

MAY 16, 1984

OLYMPIA, WASHINGTON

ISSUE 84-10



IN THIS ISSUE

Agriculture, Department of
Attorney General, Office of the
Blind, Department of Services for the
Community College District No. 6
Community College District No. 9
Convention and Trade Center
Ecology, Department of
Employment Security Department
Evergreen State College, The
Fisheries, Department of
Gambling Commission
Governor, Office of the
Health, Board of
Hearing Aids, Council on
Higher Education Personnel Board
Highline Community College
Hospital Commission

Labor and Industries, Department of
Licensing, Department of
Nuclear Waste Board
Personnel, Department of
Pharmacy, Board of
Planning and Community Affairs Agency
Postsecondary Education, Council for
Revenue, Department of
Seattle Community College District
Social and Health Services, Department of
State Employees Insurance Board
Superintendent of Public Instruction
Transportation, Department of
University of Washington
Utilities and Transportation Commission
Washington State Library

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than May 2, 1984

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to RCW 34.08.020. Subscription rate is \$134.75 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

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

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

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

Robert L. Charette
Chairman, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Susan J. Brooks
Editor

Joyce Matzen
Subscription Clerk

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.

1984

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
84-01	Nov 23	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 24
84-02	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 18	Feb 7
84-03	Dec 21, 1983	Jan 4 1984	Jan 18	Feb 1	Feb 21
84-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 6
84-05	Jan 25	Feb 8	Feb 22	Mar 7	Mar 27
84-06	Feb 8	Feb 22	Mar 7	Mar 21	Apr 10
84-07	Feb 22	Mar 7	Mar 21	Apr 4	Apr 24
84-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
84-09	Mar 21	Apr 4	Apr 18	May 2	May 22
84-10	Apr 4	Apr 18	May 2	May 16	Jun 5
84-11	Apr 25	May 9	May 23	Jun 6	Jun 26
84-12	May 9	May 23	Jun 6	Jun 20	Jul 10
84-13	*May 24	*Jun 7	*Jun 21	*Jul 5	*Jul 25
84-14	Jun 6	Jun 20	*Jul 3	Jul 18	Aug 7
84-15	Jun 20	*Jul 3	Jul 18	Aug 1	Aug 21
84-16	*Jul 3	Jul 18	Aug 1	Aug 15	Sep 4
84-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
84-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
84-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
84-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
84-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
84-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
84-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
84-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1985

*Dates adjusted to accommodate July 4th holiday on normal distribution and closing date. See WAC 1-12-030(5)(c) and 1-13-030(5)(c).

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

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

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

WSR 84-10-001
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Filed April 20, 1984]

WSR 84-10-002
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Order 41, Resolution No. 218—Filed April 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a revised schedule of tolls for the Washington state ferry system;

that the agency will at 10:00 a.m., Thursday, May 17, 1984, in Room 1D2, Transportation Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 17, 1984.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

The specific statute these rules are intended to implement is RCW 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-06-050 filed with the code reviser's office on March 6, 1984.

Dated: April 19, 1984
 By: Lue Clarkson
 Administrator

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to refund of ferry commuter tickets.

This action is taken pursuant to Notice No. WSR 84-06-050 filed with the code reviser on March 6, 1984. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 20, 1984.

By Richard Odabashian
 Chairman

AMENDATORY SECTION (Amending Order 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-010 FERRY PASSENGER TOLLS.

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides *****	PASSENGER SCHOOL COM-MU-TATION *** ***** 20 Rides Ages	
				12-20	5-11
Fauntleroy-Southworth	} — 1.45	.75	17.40	14.50	7.25
Seattle-Bremerton					
Seattle-Winslow					
Pt. Townsend-Keystone					
Edmonds-Kingston					
Fauntleroy-Vashon	}* — 1.80	.90	10.80 *****	9.00	4.50
Southworth-Vashon					
Pt. Defiance-Tahlequah					
Mukilteo-Clinton	} — .90	.45	10.80	9.00	4.50
Lofall-Southpoint					
Anacortes to Lopez	— 1.75	.90	21.00	17.50	8.75
Shaw, Orcas	— 1.95	1.00	23.40	19.50	9.75
or Friday Harbor	— 2.20	1.10	26.40	22.00	11.00
Sidney	— 5.25	2.65	N/A	N/A	N/A
Friday Harbor to Lopez, Shaw or Orcas	— 1.45	.75	17.40	14.50	7.25
Between Lopez,					

ROUTES	Full Fare One Way	Half Fare** One Way	COM- MU- TATION	PASSENGER SCHOOL COM- MU- TATION	Ages
			20 Rides **** *****	*** ***** 20 Rides	
Shaw, or Orcas	_____ .90	.45	10.80	9.00	4.50
Sidney to Lopez	_____ 3.80	1.90	} N/A	} N/A	} N/A
Shaw or Orcas	_____ 3.50	1.75			
Friday Harbor	_____ 3.35	1.70			

*These routes operate on one-way only toll collection system.

****Half Fare**

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

***School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

*****On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reuseable Ticket Rate shall apply.

*****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.

PROMOTIONAL TOLLS

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 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	4.80	76.80	2.60	34.65	2.00	1.30	20.00
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	* 6.50	52.00	3.50	23.35	2.80	1.90	14.00
Mukilteo-Clinton Lofall-Southpoint	3.25	52.00	1.75	23.35	1.40	.95	14.00
		10 Rides					
Anacortes to Lopez Shaw, Orcas or Friday Harbor Sidney	5.25 5.95 6.80 22.60	42.00 47.60 54.40 N/A	3.10 3.55 4.10 11.35	41.35 47.35 54.65 N/A	2.40 2.70 3.10 7.40	1.55 1.75 2.00 4.80	24.00 27.00 31.00 N/A
Friday Harbor to Lopez, Shaw or Orcas	4.25	34.00	2.60	34.65	2.00	1.30	20.00
Between Lopez, Shaw, or Orcas	2.90	23.20	1.75	23.35	1.40	.95	14.00
Sidney to Lopez Shaw or Orcas Friday Harbor	17.90 17.30 16.55	N/A	8.55 8.15 7.65	N/A	5.25 5.00 4.70	3.35 3.25 3.05	N/A

*These routes operate on one-way only toll collection system.

**Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase 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.

***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 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 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 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 Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	7.20	115.20	9.75	156.00	10.60	.75
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	9.90	79.20	13.70	109.60	13.60	1.00
Mukilteo-Clinton	4.95	79.20	6.85	109.60	6.80	.50
Lofall-Southpoint						
Anacortes to Lopez, Shaw, Orcas or Friday Harbor Sidney	8.85	70.80	11.70	93.60	14.45	.90 1.00 1.10 2.65
Friday Harbor to Lopez, Shaw or Orcas Between Lopez, Shaw or Orcas	6.15 4.35	49.20 34.80	7.90 5.85	63.20 46.80	10.60 6.80	.75 .50 1.90 1.75 1.70
Sidney to Lopez, Shaw, Orcas or Friday Harbor	22.15	N/A	26.75	N/A	29.35	

(1) BULK NEWSPAPERS per 100 lbs. \$2.00

(Shipments exceeding 60,000 lbs. in any month shall be assessed .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.

(2) EXPRESS SHIPMENTS per 100 lbs. \$19.00

(Shipments exceeding 100 lbs. assessed \$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.

San Juan Inter-Island express shipments will be handled @ \$2.55 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.00

(Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.)

*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 - 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.

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).

WSR 84-10-003
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 20, 1984]

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 chapter 388-55 WAC;

that the agency will at 10:00 a.m., Thursday, June 7, 1984, in H-19, Third Floor Conference Room, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 13, 1984.

The authority under which these rules are proposed is RCW 43.20A.550.

The specific statute these rules are intended to implement is RCW 43.20A.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by May 24, 1984. The meeting site is in a location which is barrier free.

Dated: April 19, 1984

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 388-55 WAC.

Purpose of the Rule Change: To change sanction periods in the refugee assistance program to conform to other programs.

Statutory Authority: RCW 43.20A.550.

Summary of the Rule Change: WAC 388-55-020 (4)(b)(v) is being amended to establish sanction periods for refusal to accept or continue employment or training to coincide with the AFDC program. The sanction period is changed from 30 days to three months for the first refusal and six months for a second and subsequent refusal.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Mary Rose Trepanier, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Telephone 753-3177.

These rules are necessary as a result of federal law, section 6 (b)(4) of the Refugee Assistance Amendments of 1982 (Public Law 97-363).

AMENDATORY SECTION (Amending Order 1969, filed 6/16/83)

WAC 388-55-010 COMMON ELIGIBILITY CONDITIONS.

(1) Assistance shall be granted to refugees within the provisions of P.L. 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 receiving Indochinese refugee assistance because he or she was:

(i) A person having parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94.

(ii) A person having voluntary departure status as indicated by Form I-94.

(iii) A person having conditional entry status as indicated by Form I-94.

(iv) A person admitted to the United States with permanent resident status on or after April 8, 1975 (the date 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 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 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 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 having parole status.

(i) Such persons must have a Form I-94 indicating 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, the form must clearly indicate the person has been paroled as a refugee or asylee.

(d) A person from Cuba having been paroled as a refugee or asylee and entering the United States on or after October 1, 1978.

(i) Such persons must have a Form I-94 indicating 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, the form must clearly indicate the person has been paroled as a refugee or asylee.

(e) An individual from any country other than Cambodia, Laos, Vietnam, or Cuba having parole status as a refugee or asylee as evidenced by a Form I-94 indicating 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 Form I-94.

(h) An individual from any country having been granted asylum under Section 208 of the INA. This must be indicated on Form I-94.

(i) A person from any country previously holding one of the statuses identified in this section whose status has been changed to permanent resident alien.

(3) Refugee assistance cases eligible for the AFDC and/or Medicaid programs shall be transferred to such programs retroactively effective 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 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 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 standards; income and resources will be treated according to AFDC standards. Resources not available, including property remaining in Vietnam, Laos, or Cambodia, shall not 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.

(9) The refugee family unit including United States citizen's children, by virtue of 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.

(10) Persons meeting the criteria in this section shall be eligible for refugee assistance only during the eighteen-month period beginning ~~((m))~~ the first of the month the individual entered the United States.

(11) Full-time students in an institution of higher education are not eligible for refugee assistance, unless participating in a department-approved job or language training program.

(12) The voluntary agency (VOLAG) sponsoring the applicant shall be notified whenever he or she makes application for assistance.

(13) Persons meeting the criteria in this section shall be eligible for additional requirements for emergent situations as in ~~((WAC 388-29-270))~~ chapter 388-29 WAC.

AMENDATORY SECTION (Amending Order 1969, filed 6/16/83)

WAC 388-55-020 WORK AND TRAINING ELIGIBILITY CONDITIONS. (1) All applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which the applicants and recipients are a part are required to register for employment with the state employment service or other designated employment agency. Exemptions to employment registration are:

(a) An individual under sixteen, or under age nineteen and attending secondary school or an equivalent level of vocational or technical training full time;

(b) A person ill, incapacitated, or over sixty-five;

(c) A person whose presence in the home is required because of illness or incapacity of another member of the household;

(d) A mother or other caretaker caring for a child under the age of six;

(e) 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;

(f) An individual employed at least thirty hours per week;

(g) A refugee of any age while enrolled and participating in a CSO approved employability training program intended to have a definite short-term (less than one year) employment objective.

(2) Inability to communicate in English does not justify exemption from registration or acceptance of employment.

(3) For purposes of this section, training shall mean participation in any available and appropriate social service program providing job or language training as approved in the personal employment plan.

(4) 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, determined appropriate for the refugee by the CSO shall also result in the following actions:

(a) An employable adult refugee applicant refusing a work or training opportunity or referral without good cause, as stated 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.

(b) If an employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated the first of the following month 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, the grant shall be reduced by the amount included on behalf of the refugee.

(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 action is taken according to subsection (4)(b)(i) or (ii) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met.

(iv) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, 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 as follows: For three months after the first occurrence and six months for the second and subsequent occurrences.

WSR 84-10-004

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—April 17, 1984]

The regular meeting of the Washington State Convention and Trade Center, scheduled for April 19, has been cancelled as there are no agenda items.

WSR 84-10-005

NOTICE OF PUBLIC MEETINGS HIGHLINE COMMUNITY COLLEGE

[Memorandum—April 18, 1984]

In compliance with RCW 42.30.075, I am submitting the following date for the regular monthly meeting in May 1984 for the board of trustees of Highline Community College, District 9.

May 17, 1984

This date change from the information provided your office in my letter of July 19, 1983, was approved by the board at the April 12, 1984, meeting.

WSR 84-10-006
PROPOSED RULES
GAMBLING COMMISSION
 [Filed April 24, 1984]

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 WAC 230-04-065, 230-04-125, 230-04-193, 230-04-197, 230-04-201, 230-04-290, 230-04-300, 230-04-310, 230-04-320, 230-04-325, 230-04-340, 230-04-350, 230-25-030, 230-25-065, 230-25-200, 230-25-260, 230-30-015, 230-30-016, 230-30-030, 230-30-060, 230-30-103, 230-40-331 and 230-42-010;

that the agency will at 9 a.m., Friday, June 15, 1984, in the City Hall Council Chambers, 8th and Plum, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is see statement of purpose in Notice No. WSR 84-09-064, filed April 18, 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 15, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-09-064 filed with the code reviser's office on April 18, 1984.

Dated: April 24, 1984
 By: Elwin Hart
 Deputy Director

WSR 84-10-007
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 199—Filed April 24, 1984]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

- Amd WAC 356-06-010 Definitions (seasonal career employees, seasonal career positions).
 Amd WAC 356-30-130 Seasonal career employment.

We, the State Personnel Board, find that an emergency exists and that this 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 the emergency is these changes have been effective on an emergency basis and need to continue to be effective until the permanent adoption is effective.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1984.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 194, filed 12/30/83)

WAC 356-06-010 DEFINITIONS. *The following definitions apply throughout these rules unless the context clearly indicates another meaning:*

ACTING APPOINTMENT – *An appointment of limited duration made from within the classified service to a supervisory or managerial position.*

ADMINISTRATIVE PERSONNEL – *Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel.*

AGENCY – *An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.*

AGRICULTURAL PERSONNEL – *Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.*

ALLIED REGISTER – *A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.*

ALLOCATION – *The assignment of a position to a job classification.*

ANNIVERSARY DATE – *Original entry date into state service as adjusted by leave without pay or break in service.*

APPOINTING AUTHORITY – *A person or group of persons lawfully authorized to make appointments.*

BARGAINING UNIT – *The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.*

BASIC SALARY RANGE – *The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.*

BOARD – *The state personnel board.*

BUMPING – The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the director of personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

EXCHANGE TIME – Equal time off for excess hours worked by exceptions work period employees.

EXIT LEAVE – The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Exit leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction in force or disability and continuing until all the employee's accrued vacation leave is exhausted.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or re-employment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "project employment," that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION IN FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of

exercising their rights to return to the classified service. When a reduction in force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the re-employment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SCHEDULING PLAN – A series of schedules, approved for specific positions by the director of personnel or the personnel board, through which schedules the incumbents move in an established pattern.

SEASONAL CAREER EMPLOYEES – Incumbents who have been appointed into seasonal career positions with the mutual expectation of continued employment or employees who have repeatedly returned to state employment in the same agency (~~(in a work pattern defined as seasonal career employment)~~) and are granted a seasonal career appointment at the start of their fourth season of consecutive employment as provided in WAC 356-30-130(3).

SEASONAL CAREER EMPLOYMENT – Two work patterns are included: (1) Work in positions, not intermittent in nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency.

SEASONAL CAREER POSITIONS – A grouping of assigned duties, tasks, and responsibilities in seasonal career employment established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence

without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction in force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(6). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave, or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: **PROVIDED**, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled

standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

AMENDATORY SECTION (Amending Order 194, filed 12/30/83)

WAC 356-30-130 SEASONAL CAREER EMPLOYMENT. (1) ~~((Seasonal career positions are those established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period.))~~ Seasonal career employees are those in seasonal career positions or employees whose repeated pattern of work is defined as the second pattern (2) in the definition of seasonal career employment.

(2) ~~((The appointing authority may establish seasonal))~~ Positions which are established to respond to cyclic work load requirements and which meet the definition of seasonal career employment shall be established as seasonal career positions; provided, that the agency will not establish seasonal career positions which circumvent the utilization of full time positions. ((Seasonal career employees are those who have been appointed to a seasonal career position with the mutual expectations of continued employment season after season.))

(3) An initial appointment into seasonal career employment shall be from a register or lists, except that employees selected for a fourth consecutive season of cyclical temporary employment, as provided in the definition of seasonal career employment, shall be granted a seasonal career appointment provided they pass a qualifying examination for the classification in which they are employed.

(4) Upon completion of the probationary period of 1040, 1560, or 2080 accumulated scheduled hours (if serving a six-month, nine-month, or twelve-month probationary period), employees in seasonal career ((positions)) employment shall assume the rights of a permanent employee. Past service that later entitles employees to seasonal career employment will count toward permanent status at the beginning of the fourth qualifying season.

~~(5) Seasonal career employees affected by reduction-in-force, ((or)) reduction in hours of work, ((a)) subsequent reemployment or increase in scheduled hours of work ((affecting seasonal career employees in seasonal career positions shall be by seniority)) will have their reduction-in-force rights only within their seasonal career layoff unit((; provided,)) and will compete based on seniority. Notification of reduction-in-force or alterations of work schedules shall be given no later than two working days prior to the effective date. ((Seasonal career employees shall not accrue seniority while on seasonal layoff)) Seniority gained by seasonal career employees during seasonal layoff shall be disregarded.~~

(6) ~~((Agencies))~~ Seasonal career reduction-in-force registers shall ((maintain)) be maintained and ((post seasonal reduction in force registers for reemployment to seasonal career positions)) posted within their respective agencies in accordance with the agency's reduction-in-force ((policy)) procedures and policies.

(7) Seasonal career employees ((who have completed one season of employment)) separated due to a reduction-in-force shall be placed on a separate seasonal career reduction-in-force register for ((that)) the season ((of employment)) from which they were laid off.

WSR 84-10-008
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 200—Filed April 25, 1984]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd	WAC 356-18-100	Accrued vacation leave disposition— Computation.
Rep	WAC 356-18-105	Exit leave.

We, the State Personnel Board, find that an emergency exists and that this 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 the emergency is Substitute House Bill 843 repealed exit leave (bill was effective March 15, 1984).

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

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of Substitute House Bill 843.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1984.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 179,
filed 12/22/82)

WAC 356-18-100 ACCRUED VACATION LEAVE DISPOSITION—COMPUTATION—HOW MADE. (1) When an employee who is a member of the public employees retirement system Plan 1 separates from service by reason of resignation with adequate notice, layoff, dismissal, retirement or death, he or she is entitled to a lump sum ((cash)) payment of ((aH)) unused vacation leave, except vacation leave accumulated in excess of 240 hours as provided in WAC 356-18-095(2). The compensation shall be computed by using the formula published by the office of financial management. Excess vacation leave accumulated as prescribed in WAC 356-18-095(2) must be taken as vacation leave or lost.

(2) When an employee who is not a member of the public employees retirement system Plan 1 separates from service by reason of resignation with adequate notice, layoff, dismissal, or retirement, ~~((agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the office of financial management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982, or in case of death))~~ he or she shall be paid a lump sum payment for accumulated vacation leave, except for vacation leave accumulated in excess of 240 hours as provided in WAC 356-18-095(2). The compensation shall be computed by using the formula published by the office of financial management. Excess vacation leave accumulated as provided in WAC 356-18-095(2) must be taken as vacation leave or lost.

(3) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction in force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), 41.06.100, or WAC 356-06-055.

(4) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(5) The separation cited in subsection (3) of this section will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-18-105 EXIT LEAVE.

WSR 84-10-009
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Filed April 24, 1984]

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 workshops in institutions of the mental health division, new chapter 275-60 WAC;

that the agency will at 10:00 a.m., Thursday, June 7, 1984, in H-19, Third Floor Conference Room, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 13, 1984.

The authority under which these rules are proposed is RCW 74.05.560 [71.05.560].

The specific statute these rules are intended to implement is RCW 43.20A.445.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by May 24, 1984. The meeting site is in a location which is barrier free.

Dated: April 23, 1984

By: David A. Hogan, Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: New chapter 275-60 WAC.

The Purpose of the Rule: To establish guidelines in WAC for the operation of workshops in DSHS mental health division operated institutions.

The Reason These Rules are Necessary: To establish mental health division guidelines for the operation of division operated institution workshops.

Statutory Authority: RCW 74.05.560 [71.05.560].

Summary of the Rule: The rule establishes guidelines for the establishment of workshops, protection of patients, organization and staffing, selection of patients, payment, records and purchasing.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Lyle Quasim, Director, Division of Mental Health, Mailstop: OB 42F, Telephone: Scan 234-4420.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

Chapter 275-60 WAC

WORKSHOPS IN INSTITUTIONS OF THE MENTAL HEALTH DIVISION

NEW SECTION

WAC 275-60-010 PURPOSE. These regulations are adopted pursuant to and in accordance with RCW 43.20A.445. They are adopted to provide guidelines for the operation of workshops in institutions of the mental health division.

NEW SECTION

WAC 275-60-020 DEFINITIONS. (1) "Department" means the department of social and health services of the state of Washington.

(2) "Division" means the mental health division of the department of social and health services.

(3) "Director" means the director of the mental health division or his or her designee.

(4) "Institution" means an institution operated by the mental health division.

(5) "Superintendent" means the superintendent of a mental health division institution or his or her designee.

(6) "Workshop" means a transitional, time-limited work program provided by the institution on a systematic, organized basis for the purpose of developing and maintaining individual patient's or client's capacities, which provides monetary incentives to the patients or clients and produces articles for sale.

(7) "Fair value" means the sale price of articles produced by the workshop, taking into account the cost of production as determined by the institution, and the market price of similar articles offered for sale by other sellers.

(8) "Revolving fund" means a separately maintained institutional fund allowing for accounting of workshop receipts and expenditures, apart from other institutional financial transactions.

NEW SECTION

WAC 275-60-030 ESTABLISHMENT OF NEW WORKSHOPS. Workshops established in institutions subsequent to the enactment of RCW 43.20A.445 will be subject to the following requirements:

(1) Prior to the establishment of a new workshop, the director shall consider the availability, appropriateness, and relative cost of contracting and giving first preference to private nonprofit sheltered workshops, as defined in RCW 82.04.385, to provide workshop activities for residents of the institution.

(2) Such consideration shall include a request-for-proposal procedure to be undertaken by the director, to assess the interest and ability of private workshops to provide the service.

NEW SECTION

WAC 275-60-040 PROTECTION OF PATIENTS/CLIENTS. (1) Workshops may engage in the production of a variety of goods and services for sale, so long as the primary goal of patient/client rehabilitation is kept uppermost.

(2) Patients or clients will not be employed in any work which is unusually dangerous.

(3) Patients or clients will not be engaged in any work which is unduly physically strenuous without prior medical clearance.

