of the Washington Administrative Code are each repealed:

WAC 308-36-020 APPLICATIONS FOR EXAMINATION.  
 WAC 308-36-030 RECIPROCITY—TEMPORARY PERMIT—ETC.  
 WAC 308-36-040 EXAMINATION FEE.  
 WAC 308-36-050 THE EXAMINATION.  
 WAC 308-36-060 EXAMINATION RESULTS.  
 WAC 308-36-065 EXAMINATION REVIEW PROCEDURES.  
 WAC 308-36-070 RENEWAL OF LICENSES.  
 WAC 308-36-080 DENTAL HYGIENIST—FEES.

**WSR 82-07-095**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed March 24, 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 operations and procedure, WAC 314-60-040;

that such agency will at 2:00 p.m., Wednesday, April 28, 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 42.30.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 2:00 p.m., Wednesday, April 28, 1982, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: March 24, 1982

By: Robert D. Hannah  
Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-60-040 Operations and procedure.

Description of Purpose: This amendment changes the board's regular meeting schedule required by RCW 42.30.070 so as to provide that regular meetings of the board may be held on each day of the week rather than only on Wednesdays as is now the case.

Statutory Authority: RCW 66.08.030 and 42.30.070.

Summary of Rule: WAC 314-60-040 details the Liquor Control Board's operations and procedure. This amendment establishes the board's regular meeting schedule as being Monday through Friday at 9:30 a.m., or as soon thereafter as a quorum is assembled, at its offices on the fifth floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, Washington.

Reason Supporting Proposed Action: The Liquor Control Board is a full time board. Operations of the board are ongoing throughout the week, with the board's administrative offices and operations such as stores and agencies, licensing, and enforcement, being open for business from 8 a.m. to 5 p.m., Monday through Friday. The present schedule of meetings being only on Wednesday has, in the past, created problems because the board was not able to take "action" on matters before it until the next succeeding Wednesday. Areas of past concern have included listing/delisting procedure, legislative matters, and other policy and administrative matters. Only certain types of actions, listed in RCW 42.30.140, could be taken by the board on days other than Wednesday. All other matters could only be dealt with in a interim fashion on the basis that no "action" could be taken between Wednesdays. This had the potential for creating misunderstandings as "action" under the Public Meetings Act includes the formulation of a "collective decision" (i.e., consensus) by a majority of the members of the board. See RCW 42.30.020(3). The board feels that its business can be handled in a more efficient manner than presently is the case if official action can be taken on a daily basis concerning matters which arise on a daily basis and further feels that potential misunderstandings can be avoided concerning whether or not any particular action required to be taken at a public meeting was in fact taken at a public meeting.

The Following Agency Personnel are Responsible for Drafting, Implementation and Enforcement of this Rule: John G. Hennen, Assistant Attorney General, 1025 East Union Avenue, Olympia, Washington 98504, telephone:

753-6283, drafted the rule amendment language. In addition to the board, Bill Burkett, Board Secretary and Public Information Officer, 1025 East Union Avenue, Olympia, Washington 98504, telephone: 753-6276, is responsible for implementation and enforcement of this rule amendment.

**Person or Organization Proposing Rule:** This rule amendment was proposed by the board.

**Agency Comments:** This amendment will allow the board to more expeditiously handle its official business and will eliminate any possible misunderstandings concerning whether action required to be taken at a public meeting was in fact taken at the public meeting.

This rule amendment was not made necessary as a result of federal law or federal or state court action.

**AMENDATORY SECTION** (Amending Order 97, filed 1/27/82)

**WAC 314-60-040 OPERATIONS AND PROCEDURE.** The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in Title X Hearings WAC 314-04-010, and in Title XIV Practice and Procedure WAC 314-08-010 through 314-08-590.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of proposed order of summary license suspension are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except exempt matters, are made and conducted at its regular and/or special meetings. Regular ((~~weekly~~)) meetings of the board are held on ((~~Wednesday~~)) Monday through Friday of each week, except on holidays, beginning at 9:30 a.m. or as soon thereafter as a quorum is assembled at its offices on the fifth, floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, Washington.

**WSR 82-07-096  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed March 24, 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 medical assistance, amending chapters 388-80, 388-83, 388-86, 388-87, 388-92, 388-99 and 388-100 WAC.

It is the intention of the secretary to adopt WAC 388-99-020 on an emergency basis on April 1, 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 April 14, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 24, 1982

By: David A. Hogan

Director, Division of Administration

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Amending chapters 388-80, 388-83, 388-86, 388-87, 388-92, 388-99 and 388-100 WAC.

The purpose of the rule or rule change is to make miscellaneous changes in medical assistance rules.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: WAC 388-80-005 Adds definition for "month of application"; 388-83-130 Editorial and clarifies when the thirty dollar plus one-third disregard is used; 388-83-135 Adds cross reference; 388-83-140 Adds cross reference; 388-86-005 Clarifies when EPSDT services are available; 388-86-098 Clarifies when speech therapy services are available; 388-87-005 Editorial corrections; 388-92-005 Clarifies the definition of SSI related and defines fair market value; 388-92-025 Adds to exclusions from income payments received by an ineligible or non-applying spouse from a governmental agency for services provided to an eligible recipient (e.g., chore services); 388-92-045(1) Adds a cross reference; 388-92-045(4) Defines the current market value limits on property of a trade or business which is essential to the means of self-support; 388-92-045(11) Adds when a burial plot or a burial crypt becomes a resource; 388-99-020 Corrects the medically needy income levels; 388-99-035 Clarifies that only the SSI resource standards are to be used; and 388-100-025 Defines pregnancy as an acute and emergent need and period of certification.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James C. Sparks, Program Manager, Division of Income Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

**AMENDATORY SECTION** (Amending Order 1766, filed 2/18/82)

**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)~~) (28) "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)~~) (29) "Federal aid" means the assistance programs for which the state receives matching funds from the federal government.

(~~(31)~~) (30) "Fraud" shall mean a deliberate, intentional, and willful act, with the specific purpose of deceiving the department with respect to any material, fact, condition, or circumstances affecting eligibility or need.

(~~(32)~~) (31) "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)~~) (32) "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)~~) (33) "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)) (34) "Hospital" shall mean any institution licensed as a hospital by the official state licensing authority.

((36)) (35) "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)) (36) "Intermediary" is an organization who has an agreement with the federal government to process medicare claims under Part A.

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

((39)) (38) "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)) (39) "Legal dependents" are persons whom an individual is required by law to support.

((41)) (40) "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)) (41) "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)) (42) "Medical consultant" shall mean a physician employed by the department at the CSO level.

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

((45)) (44) "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)) (45) "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.

(46) "Month of application" shall mean the calendar month in which the application is filed unless it is filed in the last ten days of that month; then the month of application may be the following month.

(47) "Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the ~~((department at the CSO level))~~ bureau of nursing home affairs who is centrally supervised, but stationed in CSO's.

(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 or a nursing 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 and is certified, and has an agreement to provide skilled nursing home care.

(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 1721, filed 11/18/81)

**WAC 388-83-130 ELIGIBILITY DETERMINATION—NONINSTITUTIONAL.** (1) Eligibility determination for AFDC shall be as follows:

(a) Individuals under age eighteen shall have eligibility determination based on the AFDC one-person standard if they are:

- (i) Not SSI related((:))
- (ii) Not AFDC related (dependent child)((:))
- (iii) ~~((When an))~~ Under age eighteen person ~~((resides))~~ residing in the same family unit with parents, the parents' income is considered available whether or not actually contributed. See WAC 388-82-115(6) for the pregnant woman.

(b) The AFDC earned income exemption of thirty dollars plus one-third of remainder does not apply to individuals initially applying solely for medical assistance.

(c) Families applying for medical assistance who received AFDC in any of the four preceding months shall be allowed the thirty dollars plus one-third disregard. After receiving the thirty dollars plus one-third income disregard for a maximum of four consecutive months an individual is not eligible for the disregard again until he/she has been off assistance for twelve consecutive months.

(d) AFDC children age sixteen or seventeen who are terminated from AFDC cash assistance solely because they have ceased to attend school and have refused to register for WIN are eligible for medicaid while living in the home with a relative of specified degree on the same basis as a dependent child.

(2) Eligibility for special categories shall be determined as for the appropriate cash assistance category. See chapter 388-92 WAC.

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

**WAC 388-83-135 ELIGIBILITY DETERMINATION—INSTITUTIONAL.** (1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(a) SSI/state supplement related individuals in medical facilities shall have their eligibility determined by comparing their gross income to the three hundred percent SSI cap (SSI benefit).

(b) If gross income is greater than three hundred percent of SSI cap, eligibility must be determined under the limited casualty program—medically needy in chapter 388-99 WAC.

(c) Allocation of recipient income is defined in WAC 388-83-140.

(d) For consideration of resources see chapter 388-92 WAC. The home becomes a resource when it is determined no longer the principal place of residence. See WAC 388-92-045(1).

(2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person. See chapter 388-92 WAC.

**AMENDATORY SECTION** (Amending Order 1685, filed 7/29/81)

**WAC 388-83-140 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT.** (1) All institutionalized recipients will retain a specified personal needs allowance.

(2) The AFDC related individual in a medical facility is eligible to receive an amount as a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related recipients may retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total personal needs allowance may not exceed the monthly noninstitutional state supplement standard. There are no deductions for expenses of employment. When the total amount of wages received plus the initial personal needs allowance exceeds the monthly standard, the excess wages are applied to the cost of care.

(4) In addition to the allocations in subsections (1) and (3) of this section, SSI related individuals residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed state supplement standard,

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest need standard for a family of same size under AFDC,

(c) Amounts for incurred medical expenses not subject to third-party payment including but not limited to:

- (i) Health insurance premiums, co-insurance or deductible charges,
- (ii) Necessary medical care recognized under state law but not covered under medicaid.

(d) For a single person, maintenance of the home where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-92-045(1)(a)(iv),

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home. Also see chapter 388-28 WAC,

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months,

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid, and ceases when the patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged,

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

(5) Income remaining in subsections (1), (2), (3) or (4) of this section, will be used to compute payment of the participation amount (that income remaining after allocation of income) at the department rate.

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

**WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE.** (1) For recipients of medical assistance (MA) categoryically needy only, the department shall authorize early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: Anesthetization services; blood; dental services to EPSDT recipients; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations; oxygen; physical therapy services; special-duty nursing services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. See WAC 388-86-050(5).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) The following medical services are not provided:

- (a) Adult dental services, and
- (b) Chiropractic services,
- (c) Treatment of tuberculosis. See WAC 388-86-050(5).

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description

of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

(10) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, is generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

(11) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be acted upon within five working days of the receipt of the additional justifying information.

(12) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service.

(b) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department of social and health services, and instructions on how to obtain such assessment.

(c) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing.

(d) The recipient may be represented at the hearing by legal counsel or other representative.

(e) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office.

(13) The limited casualty program—medically needy is defined in chapter 388-99 WAC, and the limited casualty program—medically indigent is defined in chapter 388-100 WAC.

(14) The department has the authority to require a second opinion prior to the approval of any elective surgical procedure.

(15) The department may designate those surgical procedures which can be performed in other than a hospital in-patient setting. Where the patient has a medical condition which necessitates a hospital admission, prior approval by the local medical consultant must be obtained.