(4) Patients or clients will not be employed off the institutional grounds unless prior arrangements have been made for adequate supervision.

(5) Workshops will not employ patients or clients in any activity which could reasonably be viewed as undignified or demeaning to the patients or clients.

(6) Institutions which include workshops will adopt written policies to ensure the provisions of this section are carried out.

NEW SECTION

WAC 275-60-050 ORGANIZATION AND STAFFING OF WORKSHOPS. (1) The workshop will be organized as a separate unit of the institution, with its own full-time director.

(2) Supervisory and other staff will be assigned to the workshop in such numbers as are determined by the superintendent to be necessary to accomplish the rehabilitative purposes of the workshop program.

(3) All workshop staff will be determined to meet minimum qualifications for their specific job assignments, in accordance with department of personnel regulations and departmental regulations and policies.

(4) A regular program of in-service training shall be provided to workshop staff, in accordance with the institutional training plan.

(5) Workshops may contract with educational institutions, nonprofit organizations, or individual craftsmen for the provision of technical assistance to aid patients or clients in developing needed work skills, in accordance with procedures established by the state.

NEW SECTION

WAC 275-60-060 LICENSING OF WORKSHOPS. Workshops will comply with applicable state and local laws in respect to the securing of business licenses.

NEW SECTION

WAC 275-60-070 SAFETY AND HEALTH STANDARDS FOR WORKSHOPS. Workshops will be operated in accordance with all state and local health, safety, fire safety, and building regulations and standards.

NEW SECTION

WAC 275-60-200 SELECTION AND ASSIGNMENT OF PATIENTS/CLIENTS. (1) Clients to be included in workshop programs shall be selected in accordance with established institutional policies, and in conjunction with the institution's general treatment plan for the individual patient/client.

(2) Individual workshop duty assignments shall be made in consideration of the best interests of the patient or client.

(3) Patient's or client's workshop progress shall be reviewed by staff at regular intervals of no more than thirty days.

NEW SECTION

WAC 275-60-300 INCENTIVE PAYMENTS FOR PATIENTS OR CLIENTS PARTICIPATING IN WORKSHOP PROGRAMS. (1) Incentive payments for patients or clients participating in workshops shall be individually determined by the workshop director or his or her designee.

(2) Such incentive payments shall be based on a formula which takes into account the patient's or client's level of productivity, as measured by periodic comparison with staff performance on similar individual tasks, as well as measured adherence to basic work habits and compliance with the individual's institutional treatment plan and institutional regulations.

(3) The formula developed by the workshop for ascribing weights to the several factors enumerated in subsection (2) of this section shall be submitted for the approval of the director.

NEW SECTION

WAC 275-60-400 WORKSHOP CLINICAL RECORDS. Workshops shall maintain individual records of all patient or client workshop participation, to include at least the following:

(1) Individual treatment plan;

(2) Records of attendance;

(3) Records of measurement of productivity;

(4) Periodic progress reviews;

(5) Records of progress in attaining basic work habits;

(6) Records of progress in adhering to standards of personal behavior;

- (7) Reports of unusual occurrences;
- (8) Discharge summaries, to include staff recommendations regarding post-institution vocational or training plans.

NEW SECTION

WAC 275-60-500 WORKSHOP FINANCIAL RECORDS. Workshops shall maintain adequate financial records in the form approved for state agencies. Such records will include, at a minimum, the following:

- (1) Records of all purchases of materials and supplies to include documentation that such materials and supplies were purchased at fair market value or the best tax available price;
- (2) Records of all purchases of workshop equipment and equipment maintenance;
- (3) Records of all contractual agreements for instructional or other services;
- (4) Inventory records of unused materials and finished products awaiting sale;
- (5) Records of items sold and cash received for sales;
- (6) Records of sales tax collected for items sold;
- (7) Records of incentive payments received by individual patients or clients.

NEW SECTION

WAC 275-60-510 PURCHASES OF WORKSHOP EQUIPMENT AND MATERIALS. Purchases of materials and equipment for workshops shall be made in accordance with procedures established for such purchases by state agencies, and shall be subject to the procedural control of the institution's business manager.

NEW SECTION

WAC 275-60-520 PRICING OF ITEMS FOR SALE BY WORKSHOPS. (1) Prices for workshop items shall be established by the workshop director.

(2) Prices of products to be sold on the open market shall be set at fair value, as defined within these regulations.

WSR 84-10-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-29—Filed April 24, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is an experimental fishery is established to determine the abundance of squid off the Washington coast during the period April 25, 1984, through June 30, 1984, and to determine the nature and magnitude of incidental catch of other species.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 24, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-12-02000A SHELLFISH—CLASSIFICATION. The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

<i>Squid</i>	
<i>Pacific Coast squid</i>	<i>Loligo opalescens</i>
<i>Squid</i>	<i>Onychoteuthis borealijaponica</i>
<i>Squid</i>	<i>Ommastrephes bartramai</i>
<i>All other squid</i>	(Decapado)

NEW SECTION

WAC 220-52-06600E SQUID FISHERY. Notwithstanding the provisions of WAC 220-52-066, effective immediately until further notice, it is unlawful to fish for or possess squid taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, or 61 except as provided for in this section.

(1) The lawful fishing period is April 25, 1984 through June 30, 1984, or until a quota of 250,000 pounds of squid is taken, whichever is sooner.

(2) Lawful gear is limited to the following:

(a) Dip bag net gear or brail gear no larger than twenty feet in diameter with mesh size no smaller than one inch.

(b) Drag seine gear no longer than 350 feet in length with mesh size no small than 1-1/4 inch.

(c) Squid jigging gear.

(d) Trawl gear, but only if the operator has in possession a permit authorizing the use of such gear issued by the director. It is unlawful for the operator to fail to comply with all conditions of the permit.

(3) All participants in this fishery must maintain a harvest log as provided for in WAC 220-52-07500I.

(4) It is unlawful to land in any Washington State port more than 20,000 pounds of squid at any one time taken from Marine Fish-Shellfish Management and Catch Reporting Area 61 (Oregon coastal waters).

(5) No attractant lighting restrictions apply to this fishery.

(6) Dip bag net, brail, drag seine and squid jig gear operators must release food fish, other shellfish and squid eggs caught while fishing. It is lawful to retain squid for commercial purposes taken incidental to another lawful commercial fishery.

NEW SECTION

WAC 220-52-07500I SHELLFISH HARVEST LOGS. Notwithstanding the provisions of WAC 220-

52-075, effective immediately until further notice vessel operators engaged in commercial harvest of squid from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, or 60A must record the area where taken, the vessel WDF boat registration, gear type, starting and ending time of fishing, and numbers of other species caught. Weights of squid must be recorded on landing or sale. The department's copy of the completed harvest log must be submitted weekly, post-marked no later than Friday and showing harvest activity for the period Wednesday of the week prior to submission through Tuesday of the week the harvest log is submitted.

WSR 84-10-011
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—April 24, 1984]

**Municipal Wastewater Treatment Construction Grants
 Federal FY85 Construction Grants Project Priority List**

The Washington Department of Ecology (WDOE) is seeking public comment on the proposed FY85 federal project priority list for municipal wastewater treatment construction grants. The project priority list identifies projects scheduled to receive federal grant assistance in FY85.

A hearing will be held on Tuesday, June 19, 1984, at 1:30 p.m., to receive public testimony. The hearing will be located at:

Washington Department of Ecology
 Rowsix Hearings Room
 4224 Sixth Avenue Southeast
 Building #4
 Lacey, Washington

The proposed FY85 project priority list will be available May 20, 1984, from Ms. Dusilla Hobbs Butler, WDOE, M.S. PV-11, Olympia, Washington 98504; or by telephone (206) 459-6097.

The department encourages all interested parties to provide testimony. Written comments will be accepted until July 10, 1984. Persons unable to attend the hearing may mail comments to: Washington Department of Ecology, Hearings Officer, M.S. PV-11, Olympia, Washington 98504.

WSR 84-10-012
ATTORNEY GENERAL OPINION
Cite as: AGO 1984 No. 12
 [April 23, 1984]

**DISTRICTS—PORT—ANNEXATION—NONCONTIGUOUS
 TERRITORY**

RCW 53.04.080, relating to annexation by a public port district, does not authorize such a district to annex noncontiguous (or nonadjacent) territory located elsewhere within the county.

Requested by:

Honorable Lowell Peterson
 St. Sen., 40th District
 1632 Peterson Road
 Burlington, WA 98233

WSR 84-10-013
PROPOSED RULES
HOSPITAL COMMISSION
 [Filed April 25, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning repealing the "Washington State Hospital Commission Accounting and Reporting Manual" as filed by the Washington State Hospital Commission in accordance with the provisions of the Administrative Procedure Act by Emergency Order 74-06; and Permanent Order 74-07, filed October 1, 1974, and all amendments to the manual, specifically Permanent Order 75-03, filed August 22, 1975; Order 79-02 and Resolution 79-03, filed June 19, 1979; Order 81-02, Resolution R-81-02, filed February 20, 1981; and Washington State Register 83-04-032, Order and Resolution No. R-83-01, filed January 28, 1983. Adopting the "Washington State Hospital Commission Accounting and Reporting Manual" second edition. The manual has been revised and updated to incorporate all of the amendments and revisions since adoption in 1974 and to reflect the changing health care environment. The major changes are summarized on a chapter by chapter basis;

that the agency will at 10:00 a.m., June 7, 1984, in the Vance Airport Inn, Seattle, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 70.39.180(1) and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-09-021 filed with the code reviser's office on April 11, 1984.

Dated: April 23, 1984
 By: Maurice A. Click
 Executive Director

WSR 84-10-014
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—April 23, 1984]

The May 7, 1984, meeting of the board of trustees of Seattle Community College District, has been changed. The next regular meeting of the board has been scheduled as a special meeting and will be held on Monday, May 14, 1984, at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106, at 6:30 p.m.

WSR 84-10-015
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-30—Filed April 25, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is restrictions in Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D provide protection for Puget Sound origin and Canadian spring chinook while allowing troll harvest of maturing summer-fall chinook. Restrictions in Areas 6D, 7B, 7C, 8, and 13A and the Elwha, Dungeness, Nooksack, Skagit, Stilliguamish, Puyallup, and White rivers and Minter Creek provide protection for local spring chinook stocks.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 24, 1984.

By Gary C. Alexander
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-28-402 PUGET SOUND COMMERCIAL FISHERY RESRTICTIONS. *Effective immediately until further notice, it is unlawful for treaty Indian fishermen to fish for or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

**Area 4B – Closed to all net gear.*

**Areas 5, 6, 6A, 6C, 7, 7A, 7D – Closed to all net gear, and troll gear must release chinook salmon greater than 30 inches in length.*

Areas 6D, 7B, 7C, 8, 13A – Closed to all commercial fishing.

Elwha Rver, Dungeness River, Nooksack River, Skagit River, Stilliguamish River, Puyallup River, White River, and Minter Creek – Closed to all commercial fishing.

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

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.

WSR 84-10-016
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 84-6—Filed April 26, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of WAC 296-24-073, safe place standards; specifically subsection (6)(e) with regard to the use of intoxicating beverages and narcotics in or around worksites. The proposed revision would read as follows: Intoxicating beverages and narcotics shall not be permitted in or around worksites except in industries and business engaged in the production, distribution and sale of intoxicating beverages and drugs. Employers who have reason to believe a worker is under the influence of alcohol or narcotics shall not permit that worker to be on the jobsite. This rule does not apply to persons taking prescription drugs and narcotics as directed by a physician providing such use shall not endanger the worker or others.

I, Sam Kinville, Director of the Department of Labor and Industries, find that an emergency exists and that this 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 the emergency is the current wording of the standard is not enforceable due to the fact it prohibits alcohol where it is produced, served, or sold. Revised wording will allow alcohol or narcotics, on the premises of establishments where they are produced, served or sold, but would prohibit consumption of alcohol or narcotics on the premises by employees.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 25, 1984.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-073 SAFE PLACE STANDARDS.

(1) Each employer shall furnish to each of his employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees.

(2) Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe. Every employer shall do every other thing reasonably necessary to protect the life and safety of employees.

(3) No employer shall require any employee to go or be in any employment or place of employment which is not safe.

(4) No employer shall fail or neglect:

(a) To provide and use safety devices and safeguards.

(b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe.

(c) To do every other thing reasonably necessary to protect the life and safety of employees.

(5) No employer, owner, or lessee of any real property shall construct or cause to be constructed any place of employment that is not safe.

(6) No person shall do any of the following:

(a) Remove, displace, damage, destroy or carry off any safety device, safeguard, notice, or warning, furnished for use in any employment or place of employment.

(b) Interfere in any way with the use thereof by any other person.

(c) Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment, or place of employment.

(d) Fail or neglect to do every other thing reasonably necessary to protect the life and safety of employees.

(e) Intoxicating beverages and narcotics shall not be permitted (~~or used~~) in or around work sites except in industries and business engaged in the production, distribution and sale of intoxicating beverages and drugs. (~~Workers~~) Employers who have reason to believe a worker is under the influence of alcohol or narcotics shall not (~~be permitted on the work site~~) permit that worker to be on the jobsite. 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.

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.

WSR 84-10-017

ADOPTED RULES

~~UTILITIES AND TRANSPORTATION~~
COMMISSION

[Order R-213, Cause No. U-83-59—Filed April 26, 1984]

In the matter of adopting chapter 480-95 WAC relating to heat suppliers.

This action is taken pursuant to Notice Nos. WSR 83-24-064, 84-04-012 and 84-07-045 filed with the code reviser on December 7, 1983, January 23, 1984, and March 21, 1984, respectively. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and chapter 80.62 RCW and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 84-07-045 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, April 25, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Commissioners Mary D. Hall and A. J. "Bud" Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to April 20, 1984. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, April 25, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the April 25, 1984, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule adoption affects no economic values.

In reviewing the entire record herein, it has been determined that chapter 480-95 WAC should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. Chapter 480-95 WAC as adopted will establish procedures and standards applicable to heat suppliers and contracts between heat suppliers and ultimate consumers; provide for complaint procedures and establish an application fee.

ORDER

WHEREFORE, IT IS ORDERED That chapter 480-95 WAC as set forth in Appendix A, be adopted as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for

filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 25th day of April, 1984.

Washington Utilities and Transportation Commission
Mary D. Hall, Commissioner
A. J. "Bud" Pardini, Commissioner
Appendix "A"

Chapter 480-95 WAC
HEAT SUPPLIERS

NEW SECTION

WAC 480-95-010 APPLICATION OF RULES.

These rules shall apply to any heat supplier subject to the jurisdiction of the commission under authority of chapter 94, Laws of 1983.

NEW SECTION

WAC 480-95-020 DEFINITIONS. Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purposes of this chapter have the meanings hereinafter indicated.

(1) "Comparable heating services" available in a heat supplier's proposed service territory means any service furnishing heat directly, or furnishing any other commodity used as a primary heat source (including but not limited to oil, natural gas, or electricity), to at least twenty percent of the customers in that territory in the class or classes which the applicant proposes to serve.

(2) "Customer" means any person, partnership, firm, association, corporation (including municipal corporations), cooperative organization, or governmental agency which receives service from a heat supplier or has completed an application to a heat supplier for service or a provider of heating services, as the context may require.

(3) "Designated service territory" means the geographic service area which a heat supplier serves or proposes to serve.

(4) "Formula" means any mathematical relationships by which a rate is to be calculated.

(5) The terms "heat," "heat supplier," and "commission" shall have the meaning ascribed to them in section 2, chapter 94, Laws of 1983.

(6) "Heat source" shall have the meaning ascribed to it in section 2, chapter 94, Laws of 1983, and shall also include but not be limited to cogeneration facilities and all agricultural, aquacultural, and forest products which can be converted to heat through combustion or any other energy conversion process.

(7) "Permit" means a nonexclusive operating permit authorized to be issued by the commission for the provision of heating services within a designated service territory.

(8) "Provider of heating services" means any person, firm, association, or corporation, including municipal corporations, affording heat directly, or affording any other commodity used as a primary heat source (including but not limited to oil, natural gas, or electricity), to

customers within the applicant's proposed service territory for compensation.

(9) "Rate" means any price, charge, or classification made, demanded, observed, or received by heat suppliers or providers of heating services in the sale or purchase of heat from any heat source whatever, or any rule, regulation, or practice respecting any such price, charge, or classification, and any contract pertaining to the sale or purchase of heat.

(10) "Rates charged to customers" for comparable heating services shall be the rates per thermal unit customarily charged to each class of customer which the heat supplier proposes to serve during the year preceding such supplier's permit application.

NEW SECTION

WAC 480-95-030 PERMIT REQUIRED. No heat supplier shall engage in the distribution, delivery, furnishing, or selling of heat without having first obtained from the commission a permit to so do within a designated service territory.

NEW SECTION

WAC 480-95-040 OPERATION UNDER TRADE NAME. No permit will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010 and a certified copy thereof is filed with the commission.

NEW SECTION

WAC 480-95-050 APPLICATION FOR PERMIT. (1) Applications for permits or extension thereof shall be typewritten, on forms to be furnished by the commission, providing all information therein requested. The application shall provide the following basic information:

(a) A description of the area proposed to be served by specific reference to known and ascertainable streets, avenues, roads, highways, or boundaries, or by metes and bounds, together with a map specifically delineating the area in which service is intended to be provided.

(b) A detailed description of the proposed heat source site, the proposed system and each major component thereof.

(c) A statement of the number and types of customers the applicant expects to be serving at the end of the first, fifth, and tenth years of operations; a description of their anticipated heating requirements and load characteristics expressed in terms of British Thermal Units (BTU's) during each such period; and a business plan by which the applicant proposes to meet such requirements.

(d) A statement signed by a professional engineer or other person(s) qualified to make such a statement that the proposed site and system design, the load calculations, and the anticipated availability and cost of primary and secondary fuels or other energy sources have been reviewed, and that:

(i) Where relevant to the type of services proposed, the site is reasonably adequate to support the production

of heat for the operations described in (c) of this subsection;

(ii) The system design, including storage and backup systems, is reasonably adequate to produce and deliver the heat required for such operations, and includes capacity sufficient to meet the base and peak heating loads projected for such operations;

(iii) The calculation of such projected loads is reasonable;

(iv) The heat supplier's proposed primary and secondary fuels or other energy sources are reasonably available at projected costs which render the project economically feasible;

(v) The system is designed in compliance with applicable codes and ordinances; and

(vi) All necessary permits, licenses, rights-of-way, and other approvals have been obtained or are reasonably obtainable.

Such signed statement shall be accompanied by written materials setting forth the specific information upon which each of the above representations is based, in sufficient detail to permit a reasonable determination that the proposed system is or is not adequate to provide the services for which the permit is sought, and a statement of qualifications for the person making the statement.

(e) The locations, descriptions, and current status of all other projects undertaken by the applicant involving the development, production, generation, transmission, distribution, and/or delivery of heat and related services, together with a description of the applicant's role in such projects and the names, addresses, and telephone numbers of references familiar with the applicant's participation.

(f) Financial statements of the applicant for the current year and the preceding two years, together with credit and bank references or other information indicating that the applicant is financially responsible to provide the services for which the permit is sought.

(g) Evidence of comprehensive general liability insurance in form and substance satisfactory to the commission.

(h) A form of service contract or contracts to be offered to the applicant's customers which complies with the requirements of WAC 480-95-100.

(i) A schedule of rates charged to customers for comparable heating services available in the applicant's proposed service territory, identifying the sources of such information and setting forth any calculations employed to arrive at such rates.

(2) Applications not in substantial conformity with the requirements of this rule may be rejected by the commission: PROVIDED, That upon an applicant's showing of good cause the commission may waive such requirements where to do so would not be inconsistent with the intent and purpose of this chapter.

(3) The commission may seek the assistance and recommendations of the Washington state energy office in reviewing and acting upon applications filed under these rules.

NEW SECTION

WAC 480-95-060 NOTICE OF APPLICATIONS. (1) For purposes of this section, "applications" shall include applications for a permit to provide heating services within a designated service territory and any extensions thereof, and applications for the sale, lease, or transfer of permits as provided hereafter.

(2) The commission shall provide notice of the filing to all known existing providers of heating service which at the time of filing of an application, are serving the territory described in the application. Upon receiving such an application, the commission shall also publish notice thereof in a newspaper of general circulation in the designated service territory. Such notice shall set forth the docket number, if any, of the application and shall identify the applicant and the designated service territory covered by the application. Notice will be given by mail in accordance with commission rules. Existing providers of heating service shall have twenty days from the date of publication of such notice to file with the commission protests to the application. Protests must set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the subject matter of the application. Protests are to be directed only to the qualification and financial responsibility of the applicant to serve, the adequacy of the design of the system, and/or the reasonableness of the proposed contract rates in relation to the rates charged to customers for comparable heating services by other providers thereof in the proposed service territory. The commission may reject any protest which appears to be frivolous, or fails to raise substantial issues as to the qualifications of the applicant or its system, or appears to be filed in bad faith or for delay. Amendment of the application to meet protests will be permitted within thirty days of the last day for the filing of such protests.

NEW SECTION

WAC 480-95-070 PROCEDURE BEFORE COMMISSION. The commission will review the application in detail, and may request the assistance and recommendations of the Washington state energy office in its review. The commission may also request amendment of the application or such additional information as may be required to assure compliance with statutory standards and with these regulations. If, after reviewing the application and such other information as may be furnished, the commission determines that the statutory standards and the requirements of these rules have been complied with, it shall issue a nonexclusive operating permit to provide heating services within the designated service territory. If it is not so satisfied, or upon protest raising substantive issues, the commission may set the application for hearing in accordance with the provisions of chapter 34.04 RCW. No application will be denied without an opportunity for hearing, and in the event of hearing, the burden shall be upon the applicant to show that it meets the requirements of section 5, chapter 94, Laws of 1983.

NEW SECTION

WAC 480-95-080 SALE, LEASE, OR TRANSFER OF PERMIT. Any permit may be sold, leased, or transferred upon application therefor on forms to be furnished by the commission giving all information requested therein and accompanied by the applicable fee. Transfer applications shall not be subject to protest, and may be granted by the commission upon a showing that the transferee is qualified and financially responsible.

NEW SECTION

WAC 480-95-090 DUPLICATE PERMITS. All applications for duplicate permits must be accompanied by an affidavit of the holder that the original has been lost or destroyed.

NEW SECTION

WAC 480-95-100 CONTRACTS. (1) Except as otherwise authorized by the commission, service to each class of customer shall be provided by uniform contract and at uniform rates. Heat suppliers may employ a master contract and/or may enter into individual contracts with each customer. Master contracts and individual contracts may not both be used within the same customer class. If a master form of contract is used, a true and correct copy shall be filed with the commission, and the heat supplier shall file quarterly a complete list of customers subscribing to service under the master contract. In the event that separate contracts are used, a true and correct copy of each contract shall be filed with the commission. Amendments to the contract or contracts shall also be filed with and be subject to approval by the commission.

(2) Contracts between a heat supplier and its customer shall be for a minimum of one year. They shall be terminable within the period for which they are written only in the manner provided in the contract, and under no circumstances upon less than thirty days' notice to the commission and each contracting party. Every such contract shall so provide.

(3) Every contract shall be mutually binding upon both heat supplier and customer, shall be entered into and performed in good faith, for an agreed rate or upon a formula by which the rate can reasonably be determined, and for an agreed term. Contracts shall conform to the following requirements:

(a) The time or term of performance by both parties must be stated and in no event shall the term or notice required for termination be shorter than that provided in these rules;

(b) Define the circumstances under which a customer deposit may be required, and delineate the circumstances under which discontinuance of service may be effectuated;

(c) Specify the procedure for renewal, modification, or termination of the contract;

(d) Specify the rates or the formula for determining rates to be charged during the contract term and specify the procedure, if any, for changing rates or the formula by which rates are to be determined; and

(e) Define the service responsibilities of the heat supplier and the customer for the purpose of maintaining adequate service. Each heat supplier shall commit to maintaining its plant and system in such condition as will enable it to furnish adequate service and shall endeavor to avoid interruptions of service, and, when such interruptions occur, to reestablish service with a minimum of delay. The contract will also provide that should it be necessary for the heat supplier to make repairs to or change its facilities it may, without incurring any liability therefor, interrupt service for such periods as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers. All customers affected by a scheduled interruption shall be given notification at least one day in advance. Each heat supplier shall keep a record of all interruptions of service including in such record the location, the date and time, the duration, and, as far as possible, the cause of each interruption. Copies of such records shall be submitted to the commission on request.

(4) Every contract shall contain the provision that it is made subject to the power and authority of the commission from time to time to determine the reasonableness of rates as provided in section 7, chapter 94, Laws of 1983.

(5) Every contract shall contain the provisions of WAC 480-95-120 setting forth the procedures for resolving complaints or disputes involving a heat supplier and its customers.

NEW SECTION

WAC 480-95-110 FEES.

(1) Application for permit	\$	500.00
(2) Application for extension		150.00
(3) Application for sale, transfer, or lease		150.00
(4) Application for duplicate permit		3.00

NEW SECTION

WAC 480-95-120 COMPLAINTS. Any complaint or dispute involving a heat supplier and a customer shall be treated in the following manner:

(1) Each complaint or dispute received by a heat supplier shall be investigated promptly as required by the particular case, and the result reported to the customer. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each heat supplier shall ensure that personnel engaged in initial contact with a dissatisfied or complaining customer explain that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel of the heat supplier. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each heat supplier shall ensure that supervisory personnel contacted by a dissatisfied customer shall inform such customer of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between a customer and a heat supplier shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-08-040 and/or a formal complaint pursuant to provisions of WAC 480-08-050.

(5) When a complaint is referred to a heat supplier by the commission, the heat supplier shall, within two working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to the progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a heat supplier may request an extension of time.

(6) Each heat supplier shall keep a record of all complaints concerning its service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such record shall be maintained in a suitable place readily available for commission review. All written complaints shall be acknowledged. Correspondence and records of complaints shall be retained by the heat supplier for a minimum period of one year.

NEW SECTION

WAC 480-95-125 EXEMPTIONS. Nothing in this chapter requires public utilities regulated by the commission to obtain permits as heat suppliers under this chapter or to file contracts with the commission, unless such utilities develop, produce, transmit, distribute, deliver, furnish, or sell to or for the public in the state of Washington heat from waste heat, geothermal wells or springs, combustion of biomass materials, or collection of solar heat for a beneficial use other than electricity generation.

WSR 84-10-018
EMERGENCY RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Order 114—Filed April 26, 1984]

Be it resolved by the Higher Education Personnel Board, acting at Clark College, Vancouver, Washington, that it does adopt the annexed rules relating to:

Amd WAC 251-10-140 Immediate dismissal.
 Amd WAC 251-22-090 Vacation leave—Cash payment.
 Rep WAC 251-22-091 Vacation leave—Separation.

We, the Higher Education Personnel Board, find that an emergency exists and that this 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 the emergency is to implement the provisions of SHB No. 843, signed by the governor on March 15, 1984, to be effective immediately, which changed the conditions under which cash payment may be made for accrued vacation leave.

These 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 20, 1984.

By Dennis Carlson
for Director

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-10-140 IMMEDIATE DISMISSAL. *When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. ((Provisions must be made to permit affected employees to use all accumulated vacation leave as provided in WAC 251-22-091.))*

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-22-090 VACATION LEAVE—CASH PAYMENT. *Classified employees who ~~((are members of public employees retirement system Plan I))~~ have completed six continuous months of employment and who separate from service by resignation, layoff, dismissal, retirement or death are entitled to a lump sum cash payment for all unused vacation leave ~~((when they separate from service by resignation, layoff, dismissal, retirement or death. Compensation for unused vacation leave))~~ except that accrued under WAC 251-22-080(2). In the case of voluntary resignation, an employee may be required to provide fifteen calendar days' notice to qualify for such lump sum cash payment. Excess vacation leave accumulated as prescribed in WAC 251-22-080(2) must be taken as vacation leave or be lost as provided in WAC 251-22-080(2). Vacation leave payable under WAC 251-22-080 and this section shall be computed and paid as prescribed by the office of financial management.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-22-091 VACATION LEAVE—SEPARATION.

WSR 84-10-019

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 84-8—Filed April 26, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to general regulations for air pollution sources, amending chapter 173-400 WAC.

This action is taken pursuant to Notice No. WSR 84-04-076 filed with the code reviser on February 1, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.94 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 10, 1984.

By Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 83-13, filed 4/15/83)

WAC 173-400-075 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. (1) The emission standards for asbestos, beryllium, beryllium rocket motor firing, mercury and vinyl chloride promulgated by the United States environmental protection agency prior to January 1, 1983, as contained in Title 40, Code of Federal Regulations, Part 61, are by this reference adopted and incorporated herein.

(2) The department or cognizant local authority, at any time after the effective date of this section, may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of asbestos, beryllium, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of asbestos, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to January 1, 1983.

(4) This section shall not apply to any source operating pursuant to a waiver granted by the United States environmental protection agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

(5) Arsenic standards.

(a) The owner or operator of any source which emits five tons or more of arsenic per year shall:

(i) Use best available technology (BAT) to control fugitive emissions of arsenic, so that community exposure standards are not exceeded outside of the property controlled by the owner or operator of the source.

As used herein BAT means the best controls and work practices available considering economic, energy and environmental impacts. The level of control that represents BAT may be different for new and existing sources within a source category because of higher costs associated with retrofitting controls on existing sources, or differences in control technology for new vs. existing sources.

(ii) Establish and operate monitoring facilities for arsenic at sites approved by the department or cognizant local authority. Such sites shall be representative of areas of potential maximum concentrations to which the public may be exposed.

(iii) Report as soon as possible but within thirty days, or in accordance with an approved work plan, to the department or cognizant local authority any exceedance of the following interim community exposure standards at any arsenic monitoring site:

Maximum 24-hour concentration - 2.0 micrograms arsenic (expressed as As) per cubic meter.

Maximum annual arithmetic mean - 0.3 micrograms arsenic (expressed as As) per cubic meter.

(iv) Maintain daily logs and records of the time and nature of activities that may release fugitive emissions of arsenic.

(v) Complete an evaluation of the cause of such exceedance within thirty days of the report of such exceedance.

(vi) Submit a work plan to the department for the identification and evaluation of fugitive arsenic emissions that is satisfactory to the department or cognizant local authority. The plan is required within thirty days after the effective date of this regulation. The work plan shall include but not be limited to an identification and evaluation of fugitive emission sources, including operating and maintenance procedures, siting of arsenic monitoring stations, a description of sampling equipment, analytical techniques, quality assurance, schedules of sampling, a program to record meteorological conditions at time of sampling, techniques used to evaluate and determine causes of exceedances, and quarterly reports of progress toward implementing the plan. For the arsenic manufacturing process as a whole, this shall include an evaluation of the feasibility of producing As₂O₃ through a chemical leaching process rather than roasting. The work plan shall be implemented within one year. Subparagraphs (ii), (iii), (iv), and (v) shall not impose additional requirements on the source to the extent that such requirements are included in the work plan.

(b) The standards set forth in (a)(iii) of this subsection are intended as interim community exposure standards. As more information becomes available it is anticipated that these standards will be reviewed.

(c) During this interim period the department shall periodically review all monitoring records and plant logs to determine the need for and practicability of additional emission controls, monitoring stations or adjustment to the above standards. Whenever the cause of any

exceedance can be attributed to a specific source, process, operation or work practice, the owner or operator thereof shall install or adopt corrective measures which constitute best available technology as soon as possible, to prevent a recurrence. The department or cognizant local authority shall determine if additional measures can be taken to control fugitive emissions of arsenic, and if so shall establish additional BAT requirements and a compliance program. Thereafter the department shall establish such final standards as appropriate to require, monitor and regulate the application of BAT for fugitive emissions of arsenic.

(d) Failure of a source to comply with any provision of subsection (5) of this section or any order issued by the department or cognizant local authority pursuant to WAC 173-400-075, shall constitute cause for enforcement action per WAC 173-403-170 or 173-403-180.

(e) Nothing in these regulations shall relieve the owner or operator of any source to which any part of these regulations may apply from complying with any other rule, regulation, order, statute, or ordinance to which said source may be subject.

WSR 84-10-020
PROPOSED RULES
STATE EMPLOYEES
INSURANCE BOARD
[Filed April 26, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning employee or dependents become ineligible for state group coverage, repealing WAC 182-12-125;

that the agency will at 9:00 a.m., Friday, June 8, 1984, in the Department of Transportation, Materials Lab Building, Tumwater, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 41.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: April 26, 1984

By: C. H. Shay
Group Insurance Analyst

STATEMENT OF PURPOSE

WAC 182-12-125 Employee or dependents become ineligible for state group coverage.

Statutory Authority: Chapter 41.05 RCW.

WAC 182-12-125 is being repealed as the SEIB determined that it is an unnecessary WAC rule.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Group Insurance Analyst, Phone 753-3096, scan 234-3096, Department of Personnel, Insurance Benefits Division, 497 Tye Drive, Tumwater, WA 98504, Mailstop QS-11.

Proposed by: State Employees Insurance Board.

Agency Comments: None.

Not necessary due to federal law or federal/state court action.

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-125

WSR 84-10-021
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1820—Filed April 26, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules regarding contemporary grain storage, chapter 16-224 WAC.

This action is taken pursuant to Notice Nos. WSR 84-06-058 and 84-09-069 filed with the code reviser on March 7, 1984, and April 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 25, 1984.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1687, filed 5/30/80)

WAC 16-224-010 **COMBINING CERTAIN WAREHOUSES INTO STATIONS.** The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ACM Feed & Grain, Inc., is combining ~~((Mabton;))~~ Prosser, and Hogue Ranch into one station - Prosser 722.

(2) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, and Hartline into one station - Almira 179.

(3) Almota Elevator Company is combining Port Almota, Union Center, and Mockonema into one station - Port Almota 187.

(4) Auvil-Warner Company, Inc., is combining Belmont, ~~((Oakesdale))~~ Sokulk, and Warner Siding into one station - Belmont 245.

(5) BNP Lentil Company is combining Farmington, Oakesdale, Pigeon Hollow Farm, and Garfield into one station - Farmington 43.

~~((4))~~ (6) Berger & Plate, Inc., is combining Tekoa, Tilma, ~~((Seltice))~~ and Garfield~~(, and Tensed)~~ into one station - Tekoa 471.

(7) CENEX is combining Othello, Eltopia, and Venner into one station - Othello 820.

~~((5))~~ (8) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas, Alstown, Mansfield, ~~(and)~~ Brewster, and Wenatchee into one station - Waterville 852.

~~((6))~~ (9) Cheney Grain Growers, Inc., is combining Cheney and Rodna into one station - Cheney 330.

~~((7))~~ (10) Columbia Bean & Produce ~~((Co.))~~ Company, Inc., is combining Wheeler, Block 89, Royal Slope, Homestead, Quincy, ~~(and)~~ Bruce, Toppenish, Basin City, and Mattawa into one station - Wheeler 282.

~~((8))~~ (11) Columbia Producers, Inc., is combining Warden ~~(and)~~, Royal City, Whiting Farm, and Howard Kisler Farm into one station - Warden 19.

~~((9))~~ (12) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, ~~(and)~~ Hunters, and Ritzville into one station - Davenport 289.

~~((10))~~ (13) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station - Edwall 4.

~~((11))~~ (14) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station - Othello 256.

(15) Eppich Grain Inc., is combining Royal Slope and Basin City into one station - Royal Slope 28.

~~((12))~~ (16) Fairfield Grain Growers, Inc., is combining Fairfield, and Waverly into one station - Fairfield 525.

~~((13))~~ (17) Fuhrman's Feed & Farm Supply ~~((Co.))~~ Company is combining Kettle Falls, Colville, ~~(and)~~ Chewelah, and Nelson Barn into one station - Kettle Falls 46.

~~((14))~~ (18) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, ~~(and)~~ Royal City, and Trinidad into one station - Wheeler 887.

~~((15))~~ (19) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and ~~((Sokutk))~~ Eden into one station - Garfield 24.

~~((16))~~ (20) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station - St. John 706.

~~((17))~~ (21) Inland Empire Pea Growers ~~((Assoc.))~~ Association, Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, and Spokane into one station - Spokane 220.

(22) Johnson Union Warehouse Company, Inc., is combining Johnston, Colton, and Chambers into one station - Johnston 645.

(23) Kittitas Farm Storage Company is combining Kittitas, Ellensburg, and Thrall into one station - Kittitas 250.

~~((18))~~ (24) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station - Lacrosse 131.

~~((19))~~ (25) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station - Lamont 476.

(26) Lentils, Inc., is combining Warner Siding and Oakesdale into one station - Warner Siding 32.

~~((20))~~ (27) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.

~~((21))~~ (28) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station - Oakesdale 71.

~~((22))~~ (29) Odessa Trading Company is combining Odessa, ~~((Nemo))~~ Ruff, Batum, Moody, ~~(and)~~ Schmierer, and Warden into one station - Odessa 342.

~~((23))~~ (30) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, Packard, Harrington, Mohler, Downs, Davenport, Egypt, Rocklyn, and Ephrata into one station - Odessa 305.

~~((24))~~ (31) Pendleton Grain Growers, Inc., is combining Prosser, Whitstran, and Wycoff Farms into one station - Prosser 648.

(32) The Pillsbury Company is combining Basin City, Merrills Corner, and Toppenish into one station - Basin City 23.

~~((25))~~ (33) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, ~~((Houser))~~ Dodge, and Central Ferry into one station - Pomeroy 400.

~~((26))~~ (34) Pomeroy Warehouse & Feed ~~((Co.))~~ Company, is combining Pomeroy ~~(and)~~, Gould City, and Central Ferry into one station - Pomeroy 853.

(35) Prairie Grain Company is combining Vista and Pasco into one station - Vista 688.

~~((27))~~ (36) Quincy Farm Chemicals, Inc., is combining Quincy, and ~~((Murphy's Corner))~~ Royal Slope into one station - Quincy 29.

~~((28))~~ (37) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, ~~(and)~~ Espanola, and Spokane into one station - Reardan 455.

~~((29))~~ (38) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Bengel, ~~(and Meier))~~ Maier, and Keystone into one station - Ritzville 295.

~~((30))~~ (39) Rockford Grain Growers, Inc., is combining Mead, Rockford, ~~((Valleyford))~~ Freeman, Mt. Hope, Worley, and Setters into one station - Rockford 196.

~~((31))~~ (40) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw Canyon, ~~(and)~~ Pine City, and Central Ferry into one station - Rosalia 415.

~~((32))~~ (41) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St. John 534.

~~((33))~~ (42) Spokane Seed Company is combining Spokane, Colfax, Plaza, and ~~((Worley))~~ Setters into one station - Spokane 452.

~~((34))~~ (43) Sunnyside Grain ~~((Co.))~~ Inc., is combining Sunnyside ~~(and)~~, Mabton, and Ashue Siding into one station - Sunnyside 2.

~~((35))~~ (44) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha,

Pence, Bauer, ~~((and))~~ R. H. Phillips, and Beatrice into one station - Lind 474.

~~((36))~~ (45) Uniontown Co-operative Association is combining Uniontown ~~((and))~~, Leon, and Wilbur Gulch into one station - Uniontown 430.

~~((37))~~ (46) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan ~~((and))~~, Creston, Richardson Farm, and Phillips Ranch into one station - Harrington 807.

~~((38))~~ (47) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapoliil, Tracy, Valley Grove, Spring Valley, Reser, Miller, ~~((Whitman;))~~ Gardena, Clyde, Eureka, Pleasant View, Sheffler, Smith Springs, Rulo, Dry Creek, Ennis, ~~((and))~~ Paddock, and Wallula into one station - Walla Walla 462.

~~((39))~~ (48) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.

~~((40))~~ Western Farmers Association is combining Sprague, Keystone, Quincy, Trinidad, Othello, Eltopia, Venner, Moses Lake, and Ellensburg into one station - Sprague 690.

~~((41))~~ (49) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.

~~((42))~~ (50) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, ~~((Busby;))~~ Ewartsville, Fallon, Parvin, ~~((Union-Center;))~~ Whelan, Pullman, ~~((and))~~ Kitzmiller, and Gravel Pit into one station - Colfax 74.

~~((43))~~ Wickes Agriculture is combining Merrills Corner, Basin City, Toppenish, and Stanfield into one station - Merrills Corner 23.

~~((44))~~ (51) Wilson Creek Union Grain & Trading Company is combining Stratford and Wilson Creek into one station - Wilson Creek 354.

~~((45))~~ L. F. Zwiesler Company, Inc., is combining Ashue Siding and Harrah into one station - Ashue Siding 76.)

AMENDATORY SECTION (Amending Order 1802, filed 7/19/83)

WAC 16-224-030 **CONTEMPORARY GRAIN STORAGE.** (1) Grain may be stored outside the warehouseman's permanent enclosed storage space only under the following conditions:

(a) ~~((When))~~ The warehouseman has ~~((no))~~ insufficient permanent enclosed storage space available.

(b) ~~((The))~~ Outside storage ~~((must))~~ shall be on ground properly landscaped to provide adequate drainage ~~((and must))~~. Prior to its use, the storage space shall be approved by the department ~~((prior to its use))~~.

(c) ~~((Stockpiles created by a licensed warehouseman at a location))~~ Outside storage not filled through ~~((his/her))~~ the warehouseman's permanent enclosed storage facility ~~((must))~~ shall have a separate letter designation and license fee.

(d) ~~((For outside storage up to thirty-three and one-third percent of the warehousemen's permanent enclosed~~

~~storage capacity, a net worth of twenty-five cents per bushel must be maintained))~~ The warehouseman shall maintain a net worth of twenty-five cents per bushel in addition to the net worth requirements of WAC 16-212-130 for outside storage which will be picked up and/or covered and aerated prior to November 1 of the crop year.

(e) A warehouseman may request the department of agriculture to license and approve ~~((his/her))~~ outside storage ~~((in excess of thirty-three and one-third percent of his/her permanent enclosed))~~ that may not be picked up and/or covered and aerated by November 1: **PROVIDED**, That this amount of outside storage ~~((capacity))~~ may not exceed fifty percent of the warehouseman's licensed permanent enclosed storage space. The ~~((warehouseman))~~ department shall ~~((maintain a))~~ grant the request if it determines, after a review of the premises, that it is properly landscaped and that the warehouseman maintains a net worth of ~~((thirty-five))~~ seventy-five cents per bushel ~~((on this excess unless it contains adequate aeration and is covered with a covering approved by the department of agriculture, in which case the net worth requirement will be twenty-five cents per bushel))~~ for uncovered outside storage, in addition to the net worth requirements of WAC 16-212-130. A warehouseman may file a written request with the department for up to a thirty day extension from the November 1 date, if filed by October 15. This request shall indicate the amount and condition of the grain for which the extension is requested, the amount of rainfall received in the area since harvest along with other information that may be necessary to assist the department in evaluating the request. Given the circumstances presented, the department shall grant the request if it determines the extension does not pose an unreasonable risk of deterioration to the grain.

(f) All outside storage ~~((must))~~ shall be properly crowned and ~~((must not be in))~~ groomed and free from contact with the side of any building or elevator after October 15 of the crop year.

(2) Violation of this ~~((regulation))~~ rule constitutes a violation of chapter 22.09 RCW and may result in ~~((the))~~ fines and a suspension of the warehouseman's license.

WSR 84-10-022

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed April 26, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning conditional payment regulations, WAC 192-23-001 through 192-23-900, and claimant information, WAC 192-24-001 through 192-24-030;

that the agency will at 9:00, Monday, June 11, 1984, in the Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Monday, June 11, 1984, at 2:30 p.m.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

The specific statute these rules are intended to implement is RCW 50.20.010, 50.20.050, 50.20.060, 50.20.070, 50.20.080, 50.20.090, 50.20.095, 50.20.113, 50.20.190, 50.22.020, 50.04.323 and 50.44.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1984.

Dated: April 25, 1984
By: Ernest F. LaPalm
Deputy Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

WAC 192-23-001 through 192-23-900, Claimant's burden of proof in establishing eligibility for benefits.

These regulations have been drafted to clearly state the claimant's burden of proof in establishing eligibility for benefits. The department provides claimants with information on eligibility requirements and places the burden of proof of meeting those conditions on the claimant.

In certain cases the department may pay benefits and then notify the claimant that additional information is necessary to establish eligibility. In such cases the burden is on the claimant to provide the necessary information. Failure to respond or to report to provide information will be considered a presumption that the individual did not meet eligibility requirements.

For example, if payment is made for a week for which the claimant has indicated no work search and the claimant is notified to provide information to demonstrate an active search for work, failure of the claimant to report or respond with information relating to the work search will result in a denial of benefits because the individual has failed to actively seek work. Failure to respond will create a rebuttable presumption of failure to meet eligibility requirements. RCW 50.20.160 provides the department the authority to issue redeterminations. If a claimant successfully rebuts the presumption of disqualifying information, provides information sufficient to establish eligibility, and a redetermination is permitted by RCW 50.20.160 a redetermination will be issued allowing benefits.

A more difficult situation occurs when there is a break in claim series. A break in claim series will raise a presumption of employment. Failure to provide information on employment will cause a presumption of separation from employment for a disqualifying reason.

These regulations cover the most common causes for presumption of ineligibility.

These rules are numbered in new chapter 192-23 WAC. The convention used is a relationship between the section of chapter 50.20 RCW and the section of chapter 192-23 WAC as follows. WAC 192-23-011 to 192-23-017 series will relate to RCW 50.20.010. WAC 192-

23-081 to 192-12-082 will relate to RCW 50.20.080. Section numbers greater than 299 will relate to chapters of Title 50 RCW other than chapter 50.20 RCW.

WAC 192-24-001 through 192-24-030, Information for claimants—Claimant information booklet presentation of benefits rights—Claimant directive.