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

WAC 388-86-098 SPEECH THERAPY SERVICES. (1) Speech therapy may be provided (~~as an adjunct to medically necessary treatment of medical conditions for which the department has assumed initial responsibility~~) for conditions which are the result of medically recognized diseases and defects if medically necessary and otherwise covered by this program. Such conditions may include aphasia; sudden bilateral on-set of hearing loss; rapid progressive bilateral loss and post laryngectomy surgery. (~~Speech therapy may be authorized subject to the following:~~)

(2) The following conditions apply to approval of speech therapy:

(a) The evaluation and/or treatment must have prior approval by the local medical consultant,

(b) The fee for service must be agreed to in advance of therapy,

(c) The services must be performed by a speech pathologist who has been granted the certificate of clinical competence by the American speech and hearing association, or who has completed the equivalent educational and work experience necessary for such a certificate,

(d) The department reserves the right to limit the number of treatments based on professional judgment. See WAC 388-87-025(2)(p).

~~((2))~~ (3) Speech and language therapy is not provided under the limited casualty program.

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

WAC 388-87-005 PAYMENT—ELIGIBLE PROVIDERS DEFINED. (1) Eligible providers are:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, nursing, or physical therapy((+)),

(b) A hospital currently licensed by the department,

(c) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility,

(d) A licensed pharmacy,

(e) A home health services agency certified by the department,

(f) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the requirements for such participation,

(g) A company or individual (not excluded in subsection (3) of this section) supplying items such as ambulance service, oxygen, eyeglasses, other appliances, or approved services,

(h) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the EPSDT program,

(i) A certified center for the detoxification of acute alcoholic conditions,

(j) A certified outpatient clinical community mental health center, an approved inpatient psychiatric facility, drug treatment center, or Indian health service clinic,

(k) A medicare certified rural health clinic,

(l) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations,

(m) An out-of-state provider of services listed in subsection (1) (a) through (f) of this section, with comparable qualifications in state of residence or location of practice.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners will not be furnished to applicants or recipients:

Chiropractors

Sanipractors

Naturopaths

Homopathists

Herbalists

Masseurs or manipulators

Christian Science practitioners or theological healers

Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

#### AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-92-005 DEFINITIONS. The definitions in this section apply only to SSI related applicants.

(1) Beneficiary - A person who receives a cash benefit under Title XVI and/or state supplement.

(2) SSI related - (~~Eligible for but not receiving cash assistance~~) An aged, blind, or disabled person who meets the Title XIX resource standards.

(3) Income - The receipt by an individual of any property or service which he can apply either directly, by sale, or conversion to meet his basic needs for food, clothing, and shelter.

(a) Earned income means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

(b) Unearned income means all other income.

(4) Resources - Cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

(a) If an individual can reduce a liquid asset to cash, it is a resource.

(b) If an individual cannot reduce an asset to cash, it is not considered an available resource.

(c) Liquid - Properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

(d) Nonliquid - All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

(5) Fair market value - The current market value of a resource at the time of transfer or contract for sale, if earlier.

(a) Uncompensated value means the fair market value of a resource minus the amount of compensation received in exchange for the resource.

(b) Value of compensation received means the gross amount paid or agreed to be paid by the purchaser.

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

**WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME.** (1) Total income of a beneficiary of supplemental security income is not considered available in determining eligibility.

(2) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s). Income and resources are considered separately when spouses and/or children and parents cease to live together. Income and resources are considered mutually available.

(a) For the first six months after the month they cease to live together where both spouses apply as SSI related (aged, blind or disabled),

(b) For the month of separation where only one spouse applies as SSI related (aged, blind or disabled), or where blind or disabled children are separated from parents.

(3) For SSI related individuals, age eighteen to twenty-one, parents' income is not deemed available.

(4) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(5) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsections (6) and (8) of this section, shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the monthly state supplement benefit standard all the remaining income shall be deemed to the applicant.

(6) Exclusions from income. The following shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (6)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments excluded by other statutes. When necessary these exclusions will be publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973;

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit;

(l) Veteran's aid and attendance allowance is to be excluded in determining financial eligibility.

(i) If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.

(ii) For institutionalized applicants, the amount subsequently is considered in the cost of institutional care.

(m) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(n) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(7) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(8) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (6) of this section, plus one-half of the remainder.

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

**WAC 388-92-045 EXCLUDED RESOURCES.** Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are reinvested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-83-140(4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence will constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-99-035(2), transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile will be totally excluded if it is used for employment or for the individual's medical treatment; otherwise, the current retail market value up to \$4,500, any excess to be counted against the resource limit.

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

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support.

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

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

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

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

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

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

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

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

(11) If an individual owns a burial plot or a burial crypt it is a countable resource unless it meets one of the following conditions:

- (a) The contract is irrevocable and cannot be liquidated.
- (b) The contract is under joint ownership and the other owner refuses to permit sale.

(12) Other resources excluded by federal statute.

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

**WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME.** (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ 303
(b) Two persons	\$ 434
(c) Three persons	<del>(( \$ 468 ))</del> \$ 451
(d) Four persons	<del>(( \$ 501 ))</del> \$ 531
(e) Five persons	<del>(( \$ 593 ))</del> \$ 612
(f) Six persons	<del>(( \$ 674 ))</del> \$ 693
(g) Seven persons	<del>(( \$ 778 ))</del> \$ 802
(h) Eight persons	<del>(( \$ 859 ))</del> \$ 887
(i) Nine persons	<del>(( \$ 939 ))</del> \$ 974
(j) Ten persons	<del>(( \$ 1,019 ))</del> \$1,058

and above

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income based on a three-month calculation.

(6) Financial responsibility of relatives.

(a) For families and children,  
(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households (AFDC and SSI related members) eligibility shall be determined as for families and children.

**AMENDATORY SECTION** (Amending Order 1684, filed 7/29/81)

**WAC 388-99-035 RESOURCE STANDARDS.** (1) To determine eligibility on the basis of resources, use the ~~((resource standards under AFDC or))~~ SSI ~~((, whichever is higher for a given))~~ resource standards. If applicant has resources in excess of the standards applied, the individual is not eligible and the application is denied.

(2) A medically needy applicant who has transferred assets at less than fair market value within twenty-four months prior to the month of application without adequate consideration is presumed to have disposed of the resource for the purpose of obtaining eligibility for medical assistance.

(a) The uncompensated value is to be considered an available resource.

(b) If uncompensated value is in excess of twelve thousand dollars, the application is to be denied.

(c) If less than twelve thousand dollars, consideration is to be given to disposition of resources.

**AMENDATORY SECTION** (Amending Order 1684, filed 7/29/81)

**WAC 388-100-025 CERTIFICATION.** (1) A recipient shall be certified eligible for the duration of treatment for the acute and emergent condition not to exceed three months.

(2) Pregnancy is considered an acute and emergent need. A recipient who has been medically determined to be pregnant shall be certified for separate three-month periods for the duration of the pregnancy plus six weeks for the post partum care, which includes routine care for the newborn. Beyond this period of time eligibility for the mother or the newborn shall be determined separately.

(3) An applicant who is required to spenddown shall be certified from the day the spenddown requirement is met through the last day of the three-month period which began at the time of application.

~~((3))~~ (4) All medically indigent applicants shall be individually notified in writing of the disposition of their application.

~~((4))~~ (5) Any change in circumstances shall be promptly reported to the local community services office.

**WSR 82-07-097  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed March 24, 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 community work and experience program, new WAC 388-57-097.

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 April 14, 1982. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, April 28, 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, May 5, 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 74.08.390.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 28, 1982, and/or orally at 10:00 a.m., Wednesday, April 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 24, 1982

By: David A. Hogan

Director, Division of Administration

#### STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 324, Laws of 1981.

New WAC 388-57-097.

The purpose of the rule is to establish a pilot project of community work experience.

These rules are permitted by RCW 74.08.390 and 45 CFR 238.

Statutory Authority: RCW 74.08.390.

Summary of the Rule or Rule Change: These rules will establish a Community Work Experience Program (CWEP). This is a pilot project in the Spokane and Tacoma areas. Participants will be drawn from persons who are enrolled in WIN but are currently in the unassigned pool. Each project will have a sponsor which can be a public agency or a non-profit organization.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Mick Determan, Program Manager, Division of Income Assistance, Mailstop: OB-31 C, Phone: 3-7137.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

#### NEW SECTION

**WAC 388-57-097 COMMUNITY WORK EXPERIENCE PROGRAM (CWEP).** The community work experience program (CWEP) is authorized under the approval of the secretary of the department of social and health services as an optional state program authorized by the 1981 omnibus reconciliation act.

(1) The pilot program has the following objectives:

(a) To provide work experience to recipients of AFDC unable to secure employment through other employment programs.

(b) To determine the extent work experience will assist individuals participating in the program to secure unsubsidized employment.

(2) CWEP sites shall be located in the Spokane and Tacoma areas.

(3) Any AFDC recipient living in either the Spokane area or the Tacoma area shall, as a condition of eligibility for AFDC, participate in CWEP unless the individual:

(a) Is participating in WIN/E&T; or

(b) Meets the WIN exemption criteria of WAC 388-24-107; or

(c) Is both currently (or becomes) employed at least eighty hours per month and earning not less than the legally established minimum wage for such employment. Persons employed at least eighty hours per month at jobs not having an established minimum wage shall be exempted regardless of wage level; or

(d) Is denied an AFDC grant for any month solely because the amount of the entitlement is less than ten dollars per month.

(4) The department shall:

(a) Not require participants to use the participant's assistance or income or resources to pay participation costs;

(b) Reimburse necessary transportation (not to exceed twenty-five dollars per month) and other costs directly related to participation incurred by the participant.

(c) Pay customary departmental scale costs of child care needed in order to participate in CWEP.

(5) CWEP participants shall be referred to and shall participate in work experience slots in public agencies or private nonprofit organizations as agreed on by the agency and the department.

(6) The hours a CWEP participant is required to work shall be no more than the number calculated by dividing the amount of the household's assistance grant by the greater of the federal or state minimum wage. The AFDC payment shall not be construed as compensation for work performed.

(7) If an applicant or recipient fails or refuses without good cause to participate in the community work experience program, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. This sanction shall be consistent with the WIN sanction process in WAC 388-57-064. An applicant or recipient adversely affected shall have the opportunity for administrative review.

**WSR 82-07-098  
PROPOSED RULES  
BOARD OF PHARMACY  
[Filed March 24, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the repealing of WAC 360-16-110;

that such agency will at 9:00 a.m., Thursday, April 15, 1982, in the Burien Police Department, 14905 6th S.W., Burien, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, April 15, 1982, in the Burien Police Department, 14905 6th S.W., Burien, WA.

The authority under which these rules are proposed is RCW 18.64.005(11).

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 9:00 a.m., Thursday, April 15, 1982, Burien Police Department, 14905 6th S.W., Burien, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-04-086 filed with the code reviewer's office on February 3, 1982.

Dated: March 23, 1982

By: Donald H. Williams  
Executive Secretary

**WSR 82-07-099  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed March 24, 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 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes, amending WAC 173-20-520;

that such agency will at 7:00 p.m., Tuesday, April 27, 1982, in the Ocean Park School Auditorium, Ocean Park, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, May 12, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 4, 1982, and/or orally at 7:00 p.m., Tuesday, April 27, 1982, Ocean Park School Auditorium, Ocean Park, Washington.

Dated: March 24, 1982

By: Donald W. Moos  
Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-20-520, Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.

Description of Purpose: Chapter 173-20 WAC inventories all lakes which are classified as "shorelines of the state" pursuant to the Shoreline Management Act of 1971.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The listing of Skating Lake, WAC 173-20-520(5), would be removed by this rule change.