These regulations outline the responsibility of the department to provide information to the claimant and the claimant's responsibility to retain and refer and act according to the information provided. While there is a great deal of information given in the claimant information booklet, it is not unreasonable to require a person to read it, keep it, and refer to it for the duration of the claim. Ignoring information provided should not grant immunity from the consequences.

Requests for information by telephone are specifically excluded from WAC 192-24-001. Telephone requests for information will be specifically handled in a subsequent section.

Claimants normally are given a presentation of benefit rights at the opening of the claim. WAC 192-24-020 binds the claimant to the information given in the presentation unless the claimant is given other written instructions.

These regulations place a burden on the department to inform claimants of their rights and responsibilities and a burden on claimants to meet those responsibilities.

The purpose of WAC 192-24-030 is to hold a claimant responsible for seeking work according to a claimant directive when issued and until a new directive is issued.

These regulations are placed in new chapter 192-24 WAC, entitled "Claimant information." It is proposed that additional information for claimants and information governing the communication of information by department personnel to claimants will be placed in this chapter.

WAC 192-23-001 to 192-23-900 were drafted by Graeme Sackrison, Technical Services, Employment Security Department. His office is located in the Employment Security Building, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915.

WAC 192-24-001 to 192-24-030 were drafted by Eric Jordan, Unemployment Insurance Specialist 3, Technical Services, Employment Security Department. His office is located in the Employment Security Building, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915.

Clinton E. Petty, Assistant Commissioner (UI), and Jim Wolfe, Chief, Technical Services (UI), are responsible for the implementation and enforcement of the rules. Their office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Their office telephone numbers are 753-5120 and 753-5170.

Chapter 192-23 CONDITIONAL PAYMENT REGULATIONS

WAC	
192-23-001	FAILURE TO RESPOND TO REQUEST FOR INFORMATION RESULTS IN A PRESUMPTION OF DISQUALIFYING INFORMATION

192-23-002	FAILURE TO RESPOND DEFINED
192-23-011	FAILURE TO PROVIDE DETAILS OF EMPLOYMENT
192-23-012	FAILURE TO PROVIDE DETAILS ON HOLIDAY AND/OR VACATION PAY
192-23-013	FAILURE TO REPORT IN PERSON
192-23-014	FAILURE TO ESTABLISH ABILITY TO WORK
192-23-015	FAILURE TO ESTABLISH ACTIVE SEARCH FOR WORK
192-23-016	FAILURE TO MEET WORK SEARCH REQUIREMENTS
192-23-017	FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LATE FILING OF CLAIMS
192-23-051	FAILURE TO PROVIDE DETAILS ON SEPARATION FROM EMPLOYMENT
192-23-052	FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING VOLUNTARY QUIT
192-23-061	FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING A DISCHARGE FROM WORK
192-23-071	FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING MISREPRESENTATION
192-23-081	FAILURE TO PROVIDE DETAILS ON A REFUSAL OF AN OFFER OF WORK
192-23-082	FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING FAILURE TO APPLY FOR WORK
192-23-091	FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LABOR DISPUTE
192-23-096	FAILURE TO PROVIDE INFORMATION REGARDING ATTENDANCE AT SCHOOL
192-23-113	FAILURE TO RESPOND TO A REQUEST TO PROVIDE INFORMATION REGARDING ATHLETIC EMPLOYMENT
192-23-301	FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING REASONABLE ASSURANCE OF RETURN TO WORK
192-23-320	FAILURE TO RESPOND TO A REQUEST FOR DOCUMENTATION OF A SYSTEMATIC AND SUSTAINED WORK SEARCH
192-23-350	FAILURE TO RESPOND TO A REQUEST FOR PENSION INFORMATION
192-23-800	CLAIMANT CERTIFICATION OF INELIGIBILITY
192-23-810	CLAIMANT CERTIFICATION OF RETURN TO FULL TIME WORK
192-23-820	PENSION CHANGE NOTIFICATION
192-23-900	CLAIMANT LIABLE FOR REPAYMENT OF OVERPAYMENTS CAUSED BY CONDITIONAL PAYMENT

NEW SECTION

WAC 192-23-001 FAILURE TO RESPOND TO REQUEST FOR INFORMATION RESULTS IN A PRESUMPTION OF DISQUALIFYING INFORMATION. If a claimant provides potentially disqualifying information or fails to provide necessary information and then fails to respond to a request for specific information, the failure to respond will result in a presumption of disqualifying information and the issuance of a formal determination of disqualification. The presumption of disqualifying information is rebuttable. RCW 50.20.160 provides the department the authority to issue redeterminations. If a claimant successfully rebuts the presumption of disqualifying information, provides information sufficient to establish eligibility, and a redetermination is permitted by RCW 50.20.160, a redetermination will be issued allowing benefits.

NEW SECTION

WAC 192-23-002 FAILURE TO RESPOND DEFINED. An individual will be deemed to have failed to respond to a request for information if the claimant has not reported in person, if so directed, or

responded in writing by the response date indicated in the request for information, providing all the information requested.

If the request for information requires an in-person response and the individual responds in writing, the individual will be deemed to have failed to respond unless the written response provides specific information that will establish good cause for a failure to respond in person.

NEW SECTION

WAC 192-23-011 FAILURE TO PROVIDE DETAILS OF EMPLOYMENT. (1) If a claimant reports that he or she had work or earnings for one or more weeks or fails to indicate whether he or she had work or earnings and fails to respond to a request for subsequent information with respect to the work and earnings, the claimant will be presumed to be not unemployed as defined in RCW 50.04.310 and therefore not eligible for benefits pursuant to RCW 50.20.010.

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which work and earnings information is incomplete.

NEW SECTION

WAC 192-23-012 FAILURE TO PROVIDE DETAILS ON HOLIDAY AND/OR VACATION PAY. (1) If a claimant certifies that he or she has received holiday and/or vacation pay, or fails to certify whether he or she has received holiday or vacation pay and fails to respond to provide details of the holiday and/or vacation pay, the individual will be presumed to be not unemployed as defined in RCW 50.04.310 and subject to denial pursuant to RCW 50.20.010.

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which vacation and/or holiday pay information is incomplete.

NEW SECTION

WAC 192-23-013 FAILURE TO REPORT IN PERSON. (1) If a claimant fails to report in person when directed and fails to respond to provide information to explain why he or she did not report in person, the claimant will be presumed to have failed to report in person without good cause and be subject to denial pursuant to RCW 50.20.010(1).

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks in which the claimant failed to report as directed.

NEW SECTION

WAC 192-23-014 FAILURE TO ESTABLISH ABILITY TO WORK. (1) if a claimant certifies that he or she was not able to work or not available for work in any week or fails to certify whether he or she was able to work or was available for work, and fails to respond to provide details relating to his or her ability and or availability for work, the claimant will be presumed to be not able or available for work and subject to denial of benefits pursuant to RCW 50.20.010(3).

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which information on the claimant's ability to work or availability for work is incomplete.

NEW SECTION

WAC 192-23-015 FAILURE TO ESTABLISH ACTIVE SEARCH FOR WORK. (1) If a claimant certifies that he or she was not actively seeking work, fails to certify whether he or she made an active search for work, and/or fails to provide complete work search details and other information as directed and fails to respond to provide details relating to work search activity, the individual will be presumed to be not actively seeking work and will be subject to denial pursuant to RCW 50.20.010(3).

(2) For the purpose of this subsection complete work search details include:

- (a) Names of employers contacted,
- (b) Date of each employer contact,
- (c) Employer location,
- (d) Type of work sought, and
- (e) Methods of Contact.

(3) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which work search information is incomplete.

NEW SECTION

WAC 192-23-016 FAILURE TO MEET WORK SEARCH REQUIREMENTS. (1) If a claimant has been directed to meet specific work search requirements, fails to report a work search that meets those requirements, and fails to respond to a request to provide additional work search information or responds with information that does not meet the specific requirements, the individual will be presumed to not be actively seeking work as directed and subject to denial pursuant to RCW 50.20.010(3).

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which work search information does not meet specific work search requirements.

NEW SECTION

WAC 192-23-017 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LATE FILING OF CLAIMS. (1) If a claimant files a claim late as defined in WAC 192-12-141 and fails to respond to a request for an explanation of why the claim was filed late, it shall be presumed that the claim has not been filed as required and the individual will be subject to denial pursuant to RCW 50.20.010(2) and WAC 192-12-141.

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks which were filed late.

NEW SECTION

WAC 192-23-051 FAILURE TO PROVIDE DETAILS ON SEPARATION FROM EMPLOYMENT. If a claimant reports no work or earnings in a week following a week during which work and earnings were reported or in which he or she did not certify whether there were work and earnings or submits a claim after a break in reporting without reporting in person, does not provide complete employer and separation information, and does not respond to a request to supply complete employer and separation information, the individual will be presumed to have voluntarily left work without good cause and be subject to denial pursuant to RCW 50.20.050.

(1) A separation from employment occurs whenever the employer-employee relationship is interrupted or ended. For the purpose of this section a separation from employment occurs whenever:

(a) An employee is not scheduled to work for a period of one week or more, or,

(b) An employee who has been working full time or who has been earning at least one and one-third times the weekly benefit amount plus five dollars in a calendar week works less than full time and earns a lesser amount in a subsequent calendar week, or

(c) A claimant has a week with no earnings following a week in which the claimant had earnings.

(2) For the purpose of this section, complete employer and separation information consists of the following items:

(a) Name of employer,

(b) Complete address of employer,

(c) Last day worked,

(d) Reason for separation from employment,

(e) Information on hours worked and earnings if not previously reported.

(3) A "break in reporting" is any period of one or more weeks for which no continued claim forms are submitted.

(4) The denial of this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.050.

NEW SECTION

WAC 192-23-052 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING VOLUNTARY QUIT. (1) If a claimant fails to respond to a notice to provide detailed information with respect to voluntarily quitting work, the claimant shall be presumed to have voluntarily left work without good cause and denied benefits pursuant to RCW 50.20.050.

(2) The denial of this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.050.

NEW SECTION

WAC 192-23-061 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING A DISCHARGE FROM

WORK. (1) If a claimant fails to respond to a request for information regarding a discharge from work and has provided insufficient information to identify or contact the employer, the claimant may be presumed to be discharged for misconduct connected with the work and denied benefits pursuant to RCW 50.20.060. If the claimant has supplied the agency with sufficient information to contact the employer, the claimant may not be denied benefits pursuant to RCW 50.20.060 unless the employer has established by a preponderance of evidence that the claimant has been discharged for misconduct connected with the work.

(2) The denial of this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.060.

NEW SECTION

WAC 192-23-071 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING MISREPRESENTATION.

(1) If a review of claimant records and other information establishes a prima facie case that the claimant has made a false statement or representation regarding a material fact or knowingly failed to report a material fact in order to receive or to attempt to receive benefits, and the individual fails to respond to a request for information, it shall be presumed that the claimant has made a false statement or representation of a material fact or knowingly failed to report a material fact in order to obtain or to attempt to obtain benefits and the claimant shall be denied benefits pursuant to RCW 50.20.070.

(2) The denial of benefits under this section will always be made in conjunction with a denial under another section.

(3) The denial of benefits under this section is for the week or weeks in which the misrepresentation is made and for an additional period as defined in RCW 50.20.070.

NEW SECTION

WAC 192-23-081 FAILURE TO PROVIDE DETAILS ON A REFUSAL OF AN OFFER OF WORK. (1) If a claimant certifies that he or she refused an offer of work or fails to certify whether he or she refused an offer of work, and fails to respond to a notice to report or request to provide details relating to refusing an offer of work, the individual will be presumed to have refused an offer of available, suitable work without good cause and will be subject to denial of benefits pursuant to RCW 50.20.080.

(2) The denial of benefits under this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.080. The beginning date of the denial will be the first day of week in which the claimant certified that he or she refused an offer of work or failed to indicate whether he or she refused an offer of work.

NEW SECTION

WAC 192-23-082 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING FAILURE TO APPLY FOR WORK. If the agency has directed a claimant to apply for work, the agency is advised that the claimant failed to apply as directed, and the claimant fails to respond to a request for information regarding the failure to apply as directed, the claimant shall be deemed to have failed to apply for available, suitable work without good cause and shall be subject to denial pursuant to RCW 50.20.080.

(2) The denial of benefits under this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.080. The beginning date of the denial will be the date the claimant was directed to apply for work.

NEW SECTION

WAC 192-23-091 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LABOR DISPUTE. (1) If an individual fails to respond to a request for information regarding a labor dispute, the individual will be presumed to be unemployed due to the labor dispute and directly interested in and/or participating in the dispute.

(2) The presumption that the claimant is unemployed due to the labor dispute and directly interested in and/or participating in the dispute shall continue until the claimant provides information otherwise.

(3) The employer must then establish that a stoppage of work caused by a labor dispute has resulted in the claimant being unemployed before the claimant may be denied benefits pursuant to RCW 50.20.090.

(4) The denial of benefits under this section is indefinite in nature and will continue as long as the employer can establish that there is a stoppage of work caused by a labor dispute.

NEW SECTION

WAC 192-23-096 FAILURE TO PROVIDE INFORMATION REGARDING ATTENDANCE AT SCHOOL. (1) If claimant or another party notifies the agency that the claimant is in school and the claimant fails to respond to a request for information regarding school attendance, the claimant shall be presumed to be registered for academic instruction of twelve or more hours and to have a limited attachment to the labor market, and to be not available for work, and shall be subject to denial of benefits pursuant to RCW 50.20.095 and RCW 50.20.010(3).

(2) The denial of benefits under this section is indefinite in nature and continues until the individual reestablishes eligibility pursuant to RCW 50.20.095 and RCW 50.20.010(3).

NEW SECTION

WAC 192-23-113 FAILURE TO RESPOND TO A REQUEST TO PROVIDE INFORMATION REGARDING ATHLETIC EMPLOYMENT. (1) If a claimant bases his or her eligibility for benefits on employment as a sport or athletic event participant and refuses to respond to a request for information regarding participation in past and coming seasons, the claimant shall be presumed to have a reasonable assurance of performing such services in an upcoming season and thereby be subject to denial of benefits pursuant to RCW 50.20.113.

(2) The denial in this section is definite in nature and applies to the entire period between seasons.

NEW SECTION

WAC 192-23-301 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING REASONABLE ASSURANCE OF RETURN TO WORK. (1) If a claimant whose benefits are based on service for educational institutions is unemployed between terms, between academic years, or during a holiday or vacation period, and the individual fails to respond to a request for information regarding reasonable assurance of his or her return to employment for the educational institution, the claimant will be deemed to have reasonable assurance of performing services and be subject to denial pursuant to the applicable subsection of RCW 50.44.050.

(2) The denial of benefits under this section is definite in nature, applying to the period between terms, between academic years, or the appropriate vacation and/or holiday period.

NEW SECTION

WAC 192-23-320 FAILURE TO RESPOND TO A REQUEST FOR DOCUMENTATION OF A SYSTEMATIC AND SUSTAINED WORK SEARCH. (1) If a claimant is receiving shareable or extended benefits and fails to report a systematic and sustained work search and fails to respond to a request to provide work search information, the claimant shall be presumed to have failed to actively engage in seeking work and be subject to denial of benefits pursuant to RCW 50.22.020(1)&(2).

(2) The denial of benefits under this section is indefinite in nature and shall continue until the requalifying provisions of RCW 50.22.020(2) are met.

NEW SECTION

WAC 192-23-350 FAILURE TO RESPOND TO A REQUEST FOR PENSION INFORMATION. (1) If a claimant certifies that he or she has applied for a retirement pension or that his or her retirement pension has changed since his or her last claim or the claimant has failed to indicate whether he or she has applied for a pension or his or her pension changed, and fails to respond to a request for pension information, or responds with inadequate pension information, the individual will be presumed to be receiving a pension in an amount greater than his or her weekly benefit amount and contributed to solely by a base year employer and be subject to denial of benefits pursuant to RCW 50.04.323.

(2) The denial of benefits under this section is indefinite and will continue until the claimant establishes that he or she is no longer subject to disqualification pursuant to RCW 50.04.323.

NEW SECTION

WAC 192-23-800 CLAIMANT CERTIFICATION OF INELIGIBILITY. (1) If a claimant submits a claim form certifying that he or she was not available for work and not seeking work and providing additional information which supports such certification and which includes an unconditional statement of ineligibility, the submission of the form does not rise to the level of a claim for benefits and the claimant may be denied benefits pursuant to RCW 50.20.010(2) without requiring additional information or interview.

(2) The denial under this section is definite in nature and applies only to the week or weeks for which the claimant specifically indicates ineligibility.

NEW SECTION

WAC 192-23-810 CLAIMANT CERTIFICATION OF RETURN TO FULL-TIME WORK. (1) If a claimant certifies that he or she has returned to full-time work and reports hours worked consistent with a return to full-time work, but fails to provide specific earnings information, the certification of return to full-time work and hours worked shall be sufficient to determine that the individual is no longer an unemployed individual as defined in RCW 50.04.310 and subject to denial pursuant to RCW 50.20.010 without requiring additional information or interview.

(2) The denial under this section is definite in nature and applies only to the weeks claimed at the time of the certification of return to full-time work.

NEW SECTION

WAC 192-23-820 PENSION CHANGE NOTIFICATION. (1) If the department is notified by an employer or government agency on the behalf of an employer that the amount of a pension will change, or notified by a government agency that the amount of Social Security pensions will change, the department is authorized to change the claimant's pension amount in accordance with the notification.

(2) This section may be applied if the notification of change of pension amount lists the claimant by name and Social Security Account Number or if the notification applies to a class of pension (for instance, Social Security or Federal Military Pension) which the claimant is identified as currently receiving according to departmental records.

(3) The change in pension amount may be rebutted by the claimant by presenting documentation that his or her pension change is different than the calculated amount.

NEW SECTION

WAC 192-23-900 CLAIMANT LIABLE FOR REPAYMENT OF OVERPAYMENTS CAUSED BY CONDITIONAL PAYMENT. (1) If an overpayment of benefits results from a conditional payment and subsequent denial of benefits, the claimant is not eligible for waiver of that overpayment pursuant to RCW 50.20.190.

(2) A claimant who submits a claim form that fails to clearly establish eligibility and which results in a conditional payment is not without fault with respect to any overpayment subsequently established and therefore not eligible for the waiver provisions of RCW 50.20.190.

NEW SECTION

WAC 192-24-001 INFORMATION FOR CLAIMANTS. (1) The Employment Security Department will provide claimants with information necessary for filing claims for benefits.

(2) The department will provide assistance at its Job Service Centers or in writing to any person needing assistance in filing claims.

(3) A person given written information by the department will be responsible for acting in accord with that information for the duration of the claim and will be presumed to understand the information unless the individual asks for help in understanding.

NEW SECTION

WAC 192-24-010 CLAIMANT INFORMATION BOOKLET. (1) The department will publish an "Information for Claimants" booklet, form number EMS 8139 to provide basic information on the

law, rules and procedures related to claims for unemployment insurance benefits. Single copies of the booklet will be available to the public at no charge.

(2) Each person filing a new claim for benefits will be given a copy of the most recent revision of the "Information for Claimants" booklet, form number EMS 8139.

(3) Each person given a copy of the information booklet will be responsible for filing claims in accordance with the instructions in the booklet.

(4) A replacement booklet will be given to any person who requests one.

(5) Each person given a booklet will be responsible for reporting and filing claims according to the information in the booklet for the duration of the claim unless other specific information is given to the person in writing.

(6) In its Job Service Centers, the department will assist any person who may have difficulty understanding the booklet.

(7) If a person fails to ask for help in understanding the booklet, the person will be presumed to understand the contents of the booklet and held responsible for any failure to act as directed by the booklet.

NEW SECTION

WAC 192-24-020 PRESENTATION OF BENEFIT RIGHTS.

(1) The department will give each person filing a claim for benefits a presentation of benefit rights.

(2) If there is a change in eligibility requirements or if a person appears to need assistance, the department may require an individual to attend a presentation of benefit rights.

(3) Any person wishing to attend a presentation of benefit rights for general information or review may do so at a time convenient to the department.

(4) A person filing claims for benefits will be responsible for filing claims and providing information as directed in the presentation of benefit rights unless other written instructions are given after the presentation of benefit rights.

(5) If there is a conflict between written and spoken information given to a person, the written information will be held to apply.

NEW SECTION

WAC 192-24-030 CLAIMANT DIRECTIVE. RCW

50.20.010(3) provides that to be eligible for benefits, an individual must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents.

(1) A "claimant directive" is a notice to a claimant advising him or her that specific methods of work search are required in order to meet the actively seeking work requirements.

(2) No claimant directive will be effective until a written copy of the directive has been received by the claimant.

(3) A claimant directive may be issued to advise a claimant of any requirement related to the work search including the method of reporting of work search required.

(4) An individual given a claimant directive will be required to abide by the directive until it is replaced by a new written directive.

(5) A directive shall remain in effect until a claimant establishes a new valid benefit year or until a new written directive is given.

WSR 84-10-023

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 3-84-Filed April 26, 1984]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to conditional payment regulations, WAC 192-23-001 through 192-23-900.

I, Ernest F. LaPalm, Deputy Commissioner, Employment Security Department, find that an emergency exists and that this 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 the emergency is the superior court of Thurston County has declared the current pend practices of the Employment Security Department as they relate to continued claimants to be unconstitutional. The court's order further requires payment of benefits in situations formerly subject to pend when the department has not had an opportunity to obtain all facts necessary for determination of eligibility for benefits or disqualification from benefits. The emergency regulations adopted are for the purpose of advising claimants and instructing the department of the methods of handling claims which would have been formerly pending in the event that the claimant failed to provide requested information as directed by the department.

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

This rule is promulgated pursuant to RCW 50.20.010, 50.20.050, 50.20.060, 50.20.070, 50.20.080, 50.20.090, 50.20.095, 50.20.113, 50.20.190, 50.22.020, 50.04.323 and 50.44.050 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 25, 1984.

By Ernest F. LaPalm
Deputy Commissioner

Chapter 192-23

CONDITIONAL PAYMENT REGULATIONS

WAC

- 192-23-001 **FAILURE TO RESPOND TO REQUEST FOR INFORMATION RESULTS IN A PRESUMPTION OF DISQUALIFYING INFORMATION**
- 192-23-002 **FAILURE TO RESPOND DEFINED**
- 192-23-011 **FAILURE TO PROVIDE DETAILS OF EMPLOYMENT**
- 192-23-012 **FAILURE TO PROVIDE DETAILS ON HOLIDAY AND/OR VACATION PAY**
- 192-23-013 **FAILURE TO REPORT IN PERSON**
- 192-23-014 **FAILURE TO ESTABLISH ABILITY TO WORK**
- 192-23-015 **FAILURE TO ESTABLISH ACTIVE SEARCH FOR WORK**
- 192-23-016 **FAILURE TO MEET WORK SEARCH REQUIREMENTS**
- 192-23-017 **FAILURE TO RESPOND TO A REQUEST FOR INFORMATION**

- REGARDING LATE FILING OF CLAIMS
- 192-23-051 FAILURE TO PROVIDE DETAILS ON SEPARATION FROM EMPLOYMENT
- 192-23-052 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING VOLUNTARY QUIT
- 192-23-061 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING A DISCHARGE FROM WORK
- 192-23-071 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING MISREPRESENTATION
- 192-23-081 FAILURE TO PROVIDE DETAILS ON A REFUSAL OF AN OFFER OF WORK
- 192-23-082 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING FAILURE TO APPLY FOR WORK
- 192-23-091 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LABOR DISPUTE
- 192-23-096 FAILURE TO PROVIDE INFORMATION REGARDING ATTENDANCE AT SCHOOL
- 192-23-113 FAILURE TO RESPOND TO A REQUEST TO PROVIDE INFORMATION REGARDING ATHLETIC EMPLOYMENT
- 192-23-301 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING REASONABLE ASSURANCE OF RETURN TO WORK
- 192-23-320 FAILURE TO RESPOND TO A REQUEST FOR DOCUMENTATION OF A SYSTEMATIC AND SUSTAINED WORK SEARCH
- 192-23-350 FAILURE TO RESPOND TO A REQUEST FOR PENSION INFORMATION
- 192-23-800 CLAIMANT CERTIFICATION OF INELIGIBILITY
- 192-23-810 CLAIMANT CERTIFICATION OF RETURN TO FULL TIME WORK
- 192-23-820 PENSION CHANGE NOTIFICATION
- 192-23-900 CLAIMANT LIABLE FOR REPAYMENT OF OVERPAYMENTS CAUSED BY CONDITIONAL PAYMENT

NEW SECTION

WAC 192-23-001 FAILURE TO RESPOND TO REQUEST FOR INFORMATION RESULTS IN A

PRESUMPTION OF DISQUALIFYING INFORMATION. If a claimant provides potentially disqualifying information or fails to provide necessary information and then fails to respond to a request for specific information, the failure to respond will result in a presumption of disqualifying information and the issuance of a formal determination of disqualification. The presumption of disqualifying information is rebuttable. RCW 50.20.160 provides the department the authority to issue redeterminations. If a claimant successfully rebuts the presumption of disqualifying information, provides information sufficient to establish eligibility, and a redetermination is permitted by RCW 50.20.160, a redetermination will be issued allowing benefits.

NEW SECTION

WAC 192-23-002 FAILURE TO RESPOND DEFINED. An individual will be deemed to have failed to respond to a request for information if the claimant has not reported in person, if so directed, or responded in writing by the response date indicated in the request for information, providing all the information requested.

If the request for information requires an in-person response and the individual responds in writing, the individual will be deemed to have failed to respond unless the written response provides specific information that will establish good cause for a failure to respond in person.

NEW SECTION

WAC 192-23-011 FAILURE TO PROVIDE DETAILS OF EMPLOYMENT. (1) If a claimant reports that he or she had work or earnings for one or more weeks or fails to indicate whether he or she had work or earnings and fails to respond to a request for subsequent information with respect to the work and earnings, the claimant will be presumed to be not unemployed as defined in RCW 50.04.310 and therefore not eligible for benefits pursuant to RCW 50.20.010.

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which work and earnings information is incomplete.

NEW SECTION

WAC 192-23-012 FAILURE TO PROVIDE DETAILS ON HOLIDAY AND/OR VACATION PAY. (1) If a claimant certifies that he or she has received holiday and/or vacation pay, or fails to certify whether he or she has received holiday or vacation pay and fails to respond to provide details of the holiday and/or vacation pay, the individual will be presumed to be not unemployed as defined in RCW 50.04.310 and subject to denial pursuant to RCW 50.20.010.

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which vacation and/or holiday pay information is incomplete.

NEW SECTION

WAC 192-23-013 FAILURE TO REPORT IN PERSON. (1) If a claimant fails to report in person when directed and fails to respond to provide information to explain why he or she did not report in person, the claimant will be presumed to have failed to report in person without good cause and be subject to denial pursuant to RCW 50.20.010(1).

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks in which the claimant failed to report as directed.

NEW SECTION

WAC 192-23-014 FAILURE TO ESTABLISH ABILITY TO WORK. (1) if a claimant certifies that he or she was not able to work or not available for work in any week or fails to certify whether he or she was able to work or was available for work, and fails to respond to provide details relating to his or her ability and or availability for work, the claimant will be presumed to be not able or available for work and subject to denial of benefits pursuant to RCW 50.20.010(3).

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which information on the claimant's ability to work or availability for work is incomplete.

NEW SECTION

WAC 192-23-015 FAILURE TO ESTABLISH ACTIVE SEARCH FOR WORK. (1) If a claimant certifies that he or she was not actively seeking work, fails to certify whether he or she made an active search for work, and/or fails to provide complete work search details and other information as directed and fails to respond to provide details relating to work search activity, the individual will be presumed to be not actively seeking work and will be subject to denial pursuant to RCW 50.20.010(3).

(2) For the purpose of this subsection complete work search details include:

- (a) Names of employers contacted,
- (b) Date of each employer contact,
- (c) Employer location,
- (d) Type of work sought, and
- (e) Methods of Contact.

(3) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which work search information is incomplete.

NEW SECTION

WAC 192-23-016 FAILURE TO MEET WORK SEARCH REQUIREMENTS. (1) If a claimant has been directed to meet specific work search requirements, fails to report a work search that meets those requirements, and fails to respond to a request to provide additional work search information or responds with information that does not meet the specific requirements, the individual will be presumed to not be actively seeking work as directed and subject to denial pursuant to RCW 50.20.010(3).

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks for which work search information does not meet specific work search requirements.

NEW SECTION

WAC 192-23-017 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LATE FILING OF CLAIMS. (1) If a claimant files a claim late as defined in WAC 192-12-141 and fails to respond to a request for an explanation of why the claim was filed late, it shall be presumed that the claim has not been filed as required and the individual will be subject to denial pursuant to RCW 50.20.010(2) and WAC 192-12-141.

(2) The denial of benefits authorized by this section is a denial for a definite period of time, being the week or weeks which were filed late.

NEW SECTION

WAC 192-23-051 FAILURE TO PROVIDE DETAILS ON SEPARATION FROM EMPLOYMENT. If a claimant reports no work or earnings in a week following a week during which work and earnings were reported or in which he or she did not certify whether there were work and earnings or submits a claim after a break in reporting without reporting in person, does not provide complete employer and separation information, and does not respond to a request to supply complete employer and separation information, the individual will be presumed to have voluntarily left work without good cause and be subject to denial pursuant to RCW 50.20.050.

(1) A separation from employment occurs whenever the employer-employee relationship is interrupted or ended. For the purpose of this section a separation from employment occurs whenever:

(a) An employee is not scheduled to work for a period of one week or more, or,

(b) An employee who has been working full time or who has been earning at least one and one-third times the weekly benefit amount plus five dollars in a calendar week works less than full time and earns a lesser amount in a subsequent calendar week, or

(c) A claimant has a week with no earnings following a week in which the claimant had earnings.

(2) For the purpose of this section, complete employer and separation information consists of the following items:

(a) Name of employer,

(b) Complete address of employer,

(c) Last day worked,

(d) Reason for separation from employment,

(e) Information on hours worked and earnings if not previously reported.

(3) A "break in reporting" is any period of one or more weeks for which no continued claim forms are submitted.

(4) The denial of this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.050.

NEW SECTION

WAC 192-23-052 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING VOLUNTARY QUIT. (1) If a claimant fails to respond to a notice to provide detailed information with respect to voluntarily quitting work, the claimant shall be presumed to have voluntarily left work without good cause and denied benefits pursuant to RCW 50.20.050.

(2) The denial of this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.050.

NEW SECTION

WAC 192-23-061 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING A DISCHARGE FROM WORK. (1) If a claimant fails to respond to a request for information regarding a discharge from work and has provided insufficient information to identify or contact the employer, the claimant may be presumed to be discharged for misconduct connected with the work and denied benefits pursuant to RCW 50.20.060. If the claimant has supplied the agency with sufficient information to contact the employer, the claimant may not be denied benefits pursuant to RCW 50.20.060 unless the employer has established by a preponderance of evidence that the claimant has been discharged for misconduct connected with the work.

(2) The denial of this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.060.

NEW SECTION

WAC 192-23-071 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING MISREPRESENTATION. (1) If a review of claimant records and other information establishes a prima facie case that the claimant has made a false statement or representation regarding a material fact or knowingly failed to report a material fact in order to receive or to attempt to receive benefits, and the individual fails to respond to a request for information, it shall be presumed that the claimant has made a false statement or representation of a material fact or knowingly failed to report a material fact in order to obtain or to attempt to obtain benefits and the claimant shall be denied benefits pursuant to RCW 50.20.070.

(2) The denial of benefits under this section will always be made in conjunction with a denial under another section.

(3) The denial of benefits under this section is for the week or weeks in which the misrepresentation is made and for an additional period as defined in RCW 50.20.070.

NEW SECTION

WAC 192-23-081 FAILURE TO PROVIDE DETAILS ON A REFUSAL OF AN OFFER OF WORK. (1) If a claimant certifies that he or she refused an offer of work or fails to certify whether he or she refused an offer of work, and fails to respond to a notice to report

or request to provide details relating to refusing an offer of work, the individual will be presumed to have refused an offer of available, suitable work without good cause and will be subject to denial of benefits pursuant to RCW 50.20.080.

(2) The denial of benefits under this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.080. The beginning date of the denial will be the first day of week in which the claimant certified that he or she refused an offer of work or failed to indicate whether he or she refused an offer of work.

NEW SECTION

WAC 192-23-082 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING FAILURE TO APPLY FOR WORK. If the agency has directed a claimant to apply for work, the agency is advised that the claimant failed to apply as directed, and the claimant fails to respond to a request for information regarding the failure to apply as directed, the claimant shall be deemed to have failed to apply for available, suitable work without good cause and shall be subject to denial pursuant to RCW 50.20.080.

(2) The denial of benefits under this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.080. The beginning date of the denial will be the date the claimant was directed to apply for work.

NEW SECTION

WAC 192-23-091 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LABOR DISPUTE. (1) If an individual fails to respond to a request for information regarding a labor dispute, the individual will be presumed to be unemployed due to the labor dispute and directly interested in and/or participating in the dispute.

(2) The presumption that the claimant is unemployed due to the labor dispute and directly interested in and/or participating in the dispute shall continue until the claimant provides information otherwise.

(3) The employer must then establish that a stoppage of work caused by a labor dispute has resulted in the claimant being unemployed before the claimant may be denied benefits pursuant to RCW 50.20.090.

(4) The denial of benefits under this section is indefinite in nature and will continue as long as the employer can establish that there is a stoppage of work caused by a labor dispute.

NEW SECTION

WAC 192-23-096 FAILURE TO PROVIDE INFORMATION REGARDING ATTENDANCE AT SCHOOL. (1) If claimant or another party notifies the agency that the claimant is in school and the claimant fails to respond to a request for information regarding school attendance, the claimant shall be presumed to be registered for academic instruction of twelve or more hours and to have a limited attachment to the labor market, and to be not available for work, and shall be

subject to denial of benefits pursuant to RCW 50.20.095 and RCW 50.20.010(3).

(2) The denial of benefits under this section is indefinite in nature and continues until the individual reestablishes eligibility pursuant to RCW 50.20.095 and RCW 50.20.010(3).

NEW SECTION

WAC 192-23-113 FAILURE TO RESPOND TO A REQUEST TO PROVIDE INFORMATION REGARDING ATHLETIC EMPLOYMENT. (1) If a claimant bases his or her eligibility for benefits on employment as a sport or athletic event participant and refuses to respond to a request for information regarding participation in past and coming seasons, the claimant shall be presumed to have a reasonable assurance of performing such services in an upcoming season and thereby be subject to denial of benefits pursuant to RCW 50.20.113.

(2) The denial in this section is definite in nature and applies to the entire period between seasons.

NEW SECTION

WAC 192-23-301 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING REASONABLE ASSURANCE OF RETURN TO WORK. (1) If a claimant whose benefits are based on service for educational institutions is unemployed between terms, between academic years, or during a holiday or vacation period, and the individual fails to respond to a request for information regarding reasonable assurance of his or her return to employment for the educational institution, the claimant will be deemed to have reasonable assurance of performing services and be subject to denial pursuant to the applicable subsection of RCW 50.44.050.

(2) The denial of benefits under this section is definite in nature, applying to the period between terms, between academic years, or the appropriate vacation and/or holiday period.

NEW SECTION

WAC 192-23-320 FAILURE TO RESPOND TO A REQUEST FOR DOCUMENTATION OF A SYSTEMATIC AND SUSTAINED WORK SEARCH. (1) If a claimant is receiving shareable or extended benefits and fails to report a systematic and sustained work search and fails to respond to a request to provide work search information, the claimant shall be presumed to have failed to actively engage in seeking work and be subject to denial of benefits pursuant to RCW 50.22.020(1)&(2).

(2) The denial of benefits under this section is indefinite in nature and shall continue until the requalifying provisions of RCW 50.22.020(2) are met.

NEW SECTION

WAC 192-23-350 FAILURE TO RESPOND TO A REQUEST FOR PENSION INFORMATION. (1)

If a claimant certifies that he or she has applied for a retirement pension or that his or her retirement pension has changed since his or her last claim or the claimant has failed to indicate whether he or she has applied for a pension or his or her pension changed, and fails to respond to a request for pension information, or responds with inadequate pension information, the individual will be presumed to be receiving a pension in an amount greater than his or her weekly benefit amount and contributed to solely by a base year employer and be subject to denial of benefits pursuant to RCW 50.04.323.

(2) The denial of benefits under this section is indefinite and will continue until the claimant establishes that he or she is no longer subject to disqualification pursuant to RCW 50.04.323.

NEW SECTION

WAC 192-23-800 CLAIMANT CERTIFICATION OF INELIGIBILITY. (1) If a claimant submits a claim form certifying that he or she was not available for work and not seeking work and providing additional information which supports such certification and which includes an unconditional statement of ineligibility, the submission of the form does not rise to the level of a claim for benefits and the claimant may be denied benefits pursuant to RCW 50.20.010(2) without requiring additional information or interview.

(2) The denial under this section is definite in nature and applies only to the week or weeks for which the claimant specifically indicates ineligibility.

NEW SECTION

WAC 192-23-810 CLAIMANT CERTIFICATION OF RETURN TO FULL-TIME WORK. (1) If a claimant certifies that he or she has returned to full-time work and reports hours worked consistent with a return to full-time work, but fails to provide specific earnings information, the certification of return to full-time work and hours worked shall be sufficient to determine that the individual is no longer an unemployed individual as defined in RCW 50.04.310 and subject to denial pursuant to RCW 50.20.010 without requiring additional information or interview.

(2) The denial under this section is definite in nature and applies only to the weeks claimed at the time of the certification of return to full-time work.

NEW SECTION

WAC 192-23-820 PENSION CHANGE NOTIFICATION. (1) If the department is notified by an employer or government agency on the behalf of an employer that the amount of a pension will change, or notified by a government agency that the amount of Social Security pensions will change, the department is authorized to change the claimant's pension amount in accordance with the notification.

(2) This section may be applied if the notification of change of pension amount lists the claimant by name and Social Security Account Number or if the notification applies to a class of pension (for instance, Social

Security or Federal Military Pension) which the claimant is identified as currently receiving according to departmental records.

(3) The change in pension amount may be rebutted by the claimant by presenting documentation that his or her pension change is different than the calculated amount.

NEW SECTION

WAC 192-23-900 CLAIMANT LIABLE FOR REPAYMENT OF OVERPAYMENTS CAUSED BY CONDITIONAL PAYMENT. (1) If an overpayment of benefits results from a conditional payment and subsequent denial of benefits, the claimant is not eligible for waiver of that overpayment pursuant to RCW 50.20.190.

(2) A claimant who submits a claim form that fails to clearly establish eligibility and which results in a conditional payment is not without fault with respect to any overpayment subsequently established and therefore not eligible for the waiver provisions of RCW 50.20.190.

WSR 84-10-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-31—Filed April 27, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is depressed numbers of Queets, Hoh and Skagit river coho salmon make gear and area restrictions necessary to allow the harvest of chinook salmon while protecting coho salmon.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 26, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-24-02000Z LAWFUL ACTS — TROLL FISHERY Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and WAC 220-24-030, effective immediately it is unlawful to take, fish for, or possess any salmon for commercial purposes taken

with troll gear in the waters west of the Bonilla-Tatoosh line, the Pacific Ocean, or west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as follows:

(1) Effective 12:01 a.m. May 1, 1984, it is lawful to take, fish for and possess all salmon species except coho salmon in the above waters except for those waters of a closed conservation zone at the mouth of the Columbia River defined as those waters bounded by a line extending for six nautical miles due west from North Head along 46°18'00" north latitude, then southerly to the Columbia River light ship buoy at 46°11'06" north latitude then due east to shore, from which conservation zone no salmon may be taken, fished for, or possessed.

(2) Lawful terminal gear hooks are restricted to a single barbless hook.

(3) No chinook salmon less than 28 inches in total length may be retained or possessed.

(4) The above waters will close for commercial troll fishing for salmon at 11:59 p.m. May 31, 1984, or when the chinook harvest ceiling of 14,000 chinook salmon is taken from Cape Falcon, Oregon, to the United States-Canada border, whichever is earliest.

(5) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in that portion of Coastal Salmon Management and Catch Reporting Area 4 north of Point of the Arches and inside the 3-mile limit during weekly closed periods extending from 11:59 p.m. Friday to 12:01 a.m. Monday.

(6) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4.

(7) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or to land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of Chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.

WSR 84-10-025
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 84-7—Filed April 27, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to new chapter 296-93 WAC, standards for material lifts. These rules set installation, construction, and maintenance standards for a new category of conveyances. "Material lifts" currently are considered "elevators" under the elevator law, chapter 70.87 RCW. Consequently, they must currently be constructed in accordance with the rules for elevators. Because elevators carry people, the rules for construction and installation of elevators are extremely strict to ensure safety. Material lifts are not designed to carry people, and the elevator rules require more safety than is

necessary for them. The new rules will authorize material lifts to be constructed and installed in this state without the necessity of meeting the strict safety requirements of the elevator rules. The new rules will also enable businesses to purchase a conveyance for materials that will be substantially less expensive than an elevator. Although the new rules are less strict than elevator rules, the department believes the rules will ensure that persons working on or near the material lifts will be as safe as those working on or riding elevators.

This action is taken pursuant to Notice No. WSR 84-05-032 filed with the code reviser on February 16, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 27, 1984.

By Sam Kinville
Director

Chapter 296-93 WAC MATERIAL LIFTS

NEW SECTION

WAC 296-93-010 SCOPE. This chapter sets the requirements for construction, installation, and operation of material lifts. The purpose of this chapter is to allow certain conveyances that meet the definition of "elevator" in chapter 70.87 RCW, but that are designed solely to transport materials and equipment, to be constructed in accordance with standards less stringent and costly than those contained in ANSI A17.1. The standards contained in this chapter ensure, to the extent possible, that no persons will ride material lifts, and that persons working near the material lifts are free from dangers posed by the operation or failure of the material lifts.

"Material lift" means a fixed stationary conveyance that:

- (1) Has a car or platform that moves in guides;
- (2) Serves two or more floors or landings of a building or structure;
- (3) Has a vertical rise of at least five feet and no more than sixty feet;
- (4) Has a maximum speed of fifty feet per minute;
- (5) Is an isolated self-contained lift and is not a part of a conveying system;
- (6) Travels in an inclined or vertical, but not horizontal, direction;
- (7) Is operated only by, or under the direct supervision of an individual designated by the employer; and
- (8) Is installed in a commercial or industrial area, and not in an area that is open to access by the general public.

This chapter does not cover conveyances described in ANSI B20 that do not have a car or platform but instead are provided with rollers, belts, tracks, power conveyors, or similar carrying surfaces or means of loading.

NEW SECTION

WAC 296-93-020 HOISTWAY ENCLOSURES.

(1) Local codes and ordinances, where they exist, govern the fire-resistance requirements for hoistway enclosures.

(2) Unless a local jurisdiction's fire-resistance codes or ordinances otherwise require, a hoistway shall be enclosed to a height of seven feet above each floor or landing and above the treads of any adjacent stairways. Adjacent to any counterweights, the enclosure must extend the full height of the floor and extend eight inches past the counterweight raceway. The enclosing material shall be solid or have openings that do not exceed two inches in diameter.

(3) A hoistway enclosure shall be supported and braced so that it does not deflect over one inch when it is subjected to a force of one hundred pounds applied perpendicularly at any point.

NEW SECTION

WAC 296-93-030 HOISTWAY ENCLOSURE

GATES AND DOORS. The openings at each material lift landing must have gates or doors that guard the full width of the opening. A hoistway door shall be vertically sliding, biparting, counter-balanced, or horizontally swinging or sliding. Gates and doors must meet the following requirements:

(1) A balanced type vertically sliding hoistway gate must extend from not more than two inches from the landing threshold to not less than sixty-six inches above the landing threshold.

(2) A gate must be solid or openwork of a design that will reject a ball two inches in diameter. A gate shall be located so that the distance from the hoistway face of the gate to the hoistway edge of the landing sill is not more than two and one-half inches. A gate shall be designed and guided so that it will withstand a lateral pressure of one hundred pounds applied at approximately its center without breaking or being permanently deformed and without displacing the gate from its guides or tracks.

(3) Hoistway gates or doors shall have a combination mechanical lock and electric contact, which shall prevent operation of the material lift by the normal operating devices unless the door or gate is closed.

NEW SECTION

WAC 296-93-040 HOISTWAYS THAT DO NOT EXTEND TO THE LOWEST AREA OF A BUILDING OR STRUCTURE. If the space directly below a material lift hoistway is not permanently secured against access, the following requirements apply:

(1) The material lift counterweights shall be provided with safeties.

(2) The cars and counterweights shall be provided with spring or oil buffers that conform to the following:

- (a) Spring buffers shall be provided for material lifts.

(b) Spring buffers shall be designed and installed so that they will not be fully compressed when struck either by the car carrying its rated load or by the counterweight when the car or the counterweight is moving at the following speeds:

(i) The tripping speed of the governor if the safety is operated by a governor.

(ii) One hundred twenty-five percent of the rated speed if the safety is not operated by a governor.

(3) The car and counterweight-buffer supports shall be sufficiently strong to withstand, without permanent deformation, the impact resulting from engagement of the buffer at the following speeds:

(a) The tripping speed of the governor with the rated capacity, if the safety is operated by a governor.

(b) One hundred twenty-five percent of the rated speed if the safety is not operated by a governor.

NEW SECTION

WAC 296-93-050 DRIVING MACHINES AND EQUIPMENT. A material hoist shall use a winding drum, traction, direct plunger, hydraulic, roped or chained hydraulic, rack and pinion, roller chain drive, scissors, or screw-type driving machine.

(1) Driving machines located overhead shall be secured to and supported on or from the top of overhead beams or floor. Suspension of a driving machine by hooks, cables, chains, or similar devices is prohibited.