Reasons Supporting Proposed Action: The proposed amendment involves the removal of Skating Lake from the inventory of "shorelines of the state" because the lake does not appear to meet the qualifying criteria (20 acres or larger).

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael W. Rundlett, Shorelines Division, Department of Ecology, Mailstop PV-11, Olympia, WA, (206) 459-6276.

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: No.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-520 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—PACIFIC COUNTY LAKES.

Location	Section	Name	Area (Acres)	Use
(1) T10N-R11W	4-SW1/4	Breaker Lk.	20.3	R
(2) T10N-R11W	33-A	Black Lk.	30.0	PS
(3) T11N-R11W	9-K	Loomis Lk.	150.7	R
(4) T11N-R11W	21-E1/2	Island Lk.	55.8	R
<del>((5) T12N-R11W)</del>	<del>K/Q</del>	<del>Skating Lk.</del>	<del>66.0</del>	<del>R))</del>
<del>((6))</del>				
(5) T12N-R11W	16-J/R	Espy Lk.	20.0	R

**WSR 82-07-100**  
**ADOPTED RULES**  
**STATE PATROL**  
**(Transportation of Hazardous Materials**  
**Technical Advisory Committee)**  
[Order 82-2—Filed March 24, 1982]

Be it resolved by the Washington State Patrol, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to transportation of hazardous materials, hazardous waste, and radioactive waste materials, chapter 446-50 WAC.

This action is taken pursuant to Notice No. WSR 82-04-038 filed with the code reviser on January 28, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.48.170 which directs that the Washington State Patrol has authority to implement the provisions of RCW 46.48.170.

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 23, 1982.

By Neil W. Moloney  
Chief, Washington State Patrol

AMENDATORY SECTION (Amending Order 80-2, filed January 8, 1981]

WAC 446-50-080 TRANSPORTATION REQUIREMENTS. (1) The Washington State Patrol acting by and through the chief of the Washington State Patrol after conferring with the committee created by RCW 46.48.190 hereby adopts the following parts ((or sections)) of Title 49 Code of Federal Regulations, including all appendices and amendments thereto, in effect on the effective date of this rule: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers—General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

(2) Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the Code Reviser's Office, Olympia, and at the Washington State Patrol Headquarters, ((Weight Control Section)) Commercial Vehicle Enforcement Section, Olympia. Additional copies may be available for review at Washington State Patrol District Headquarters Offices, public libraries, Washington Utilities and Transportation Commission

Offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402.

**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.

**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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-20-150	AMD-P	82-07-041	16-536-020	AMD-P	82-05-050	118-03-060	NEW-E	82-07-059
16-54-082	AMD	82-03-019	16-536-040	AMD-P	82-05-050	118-03-075	NEW-E	82-05-004
16-96-130	AMD	82-04-001	16-620-210	AMD	82-04-001	118-03-080	NEW-E	82-07-059
16-96-130	AMD-P	82-07-090	16-620-255	REP	82-04-001	118-03-095	NEW-E	82-05-004
16-232-300	NEW-P	82-05-053	16-620-280	AMD	82-04-001	118-03-100	NEW-E	82-07-059
16-232-305	NEW-P	82-05-053	16-620-290	AMD	82-04-001	118-03-115	NEW-E	82-05-004
16-232-310	NEW-P	82-05-053	16-620-300	AMD	82-04-001	118-03-120	NEW-E	82-07-059
16-232-315	NEW-P	82-05-053	16-620-310	REP	82-04-001	118-03-135	NEW-E	82-05-004
16-232-320	NEW-P	82-05-053	16-620-340	AMD	82-04-001	118-03-140	NEW-E	82-07-059
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16-316-0011	REP-P	82-04-082	67-14-060	NEW-C	82-04-054	118-03-200	NEW-E	82-07-059
16-316-0016	REP-P	82-04-082	67-30-005	NEW	82-06-022	118-03-215	NEW-E	82-05-004
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16-316-0020	REP-P	82-04-082	67-30-040	NEW-C	82-04-053	118-03-235	NEW-E	82-05-004
16-316-0021	REP-P	82-04-082	67-30-050	NEW-P	82-06-039	118-03-240	NEW-E	82-07-059
16-316-0022	REP-P	82-04-082	67-30-060	NEW-P	82-06-039	118-03-255	NEW-E	82-05-004
16-316-0025	REP-P	82-04-082	67-30-070	NEW-P	82-06-039	118-03-260	NEW-E	82-07-059
16-316-0026	REP-P	82-04-082	67-30-080	NEW	82-06-022	118-03-275	NEW-E	82-05-004
16-316-0027	REP-P	82-04-082	67-30-090	NEW	82-06-022	118-03-280	NEW-E	82-07-059
16-316-0029	REP-P	82-04-082	67-30-100	NEW	82-06-022	118-03-295	NEW-E	82-05-004
16-316-0037	REP-P	82-04-082	67-30-120	NEW	82-06-022	118-03-300	NEW-E	82-07-059
16-316-0038	REP-P	82-04-082	67-30-125	NEW	82-06-022	118-03-315	NEW-E	82-05-004
16-316-004	REP-P	82-04-082	67-30-130	NEW-P	82-06-039	118-03-320	NEW-E	82-07-059
16-316-0043	REP-P	82-04-082	67-30-150	NEW	82-06-022	118-03-335	NEW-E	82-05-004
16-316-0044	REP-P	82-04-082	67-30-170	NEW-P	82-06-039	118-03-340	NEW-E	82-07-059
16-316-0045	REP-P	82-04-082	67-30-180	NEW	82-06-022	130-16-010	NEW	82-04-022
16-316-0053	REP-P	82-04-082	67-30-185	NEW	82-06-022	130-16-020	NEW	82-04-022
16-316-0058	REP-P	82-04-082	67-30-210	NEW-P	82-06-039	130-16-030	NEW	82-04-022
16-316-0059	REP-P	82-04-082	67-30-310	NEW	82-06-022	130-16-040	NEW	82-04-022
16-316-006	REP-P	82-04-082	67-30-320	NEW	82-06-022	130-16-050	NEW	82-04-022
16-316-0062	REP-P	82-04-082	82-20-010	NEW-P	82-02-074	130-16-060	NEW	82-04-022
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16-316-0081	REP-P	82-04-082	82-20-020	NEW-P	82-02-074	130-16-080	NEW	82-04-022
16-316-0086	REP-P	82-04-082	82-20-020	NEW	82-05-030	130-16-090	NEW	82-04-022
16-316-0096	REP-P	82-04-082	82-20-030	NEW-P	82-02-074	131-16	AMD-C	82-05-031
16-316-160	AMD-P	82-04-082	82-20-030	NEW	82-05-030	131-16	AMD-C	82-07-081
16-316-165	AMD-P	82-04-082	82-20-040	NEW-P	82-02-074	131-28-026	AMD-P	82-07-073
16-316-214	NEW-P	82-04-082	82-20-040	NEW	82-05-030	132H-105-040	AMD-P	82-05-040
16-316-270	AMD-P	82-04-082	82-20-050	NEW-P	82-02-074	132H-116-350	AMD	82-04-005
16-316-370	AMD-P	82-04-082	82-20-050	NEW	82-05-030	132H-116-370	AMD	82-04-005
16-316-620	AMD-P	82-04-082	82-20-060	NEW-P	82-02-074	132H-116-480	AMD	82-04-005
16-316-727	NEW-P	82-05-013	82-20-060	NEW	82-05-030	132H-116-490	AMD	82-04-005
16-316-790	AMD-P	82-04-082	82-20-070	NEW-P	82-02-074	132H-116-500	AMD	82-04-005
16-316-800	AMD-P	82-04-082	82-20-070	NEW	82-05-030	132H-116-550	AMD	82-04-005
16-316-810	AMD-P	82-04-082	118-03-015	NEW-E	82-05-004	132H-116-580	AMD	82-04-005
16-316-815	NEW-P	82-04-082	118-03-020	NEW-E	82-07-059	132H-116-590	AMD	82-04-005
16-316-820	AMD-P	82-04-082	118-03-035	NEW-E	82-05-004	132H-116-610	AMD	82-04-005
16-316-830	AMD-P	82-04-082	118-03-040	NEW-E	82-07-059	132H-116-620	AMD	82-04-005
16-536-010	AMD-P	82-05-050	118-03-055	NEW-E	82-05-004	132H-116-720	AMD	82-04-005

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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132H-116-780	AMD	82-04-005	132N-156-140	REP	82-07-031	132Y-136-224	NEW	82-04-018
132H-116-780	AMD-P	82-07-071	132N-156-140	REP-E	82-07-032	132Y-136-228	NEW	82-04-018
132H-116-810	AMD	82-04-005	132N-156-145	NEW	82-07-031	132Y-136-236	NEW	82-04-018
132H-120-060	AMD-P	82-07-072	132N-156-145	NEW-E	82-07-032	132Y-136-304	NEW	82-04-018
132H-140-010	AMD-E	82-07-029	132N-156-150	REP	82-07-031	132Y-136-401	NEW	82-04-018
132H-140-010	AMD-P	82-07-070	132N-156-150	REP-E	82-07-032	132Y-136-404	NEW	82-04-018
132H-140-020	AMD-E	82-07-029	132N-156-155	NEW	82-07-031	132Y-136-501	NEW	82-04-018
132H-140-020	AMD-P	82-07-070	132N-156-155	NEW-E	82-07-032	132Y-136-540	NEW	82-04-018
132H-140-040	AMD-E	82-07-029	132N-156-160	REP	82-07-031	137-04-010	NEW	82-04-023
132H-140-040	AMD-P	82-07-070	132N-156-160	REP-E	82-07-032	137-04-015	NEW	82-04-023
132H-140-050	AMD-E	82-07-029	132N-156-165	NEW	82-07-031	137-04-020	NEW	82-04-023
132H-140-050	AMD-P	82-07-070	132N-156-165	NEW-E	82-07-032	137-04-030	NEW	82-04-023
132H-140-060	AMD-E	82-07-029	132N-156-170	REP	82-07-031	137-08-010	NEW	82-04-023
132H-140-060	AMD-P	82-07-070	132N-156-170	REP-E	82-07-032	137-08-020	NEW	82-04-023
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132N-156-035	NEW-E	82-07-032	132T-05-030	AMD	82-07-011	137-56-060	NEW-P	82-04-059
132N-156-040	REP	82-07-031	132T-05-040	AMD-P	82-02-046	137-56-070	NEW-P	82-04-059
132N-156-040	REP-E	82-07-032	132T-05-040	AMD	82-07-011	137-56-080	NEW-P	82-04-059
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132N-156-070	REP	82-07-031	132T-06-060	AMD	82-07-033	137-56-210	NEW-P	82-04-059
132N-156-070	REP-E	82-07-032	132T-06-070	REP	82-07-033	137-56-220	NEW-P	82-04-059
132N-156-075	NEW	82-07-031	132T-06-075	NEW	82-07-033	137-56-230	NEW-P	82-04-059
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132N-156-080	REP	82-07-031	132T-06-085	NEW	82-07-033	137-56-250	NEW-P	82-04-059
132N-156-080	REP-E	82-07-032	132T-06-090	REP	82-07-033	137-56-260	NEW-P	82-04-059
132N-156-085	NEW	82-07-031	132T-06-095	NEW	82-07-033	137-56-270	NEW-P	82-04-059
132N-156-085	NEW-E	82-07-032	132T-104-040	AMD-P	82-06-024	137-57-005	NEW-P	82-04-059
132N-156-090	REP	82-07-031	132T-104-070	AMD-P	82-06-024	137-57-010	NEW-P	82-04-059
132N-156-090	REP-E	82-07-032	132T-104-080	AMD-P	82-06-024	137-57-020	NEW-P	82-04-059
132N-156-095	NEW	82-07-031	132T-104-110	AMD-P	82-06-024	137-57-030	NEW-P	82-04-059
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132N-156-100	REP	82-07-031	132T-104-130	AMD-P	82-06-024	137-57-050	NEW-P	82-04-059
132N-156-100	REP-E	82-07-032	132T-104-210	AMD-P	82-06-024	137-57-060	NEW-P	82-04-059
132N-156-105	NEW	82-07-031	132T-104-240	AMD-P	82-06-024	137-57-070	NEW-P	82-04-059
132N-156-105	NEW-E	82-07-032	132T-104-260	AMD-P	82-06-024	137-57-080	NEW-P	82-04-059
132N-156-110	REP	82-07-031	132T-104-265	NEW-P	82-06-024	137-58-010	NEW-P	82-03-013
132N-156-110	REP-E	82-07-032	132T-104-270	AMD-P	82-06-024	137-58-010	NEW-E	82-03-014
132N-156-115	NEW	82-07-031	132T-104-280	AMD-P	82-06-024	137-58-010	NEW	82-07-067
132N-156-115	NEW-E	82-07-032	132Y-125-004	NEW-P	82-05-039	137-58-020	NEW-P	82-03-013
132N-156-120	REP	82-07-031	132Y-136-001	NEW	82-04-018	137-58-020	NEW-E	82-03-014
132N-156-120	REP-E	82-07-032	132Y-136-101	NEW	82-04-018	137-58-030	NEW	82-07-067
132N-156-125	NEW	82-07-031	132Y-136-201	NEW	82-04-018	137-58-030	NEW-P	82-03-013
132N-156-125	NEW-E	82-07-032	132Y-136-204	NEW	82-04-018	137-58-030	NEW-E	82-03-014
132N-156-130	REP	82-07-031	132Y-136-208	NEW	82-04-018	137-58-030	NEW	82-07-067
132N-156-130	REP-E	82-07-032	132Y-136-212	NEW	82-04-018	137-58-040	NEW-P	82-03-013
132N-156-135	NEW	82-07-031	132Y-136-216	NEW	82-04-018	137-58-040	NEW-E	82-03-014

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
137-58-040	NEW	82-07-067	139-50-010	NEW-P	82-03-047	172-116-160	AMD	82-07-038
137-60	NEW-P	82-03-015	139-50-010	NEW	82-07-053	172-116-170	AMD	82-07-038
137-60	NEW-E	82-03-016	154-01-010	NEW-E	82-04-017	172-116-175	AMD	82-07-038
137-60-010	NEW-P	82-03-015	154-04-010	NEW-E	82-04-017	172-116-185	REP	82-07-038
137-60-010	NEW-E	82-03-016	154-04-020	NEW-E	82-04-017	172-116-190	AMD	82-07-038
137-60-010	NEW	82-07-006	154-04-030	NEW-E	82-04-017	172-116-200	AMD	82-07-038
137-60-020	NEW-P	82-03-015	154-04-040	NEW-E	82-04-017	172-116-210	AMD	82-07-038
137-60-020	NEW-E	82-03-016	154-04-050	NEW-E	82-04-017	172-116-220	AMD	82-07-038
137-60-020	NEW	82-07-006	154-04-060	NEW-E	82-04-017	172-116-230	AMD	82-07-038
137-60-030	NEW-P	82-03-015	154-04-070	NEW-E	82-04-017	172-116-240	AMD	82-07-038
137-60-030	NEW-E	82-03-016	154-04-080	NEW-E	82-04-017	172-116-250	AMD	82-07-038
137-60-030	NEW	82-07-006	154-04-090	NEW-E	82-04-017	172-116-260	AMD	82-07-038
137-60-040	NEW-P	82-03-015	154-04-100	NEW-E	82-04-017	172-116-270	AMD	82-07-038
137-60-040	NEW-E	82-03-016	154-04-110	NEW-E	82-04-017	172-116-280	AMD	82-07-038
137-60-040	NEW	82-07-006	154-08-010	NEW-E	82-04-017	172-116-300	AMD	82-07-038
137-60-045	NEW-P	82-03-015	154-08-020	NEW-E	82-04-017	172-116-310	AMD	82-07-038
137-60-045	NEW-E	82-03-016	154-08-030	NEW-E	82-04-017	172-116-315	AMD	82-07-038
137-60-045	NEW	82-07-006	154-08-040	NEW-E	82-04-017	172-116-320	AMD	82-07-038
137-60-050	NEW-P	82-03-015	154-08-050	NEW-E	82-04-017	172-116-330	AMD	82-07-038
137-60-050	NEW-E	82-03-016	154-12-010	NEW-E	82-04-017	172-116-340	AMD	82-07-038
137-60-050	NEW	82-07-006	154-12-020	NEW-E	82-04-017	172-116-345	NEW	82-07-038
137-60-060	NEW-P	82-03-015	154-12-030	NEW-E	82-04-017	172-168-010	AMD	82-07-064
137-60-060	NEW-E	82-03-016	154-12-040	NEW-E	82-04-017	172-168-020	AMD	82-07-064
137-60-060	NEW	82-07-006	154-12-050	NEW-E	82-04-017	172-168-060	AMD	82-07-064
137-60-070	NEW-P	82-03-015	154-12-060	NEW-E	82-04-017	172-168-070	AMD	82-07-064
137-60-070	NEW-E	82-03-016	154-12-070	NEW-E	82-04-017	172-168-080	AMD	82-07-064
137-60-070	NEW	82-07-006	154-12-080	NEW-E	82-04-017	172-168-120	AMD	82-07-064
137-60-080	NEW-P	82-03-015	154-12-090	NEW-E	82-04-017	172-168-130	AMD	82-07-064
137-60-080	NEW-E	82-03-016	154-12-100	NEW-E	82-04-017	173-19-160	AMD	82-05-017
137-60-080	NEW	82-07-006	154-12-110	NEW-E	82-04-017	173-19-250	AMD	82-05-018
137-60-090	NEW-P	82-03-015	154-16-010	NEW-E	82-04-017	173-19-2521	AMD	82-02-079
137-60-090	NEW-E	82-03-016	154-16-020	NEW-E	82-04-017	173-19-2601	AMD-C	82-02-076
137-60-090	NEW	82-07-006	154-20-010	NEW-E	82-04-017	173-19-2601	AMD	82-03-042
137-60-100	NEW-P	82-03-015	154-20-020	NEW-E	82-04-017	173-19-2601	AMD-P	82-03-043
137-60-100	NEW-E	82-03-016	154-24-010	NEW-E	82-04-017	173-19-2601	AMD	82-07-003
137-60-100	NEW	82-07-006	154-28-010	NEW-E	82-04-017	173-19-2902	AMD	82-02-078
137-60-110	NEW-P	82-03-015	154-32-010	NEW-E	82-04-017	173-19-330	AMD-C	82-05-015
137-60-110	NEW-E	82-03-016	154-32-020	NEW-E	82-04-017	173-19-330	AMD-C	82-06-012
137-60-110	NEW	82-07-006	154-36-010	NEW-E	82-04-017	173-19-330	AMD	82-07-045
137-60-120	NEW-P	82-03-015	154-40-010	NEW-E	82-04-017	173-19-3514	AMD-P	82-05-056
137-60-120	NEW-E	82-03-016	154-44-010	NEW-E	82-04-017	173-19-3910	AMD-C	82-05-016
137-60-120	NEW	82-07-006	154-48-010	NEW-E	82-04-017	173-19-3910	AMD	82-06-013
137-60-130	NEW-P	82-03-015	154-52-010	NEW-E	82-04-017	173-19-420	AMD-P	82-03-043
137-60-130	NEW-E	82-03-016	154-56-010	NEW-E	82-04-017	173-19-420	AMD	82-07-004
137-60-130	NEW	82-07-006	154-60-010	NEW-E	82-04-017	173-19-4202	AMD	82-02-080
137-60-140	NEW-P	82-03-015	154-64-010	NEW-E	82-04-017	173-19-4206	AMD	82-02-081
137-60-140	NEW-E	82-03-016	154-64-020	NEW-E	82-04-017	173-19-450	AMD	82-02-077
137-60-140	NEW	82-07-006	154-64-030	NEW-E	82-04-017	173-19-450	AMD-P	82-03-043
139-36-010	REP-P	82-04-065	154-64-040	NEW-E	82-04-017	173-19-450	AMD	82-07-005
139-36-010	REP	82-07-051	154-64-050	NEW-E	82-04-017	173-19-4502	AMD-P	82-05-056
139-36-020	NEW-P	82-04-066	154-64-060	NEW-E	82-04-017	173-20-520	AMD-P	82-07-099
139-36-020	NEW	82-07-052	154-68-010	NEW-E	82-04-017	173-80-010	NEW	82-05-011
139-36-030	NEW-P	82-04-066	154-68-020	NEW-E	82-04-017	173-80-020	NEW	82-05-011
139-36-030	NEW	82-07-052	167-04-010	REP-P	82-07-084	173-80-030	NEW	82-05-011
139-36-031	NEW-P	82-04-066	167-04-030	REP-P	82-07-084	173-80-040	NEW	82-05-011
139-36-031	NEW	82-07-052	167-04-050	REP-P	82-07-084	173-80-050	NEW	82-05-011
139-36-032	NEW-P	82-04-066	167-06-010	REP-P	82-07-084	173-80-060	NEW	82-05-011
139-36-032	NEW	82-07-052	167-06-020	REP-P	82-07-084	173-80-070	NEW	82-05-011
139-36-033	NEW-P	82-04-066	167-08-010	REP-P	82-07-084	173-201-010	AMD-P	82-06-056
139-36-033	NEW	82-07-052	172-116-010	AMD	82-07-038	173-201-020	REP-P	82-06-056
139-36-034	NEW-P	82-04-066	172-116-015	NEW	82-07-038	173-201-025	AMD-P	82-06-056
139-36-034	NEW	82-07-052	172-116-020	AMD	82-07-038	173-201-035	AMD-P	82-06-056
139-36-040	NEW-P	82-04-066	172-116-030	AMD	82-07-038	173-201-045	AMD-P	82-06-056
139-36-040	NEW	82-07-052	172-116-040	AMD	82-07-038	173-201-050	REP-P	82-06-056
139-36-041	NEW-P	82-04-066	172-116-050	AMD	82-07-038	173-201-070	AMD-P	82-06-056
139-36-041	NEW	82-07-052	172-116-060	AMD	82-07-038	173-201-080	AMD-P	82-06-056
139-36-050	NEW-P	82-04-066	172-116-080	AMD	82-07-038	173-201-085	AMD-P	82-06-056
139-36-050	NEW	82-07-052	172-116-090	AMD	82-07-038	173-201-090	AMD-P	82-06-056
139-36-051	NEW-P	82-04-066	172-116-100	REP	82-07-038	173-201-120	AMD-P	82-06-056
139-36-051	NEW	82-07-052	172-116-110	AMD	82-07-038	173-201-140	REP-P	82-06-056
139-36-060	NEW-P	82-04-066	172-116-120	REP	82-07-038	173-230-010	AMD-P	82-05-055
139-36-060	NEW	82-07-052	172-116-130	AMD	82-07-038	173-230-020	AMD-P	82-05-055
139-36-061	NEW-P	82-04-066	172-116-140	AMD	82-07-038	173-230-040	AMD-P	82-05-055
139-36-061	NEW	82-07-052	172-116-150	AMD	82-07-038	173-230-050	AMD-P	82-05-055