(2) The diameter of drive sheaves for traction machines may not be less than thirty times the diameter of the hoisting cables. The diameter of all other sheaves of a traction machine may be not less than twenty-one times the diameter of the hoisting cables.

(3) The driving machine and hoisting equipment for each material lift shall be inside enclosures and accessible for maintenance. A safe means of access shall be provided to each material lift's driving machine and equipment.

NEW SECTION

WAC 296-93-060 HYDRAULIC MATERIAL LIFTS. Hydraulic material lifts shall be equipped with automatically operated anti-creep leveling devices. These leveling devices shall maintain the floor of the material lift car to within one inch of the floor level of the landing.

NEW SECTION

WAC 296-93-070 CAR ENCLOSURES. A material lift car that serves more than one landing shall be enclosed with solid panels or openwork that will reject a two-inch ball. The enclosure must extend to a height of at least six feet from the floor on each side on which there is no hoistway door or gate, except that on the side of the car that is next to the counterweight runway, the enclosure shall extend to the car top or underside of car crosshead and shall extend six inches on each side of the counterweight runway.

NEW SECTION

WAC 296-93-080 RUNNING CLEARANCE. The running clearance between the car sill and a hoistway face shall not exceed two inches.

NEW SECTION

WAC 296-93-090 CAR AND COUNTERWEIGHT GUIDES. Car and counterweight guides shall be securely fastened and may not deflect more than one-eighth inch. Guide rails must be sufficiently strong to withstand, without deformation, the application of the safety when stopping the car at the rated speed with the rated load.

NEW SECTION

WAC 296-93-100 CAR LOADING. Car frame and platforms shall be designed to withstand the impact of the gross loading imposed during loading and unloading.

NEW SECTION

WAC 296-93-110 CAR DOORS AND GATES. (1) Car doors or gates are required at each entrance to a material lift car.

(2) Car doors or gates may be collapsible, horizontal sliding, or vertical sliding.

(3) Gates, except collapsible gates, shall be solid or openwork of a design that rejects a ball two inches in diameter. A gate shall be sufficiently strong to withstand a lateral pressure of one hundred pounds applied at approximately its center, without breaking or being permanently deformed and without being displaced from the guides or tracks.

(4) Car doors and gates when fully closed shall protect the full width of the car entrance opening. When closed, a car door shall extend from the car floor to a height of not less than sixty-six inches above the car floor. A vertically sliding gate shall extend from a point not more than one inch above the car floor to a point not less than sixty-six inches above the car floor.

(5) Car doors and gates of material lifts shall be equipped with approved electric contacts attached to the car doors or gates that will prevent operation of the material lift by the normal operating devices unless the car doors or gates are closed.

NEW SECTION

WAC 296-93-120 CAR OPERATING AND TERMINAL STOPPING DEVICES AND ELECTRICAL PROTECTIVE DEVICES. (1) All devices that operate by electricity shall be enclosed.

(2) Phase reversal and failure protection. A material lift, other than a hydro-electric material lift, that is powered by polyphase alternating current must have a means to prevent the starting of the material lift motor if the phase rotation is in the wrong direction, or any phase fails.

(3) A material lift that is driven by a winding drum machine shall have a slack rope device with an enclosed

electric switch, of the manually reset type, that will remove the electric power from the driving machine and brake if the hoisting ropes become slack.

NEW SECTION

WAC 296-93-130 STOP SWITCH. There shall be, at the bottom of each hoistway, a stop switch. When opened, the stop switch shall remove the electrical power from the driving machine and brake. The stop switch shall:

- (1) Be manually operated;
- (2) Have red operating handles or buttons;
- (3) Be conspicuously and permanently marked "STOP";
- (4) Indicate the stop and run positions;
- (5) Be positively opened mechanically. The switch opening may not depend solely on springs;
- (6) Be accessible from the access door; and
- (7) Not be overridden from other locations.

NEW SECTION

WAC 296-93-140 CAR SAFETIES. (1) Every material lift that is suspended by wire ropes or chains must have car safeties. The car safeties must be able to stop and sustain the car with one hundred twenty-five percent of its rated load if the hoisting means fails.

(2) Material lifts driven by rack and pinion machines have safeties consisting of a freely rotating safety pinion, an overspeed governor, and a safety device that may form an integral unit mounted on the car. The freely rotating pinion travels on a stationary rack mounted vertically in the hoistway. The rotating pinion drives the overspeed governor. When the downward speed of the car reaches the tripping speed, the rotating overspeed governor actuates the safety device which, in turn, brings the car to a gradual stop.

NEW SECTION

WAC 296-93-150 BRAKES. Each electric material lift shall be equipped with effective brakes that are released electrically and applied by springs. The brakes must have a capacity sufficient to stop the car, and hold the car at rest, with one hundred twenty-five percent of its rated load. At least one brake shall be mounted on the worm shaft of the driving machine. The brakes on each indirectly-driven material lift must set if the driving means fails.

NEW SECTION

WAC 296-93-160 ROPES AND CHAINS—ROPE CONNECTIONS, DATA, AND RECORDS. (1) Only iron (low carbon steel) or steel wire ropes with fibre cores shall be used for the suspension of material lift cars and for the suspension of counterweights.

(2) At least three hoisting ropes shall be used for a traction material lift and at least two shall be used for a drum material lift, or a secondary as well as primary load path to the hoist.

(3) The minimum factor of safety for suspension ropes shall be six times the manufacturer's rated breaking strength per rope.

(4) The owner, operator, and installer of a material lift that is suspended by hoisting chains shall comply with the chain manufacturer's specifications for maintenance, inspection, and application. On material lifts using lifting chains of the roller chain type, the chains must have a six-to-one factor of safety, based on the A.N.S.I. minimum chain strength, not on average chain strength.

(5) The car and the counterweight ends of the car, and counterweight wire ropes or the stationary hitch ends where multiple roping is used, shall be fastened so that the looped ends of the turned back portion in the rope sockets shall be readily visible. Fastenings shall be:

- (a) Individual tapered, babbitted rope sockets; or
- (b) Other types of rope fastenings that meet the approval of the department.

(6) The rope sockets must develop at least eighty percent of the breaking strength of the strongest rope to be used in the sockets. U-bolt rope clips (clamps) may not be used for load fastenings.

(7) A metal or plastic data tag shall be securely attached to one of the wire rope fastenings each time the ropes are replaced or reshackled. The data tag shall include the diameter of the rope in inches and the manufacturer's rated breaking strength.

(8) All replacements of wire rope or chain must be in accordance with the specifications of the manufacturer of the material lift.

(9) The cable secured to the winding drum shall not be less than one and one-half turns around the drum when the carrier is at the extreme limit of travel.

NEW SECTION

WAC 296-93-170 CONTROLS. (1) The control station shall be remotely mounted so that it is inaccessible from the material lift car.

(2) Controls shall be clearly marked or labeled to indicate the function of control.

(3) All control stations shall have a stop switch. When opened, the stop switch shall remove the electrical power from the driving machine and brake. The stop switch shall:

- (a) Be manually operated;
- (b) Have red operating handles or buttons;
- (c) Be conspicuously and permanently marked "STOP";
- (d) Indicate the stop and run position; and
- (e) Be arranged to be locked in the open position.

NEW SECTION

WAC 296-93-180 PIPES AND DUCTS. Pipes and ducts that convey gases, vapors, or liquids may not be installed in any hoistway, machine room, or machinery space unless they are necessary for the operation of the material lift.

NEW SECTION

WAC 296-93-190 WHEN MATERIAL LIFT PIT IS PROVIDED. (1) A material lift pit that extends to or into the ground shall have noncombustible floors, and shall be designed to prevent entry of ground water into the pit. The floor of the pit shall be approximately level. Drains connected directly to sewers may not be installed in material lift pits. Safe and convenient access shall be provided to all pits. An approved ladder shall be provided for pits that are over three feet deep.

(2) Unperforated metal guards shall be installed in the pit on the open sides of the counterweights to which spring or solid-type buffers or oil buffers are attached. Guards shall extend from a point not more than twelve inches above the pit floor to a point not less than seven feet nor more than eight feet above the floor, and shall be fastened to a metal frame properly reinforced and braced to be at least equal in strength and stiffness to No. 14 U.S. gauge sheet steel. If compensating chains or ropes are attached to the counterweight on the side facing the material lift car, the guard may be omitted on the side facing the material lift car.

NEW SECTION

WAC 296-93-200 ILLUMINATION OF PITS AND LANDINGS. (1) All pits shall have illumination of not less than five foot-candles at the pit floor.

(2) All landings shall be illuminated.

NEW SECTION

WAC 296-93-210 CAPACITY POSTING AND NO-RIDERS SIGN. (1) Each material lift shall have a capacity sign permanently and securely fastened in place in the material lift car and on the landings. The sign shall indicate the rated load of the material lift in pounds. The sign shall be metal with black letters two inches high on yellow background.

(2) A sign stating, "NO PERSONS PERMITTED TO RIDE THIS DEVICE", shall be conspicuously and securely posted on the landing side of all hoistway gates and doors and in the enclosure of each material lift car. The sign shall be metal with black letters two inches high on red background.

NEW SECTION

WAC 296-93-220 ELECTRICAL WIRING. All electrical wiring, installations, and equipment in hoistways and machine rooms shall conform to the requirements of the 1984 edition of the National Electrical Code, including section 620 NEC. A material lift shall be provided with a single means of disconnecting all ungrounded main power connectors for each unit. The disconnecting means shall be an enclosed, externally operable fused motor circuit switch or circuit breaker arranged to be locked in the open position. No provision may be made to close this disconnecting means from any other part of the premises. The disconnecting means shall be located inside the controllers.

NEW SECTION

WAC 296-93-230 GUARDING OF EXPOSED EQUIPMENT. (1) Guards to protect against accidental contact shall be provided for gears, sprockets, sheaves, drums, ropes, and chains in machine rooms and machinery spaces in accordance with Washington Industrial Safety and Health Act standards. See WAC 296-24-150.

(2) The machine room door shall be self-closing, and provided with a spring lock that permits the doors to be opened from inside without a key and that does not depend on a key or other device for locking. The door must be kept closed and locked except when an attendant is on duty in the machine room.

NEW SECTION

WAC 296-93-240 MAINTENANCE. All material lifts covered under this chapter, both existing and new, and all parts of the material lifts shall be maintained in a safe condition. All devices and safeguards that are required by this chapter shall be maintained in good working order. The owner of a material lift, or his or her designated agent, is responsible for the maintenance of the material lift and its parts.

NEW SECTION

WAC 296-93-250 INSTALLATION PERMIT. (1) An installation permit shall be obtained from the department before erecting, installing, relocating, or altering a material lift.

(2) The installer of the material lift shall submit an application for permit in duplicate, in a form that the department shall prescribe.

(3) The permit issued by the department shall be kept posted conspicuously at the site of installation.

(4) No permit is required for repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength, and design.

NEW SECTION

WAC 296-93-260 NEW INSTALLATION—ALTERATION OR RELOCATION. Each new installation, alteration, or relocation shall, on its completion and before being placed in service, be inspected to determine that the installation complies with this chapter. The inspection shall include tests of the safety devices with one hundred twenty-five percent of the capacity load.

NEW SECTION

WAC 296-93-270 YEARLY INSPECTIONS. The department shall cause all material lifts to be inspected and tested at least once each year. Inspectors have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with this chapter.

NEW SECTION

WAC 296-93-280 OPERATING PERMIT. An operating permit is required for each material lift operated in the state of Washington except during its erection by the person or firm responsible for its installation. A permit issued by the department shall be kept conspicuously posted near the conveyance.

NEW SECTION

WAC 296-93-290 FIVE-YEAR TESTS. A five-year test of the car and counterweight safety devices shall be conducted with capacity load and a report of the test results shall be submitted to the department for approval.

- Persons who are qualified to test a material lift are:
- (1) A representative of a firm or manufacturer that is regularly engaged in installing or servicing material lifts.
- (2) A person who has demonstrated to the department his or her ability to inspect and test a material lift.

NEW SECTION

WAC 296-93-300 SUBMISSION OF PLANS FOR NEW INSTALLATIONS. Plans shall be submitted in duplicate for approval to the conveyance section of the department before construction. The fee for checking plans is twenty dollars for each installation.

NEW SECTION

WAC 296-93-320 CONSTRUCTION, ALTERATION, AND RELOCATION FEES. The construction, alteration, and relocation fees are:

<u>TOTAL COST</u>	<u>FEE</u>
\$250.00 to and including \$1,000.....	\$25.00
\$1,001 to and including \$15,000	
For first \$1,001	35.00
For each additional \$1,000 or fraction	7.00
\$15,001 to and including \$100,000	
For first \$15,001	133.00
For each additional \$1,000 or fraction	5.00
Over \$100,001	
For first \$100,001.....	558.00
For each additional \$1,000 or fraction	4.00

NEW SECTION

WAC 296-93-330 ANNUAL OPERATING PERMIT FEE. The fee for an annual operating permit is sixty dollars for each material lift. No operating permit shall be issued for the operation of a material lift until the department has received the fee.

WSR 84-10-026
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Order PT 84-1—Filed April 27, 1984]

I, Donald R. Burrows, director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Content of order—Further

limitations on reconvening, amending WAC 458-14-040.

I, Donald R. Burrows, find that an emergency exists and that this 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 the emergency is due to the large number of appeals filed with the county boards of equalization in the last several years, the Department of Revenue has had increasing number of requests for reconvening the boards. This is to allow the department more time to process those requests and still maintain the necessary cutoff dates. This constitutes an emergency because the amended rule must be in effect by April 30, 1984.

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

This rule is promulgated pursuant to RCW 84.08.070 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.08 RCW.

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 27, 1984.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 70-1, filed 4/8/70)

WAC 458-14-040 (~~CONTENT OF ORDER—FURTHER~~) LIMITATIONS ON RECONVENING. No order reconvening the July session of the county board of equalization (~~will be reconvened~~) shall be issued subsequent to the 30th day of April immediately following the time the board was in regular session, except where the request for the order alleges sufficient facts to substantiate a prima facie showing that there was either actual fraud on the part of the taxpayer or taxing officers, or that an error occurred because the taxing officers, acting with due diligence, did not have available all of the facts when performing their duties, or except where, in cases in which the department orders upon its own initiative the reconvening of a county board, the department has grounds to substantiate a prima facie showing that there was actual fraud on the part of the taxpayer or taxing officers or constructive fraud on the part of taxing officers; nor will a board be reconvened to act upon or consider an increase in the valuation of real estate when a bona fide purchaser encumbrancer or contract buyer of record has acquired an interest in such real property subsequent to the first Monday in January next succeeding the date of levy of the taxes.

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 84-10-027
EMERGENCY RULES
COUNCIL FOR
POSTSECONDARY EDUCATION

[Order 1/84, Resolution No. 84-62—Filed April 27, 1984]

Be it resolved by the Council for Postsecondary Education, acting at Olympia, Washington, that it does adopt the annexed rules relating to residency status for higher education.

We, the Council for Postsecondary Education, find that an emergency exists and that this 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 the emergency is emergency action to amend WAC 250-18-060 is taken to include exemptions from nonresident tuition and fees for active duty military spouses and dependents and refugee's spouses and dependents as specified in chapter 232, Laws of 1984.

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

This rule is promulgated pursuant to chapter 28B.15 RCW as amended by section 4, chapter 37, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 17, 1984.

By Carl A. Trendler
Executive Coordinator

AMENDATORY SECTION (Amending Order 10-82, Resolution No. 83-1, filed 9/8/82)

WAC 250-18-060 EXEMPTIONS FROM NON-RESIDENT STATUS In accordance with RCW 28B.15.014, certain nonresidents shall be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

(1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;

(2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week; or

(3) Is a faculty member, classified staff member, or administratively exempt employee holding not less than a half-time appointment, or the spouse or dependent child of such a person(-);

(4) Is an active duty military personnel of field grade or lower rank, or the spouse or dependent child of such person, for the first twelve months stationed in the state of Washington; or

(5) Is an immigrant having refugee classification from the U.S. Immigration and Naturalization Service or the spouse or dependent child of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

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

WSR 84-10-028
NOTICE OF PUBLIC MEETINGS
PLANNING AND
COMMUNITY AFFAIRS AGENCY
[Memorandum—April 27, 1984]

The Washington State Planning and Community Affairs Agency (PCAA) will hold public meetings at the following times and locations:

June 6

Spokane
Auditorium, Room 140
Spokane County Public
Health Building
West 1101 College Avenue
Spokane, Washington 99201

June 6

Olympia
Shorelines Hearing Room
Washington State Department of Ecology
"Rowesix"
6th Avenue and Golf Club Drive
Lacey, Washington 98504

June 7

Yakima
Yakima County Courthouse
Room 231
South 1st and B Streets
Yakima, Washington 98901

The purpose of these meetings is to discuss and gather comments on the state's proposed community development block grant (CDBG) program plan for distribution of approximately \$3.8 million in fiscal year 1984 funding and \$8 million in fiscal year 1985 funding. The CDBG program funds housing, public facility, and economic development activities that principally benefit low- and moderate-income persons. The proposed distribution plan includes an evaluation of applications based on their identification of need, proposed strategy and results, and the project's benefit to low- and moderate-income persons. Questions and comments about the proposal and the public meetings should be directed to Nick

Turnbull at (206) 753-2223. Written comments on housing and community development needs may be sent to the Planning and Community Affairs Agency, Ninth and Columbia Building, MS GH-51, Olympia, Washington 98504 or submitted at one of the public meetings.

WSR 84-10-029
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
 [Memorandum—April 25, 1984]

Following are the WSLC dates and locations:

June 14 - Grange Hall, Friday Harbor, Washington
 September 13 - Spokane area
 December 6 - Seattle area

WSR 84-10-030
ADOPTED RULES
UNIVERSITY OF WASHINGTON
 [Order 84-3—Filed April 30, 1984]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does adopt the annexed rules relating to parking and traffic regulations of the University of Washington.

This action is taken pursuant to Notice No. WSR 84-06-046 filed with the code reviser on March 5, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the University of Washington as authorized in RCW 28B.10.300 and 28B.10.560.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 20, 1984.

By Elsa Kircher Cole
 Assistant Attorney General

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-010 PREAMBLE. Pursuant to the authority granted by RCW 28B.10.560 and 28B.20.130, the board of regents of the University of Washington establishes the following regulations to govern ((parking and traffic on campus)) pedestrian traffic and vehicular traffic and parking upon public lands and facilities of the University of Washington.

AMENDATORY SECTION (Amending Order 81-2, filed 6/24/81)

WAC 478-116-240 VISITOR PARKING. All visitors, including guests, salespersons, hospital or health center patients and in-patient visitors, maintenance or service personnel, and all other members of the public shall park only in available space as directed by the parking division and shall pay the established parking fee, except as noted below:

(1) Federal, state, county, city, school district and similar governmental personnel on official business either in vehicles with tax exempt licenses or by prior arrangements with the parking division shall be admitted to the campus without charge.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked in designated construction work areas as shown on the construction project drawings without charge. A valid construction parking permit must be visibly displayed in these vehicles.

(3) Members of the press, television, radio and wire services on official business may park in designated spaces without charge.

(4) Taxis and commercial delivery vehicles may enter the campus without payment of the parking fee for pickup or delivery of passengers, supplies and equipment only.

(5) Visitors and guests attending special university-wide events such as commencement will be parked without charge. Parking fees shall be charged for college and departmental events such as open houses, symposiums, social and cultural events, unless exempted elsewhere in these regulations.

(6) Visitors invited to the campus for the purpose of rendering uncompensated services to departmental areas will be parked in designated areas without charge. In such event, the department receiving the uncompensated service will pay the parking fee from its operating budget.

(7) Persons invited to the campus for the purpose of rendering uncompensated services to the University of Washington, as identified by the office of the president, will be parked in designated areas without charge.

(8) Persons holding emeritus or similar appointments who do not elect re-employment in a compensated status after retirement will be parked in designated areas without charge.

NEW SECTION

WAC 478-116-511 PROCEDURE—APPEAL OF JUDGMENT. A person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal jurisdiction may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the University of Washington police department. Documents relating to the appeal shall immediately be forwarded to the Seattle district court who shall have jurisdiction to hear the appeal de novo.

AMENDATORY SECTION (Amending Order 82-1, filed 6/23/82)

WAC 478-116-600 FEES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
 - (i) Central campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;
 - (ii) East campus: E3, E6, E7, E8, E13;
 - (iii) North campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28, N2E;
 - (iv) South campus: S1, S4, S5, S6, S7, S8, S9, S10;
 - (v) West campus: W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W19, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.

- (b) Zone B -
 - (i) East campus: E2, E9, E10, E11, E12, E15;
 - (ii) North campus: N1, N5, N25;
 - (iii) South campus: S13;
 - (iv) West campus: W2, W26, W27, W28, W29, W30, W31, W32, W33, W35, W36, W38, W40, W43.