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173-230-060	REP-P	82-05-055	173-303-145	NEW	82-05-023	194-16-040	NEW-E	82-07-087
173-230-061	NEW-P	82-05-055	173-303-150	NEW	82-05-023	194-16-040	NEW-P	82-07-088
173-230-070	AMD-P	82-05-055	173-303-160	NEW	82-05-023	194-16-050	NEW-E	82-07-087
173-230-080	AMD-P	82-05-055	173-303-170	NEW	82-05-023	194-16-050	NEW-P	82-07-088
173-230-100	AMD-P	82-05-055	173-303-180	NEW	82-05-023	194-16-060	NEW-E	82-07-087
173-230-110	AMD-P	82-05-055	173-303-190	NEW	82-05-023	194-16-060	NEW-P	82-07-088
173-302	REP-C	82-04-046	173-303-200	NEW	82-05-023	194-16-070	NEW-E	82-07-087
173-302-010	REP	82-05-023	173-303-210	NEW	82-05-023	194-16-070	NEW-P	82-07-088
173-302-020	REP	82-05-023	173-303-220	NEW	82-05-023	204-24	AMD-C	82-06-040
173-302-030	REP	82-05-023	173-303-230	NEW	82-05-023	204-24-040	AMD-E	82-04-048
173-302-040	REP	82-05-023	173-303-240	NEW	82-05-023	204-24-040	AMD-P	82-04-049
173-302-050	REP	82-05-023	173-303-250	NEW	82-05-023	204-24-050	AMD-E	82-04-048
173-302-060	REP	82-05-023	173-303-260	NEW	82-05-023	204-24-050	AMD-P	82-04-049
173-302-070	REP	82-05-023	173-303-270	NEW	82-05-023	204-56-010	REP-P	82-06-041
173-302-080	REP	82-05-023	173-303-275	NEW	82-05-023	204-56-015	NEW-P	82-06-041
173-302-090	REP	82-05-023	173-303-280	NEW	82-05-023	204-56-020	REP-P	82-06-041
173-302-100	REP	82-05-023	173-303-290	NEW	82-05-023	204-56-025	NEW-P	82-06-041
173-302-110	REP	82-05-023	173-303-300	NEW	82-05-023	204-56-030	REP-P	82-06-041
173-302-120	REP	82-05-023	173-303-310	NEW	82-05-023	204-56-035	NEW-P	82-06-041
173-302-130	REP	82-05-023	173-303-320	NEW	82-05-023	204-56-040	REP-P	82-06-041
173-302-140	REP	82-05-023	173-303-330	NEW	82-05-023	204-56-045	NEW-P	82-06-041
173-302-150	REP	82-05-023	173-303-340	NEW	82-05-023	204-56-050	REP-P	82-06-041
173-302-160	REP	82-05-023	173-303-350	NEW	82-05-023	204-56-055	NEW-P	82-06-041
173-302-165	REP	82-05-023	173-303-360	NEW	82-05-023	204-56-065	NEW-P	82-06-041
173-302-170	REP	82-05-023	173-303-370	NEW	82-05-023	204-56-075	NEW-P	82-06-041
173-302-180	REP	82-05-023	173-303-380	NEW	82-05-023	204-56-085	NEW-P	82-06-041
173-302-190	REP	82-05-023	173-303-390	NEW	82-05-023	204-56-99001	NEW-P	82-06-041
173-302-200	REP	82-05-023	173-303-395	NEW	82-05-023	204-56-99002	NEW-P	82-06-041
173-302-210	REP	82-05-023	173-303-400	NEW	82-05-023	204-56-99003	NEW-P	82-06-041
173-302-220	REP	82-05-023	173-303-500	NEW	82-05-023	204-56-99004	NEW-P	82-06-041
173-302-230	REP	82-05-023	173-303-510	NEW	82-05-023	204-56-99005	NEW-P	82-06-041
173-302-240	REP	82-05-023	173-303-520	NEW	82-05-023	204-56-99006	NEW-P	82-06-041
173-302-250	REP	82-05-023	173-303-575	NEW	82-05-023	204-56-99007	NEW-P	82-06-041
173-302-260	REP	82-05-023	173-303-600	NEW	82-05-023	204-56-99008	NEW-P	82-06-041
173-302-270	REP	82-05-023	173-303-610	NEW	82-05-023	204-56-99009	NEW-P	82-06-041
173-302-280	REP	82-05-023	173-303-620	NEW	82-05-023	204-56-99010	NEW-P	82-06-041
173-302-290	REP	82-05-023	173-303-630	NEW	82-05-023	204-56-99011	NEW-P	82-06-041
173-302-300	REP	82-05-023	173-303-640	NEW	82-05-023	204-56-99012	NEW-P	82-06-041
173-302-310	REP	82-05-023	173-303-650	NEW	82-05-023	204-56-99013	NEW-P	82-06-041
173-302-320	REP	82-05-023	173-303-660	NEW	82-05-023	204-56-99014	NEW-P	82-06-041
173-302-330	REP	82-05-023	173-303-670	NEW	82-05-023	204-70-040	AMD-E	82-04-047
173-302-340	REP	82-05-023	173-303-700	NEW	82-05-023	204-70-100	AMD-E	82-04-047
173-302-350	REP	82-05-023	173-303-800	NEW	82-05-023	204-70-120	AMD-E	82-04-047
173-302-360	REP	82-05-023	173-303-801	NEW	82-05-023	212-26-001	NEW-P	82-07-075
173-302-370	REP	82-05-023	173-303-805	NEW	82-05-023	212-26-005	NEW-P	82-07-075
173-302-380	REP	82-05-023	173-303-810	NEW	82-05-023	212-26-010	NEW-P	82-07-075
173-302-390	REP	82-05-023	173-303-815	NEW	82-05-023	212-26-015	NEW-P	82-07-075
173-303	AMD-C	82-04-046	173-303-820	NEW	82-05-023	212-26-020	NEW-P	82-07-075
173-303-010	NEW	82-05-023	173-303-825	NEW	82-05-023	212-26-025	NEW-P	82-07-075
173-303-020	NEW	82-05-023	173-303-830	NEW	82-05-023	212-26-030	NEW-P	82-07-075
173-303-030	NEW	82-05-023	173-303-840	NEW	82-05-023	212-26-035	NEW-P	82-07-075
173-303-040	NEW	82-05-023	173-303-845	NEW	82-05-023	212-26-040	NEW-P	82-07-075
173-303-045	NEW	82-05-023	173-303-900	NEW	82-05-023	212-26-045	NEW-P	82-07-075
173-303-050	NEW	82-05-023	173-303-910	NEW	82-05-023	212-26-050	NEW-P	82-07-075
173-303-060	NEW	82-05-023	173-303-9901	NEW	82-05-023	212-26-055	NEW-P	82-07-075
173-303-070	NEW	82-05-023	173-303-9902	NEW	82-05-023	212-26-060	NEW-P	82-07-075
173-303-071	NEW	82-05-023	173-303-9903	NEW	82-05-023	212-26-065	NEW-P	82-07-075
173-303-075	NEW	82-05-023	173-303-9904	NEW	82-05-023	212-26-070	NEW-P	82-07-075
173-303-080	NEW	82-05-023	173-303-9905	NEW	82-05-023	212-26-075	NEW-P	82-07-075
173-303-081	NEW	82-05-023	173-303-9906	NEW	82-05-023	212-26-080	NEW-P	82-07-075
173-303-082	NEW	82-05-023	173-303-9907	NEW	82-05-023	212-26-085	NEW-P	82-07-075
173-303-083	NEW	82-05-023	174-104-010	AMD-P	82-06-008	212-26-090	NEW-P	82-07-075
173-303-084	NEW	82-05-023	180-55-125	AMD	82-04-002	212-26-095	NEW-P	82-07-075
173-303-090	NEW	82-05-023	180-56-230	AMD	82-04-003	212-26-100	NEW-P	82-07-075
173-303-100	NEW	82-05-023	180-90-130	AMD	82-04-004	212-26-105	NEW-P	82-07-075
173-303-101	NEW	82-05-023	180-90-140	AMD	82-04-004	212-52-012	AMD-P	82-07-017
173-303-102	NEW	82-05-023	180-90-160	AMD	82-04-004	220-12-010	AMD-P	82-02-097
173-303-103	NEW	82-05-023	192-18-050	AMD-E	82-03-054	220-12-010	AMD-C	82-06-023
173-303-104	NEW	82-05-023	194-16-010	NEW-E	82-07-087	220-12-010	AMD-C	82-07-044
173-303-110	NEW	82-05-023	194-16-010	NEW-P	82-07-088	220-12-010	AMD	82-07-047
173-303-120	NEW	82-05-023	194-16-020	NEW-E	82-07-087	220-16-132	NEW	82-03-045
173-303-130	NEW	82-05-023	194-16-020	NEW-P	82-07-088	220-16-257	AMD-P	82-02-097
173-303-140	NEW	82-05-023	194-16-030	NEW-E	82-07-087	220-16-257	AMD-C	82-06-023
173-303-141	NEW	82-05-023	194-16-030	NEW-P	82-07-088	220-16-257	AMD-C	82-07-044

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220-16-257	AMD	82-07-047	220-56-192	NEW-C	82-06-023	220-57-16000S	NEW-E	82-07-008
220-16-315	AMD	82-03-045	220-56-192	NEW-C	82-07-044	220-57-175	AMD-P	82-02-097
220-16-340	AMD-P	82-02-097	220-56-205	AMD-P	82-02-097	220-57-175	AMD-C	82-06-023
220-16-340	AMD-C	82-06-023	220-56-205	AMD-C	82-06-023	220-57-175	AMD-C	82-07-044
220-16-340	AMD-C	82-07-044	220-56-205	AMD-C	82-07-044	220-57-175	AMD	82-07-047
220-16-340	AMD	82-07-047	220-56-205	AMD	82-07-047	220-57-17500I	NEW-E	82-07-008
220-20-010	AMD-P	82-02-097	220-56-250	AMD-P	82-02-097	220-57-220	AMD-P	82-02-097
220-20-010	AMD-C	82-06-023	220-56-250	AMD-C	82-06-023	220-57-220	AMD-C	82-06-023
220-20-010	AMD-C	82-07-044	220-56-250	AMD-C	82-07-044	220-57-220	AMD-C	82-07-044
220-20-010	AMD	82-07-047	220-56-250	AMD	82-07-047	220-57-220	AMD	82-07-047
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260-70-200	AMD-C	82-06-032	275-40-010	REP	82-04-023
260-70-290	NEW-P	82-05-044	275-40-020	REP	82-04-023
260-70-290	AMD-C	82-06-032	275-40-030	REP	82-04-023
260-70-300	NEW-P	82-06-033	275-40-040	REP	82-04-023
260-88-010	AMD-P	82-03-052	275-40-050	REP	82-04-023
260-88-010	AMD-C	82-06-055	275-40-060	REP	82-04-023
260-88-020	NEW-P	82-03-052	275-40-070	REP	82-04-023
260-88-020	NEW-C	82-06-055	275-52-010	REP	82-04-023
260-997	REP-P	82-05-044	275-52-015	REP	82-04-023
260-997	REP-C	82-06-032	275-52-020	REP	82-04-023
263-12-015	AMD	82-03-031	275-55	AMD-C	82-05-024
263-12-016	AMD	82-03-031	275-55-010	AMD	82-07-024
263-12-020	AMD	82-03-031	275-55-020	AMD	82-07-024
263-12-045	AMD	82-03-031	275-55-021	NEW	82-07-024
263-12-050	AMD	82-03-031	275-55-030	AMD	82-07-024
263-12-053	AMD	82-03-031	275-55-040	AMD	82-07-024
263-12-056	AMD	82-03-031	275-55-041	REP	82-07-024
263-12-060	AMD	82-03-031	275-55-050	AMD	82-07-024
263-12-065	AMD	82-03-031	275-55-060	AMD	82-07-024
263-12-090	AMD	82-03-031	275-55-061	REP	82-07-024
263-12-093	AMD	82-03-031	275-55-070	REP	82-07-024
263-12-095	AMD	82-03-031	275-55-071	NEW	82-07-024
263-12-100	AMD	82-03-031	275-55-080	REP	82-07-024
263-12-115	AMD	82-03-031	275-55-081	NEW	82-07-024
263-12-120	AMD	82-03-031	275-55-090	AMD	82-07-024
263-12-125	AMD	82-03-031	275-55-100	REP	82-07-024
263-12-145	AMD	82-03-031	275-55-110	AMD	82-07-024
263-12-165	AMD	82-03-031	275-55-120	REP	82-07-024
263-12-175	AMD	82-03-031	275-55-121	NEW	82-07-024
275-25-520	AMD-P	82-02-054	275-55-130	REP	82-07-024
275-25-520	AMD-E	82-02-056	275-55-131	NEW	82-07-024
275-55-140	REP	82-07-024	275-55-141	NEW	82-07-024
275-55-141	NEW	82-07-024	275-55-150	REP	82-07-024
275-55-150	REP	82-07-024	275-55-151	NEW	82-07-024
275-55-151	NEW	82-07-024	275-55-160	REP	82-07-024
275-55-160	REP	82-07-024	275-55-161	NEW	82-07-024
275-55-161	NEW	82-07-024	275-55-170	REP	82-07-024
275-55-170	REP	82-07-024	275-55-171	NEW	82-07-024
275-55-171	NEW	82-07-024	275-55-180	REP	82-07-024
275-55-180	REP	82-07-024	275-55-181	NEW	82-07-024
275-55-181	NEW	82-07-024	275-55-190	REP	82-07-024
275-55-190	REP	82-07-024	275-55-191	NEW	82-07-024
275-55-191	NEW	82-07-024	275-55-200	REP	82-07-024
275-55-200	REP	82-07-024	275-55-201	NEW	82-07-024
275-55-201	NEW	82-07-024	275-55-210	REP	82-07-024
275-55-210	REP	82-07-024	275-55-211	NEW	82-07-024
275-55-211	NEW	82-07-024	275-55-220	REP	82-07-024
275-55-220	REP	82-07-024	275-55-230	REP	82-07-024
275-55-230	REP	82-07-024	275-55-231	NEW	82-07-024
275-55-231	NEW	82-07-024	275-55-240	REP	82-07-024
275-55-240	REP	82-07-024	275-55-241	NEW	82-07-024
275-55-241	NEW	82-07-024	275-55-250	REP	82-07-024
275-55-250	REP	82-07-024	275-55-260	REP	82-07-024
275-55-260	REP	82-07-024	275-55-261	NEW	82-07-024
275-55-261	NEW	82-07-024	275-55-263	NEW	82-07-024
275-55-263	NEW	82-07-024	275-55-270	REP	82-07-024
275-55-270	REP	82-07-024	275-55-271	NEW	82-07-024
275-55-271	NEW	82-07-024	275-55-280	REP	82-07-024
275-55-280	REP	82-07-024	275-55-281	NEW	82-07-024
275-55-281	NEW	82-07-024	275-55-282	REP	82-07-024
275-55-282	REP	82-07-024	275-55-284	REP	82-07-024
275-55-284	REP	82-07-024	275-55-286	REP	82-07-024
275-55-286	REP	82-07-024	275-55-288	REP	82-07-024
275-55-288	REP	82-07-024	275-55-290	REP	82-07-024
275-55-290	REP	82-07-024	275-55-291	NEW	82-07-024
275-55-291	NEW	82-07-024	275-55-293	NEW	82-07-024
275-55-293	NEW	82-07-024	275-55-295	NEW	82-07-024
275-55-295	NEW	82-07-024	275-55-297	NEW	82-07-024
275-55-297	NEW	82-07-024	275-55-301	NEW	82-07-024
275-55-301	NEW	82-07-024	275-55-331	NEW	82-07-024
275-55-331	NEW	82-07-024	275-55-341	NEW	82-07-024
275-55-341	NEW	82-07-024	275-55-351	NEW	82-07-024
275-55-351	NEW	82-07-024	275-55-361	NEW	82-07-024
275-55-361	NEW	82-07-024	275-55-363	NEW	82-07-024
275-55-363	NEW	82-07-024	275-55-365	NEW	82-07-024
275-55-365	NEW	82-07-024	275-55-367	NEW	82-07-024
275-55-367	NEW	82-07-024	275-55-371	NEW	82-07-024
275-55-371	NEW	82-07-024	275-92-310	REP-P	82-04-059
275-92-310	REP-P	82-04-059	275-92-315	REP-P	82-04-059
275-92-315	REP-P	82-04-059	275-92-320	REP-P	82-04-059
275-92-320	REP-P	82-04-059	275-92-325	REP-P	82-04-059
275-92-325	REP-P	82-04-059	275-92-330	REP-P	82-04-059
275-92-330	REP-P	82-04-059	275-92-335	REP-P	82-04-059
275-92-335	REP-P	82-04-059	275-92-340	REP-P	82-04-059
275-92-340	REP-P	82-04-059	275-92-345	REP-P	82-04-059
275-92-345	REP-P	82-04-059	275-92-350	REP-P	82-04-059
275-92-350	REP-P	82-04-059	275-92-355	REP-P	82-04-059
275-92-355	REP-P	82-04-059	275-92-400	REP-P	82-04-059
275-92-400	REP-P	82-04-059	275-92-405	REP-P	82-04-059
275-92-405	REP-P	82-04-059	275-92-410	REP-P	82-04-059
275-92-410	REP-P	82-04-059	275-92-415	REP-P	82-04-059
275-92-415	REP-P	82-04-059	275-92-510	REP-P	82-04-059
275-92-510	REP-P	82-04-059	275-92-515	REP-P	82-04-059
275-92-515	REP-P	82-04-059	275-92-520	REP-P	82-04-059
275-92-520	REP-P	82-04-059	275-92-525	REP-P	82-04-059
275-92-525	REP-P	82-04-059	275-92-530	REP-P	82-04-059
275-92-530	REP-P	82-04-059	275-92-535	REP-P	82-04-059
275-92-535	REP-P	82-04-059	275-92-540	REP-P	82-04-059
275-92-540	REP-P	82-04-059	275-92-545	REP-P	82-04-059
275-92-545	REP-P	82-04-059	275-92-550	REP-P	82-04-059
275-92-550	REP-P	82-04-059	275-92-555	REP-P	82-04-059
275-92-555	REP-P	82-04-059	275-92-560	REP-P	82-04-059