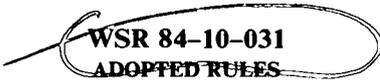
(2) The following schedule of parking fees is hereby established:

	PER AMOUNT
(a) Type of Permit -	
(i) Annual Permits:	
(A) Zone A Permits	Year ((156.00)) \$168.00
(B) Zone B Permits	Year ((14.00)) 122.88
(C) Reserved - General	Year ((300.00)) 324.00
(D) Wheelchair permits	Year ((14.00)) 122.88
(E) Motorcycles, Scooters and Mopeds	Year ((24.00)) 25.92
(F) Drive-through permits (Full-time Faculty and Staff only)	Year ((6.00)) 6.48
(G) 24-hour storage, garages	Year ((180.00)) 194.40
(H) Carpool Permits	Year ((24.00)) 25.92
(I) Retiree Permits	Month 5.60
(ii) Quarterly Permits:	
(A) Zone A permits	Quarter ((39.00)) 42.00
(B) Zone B permits	Quarter ((28.50)) 30.72
(C) Reserved - General	Quarter ((75.00)) 81.00
(D) Wheelchair permits	Quarter ((28.50)) 30.72
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter ((2.00)) 2.16
(F) Motorcycles, Scooters and Mopeds	Quarter ((6.00)) 6.48
(G) 24-hour storage, garages	Quarter ((45.00)) 48.60
(H) Carpool Permits	Quarter ((6.00)) 6.48
(I) Retiree Permits	Quarter 16.80
(iii) Night Permits (4:00 p.m. to 7:30 a.m. and Saturday a.m. only)	
(A) Zone A annual permits	Year ((72.00)) 78.00

		PER AMOUNT
(B) Zone B annual permits	Year	((42.00)) 45.60
(C) Zone A quarterly permits	Quarter	((18.00)) 19.50
(D) Zone B quarterly permits	Quarter	((16.50)) 11.40
(iv) Academic Year Permits (9 months - 24-hour Storage)		
(A) Zone A	Academic year	((17.00)) 126.00
(B) Zone B	Academic year	((85.50)) 92.16
(C) 24-hour storage-garages	Academic year	((135.00)) 145.80
(b) Hourly Parking Rates for Designated Areas on Main campus and South Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		\$.75
(iii) to 1 hour		1.00
(iv) 1 hour to 2 hours		1.50
(v) 2 hours to 3 hours		1.75
(vi) over 3 hours		((2.00)) 2.25
(vii) gate issued	Week	((6.00)) 6.50
((b-1)) (c) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 1 hour		.50
(iii) 1 hour to 2 hours		1.00
(iv) over 2 hours		((1.25)) 1.35
((c)) (d) Evening Parking (4:00 p.m.- 12:00 midnight)		
(i) 0-15 minutes	No charge	
(ii) 15-30 minutes		.50
(iii) over 30 minutes		1.00
((d)) (e) Special Permits -		
(i) Short term	Week	((4.00)) 4.30
(ii) Short-term Motorcycle	Day	((.35)) .40
(iii) Ticket Books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)		
(A) 5 ticket book - Dept./Indv.		((3.25)) 3.50
(B) 10 ticket book - Dept./Indiv.		((6.50)) 7.00
(C) 25 ticket book - Dept./Indiv.		((16.25)) 17.50
(iv) Steno Person (SP) and Special Services (SS)	Year	((156.00)) 168.00
	Quarter	((39.00)) 42.00
((e)) (f) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)		.10-.75
((f)) (g) Athletic Events -		
(i) Football		
(A) Automobiles		((2.00)) 2.25
(B) Motor homes		((4.00)) 4.30
(C) Buses		((6.00)) 6.50
(ii) All other events - Pavilion and Stadium lots		
(A) When staffed by attendants		1.50

	PER AMOUNT
(B) When controlled by mechanical equipment (E1-only)	.50
((g)) (h) Miscellaneous Fees -	
(i) Transfer from one area to another by request of individual	2.00
(ii) Gate keycard replacement - not to exceed	((5.00)) 5.40
(iii) Vehicle ((Gatekey)) gate keycard deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)	Not to exceed 10.00
(iv) Permit Replacement	
(A) With signed certificate of destruction or theft	((1.00)) 1.10
(B) Without certificate of destruction or theft	((2.00)) 2.15
(v) Impound Fee	At cost
(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)	((.25-.50)) .25-.55

NOTE: The schedule above includes applicable Washington state sales tax.


WSR 84-10-031
ADOPTED RULES
OFFICE OF
THE ATTORNEY GENERAL
 [Order 103—Filed April 30, 1984]

I, Kenneth O. Eikenberry, director of the Office of the Attorney General, do promulgate and adopt at the Office of the Attorney General, 13th Floor, Dexter Horton Building, Seattle, Washington, the annexed rules relating to:

- Amd WAC 44-06-020 Definitions.
- Amd WAC 44-06-030 Functions—Organization—Administrative offices.
- Amd WAC 44-06-050 Index.
- Amd WAC 44-06-060 Public records officer.
- Amd WAC 44-06-120 Reviewing of denials of public records requests.
- Amd WAC 44-06-140 Adoption of forms.

This action is taken pursuant to Notice No. WSR 84-07-035 filed with the code reviser on March 20, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 through 42.17.320 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED this 24th day of April, 1984.

By Jay Uchida
Assistant Attorney General

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-020 DEFINITIONS. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) "Intra-agency memoranda" includes but is not limited to memoranda from one member of the attorney general's staff to another and memoranda by members of the attorney general's staff to the particular state client which they represent.

(3) "Consumer ~~((protection))~~ and business fair practices division" is the division of the attorney general's office which enforces chapter 19.86 RCW and other trade and business regulation and consumer protection statutes.

(4) "Office" is the attorney general's office.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-030 FUNCTION—ORGANIZATION—ADMINISTRATIVE OFFICES. The attorney general's office is charged by the constitution and statutes with the general obligation of advising and legally representing the state of Washington, its officials, departments, boards, commissions and agencies but not the local units of government. In response to requests from state officers, legislators and prosecuting attorneys, the attorney general's office issues attorney general opinions. The published opinions of the attorney general's office are numbered as AGO (year of issue and number; i.e., AGO 1974 No. 1). The attorney general's office also issues office opinions which are not published, which are numbered as AGLO (year of issue and number; i.e., AGLO 1974 No. 1).

The organization of the office of the attorney general necessarily mirrors the organization of state government itself and a number of the assistant attorneys general are physically housed with the agency which they represent. Inquiries and correspondence should be directed to specifically named assistant attorneys general, if known; or the appropriate section of the office, if known.

Consumer protection complaints should be directed to the Consumer ~~((Protection))~~ and Business Fair Practices Division, Dexter-Horton Building, Seattle, Washington or to local division offices located in Tacoma, Olympia, or Spokane. Other inquiries, including requests for attorney general's opinions, should be directed to the Attorney General's Office, Temple of Justice, Olympia, Washington 98504.

Attorney general offices located in other cities are as follows:

- (1) Everett Office
~~((9029 El Capitan Way))~~
1411 Wall Street
Everett, Washington
- Social and Health Services
Public Assistance

- | | | |
|--|--|---|
| <p>(2) Tacoma Office
 ((116 South 9th))
 <u>949 Market Street</u>
 <u>Suite 380</u>
 Tacoma, Washington</p> | <p>Consumer Protection
 (Pierce County)</p> | <p>(14) Social and Health Services - Legal Division
 101 Public Lands Bldg.
 Olympia, Washington 98504</p> |
| <p>(3) Vancouver Office
 ((1206 1/2 Main Street))
 <u>500 West 8th Street</u>
 <u>Suite 751</u>
 Vancouver, Washington</p> | <p>Social and Health Services
 Public Assistance</p> | <p>(15) Tort Claims
 5th Floor - Highway Licenses Building
 Olympia, Washington 98504</p> |
| <p>(4) Spokane Office
 ((1305 Old National Bank Bldg.))
 <u>1116 West</u>
 <u>Riverside Street</u>
 Spokane, Washington</p> | <p>Consumer Protection
 (Eastern Washington)
 Labor and Industries</p> | <p>(16) Utilities and Transportation Commission - Legal Division
 5th Floor - Highway Licenses Building
 Olympia, Washington 98504</p> |
| <p>(5) Olympia Office
 <u>122 North Capitol Way</u>
 <u>Olympia, Washington</u></p> | <p>Consumer Protection
 (Thurston County)</p> | <p>(17) University of Washington
 112 Administration Building
 Seattle, Washington</p> |
| | <p>Social and Health Services</p> | <p>(18) Washington State University
 432 French Administration Bldg.
 Pullman, Washington</p> |
| | | <p>(19) Western Washington ((State College)) University
 ((Room 342, Wilson Library)) <u>Room 335, Old Main</u>
 Bellingham, Washington</p> |

Offices of sections of the attorney general's office and their addresses are as follows (inquiries involving subject matters described in the following list should be initially directed to the respective section):

- (1) Agriculture - Legal Division
General Administration Bldg.
Olympia, Washington 98504
 - (2) Ecology - Legal Division
St. Martin's College
Lacey, Washington 98504
 - (3) Education - Legal Division
531 E. 15th
Olympia, Washington 98504
 - (4) Employment Security - Legal Division
Employment Security Building
Olympia, Washington 98504
 - (5) Departments of Game and Fisheries - Legal Division
600 North Capitol Way
Olympia, Washington 98504
 - (6) Highways - Legal Division
5th Floor - Highway Licenses Building
Olympia, Washington 98504
 - (7) Human Rights Commission - Legal Division
WEA Building
Olympia, Washington 98504
 - (8) Labor and Industries - Legal Division
General Administration Building
Olympia, Washington 98504
 - (9) Legal-Fiscal Division
Temple of Justice
Olympia, Washington 98504
- (Auditor, General Administration, Office of Program Planning and Fiscal Management, Public Disclosure Commission)
- (10) Liquor Board - Legal Division
Capitol Plaza Building
Olympia, Washington 98504
 - (11) Motor Vehicles - Legal Division
5th Floor - Highway Licenses Building
Olympia, Washington 98504
 - (12) Natural Resources - Legal Division
Public Lands Building
Olympia, Washington 98504
 - (13) Revenue Department - Legal Division
General Administration Building
Olympia, Washington 98504

Other inquiries should be directed to the Attorney General's Office, Temple of Justice, Olympia, Washington 98504, unless the sender is aware of another specific address for the appropriate attorney general legal section.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-050 INDEX. The attorney general's office biennial reports have indexed by subject matter the published opinions of the attorney general. A card index is maintained in the Central Office, Temple of Justice, Olympia, Washington, indexing all attorney general opinions (published and unpublished) by subject matter and by statute. Appellate briefs filed by the office of the attorney general are card indexed by subject and case name in the same office.

A card index is maintained in the Central Office, Temple of Justice, Olympia, Washington, for cases which have been filed involving the state, giving the name, the county and the cause number. For cases involving the department of labor and industries a comparable card index file is maintained in the Attorney General's Office, Dexter-Horton Building, Seattle, Washington.

The volume of correspondence received by the attorney general's office is such that it would be unduly burdensome to formulate and maintain an index for all such correspondence. In lieu of an index the following filing system is utilized.

(1) Consumer protection complaints received by the ~~((Seattle consumer protection division))~~ consumer and business fair practices division are filed by firm name of the subject of the complaint, or by the subject matter of the complaint if no specific firm is named.

(2) Letters from the public and the responses thereto are filed in the Central Office, Temple of Justice, Olympia, Washington, by alphabetical batching for specific time periods.

(3) Letters to and from agencies are filed in the Central Office, Temple of Justice, Olympia, Washington, by the name of the agency in a chronological sequence.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-060 PUBLIC RECORDS OFFICER. The public records officer for the attorney general's office shall be the administrative assistant to the attorney general for all records maintained in the Central Office, Temple of Justice, Olympia, Washington. For those records maintained at other locations, the assistant attorney general in charge of the legal division having custody of the records or any staff member designated by the assistant attorney general shall be the public records officer.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-120 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the attorney general or his designated deputy attorney general. The attorney general or his designee shall immediately consider the matter and either affirm or reverse such denial within ((five)) two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the attorney general or the designated deputy attorney general has returned the petition with a decision or until the close of the ((fifth)) second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-140 ADOPTION OF FORM. The attorney general's office hereby adopts use by all persons requesting inspection and/or copies of records of the form set out below, entitled "request for public records."

Return to:

Public Records Officer
Office of the Attorney General
(Name and address of specific Legal Division. If not known, return to Office of Attorney General, Temple of Justice, Olympia, Washington 98504)

OFFICE OF THE ATTORNEY GENERAL
~~((SLADE GORTON ATTORNEY GENERAL))~~
REQUEST FOR PUBLIC RECORDS

Date Time
Name
Address
.....
Phone number where you can be reached during day —

Description of Records (see index):
.....
.....
.....

~~((I certify that the information obtained through this request for public records will not be used for commercial purposes.))~~

.....
Signature
Number of copies
Number of pages
Per page charge \$.....
Total charge \$.....

WSR 84-10-032
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Order 2097—Filed April 30, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to transfer of juvenile offender to the Department of Corrections, new chapter 275-33 WAC.

This action is taken pursuant to Notice No. WSR 84-06-025 filed with the code reviser on February 29, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 13.40.280 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 18, 1984.
By David A. Hogan, Director
Division of Administration and Personnel

Chapter 275-33 WAC
TRANSFER OF JUVENILE OFFENDER TO THE
DEPARTMENT OF CORRECTIONS

NEW SECTION

WAC 275-33-010 PURPOSE. The purpose of this chapter is to establish standards and procedures for the conduct of review boards for juvenile offenders being considered for transfer to the department of corrections (DOC) from the department of social and health services in accordance with RCW 13.40.280.

NEW SECTION

WAC 275-33-020 NOTIFICATION TO JUVENILE. A juvenile being considered for transfer to DOC shall be notified in writing at least five days in advance of the review board hearing convened to consider the matter. Notification to the juvenile offender will include the reasons the transfer is being considered and a copy of the rules pertaining to the review board hearing. Prior to any review board hearing, the juvenile being considered for transfer to DOC, or the juvenile's attorney, shall have the right of access to, and adequate opportunity to examine any files or records of the department pertaining to the proposed transfer of the juvenile to the department of corrections.

NEW SECTION

WAC 275-33-030 COMPOSITION OF BOARD. The review board will be composed of the director of DJR or designee and two other juvenile rehabilitation administrators appointed by the chairman.

NEW SECTION

WAC 275-33-040 ATTENDANCE AT HEARING. Attendance at a review board shall be limited to parties directly concerned. The chairperson may exclude unauthorized persons unless the parties agree to their presence. Parties shall have the right to present evidence, cross-examine witnesses and make recommendations to the board. All relevant and material evidence is admissible which, in the opinion of the chairperson, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.

NEW SECTION

WAC 275-33-050 CONSIDERATION OF EVIDENCE. At the conclusion of the hearing, the review board will consider all evidence presented and make a decision whether continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution.

NEW SECTION

WAC 275-33-060 RECORD OF DECISION. The chair of the review board will prepare a written record of the decision and reasons therefore. The review board shall be recorded manually, or by mechanical, electronic, or other device capable of transcription.

WSR 84-10-033
PROPOSED RULES
DEPARTMENT OF SERVICES
FOR THE BLIND

[Filed May 1, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Services for the Blind intends to adopt, amend, or repeal rules concerning prevention of blindness program, new chapter 67-45 WAC, and prevention of blindness, repealing chapter 67-40 WAC;

that the agency will at 12 noon, Wednesday, June 27, 1984, 3411 South Alaska Street, Seattle, WA 98118, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 194, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1984.

Dated: May 1, 1984

By: Paul Dziedzic
Director

STATEMENT OF PURPOSE

Title: Describes the qualifications and requirements relating to the benefits and privileges provided by the prevention of blindness program.

Description of Purpose: To clarify the rules regarding the prevention of blindness program. Adoption of these rules will advise the public of eligibility requirements for the program.

Statutory Authority: RCW 74.18.250.

Summary of Rules: Describes the department's prevention of blindness program and its functions.

Reasons Supporting Proposed Action: Current WAC's do not address existing situations in the prevention of blindness program.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dziedzic, Director.

Person or Organization Proposing Rule: Department of Services for the Blind, 921 Lakeridge Drive, Olympia, WA; a state governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement or Fiscal Matters: This program will operate on limited funds, eligibility for this biennium are limited, see WAC 67-45-045.

Small Business Economic Impact: None.

Chapter 67-45 WAC
PREVENTION OF BLINDNESS PROGRAM

NEW SECTION

WAC 67-45-010 PURPOSE AND DEFINITION. (1) The authority for the prevention of blindness program is established in RCW 74.18.250.

(2) The purpose of this program is to provide, to the extent that appropriations are made available, specialized medical eye care to prevent blindness or restore or improve sight to persons who may benefit from such services and who are eligible as defined in WAC 67-45-040.

NEW SECTION

WAC 67-45-020 SERVICES TO BE PROVIDED. (1) The services to be provided to individuals who are found eligible shall be limited to the following: (a) An initial ophthalmological evaluation; (b) surgical procedures which will prevent blindness, restore sight, and improve sight; (c) the provision of medications which will prevent blindness; and (d) follow-up visits as required.

(2) Provision of services in (b), (c), and (d) of subsection (1) of this section will occur only after each individual case has been reviewed by the ophthalmological consultant as defined in WAC 67-25-005(14).

NEW SECTION

WAC 67-45-030 REFERRAL FOR SERVICES. (1) Referrals of individuals who may benefit from the medical eye care services provided in the prevention program shall be accepted from all sources.

(2) All referrals to the prevention of blindness program shall be made through the department of services for the blind.

(3) Department personnel may refer individuals who may benefit from medical eye care to outside resources.

NEW SECTION

WAC 67-45-040 ELIGIBILITY. The prevention of blindness program shall serve those individuals not eligible for services under RCW 74.09.720 and who meet the following criteria.

(1) An eye condition which (a) without medical intervention may lead to blindness, and (b) with medical intervention can be restored to usable sight.

(2) Services will be provided by the department of services for the blind only after full consideration of other public and private medical benefits which may be available to the individual.

(3) An economic need as established through the application of the financial eligibility tables contained in the procedures for prevention of blindness program, department of services for the blind.

NEW SECTION

WAC 67-45-045 ORDER OF SELECTION. Because the appropriations provided for this program for the 1983-85 biennium are not sufficient to cover all eligible costs and persons, the department will give priority consideration in the selection of clients to children, under the age of twenty-one, who meet the eligibility criteria as defined in WAC 67-25-040. This section expires July 1, 1985.

NEW SECTION

WAC 67-45-050 PROVISION OF SERVICES. (1) Services to eligible individuals shall be provided through the purchase of services from physicians and institutions approved by the department of social and health services.

(2) Fees for all services provided through the prevention of blindness program shall be established on the basis of the fee schedule currently in use by the department of social and health services.

NEW SECTION

WAC 67-45-060 TERMINATION OF SERVICES. Prevention of blindness services will be terminated upon the recommendation of the attending physician or the recommendation of the consulting ophthalmologist of the department of services for the blind.

NEW SECTION

WAC 67-45-070 ADMINISTRATIVE REVIEW. (1) Any individual who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents with a prevention of blindness case may file a request with the department for and shall thereupon receive an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing.

(3) All requests for administrative review shall: (a) Specify the date of the decision or action being appealed; (b) specify as precisely as possible the issue to be resolved by the administrative review; (c) set forth the address of the individual or his/her representative; and (d) be signed by the individual or by his/her representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the department which is the basis for review.

(5) An administrative review and redetermination shall be provided by the director's designee and shall be provided within thirty days after the submission of the request for review.

(6) Within fifteen days after the conclusion of the administrative review the designee shall certify his/her findings to the client in writing specifying in reasonable detail the reasons for his/her findings and informing the individual of his/her right to request and receive a fair hearing if dissatisfied with those findings.

NEW SECTION

WAC 67-45-075 FAIR HEARING. (1) Any client dissatisfied with a finding of an administrative review may request from the department and shall thereupon be granted a fair hearing. A client who desires a fair hearing shall request such a hearing within thirty days after receiving notification from the department of the finding of the administrative review.

(2) A request for a fair hearing shall be sent to the Department of Services for the Blind, 921 Lakeridge Drive, Olympia, Washington, 98504, who will forward it to the office of the administrative hearings.

(3) The administrative law judge will make a proposed decision to the director of the department of services for the blind who will make a final determination.

(4) The individual will be notified in writing by the director within fifteen days of the receipt of the proposed decision.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 67-40-010 PURPOSE—DESCRIPTION.
- (2) WAC 67-40-015 PREVENTION—STAFF OPHTHALMOLOGIST.
- (3) WAC 67-40-016 PREVENTION—EYE PHYSICIANS ADVISORY COMMITTEE.
- (4) WAC 67-40-021 COOPERATIVE AGREEMENT WITH DEPARTMENT OF SOCIAL AND HEALTH SERVICES.
- (5) WAC 67-40-022 PREVENTION—FINANCIAL ELIGIBILITY.
- (6) WAC 67-40-026 PREVENTION—MEDICAL ELIGIBILITY.
- (7) WAC 67-40-051 PREVENTION—SERVICES PROVIDED.
- (8) WAC 67-40-061 SERVICES NOT PROVIDED.
- (9) WAC 67-40-090 PREVENTION—APPEAL AND FAIR HEARING.

WSR 84-10-034
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 84-07]

SUPERSEDING EO 83-08

**ESTABLISHMENT OF BOUNDARIES, ENTRY
 AND OCCUPANCY RULES, AND THE
 ADMINISTRATION OF A RESTRICTED ZONE
 SURROUNDING MT. ST. HELENS**

The potential for major eruptions, earthquakes, ashfall, and flash flooding associated with Mt. St. Helens continues to exist throughout large portions of the state, threatening more destruction of life, health, and property. These volcanic and flash flood hazards necessitate the establishment of restricted areas surrounding Mt. St. Helens that can be implemented by order of the Governor as the level of hazard increases or decreases.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me under the provisions of chapter 43.06 RCW and chapter 38.52 RCW, in order to help preserve and maintain the life, health, and property of persons within the area described in the Proclamation of a State of Emergency dated April 3, 1980, do take the following action:

I. Declaration of Mt. St. Helens Hazard Zone 1 as a Restricted Zone

Based on currently available scientific evidence and opinions, the area identified herein as Mt. St. Helens Hazard Zone 1 is declared a Restricted Zone. Entry into or occupancy of the area designated as Mt. St. Helens Hazard Zone 1 by any person is prohibited except as provided in Section II of this Order.

II. Limited Exceptions to Prohibition of Entry or Occupancy

The following categories of persons, under the conditions specified below, are subject to limited exceptions to the prohibition against entry or occupancy in the Restricted Zone:

- (A) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments that require their presence in the Restricted Zone;
- (B) U.S. Forest Service personnel who are performing official duties that require entry into the Restricted Zone;
- (C) U.S. Army Corps of Engineers personnel who are performing official duties that require their presence in the Restricted Zone;
- (D) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Restricted Zone. The sheriffs of Cowlitz and Skamania Counties or their designees shall have the authority to approve entry and/or occupation by search and rescue personnel;
- (E) Federal, state, county, and local law-enforcement and firefighting personnel whose jurisdictions are within the Restricted Zone and who are on official business within the Restricted Zone;
- (F) Federal, state, county, or local administrative personnel on official business within the Restricted Zone;
- (G) Individual(s) who own and/or control real property, or personal property being used as a residence, and whose official permanent residence is within the Restricted Zone;
- (H) Individual(s) with a legitimate business reason for being within the Restricted Zone, as determined by the Director, Department of Emergency Services, or his designee(s).

During especially dangerous episodes of volcanic activity, these exceptions may be further limited by the Director, Department of Emergency Services, or his designee(s).

Those persons excepted above shall abide by such administrative rules for entry and occupancy as may have been developed by the the Department of Emergency Services and included in the Washington Administrative Code.

III. Administration

Pursuant to RCW 38.52.050(3)(f), I hereby delegate to the Director, Department of Emergency Services, or his designee(s), the administrative authority vested in me by chapter 38.52 RCW.

Each individual given permission to enter and/or occupy the Restricted Zone shall obtain a special identification permit from the Washington State Department of Licensing prior to entry into that zone. That permit must be carried on his or her person at all times.

Prior to entry and/or occupation of the Restricted 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 that individual while within the Restricted 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.

IV. Description of Mt. St. Helens Hazard Zones

The following zones are established for the purpose of identifying boundaries within which restrictions by this Order are, or by subsequent orders may be, implemented as volcanic and/or flash flood hazards around Mt. St. Helens increase or decrease.