275-92-560	REP-P	82-04-059	275-92-565	REP-P	82-04-059
275-92-565	REP-P	82-04-059	275-93-005	REP-P	82-03-015
275-93-005	REP-P	82-03-015			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-93-005	REP-E	82-03-016	296-17-910	AMD	82-05-019	296-48-781	REP-P	82-05-006
275-93-005	REP	82-07-006	296-17-911	AMD	82-05-019	296-48-782	REP-P	82-05-006
275-93-010	REP-P	82-03-015	296-17-913	AMD	82-05-019	296-48-785	REP-P	82-05-006
275-93-010	REP-E	82-03-016	296-17-914	AMD	82-05-019	296-48-790	REP-P	82-05-006
275-93-010	REP	82-07-006	296-17-915	AMD	82-05-019	296-48-795	REP-P	82-05-006
275-93-020	REP-P	82-03-015	296-17-917	AMD	82-05-019	296-48-800	AMD-E	82-04-014
275-93-020	REP-E	82-03-016	296-17-919	AMD	82-05-019	296-48-800	REP-P	82-05-006
275-93-020	REP	82-07-006	296-17-91901	AMD	82-05-019	296-48-825	REP-P	82-05-006
275-93-040	REP-P	82-03-015	296-17-91902	AMD	82-05-019	296-48-830	REP-P	82-05-006
275-93-040	REP-E	82-03-016	296-24-12009	AMD-P	82-02-065	296-48-890	REP-P	82-05-006
275-93-040	REP	82-07-006	296-24-130	REP-P	82-02-065	296-48A	REP-C	82-02-052
275-93-050	REP-P	82-03-015	296-24-13001	REP-P	82-02-065	296-48A-001	REP-P	82-05-006
275-93-050	REP-E	82-03-016	296-24-13003	REP-P	82-02-065	296-48A-200	REP-P	82-05-006
275-93-050	REP	82-07-006	296-24-13005	REP-P	82-02-065	296-48A-400	REP-P	82-05-006
275-93-060	REP-P	82-03-015	296-24-13007	REP-P	82-02-065	296-48A-405	REP-P	82-05-006
275-93-060	REP-E	82-03-016	296-24-13009	REP-P	82-02-065	296-48A-410	REP-P	82-05-006
275-93-060	REP	82-07-006	296-24-13011	REP-P	82-02-065	296-48A-600	REP-P	82-05-006
275-93-070	REP-P	82-03-015	296-24-13013	REP-P	82-02-065	296-48A-605	REP-P	82-05-006
275-93-070	REP-E	82-03-016	296-24-33001	AMD-P	82-02-065	296-48A-610	REP-P	82-05-006
275-93-070	REP	82-07-006	296-24-955	REP-P	82-02-065	296-48A-615	REP-P	82-05-006
275-93-080	REP-P	82-03-015	296-24-956	NEW-P	82-02-065	296-48A-700	REP-P	82-05-006
275-93-080	REP-E	82-03-016	296-24-95601	NEW-P	82-02-065	296-48A-750	REP-P	82-05-006
275-93-080	REP	82-07-006	296-24-95603	NEW-P	82-02-065	296-48A-755	REP-P	82-05-006
275-93-090	REP-P	82-03-015	296-24-95605	NEW-P	82-02-065	296-48A-770	REP-P	82-05-006
275-93-090	REP-E	82-03-016	296-24-95607	NEW-P	82-02-065	296-48A-780	REP-P	82-05-006
275-93-090	REP	82-07-006	296-24-95609	NEW-P	82-02-065	296-48A-800	REP-P	82-05-006
275-93-100	REP-P	82-03-015	296-24-95611	NEW-P	82-02-065	296-48A-990	REP-P	82-05-006
275-93-100	REP-E	82-03-016	296-24-95613	NEW-P	82-02-065	296-48B	REP-C	82-02-052
275-93-100	REP	82-07-006	296-24-95615	NEW-P	82-02-065	296-48B-001	REP	82-04-060
275-93-110	REP-P	82-03-015	296-24-95617	NEW-P	82-02-065	296-48B-002	REP	82-04-060
275-93-110	REP-E	82-03-016	296-24-95699	NEW-P	82-02-065	296-48B-005	REP	82-04-060
275-93-110	REP	82-07-006	296-45-65043	AMD-P	82-02-065	296-48B-006	REP	82-04-060
275-93-120	REP-P	82-03-015	296-45-65043	AMD-E	82-07-013	296-48B-009	REP	82-04-060
275-93-120	REP-E	82-03-016	296-45-66007	AMD-E	82-07-001	296-48B-010	REP	82-04-060
275-93-120	REP	82-07-006	296-48	REP-C	82-02-052	296-48B-015	REP	82-04-060
275-93-130	REP-P	82-03-015	296-48-005	REP-P	82-05-006	296-48B-020	REP	82-04-060
275-93-130	REP-E	82-03-016	296-48-010	REP-P	82-05-006	296-48B-025	REP	82-04-060
275-93-130	REP	82-07-006	296-48-020	REP-P	82-05-006	296-48B-030	REP	82-04-060
275-93-140	REP-P	82-03-015	296-48-051	REP-P	82-05-006	296-48B-032	REP	82-04-060
275-93-140	REP-E	82-03-016	296-48-600	REP-P	82-05-006	296-48B-035	REP	82-04-060
275-93-140	REP	82-07-006	296-48-602	REP-P	82-05-006	296-48B-040	REP	82-04-060
284-17-100	REP-P	82-07-056	296-48-604	REP-P	82-05-006	296-48B-050	REP	82-04-060
284-17-110	REP-P	82-07-056	296-48-605	REP-P	82-05-006	296-48B-055	REP	82-04-060
284-17-120	NEW-P	82-07-056	296-48-610	REP-P	82-05-006	296-48B-060	REP	82-04-060
284-17-210	AMD-P	82-07-056	296-48-615	REP-P	82-05-006	296-48B-065	REP	82-04-060
284-17-310	AMD-P	82-07-056	296-48-620	REP-P	82-05-006	296-48B-068	REP	82-04-060
284-24-010	REP-P	82-02-059	296-48-625	REP-P	82-05-006	296-48B-070	REP	82-04-060
284-24-010	REP	82-06-036	296-48-630	REP-P	82-05-006	296-48B-075	REP	82-04-060
284-24-015	NEW-P	82-02-059	296-48-635	REP-P	82-05-006	296-48B-080	REP	82-04-060
284-24-015	NEW	82-06-036	296-48-636	REP-P	82-05-006	296-48B-085	REP	82-04-060
284-24-020	REP-P	82-02-059	296-48-640	REP-P	82-05-006	296-48B-090	REP	82-04-060
284-24-020	REP	82-06-036	296-48-645	REP-P	82-05-006	296-48B-095	REP	82-04-060
284-24-030	REP-P	82-02-059	296-48-701	REP-P	82-05-006	296-48B-100	REP	82-04-060
284-24-030	REP	82-06-036	296-48-702	REP-P	82-05-006	296-48B-105	REP	82-04-060
284-24-035	REP-P	82-02-059	296-48-703	REP-P	82-05-006	296-48B-115	REP	82-04-060
284-24-035	REP	82-06-036	296-48-704	REP-P	82-05-006	296-48B-120	REP	82-04-060
284-24-040	REP-P	82-02-059	296-48-706	REP-P	82-05-006	296-48B-125	REP	82-04-060
284-24-040	REP	82-06-036	296-48-710	REP-P	82-05-006	296-48B-140	REP	82-04-060
284-24-050	REP-P	82-02-059	296-48-715	REP-P	82-05-006	296-48B-142	REP	82-04-060
284-24-050	REP	82-06-036	296-48-720	REP-P	82-05-006	296-48B-143	REP	82-04-060
284-24-060	NEW-P	82-02-059	296-48-725	REP-P	82-05-006	296-48B-145	REP	82-04-060
284-24-060	NEW	82-06-036	296-48-730	REP-P	82-05-006	296-48B-150	REP	82-04-060
284-24-070	NEW-P	82-02-059	296-48-735	REP-P	82-05-006	296-48B-160	REP	82-04-060
284-24-070	NEW	82-06-036	296-48-740	REP-P	82-05-006	296-48B-165	REP	82-04-060
284-24-080	NEW-P	82-02-059	296-48-745	REP-P	82-05-006	296-48B-175	REP	82-04-060
284-24-080	NEW	82-06-036	296-48-750	REP-P	82-05-006	296-48B-177	REP	82-04-060
289-12-030	AMD-E	82-05-042	296-48-755	REP-P	82-05-006	296-48B-178	REP	82-04-060
289-12-030	AMD-P	82-05-046	296-48-760	REP-P	82-05-006	296-48B-179	REP	82-04-060
289-15-225	NEW-P	82-05-045	296-48-761	REP-P	82-05-006	296-48B-180	REP	82-04-060
289-20-205	AMD	82-04-088	296-48-765	REP-P	82-05-006	296-48B-185	REP	82-04-060
289-20-210	AMD	82-04-088	296-48-770	REP-P	82-05-006	296-48B-190	REP	82-04-060
296-15-025	NEW-P	82-04-040	296-48-775	REP-P	82-05-006	296-48B-19001	REP	82-04-060
296-15-025	NEW	82-07-019	296-48-776	REP-P	82-05-006	296-48B-19002	REP	82-04-060
296-17-351	AMD-P	82-07-022	296-48-780	REP-P	82-05-006	296-48B-19003	REP	82-04-060

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-48B-19004	REP	82-04-060	296-48B-720	REP	82-04-060	296-150-040	NEW-W	82-04-015
296-48B-19005	REP	82-04-060	296-48B-725	REP	82-04-060	296-150-045	NEW-W	82-04-015
296-48B-193	REP	82-04-060	296-48B-730	REP	82-04-060	296-150-050	NEW-W	82-04-015
296-48B-196	REP	82-04-060	296-48B-735	REP	82-04-060	296-150-055	NEW-W	82-04-015
296-48B-200	REP	82-04-060	296-48B-740	REP	82-04-060	296-150-060	NEW-W	82-04-015
296-48B-210	REP	82-04-060	296-48B-800	REP	82-04-060	296-150-065	NEW-W	82-04-015
296-48B-215	REP	82-04-060	296-48B-805	REP	82-04-060	296-150-070	NEW-W	82-04-015
296-48B-220	REP	82-04-060	296-48B-810	REP	82-04-060	296-150-075	NEW-W	82-04-015
296-48B-225	REP	82-04-060	296-48B-815	REP	82-04-060	296-150-080	NEW-W	82-04-015
296-48B-230	REP	82-04-060	296-48B-820	REP	82-04-060	296-150-085	NEW-W	82-04-015
296-48B-235	REP	82-04-060	296-48B-825	REP	82-04-060	296-150-090	NEW-W	82-04-015
296-48B-245	REP	82-04-060	296-48B-830	REP	82-04-060	296-150-095	NEW-W	82-04-015
296-48B-250	REP	82-04-060	296-48B-835	REP	82-04-060	296-150-100	NEW-W	82-04-015
296-48B-255	REP	82-04-060	296-52-043	AMD-P	82-02-065	296-150-105	NEW-W	82-04-015
296-48B-260	REP	82-04-060	296-52-043	AMD-E	82-07-013	296-150-110	NEW-W	82-04-015
296-48B-265	REP	82-04-060	296-52-090	AMD-P	82-02-065	296-150-115	NEW-W	82-04-015
296-48B-270	REP	82-04-060	296-52-090	AMD-E	82-07-013	296-150-120	NEW-W	82-04-015
296-48B-275	REP	82-04-060	296-62-07101	AMD-P	82-02-065	296-150-125	NEW-W	82-04-015
296-48B-280	REP	82-04-060	296-62-07107	AMD	82-03-023	296-150-130	NEW-W	82-04-015
296-48B-285	REP	82-04-060	296-62-07109	AMD	82-03-023	296-150-135	NEW-W	82-04-015
296-48B-290	REP	82-04-060	296-62-07115	AMD-P	82-02-065	296-150-140	NEW-W	82-04-015
296-48B-295	REP	82-04-060	296-62-07501	AMD	82-03-023	296-150-145	NEW-W	82-04-015
296-48B-400	REP	82-04-060	296-62-09011	AMD	82-03-023	296-150-150	NEW-W	82-04-015
296-48B-405	REP	82-04-060	296-62-09015	NEW	82-03-023	296-150-155	NEW-W	82-04-015
296-48B-410	REP	82-04-060	296-62-09017	NEW	82-03-023	296-150-160	NEW-W	82-04-015
296-48B-415	REP	82-04-060	296-62-09019	NEW	82-03-023	296-150-165	NEW-W	82-04-015
296-48B-420	REP	82-04-060	296-62-09021	NEW	82-03-023	296-150-170	NEW-W	82-04-015
296-48B-425	REP	82-04-060	296-62-09023	NEW	82-03-023	296-150-175	NEW-W	82-04-015
296-48B-430	REP	82-04-060	296-62-09025	NEW	82-03-023	296-150-180	NEW-W	82-04-015
296-48B-435	REP	82-04-060	296-62-09027	NEW	82-03-023	296-150-185	NEW-W	82-04-015
296-48B-440	REP	82-04-060	296-62-09029	NEW	82-03-023	296-150-190	NEW-W	82-04-015
296-48B-445	REP	82-04-060	296-62-09031	NEW	82-03-023	296-150A	NEW-C	82-02-052
296-48B-450	REP	82-04-060	296-62-09033	NEW	82-03-023	296-150A-005	NEW-P	82-05-007
296-48B-455	REP	82-04-060	296-62-09035	NEW	82-03-023	296-150A-010	REP-P	82-05-007
296-48B-460	REP	82-04-060	296-62-09037	NEW	82-03-023	296-150A-011	NEW-P	82-05-007
296-48B-465	REP	82-04-060	296-62-09039	NEW	82-03-023	296-150A-015	REP-P	82-05-007
296-48B-467	REP	82-04-060	296-62-09041	NEW	82-03-023	296-150A-016	NEW-P	82-05-007
296-48B-468	REP	82-04-060	296-62-09043	NEW	82-03-023	296-150A-020	REP-P	82-05-007
296-48B-469	REP	82-04-060	296-62-09045	NEW	82-03-023	296-150A-021	NEW-P	82-05-007
296-48B-46901	REP	82-04-060	296-62-09047	NEW	82-03-023	296-150A-024	NEW-P	82-05-007
296-48B-470	REP	82-04-060	296-62-09049	NEW	82-03-023	296-150A-025	REP-P	82-05-007
296-48B-475	REP	82-04-060	296-62-09051	NEW	82-03-023	296-150A-026	REP-P	82-05-007
296-48B-480	REP	82-04-060	296-62-09053	NEW	82-03-023	296-150A-027	REP-P	82-05-007
296-48B-485	REP	82-04-060	296-62-14525	AMD	82-03-023	296-150A-030	NEW-P	82-05-007
296-48B-490	REP	82-04-060	296-62-14533	AMD	82-03-023	296-150A-035	NEW-P	82-05-007
296-48B-500	REP	82-04-060	296-81-002	REP-P	82-07-079	296-150A-040	NEW-P	82-05-007
296-48B-505	REP	82-04-060	296-81-003	REP-P	82-07-079	296-150A-045	NEW-P	82-05-007
296-48B-510	REP	82-04-060	296-81-005	AMD-P	82-07-079	296-150A-050	REP-P	82-05-007
296-48B-515	REP	82-04-060	296-81-006	AMD-P	82-07-079	296-150A-051	NEW-P	82-05-007
296-48B-520	REP	82-04-060	296-81-007	AMD-P	82-07-079	296-150A-055	NEW-P	82-05-007
296-48B-525	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-060	NEW-P	82-05-007
296-48B-530	REP	82-04-060	296-81-260	AMD-P	82-07-079	296-150A-065	NEW-P	82-05-007
296-48B-535	REP	82-04-060	296-81-990	NEW-P	82-07-079	296-150A-070	NEW-P	82-05-007
296-48B-540	REP	82-04-060	296-86-010	AMD-P	82-07-079	296-150A-075	NEW-P	82-05-007
296-48B-550	REP	82-04-060	296-86-020	AMD-P	82-07-079	296-150A-080	NEW-P	82-05-007
296-48B-555	REP	82-04-060	296-86-030	AMD-P	82-07-079	296-150A-085	NEW-P	82-05-007
296-48B-560	REP	82-04-060	296-86-040	AMD-P	82-07-079	296-150A-090	NEW-P	82-05-007
296-48B-565	REP	82-04-060	296-86-060	AMD-P	82-07-079	296-150A-095	NEW-P	82-05-007
296-48B-570	REP	82-04-060	296-86-070	AMD-P	82-07-079	296-150A-100	NEW-P	82-05-007
296-48B-575	REP	82-04-060	296-86-075	AMD-P	82-07-079	296-150A-105	NEW-P	82-05-007
296-48B-580	REP	82-04-060	296-86-080	AMD-P	82-07-079	296-150A-110	NEW-P	82-05-007
296-48B-585	REP	82-04-060	296-104-200	AMD	82-05-003	296-150A-115	NEW-P	82-05-007
296-48B-590	REP	82-04-060	296-116-075	NEW-P	82-06-054	296-150A-120	NEW-P	82-05-007
296-48B-595	REP	82-04-060	296-116-080	AMD-P	82-06-054	296-150A-125	NEW-P	82-05-007
296-48B-598	REP	82-04-060	296-116-185	AMD-P	82-02-068	296-150A-130	NEW-P	82-05-007
296-48B-600	REP	82-04-060	296-116-185	AMD-C	82-05-035	296-150A-135	NEW-P	82-05-007
296-48B-610	REP	82-04-060	296-150	NEW-C	82-02-052	296-150A-140	NEW-P	82-05-007
296-48B-615	REP	82-04-060	296-150-005	NEW-W	82-04-015	296-150A-145	NEW-P	82-05-007
296-48B-620	REP	82-04-060	296-150-010	NEW-W	82-04-015	296-150A-150	NEW-P	82-05-007
296-48B-675	REP	82-04-060	296-150-015	NEW-W	82-04-015	296-150A-155	NEW-P	82-05-007
296-48B-680	REP	82-04-060	296-150-020	NEW-W	82-04-015	296-150A-160	NEW-P	82-05-007
296-48B-685	REP	82-04-060	296-150-025	NEW-W	82-04-015	296-150A-165	NEW-P	82-05-007
296-48B-690	REP	82-04-060	296-150-030	NEW-W	82-04-015	296-150A-170	NEW-P	82-05-007
296-48B-695	REP	82-04-060	296-150-035	NEW-W	82-04-015	296-150A-300	NEW-P	82-05-007
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296-150B-760	NEW	82-04-060	308-37-110	AMD	82-07-043	344-12-001	AMD-P	82-03-051
296-150B-763	NEW	82-04-060	308-40-020	AMD	82-04-024	344-12-010	AMD-P	82-03-051
296-150B-767	NEW	82-04-060	308-40-101	AMD	82-04-024	344-12-015	AMD-P	82-03-051
296-150B-770	NEW	82-04-060	308-40-102	AMD	82-04-024	344-12-020	AMD-P	82-03-051
296-150B-773	NEW	82-04-060	308-40-103	NEW	82-04-024	344-12-025	AMD-P	82-03-051
296-150B-777	NEW	82-04-060	308-40-104	NEW	82-04-024	344-12-030	AMD-P	82-03-051
296-150B-780	NEW	82-04-060	308-40-105	AMD	82-04-024	344-12-035	AMD-P	82-03-051
296-150B-783	NEW	82-04-060	308-40-110	AMD	82-04-024	344-12-040	AMD-P	82-03-051
296-150B-787	NEW	82-04-060	308-52-135	AMD	82-03-022	344-12-045	NEW-P	82-03-051
296-150B-790	NEW	82-04-060	308-52-140	AMD	82-03-022	344-12-050	AMD-P	82-03-051
296-150B-793	NEW	82-04-060	308-52-201	AMD	82-03-022	344-12-055	AMD-P	82-03-051
296-150B-797	NEW	82-04-060	308-100-010	AMD	82-03-046	344-12-060	AMD-P	82-03-051
296-150B-800	NEW	82-04-060	308-100-020	AMD	82-03-046	344-12-063	NEW-P	82-03-051
296-150B-803	NEW	82-04-060	308-100-050	AMD	82-03-046	344-12-065	AMD-P	82-03-051
296-150B-807	NEW	82-04-060	308-100-060	AMD	82-03-046	344-12-070	AMD-P	82-03-051
296-150B-810	NEW	82-04-060	308-100-070	REP	82-03-046	344-12-075	AMD-P	82-03-051
296-150B-813	NEW	82-04-060	308-102-012	AMD	82-03-046	344-12-078	NEW-P	82-03-051
296-150B-817	NEW	82-04-060	308-102-013	REP	82-03-046	344-12-080	AMD-P	82-03-051
296-150B-820	NEW	82-04-060	308-102-210	AMD	82-03-046	344-12-085	REP-P	82-03-051
296-150B-950	NEW	82-04-060	308-102-260	AMD	82-03-046	344-12-087	NEW-P	82-03-051
296-150B-990	NEW-P	82-05-006	308-102-290	AMD	82-03-046	344-12-090	REP-P	82-03-051
296-155-485	AMD-P	82-02-065	308-102-295	NEW-E	82-07-002	344-12-092	NEW-P	82-03-051
296-155-485	AMD-E	82-07-013	308-104-015	NEW	82-03-046	344-12-095	AMD-P	82-03-051
296-155-48501	REP-P	82-02-065	308-104-020	REP	82-03-046	344-12-098	NEW-P	82-03-051
296-155-48502	REP-P	82-02-065	308-104-025	NEW	82-03-046	344-12-100	REP-P	82-03-051
296-306-200	AMD-P	82-02-065	308-104-030	REP	82-03-046	344-12-102	NEW-P	82-03-051
296-306-200	AMD-E	82-07-013	308-104-040	AMD	82-03-046	344-12-105	REP-P	82-03-051
308-16-440	NEW-P	82-05-049	308-104-050	AMD	82-03-046	344-12-107	NEW-P	82-03-051
308-16-450	NEW-P	82-05-049	308-104-058	NEW	82-03-046	344-12-110	REP-P	82-03-051
308-16-460	NEW-P	82-05-049	308-104-100	AMD	82-03-046	344-12-112	NEW-P	82-03-051
308-16-470	NEW-P	82-05-049	308-104-150	NEW	82-03-046	344-12-115	REP-P	82-03-051
308-24-510	NEW-P	82-05-048	308-104-160	NEW	82-03-046	344-12-116	NEW-P	82-03-051
308-24-520	NEW-P	82-05-048	308-104-170	NEW	82-03-046	344-12-120	REP-P	82-03-051
308-24-530	NEW-P	82-05-048	308-104-180	NEW	82-03-046	344-12-125	AMD-P	82-03-051
308-24-540	NEW-P	82-05-048	308-124D-015	NEW-P	82-05-051	344-12-130	REP-P	82-03-051
308-25-010	NEW-P	82-02-093	308-400-010	NEW	82-05-014	344-12-131	NEW-P	82-03-051
308-25-010	NEW	82-06-043	308-400-020	NEW	82-05-014	344-12-133	NEW-P	82-03-051
308-25-020	NEW-P	82-02-093	308-400-030	NEW	82-05-014	344-12-135	REP-P	82-03-051
308-25-020	NEW	82-06-043	308-400-040	NEW	82-05-014	344-12-140	AMD-P	82-03-051
308-25-030	NEW-P	82-02-093	308-400-042	NEW-P	82-04-084	344-12-145	NEW-P	82-03-051
308-25-030	NEW	82-06-043	308-400-044	NEW	82-05-014	344-12-150	NEW-P	82-03-051
308-25-040	NEW-P	82-02-093	308-400-046	NEW	82-05-014	344-12-155	NEW-P	82-03-051
308-25-040	NEW	82-06-043	308-400-048	NEW	82-05-014	344-12-200	NEW-P	82-03-051
308-25-050	NEW-P	82-02-093	308-400-050	NEW	82-05-014	344-12-205	NEW-P	82-03-051
308-25-050	NEW	82-06-043	308-400-060	NEW	82-05-014	344-12-210	NEW-P	82-03-051
308-25-060	NEW-P	82-02-093	308-400-070	NEW	82-05-014	344-12-215	NEW-P	82-03-051
308-25-060	NEW	82-06-043	308-400-080	NEW	82-05-014	344-12-225	NEW-P	82-03-051
308-25-070	NEW-P	82-02-093	308-400-090	NEW	82-05-014	344-12-230	NEW-P	82-03-051
308-25-070	NEW	82-06-043	314-12-010	AMD	82-04-031	344-12-235	NEW-P	82-03-051
308-34-010	NEW-P	82-05-052	314-12-035	NEW	82-04-032	344-12-245	NEW-P	82-03-051
308-34-020	NEW-P	82-05-052	314-12-040	AMD-P	82-07-046	344-12-250	NEW-P	82-03-051
308-34-030	NEW-P	82-05-052	314-16-200	AMD-P	82-06-046	344-12-255	NEW-P	82-03-051
308-34-040	NEW-P	82-05-052	314-16-200	AMD-W	82-07-009	344-12-260	NEW-P	82-03-051
308-34-050	NEW-P	82-05-052	314-16-200	AMD-P	82-07-014	344-12-262	NEW-P	82-03-051
308-34-060	NEW-P	82-05-052	314-24-120	AMD	82-04-035	344-12-265	NEW-P	82-03-051
308-34-070	NEW-P	82-05-052	314-40-040	AMD	82-04-028	344-12-270	NEW-P	82-03-051
308-34-080	NEW-P	82-05-052	314-44-005	AMD	82-04-029	344-12-275	NEW-P	82-03-051
308-36-020	REP-P	82-04-008	314-60-030	AMD	82-04-030	344-12-280	NEW-P	82-03-051
308-36-020	REP	82-07-094	314-60-040	AMD	82-04-030	344-12-290	NEW-P	82-03-051
308-36-030	REP-P	82-04-008	314-60-040	AMD-P	82-07-095	344-12-295	NEW-P	82-03-051
308-36-030	REP	82-07-094	314-60-150	REP	82-04-030	352-04-010	AMD-P	82-04-033
308-36-040	REP-P	82-04-008	314-60-900	REP	82-04-030	352-04-010	AMD	82-07-077
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308-36-050	REP-P	82-04-008	314-60-902	REP	82-04-030	352-04-030	REP	82-07-078
308-36-050	REP	82-07-094	314-60-903	REP	82-04-030	352-12-005	NEW-P	82-04-058
308-36-060	REP-P	82-04-008	314-60-904	REP	82-04-030	352-12-010	AMD-P	82-04-058
308-36-060	REP	82-07-094	314-60-905	REP	82-04-030	352-12-020	NEW-P	82-04-058
308-36-065	REP-P	82-04-008	314-60-906	REP	82-04-030	352-12-030	NEW-P	82-04-058
308-36-065	REP	82-07-094	314-60-907	REP	82-04-030	352-12-040	NEW-P	82-04-058
308-36-070	REP-P	82-04-008	314-64-030	AMD	82-04-035	352-12-050	NEW-P	82-04-058
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308-36-080	REP-P	82-04-008	314-64-050	AMD	82-04-035	352-32-020	REP	82-07-076
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356-34-119	NEW-P	82-06-029	388-33-382	AMD-P	82-05-043
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