MT. ST. HELENS HAZARD ZONE 1

Mt. St. Helens Hazard Zone 1 is described as follows:

Beginning at the southeast corner of the southwest 1/4 of the southeast 1/4 of Section 31, T 10N, R6E; thence west along the south line of Section 31 to the shoreline of Spirit Lake in Section 6, T9N, R6E, thence westerly along the north shoreline of Spirit Lake to the intersection with the east section line of Section 3, T9N, R5E; thence 750 feet westerly along the shoreline to the intersection with a stream flowing from the west; thence westerly along said stream course to a saddle located in the northwest 1/4 of Section 10, T9N, R5E; thence southerly along the ridgeline to the ridgetop in the southwest 1/4 of Section 10, T9N, R5E; thence westerly along the ridgeline to the ridgetop in the southwest 1/4 of Section 9, T9N, R5E; thence westerly along the ridgeline to the ridgetop in the northwest 1/4 of Section 8, T9N, R5E; thence westerly to the ridgetop in the southwest 1/4 of Section 7, T9N, R5E; thence westerly along said ridgetop to the Cowlitz-Skamania County line; thence south to the southeast corner of Section 12, T9N, R4E; thence northwesterly to the west side of the Corps of Engineers Construction Camp, then northwest to the northwest corner of Section 2, T9N, R4E; thence north along the east line of Section 34, T10N, R4E to the intersection with the south side of Weyerhaeuser 3540 Road; thence along the south side of the Weyerhaeuser 3540 Road to the south line of Section 27, T10N, R4E; thence westerly along said section line to its intersection with the south side of Weyerhaeuser 3540 Road; thence westerly along said Weyerhaeuser 3540 Road to Elk Rock in Section 32, T10N, R4E; thence along the west side of Weyerhaeuser 3540 Road to the south side of Weyerhaeuser 3346 Road; thence northwesterly along the southside of Weyerhaeuser 3346 Road in said Section 31 to its intersection with the Weyerhaeuser 3381 Road; thence westerly along the south side of said 3381 Road to its intersection with the Weyerhaeuser 3208 Road in Section 25, T10N, R3E; thence westerly along the south side of said Weyerhaeuser 3208 Road to its intersection with the Weyerhaeuser 3200 Road in Section 26, T10N, R3E; thence westerly along the south side of said Weyerhaeuser 3200 Road to its intersection with the Weyerhaeuser 3100 Road in Section 27, T10N, R3E; thence northerly along the west side of said Weyerhaeuser 3100 Road to its intersection with the north line of section 27; T10N, R3E; thence westerly along the north line of sections 27 and 28 T10N R3E to the intersection with Hoffstadt Creek; thence westerly along the north bank of Hoffstadt Creek to the north highwater 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 of Section 29, T10N, R3E; thence southwestly along the west fill base of the northerly segment of the N-1 debris dam to its intersection with the natural high ground; thence southwestly 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 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 with the north section line of Section 35, T9N, R4E; thence east along the north section lines of Section 35 and 36, T9N, R4E and Section 31, T9N, R5E to the intersection with Studebaker Creek on the north line of said Section 31, T9N, R5E; thence southerly along the westerly side of Studebaker Creek to the 4800 foot contour line of Mt. St. Helens in Section 32, T9N, R5E; thence southerly and easterly and then northerly along the 4800 foot contour line to its intersection with Smith Creek in Section 35, T9N, R5E; thence easterly along north side of Smith Creek to its intersection with an easterly flowing stream in Section 25, T9N, R5E; thence northwesterly along the stream to intersection with Forest Service Road 99 in Section 26, T9N, R5E; thence northerly along the west side of Road 99 to a ridgeline located in the southwest 1/4 of Section 7, T9N, R6E; thence northeasterly along ridgeline to the southeast corner of the southwest 1/4 of the southeast 1/4 of Section 31, T10N, R6E, Willamette Meridian, Skamania County, state of Washington and the point of beginning.

MT. ST. HELENS HAZARD ZONE 2

The Mt. St. Helens Hazard Zone 2 is described as follows:

Beginning on the southerly side of the Weyerhaeuser 2500 Road where it intersects the Gifford Pinchot National Forest Boundary on the east line of Section 36, T11N, R4E (Cowlitz/Skamania County lines); thence west along the southerly side of Weyerhaeuser Road 2500 to its intersection with north line of Section 14, T10N, R2E; thence westerly along the north line of Section 14 to the northwest corner; thence northwesterly to the northwest corner of Section 10, T10N, R2E; thence west along section lines to the northwest corner of Section 8 T10N, R2E; thence south along section lines to north edge of Weyerhaeuser 2410 Road (Section 17, T10N, R2E); thence southeasterly along the north edge of Weyerhaeuser 2410 Road to the intersection with the east edge of the Weyerhaeuser 2400 Road (Section 15, T10N, R2E); thence southerly along the east edge of the Weyerhaeuser 2400 Road to where it becomes the Weyerhaeuser 4200 Road (Section 4, T9N, R2E); thence southwest along the east edge of the 4200 Road to its intersection with the northeast edge of the Weyerhaeuser 4600 Road (Section 7, T9N, R2E); thence southerly along the northeast edge of the Weyerhaeuser 4600 Road to the Weyerhaeuser 4640 Road; thence across the Weyerhaeuser 4600 Road to the east edge of the Weyerhaeuser 4640 Road (Section 16, T9N, R2E); thence southerly along the east edge of Weyerhaeuser 4640 Road to its intersection with the north edge of the Weyerhaeuser 4100 Road (Section 17, T9N, R2E); thence easterly along the north edge of the

4100 Road to a point opposite the east edge of the Weyerhaeuser 5500 Road (Section 29, T9N, R3E); thence south and east along the east edge of the Weyerhaeuser 5500 Road to its intersection with the south line of Section 14, T8N, R3E; thence east along section lines to the southeast corner of Section 13, T8N, R3E; thence south along section lines to the intersection with FDR 8117060 (Section 30, T8N, R4E); thence easterly along the northerly side of FDR 8117060 to its intersection with FDR 8117; thence across FDR 8117; thence across FDR 8117 to its easterly side; thence southerly along the easterly side of said FDR 8117 to its intersection with FDR 81 (Section 32, T8N, R4E); thence easterly along the northern edge of FDR 81 to its intersection with FDR 83 in Section 5, T7N, R5E; thence easterly along the northern edge of FDR 83 to its intersection with the south line of Section 9, T8N, R6E; then easterly along section lines to the southeast corner of Section 10, T8N, R6E; thence northerly along section lines to the northeast corner of Section 3, T8N, R6E; thence west to the southwest corner of Section 34, T9N, R6E; thence northerly along section lines to the southeast corner of Section 16, T10N, R6E; thence west along section lines to the intersection with the southern edge of the Green River with the south section line of Section 13, T10N, R5E; thence westerly along the southern edge of the Green River to its intersection with the Forest Service Boundary on the east section line of Section 1, T10N, R4E (Cowlitz/Skamania County line); thence north along section lines to its intersection with the southern side of Weyerhaeuser 2500 Road and the point of beginning.

MT. ST. HELENS HAZARD ZONE 3

The Mt. St. Helens Hazard Zone 3 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, Calama 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 Forest Service Development Road (FDR) N90; thence northeasterly along the north edge of said FDR 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, R10N, R7E; thence north along section lines to FDR 119, located in Section 17, T11N, R7E; thence west along the south edge of said FDR 119 to its intersection with FDR 125, located in the west half (W-1/2) of Section 19, T11N, R7E; thence southerly along the south edge of said FDR 125 to its intersection with FDR 115, located in the west half (W-1/2) of Section 24, T11N, R7E; thence northwesterly along the south edge of said FDR 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.

V. Coordination with the U.S. Forest Service (National Volcanic Monument)

The state of Washington acknowledges the U.S. Forest Service authority under Federal statute to impose its own restrictions within the areas of the Mt. St. Helens National Volcanic Monument as established by PL 97-243. The U.S. Forest Service may impose closures of U.S. Forest Service lands within the restricted areas described in Section IV without concurrent closure by the state of Washington.

Prior Orders Superseded

This Executive Order shall supersede all prior Executive Orders pertaining to Mt. St. Helens restricted zones.

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 30th day of April, A.D., nineteen hundred and eighty-four.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

Reviser's note: The typographical error in the above material appeared in the original copy of the executive order and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 84-10-035
PROPOSED RULES
NUCLEAR WASTE BOARD
 [Filed May 1, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Nuclear Waste Board intends to adopt, amend, or repeal rules concerning disclosure of public records;

that the agency will at 1:30 p.m., Friday, June 15, 1984, in the EFSEC Hearings Room, Rowsix, Building 1, 4224 Sixth Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.200.070.

The specific statute these rules are intended to implement is chapter 43.200 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 8, 1984.

Dated: April 30, 1984
 By: Warren A. Bishop
 Chair

STATEMENT OF PURPOSE

The proposed rule, designated chapter 335-06 WAC, and entitled "Public records" is intended to meet the Nuclear Waste Board's obligation to publish a description of its organization and procedures by which the public may obtain information, make submittals or requests, or obtain copies of agency decisions as required by RCW 42.17.250.

This rule is promulgated pursuant to RCW 43.200.070 which directs that the Nuclear Waste Board and/or the Department of Ecology has authority to implement the provisions of chapter 43.200 RCW.

The rule describes the Nuclear Waste Board organization, makes public records of the board available for public inspection and copying, provides for the availability of a public records index, provides forms and methods for requests for information, provides for fees for

copying records based on the cost of such copying, provides for protection of public records and provides for denial of requests for public records and reviews of such denials. The rule is intended to comply with RCW 42.17.250 so as to permit maximum opportunity for public information.

The Nuclear Waste Board has delegated the duty to maintain its records open to the public to the Department of Ecology, through the department's office of high-level nuclear waste management. In the office the person responsible for drafting the rule is Richard Olson, PV-11, Olympia, WA 98504; and implementation and enforcement of the rule is David Stevens, Program Director, PV-11, Olympia, WA 98504.

The Nuclear Waste Board, a governmental body established by RCW 43.200.040, proposed the rule.

The board makes no comments or recommendations regarding statutory language, implementation, enforcement or fiscal matters.

This rule is not necessary as a result of federal law or federal or state court action.

No small business economic impact statement is required because the only impact on small business which arises because of the rule is the cost of copying any of the board's records if such a business desires to copy such records.

Chapter 335-06 WAC
PUBLIC RECORDS

WAC

335-06-010	Purpose.
335-06-020	Definitions.
335-06-030	Description of organization.
335-06-040	Public records available.
335-06-050	Records index.
335-06-060	Requests for public records.
335-06-070	Fees.
335-06-080	Statement of reason for denial of public records request.
335-06-090	Reviews of denial of public records request.
335-06-100	Protection of public records.

NEW SECTION

WAC 335-06-010 **PURPOSE.** The purpose of this chapter is to implement the requirements of sections 25 through 32, chapter 1, Laws of 1973 (RCW 42.17.250 - 42.17.320) relating to public records.

NEW SECTION

WAC 335-06-020 **DEFINITIONS.** (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17.020.

- (2) "Board" means the nuclear waste board.
- (3) "Department" means the department of ecology.
- (4) "Director" means the director of the department.
- (5) "Office" means the office of high-level nuclear waste management, a division of the department to which the administration of the board has been delegated.
- (6) "Program director" means the director of the office.
- (7) "Public records officer" means the records manager of the office.
- (8) "Designee" means the employee of the department designated by the program director or the public records officer to serve as the public records officer at the office in the absence of the officer.

NEW SECTION

WAC 335-06-030 **DESCRIPTION OF ORGANIZATION.** (1) The office of the board and the program director is located at 5826 Pacific Avenue, Lacey, Washington. The mailing address is:

Office of High-Level Nuclear Waste Management
Department of Ecology
PV-11
Olympia, Washington 98504

(2) The administrative duties of the board have been delegated to the department, to be conducted through the department's office of high-level nuclear waste management managed by the program director in a memorandum of understanding between the board and the department.

(3) The board functions through regular and special meetings held in accordance with chapter 42.30 RCW and pursuant to bylaws of the board.

NEW SECTION

WAC 335-06-040 PUBLIC RECORDS AVAILABLE. (1) All public records of the board are available for public inspection and copying pursuant to these rules subject to subsections (2), (3), and (4) of this section.

(2) Availability of public records is subject to the exemptions and requirements of RCW 42.17.310.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, and the board becomes aware of this fact, the board shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the board shall notify the requester when and where such records will be available.

NEW SECTION

WAC 335-06-050 RECORDS INDEX. The indexes developed by the office shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection and shall be available in the library at the office.

NEW SECTION

WAC 335-06-060 REQUESTS FOR PUBLIC RECORDS. (1) All requests for inspection or copying made in person at the office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date Time
Name
Address

Description of Records:
.....
.....
.....

I certify that lists of names obtained through this request for public records will not be used for political or commercial purposes.

..... Signature
Number of copies
Number of pages
Per page charge \$.....
Total charge \$.....

(2) All requests made in person may be made at the office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request and the organization the person represents;

(b) The time of day and calendar date on which the person wishes to inspect the public records;

(c) A description of the public records requested;

(d) A statement whether access to copying equipment is desired;

(e) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason.

(f) A statement that the record will not be used for commercial purposes.

(4) All requests by mail must be received by the office at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The office may in its discretion fill requests made by telephone.

NEW SECTION

WAC 335-06-070 FEES. No fee shall be charged for the inspection of public records. For printed, typed, and written material of a maximum size of 8 1/2" by 14", the office shall charge a reasonable fee, determined from time to time by the board, for providing copies of public records and for use of the office's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and shall not exceed 20 cents per copy. For copies from microfilm, the charge shall not exceed 40 cents per copy. Copies of maps, photos, reports, and other nonstandard items shall be furnished at the regular price established by the board. When other special copy work for nonstandard items is requested, the fee charged will reflect the total cost, including the time of office personnel.

NEW SECTION

WAC 335-06-080 STATEMENT OF REASON FOR DENIAL OF PUBLIC RECORDS REQUEST. When the office refuses, in whole or part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 335-06-090 REVIEWS OF DENIAL OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the refusal of a written request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the refusal.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the program director or his delegate. The program director or his delegate shall immediately consider the matter and either affirm or reverse such refusal. The final decision shall be sent to the objecting person within two business days following receipt of the petition for review.

NEW SECTION

WAC 335-06-100 PROTECTION OF PUBLIC RECORDS. In order to adequately protect the public records of the board, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the office's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated office employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, vaults, and other storage areas is restricted to office personnel, unless other arrangements are made with the public records officer or designee.

WSR 84-10-036
EMERGENCY RULES
NUCLEAR WASTE BOARD
[Order 84-1, Resolution No. 84-1—Filed May 1, 1984]

Be it resolved by the Nuclear Waste Board, acting at the Energy Facility Site Evaluation Council Hearings Room, Rowsix, Building 1, 4224 Sixth Avenue S.E., Lacey, WA, that it does adopt the annexed rules relating to disclosure of public records.

We, the Nuclear Waste Board, find that an emergency exists and that this 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 the emergency is chapter 161, Laws of 1984 established the Nuclear Waste Board with expanded powers to administer a potentially highly controversial program. Provision must be made immediately to ensure maximum opportunity for public information.

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

This rule is promulgated pursuant to RCW 43.200-.070 which directs that the Nuclear Waste Board and/or the Department of Energy has authority to implement the provisions of chapter 43.200 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 20, 1984.

By Warren A. Bishop
Chair

Chapter 335-06 WAC
PUBLIC RECORDS

WAC

- 335-06-010 Purpose.
- 335-06-020 Definitions.
- 335-06-030 Description of organization.
- 335-06-040 Public records available.
- 335-06-050 Records index.
- 335-06-060 Requests for public records.
- 335-06-070 Fees.
- 335-06-080 Statement of reason for denial of public records request.
- 335-06-090 Reviews of denial of public records request.
- 335-06-100 Protection of public records.

NEW SECTION

WAC 335-06-010 PURPOSE. The purpose of this chapter is to implement the requirements of sections 25 through 32, chapter 1, Laws of 1973 (RCW 42.17.250 - 42.17.320) relating to public records.

NEW SECTION

WAC 335-06-020 DEFINITIONS. (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17.020.

- (2) "Board" means the nuclear waste board.
- (3) "Department" means the department of ecology.
- (4) "Director" means the director of the department.
- (5) "Office" means the office of high-level nuclear waste management, a division of the department to which the administration of the board has been delegated.

(6) "Program director" means the director of the office.

(7) "Public records officer" means the records manager of the office.

(8) "Designee" means the employee of the department designated by the program director or the public records officer to serve as the public records officer at the office in the absence of the officer.

NEW SECTION

WAC 335-06-030 DESCRIPTION OF ORGANIZATION. (1) The office of the board and the program director is located at 5826 Pacific Avenue, Lacey, Washington. The mailing address is:

Office of High-Level Nuclear Waste Management
Department of Ecology
PV-11
Olympia, Washington 98504

(2) The administrative duties of the board have been delegated to the department, to be conducted through the department's office of high-level nuclear waste management managed by the program director in a memorandum of understanding between the board and the department.

(3) The board functions through regular and special meetings held in accordance with chapter 42.30 RCW and pursuant to bylaws of the board.

NEW SECTION

WAC 335-06-040 PUBLIC RECORDS AVAILABLE. (1) All public records of the board are available for public inspection and copying pursuant to these rules subject to subsections (2), (3), and (4) of this section.

(2) Availability of public records is subject to the exemptions and requirements of RCW 42.17.310.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, and the board becomes aware of this fact, the board shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the board shall notify the requester when and where such records will be available.

NEW SECTION

WAC 335-06-050 RECORDS INDEX. The indexes developed by the office shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection and shall be available in the library at the office.

NEW SECTION

WAC 335-06-060 REQUESTS FOR PUBLIC RECORDS. (1) All requests for inspection or copying made in person at the office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Description of Records:

.....
.....
.....

I certify that lists of names obtained through this request for public records will not be used for political or commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge \$.....

Total charge \$.....

(2) All requests made in person may be made at the office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request and the organization the person represents;

(b) The time of day and calendar date on which the person wishes to inspect the public records;

(c) A description of the public records requested;

(d) A statement whether access to copying equipment is desired;

(e) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason.

(f) A statement that the record will not be used for commercial purposes.

(4) All requests by mail must be received by the office at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and

not exempt and, if necessary, to contact the person requesting inspection.

(5) The office may in its discretion fill requests made by telephone.

NEW SECTION

WAC 335-06-070 FEES. No fee shall be charged for the inspection of public records. For printed, typed, and written material of a maximum size of 8 1/2" by 14", the office shall charge a reasonable fee, determined from time to time by the board, for providing copies of public records and for use of the office's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and shall not exceed 20 cents per copy. For copies from microfilm, the charge shall not exceed 40 cents per copy. Copies of maps, photos, reports, and other nonstandard items shall be furnished at the regular price established by the board. When other special copy work for nonstandard items is requested, the fee charged will reflect the total cost, including the time of office personnel.

NEW SECTION

WAC 335-06-080 STATEMENT OF REASON FOR DENIAL OF PUBLIC RECORDS REQUEST. When the office refuses, in whole or part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 335-06-090 REVIEWS OF DENIAL OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the refusal of a written request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the refusal.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the program director or his delegate. The program director or his delegate shall immediately consider the matter and either affirm or reverse such refusal. The final decision shall be sent to the objecting person within two business days following receipt of the petition for review.

NEW SECTION

WAC 335-06-100 PROTECTION OF PUBLIC RECORDS. In order to adequately protect the public records of the board, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the office's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated office employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, vaults, and other storage areas is restricted to office personnel, unless other arrangements are made with the public records officer or designee.

WSR 84-10-037
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1821—Filed May 1, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to inspection fees, chapter 16-212 WAC.

I, M. Keith Ellis, find that an emergency exists and that this 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 the emergency is the grain inspection and weighing services are based on a fee-for-service charge. In order to cover the cost of this service, an immediate surcharge of ten percent is necessary. A revised schedule of fees is being prepared and a public hearing will be scheduled to adopt the revised fee schedule.

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

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 1, 1984.

By M. Keith Ellis
 Director

NEW SECTION

WAC 16-212-087 SURCHARGE FEES. In addition to the basic fees provided for in WAC 16-212-030 through WAC 16-212-090, the department shall levy and collect a surcharge of ten percent on the basic fees: **PROVIDED**, That the surcharge shall not be levied on the basic fees provided for in WAC 16-212-030(2) and WAC 16-212-084(1), (2), and (4)(c).

WSR 84-10-038
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed May 1, 1984]

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 (exit leave).
- Amd WAC 356-15-060 Shift differential provisions and compensation.
- Amd *WAC 356-18-100 Accrued vacation leave disposition—Computation—How made.
- Rep *WAC 356-18-105 Exit leave.
- Amd WAC 356-22-070 Applications—Disqualification.
- Amd **WAC 356-22-220 Examinations—Veterans preference—Eligibility periods—Percentage allowance.
- Amd WAC 356-26-030 Register designation;

that the agency will at 10:00 a.m., Thursday, June 14, 1984, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040, *SHB 843 and **SSB 4620.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 12, 1984.

Dated: April 30, 1984
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-06-010.

Title: Definitions (exit leave).

Purpose: To define words and terms used throughout Title 356 WAC.

Statutory Authority: RCW 41.06.150.

Specific Statute: To implement provision of Substitute House Bill 843.

Summary and Reasons: Substitute House Bill 843 repealed exit leave. Change would remove the term "exit leave" from the definitions of Title 356 WAC.

Responsibility for Drafting: Bill Turney, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-15-060(1).

Title: Shift differential provisions and compensation.

Purpose: Defines working hours in a shift which qualifies for shift differential (which provides premium pay schedule for evening and night work shifts).

Statutory Authority: RCW 41.06.150.

Summary: This change would allow all employees to be paid shift differential when these working hours qualify for shift differential.

Reasons: The rules as written do not allow the payment of shift differential to an employee who works an evening or night shift if the regularly scheduled shift does not qualify for shift differential.

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building 2, MS: OB-14, Olympia, WA 98504, Phone: 753-5184; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, governmental agency.

Amend WAC 356-15-060(4).

Summary: Proposal would change hourly rate of pay for employees eligible for shift differential pay to reflect available funds.

Reasons: Office of Financial Management has indicated that funds are not available for an increase if shift differential pay.

Responsibility for Drafting: Robert Boysen, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5377; Implementation and Enforcement: All state agencies.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-18-100.

Title: Accrued vacation leave disposition—Computation—How made.

Purpose: Outlines how vacation leave will be disposed of when an employee separates from service.

Statutory Authority: RCW 41.06.150.

Specific Statute: To implement provisions of Substitute House Bill 843.

Summary and Reasons: Changes are proposed to reflect provisions of Substitute House Bill 843 which repealed exit leave.

Responsibility for Drafting: Bill Turney, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Repeal WAC 356-18-105.

Title: Exit leave.

Purpose: Outlines how exit leave will be used.

Statutory Authority: RCW 41.06.150.

Specific Statute: To implement provisions of Substitute House Bill 843.

Summary and Reasons: The repeal of WAC 356-18-105 will reflect the provisions of Substitute House Bill 843.

Responsibility for Drafting: Bill Turney, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-22-070.

Title: Applications—Disqualification.

Purpose: Outlines the reasons for refusal of an application.

Statutory Authority: RCW 41.06.150.

Summary: Changes would add a reference to meeting requirements for a particular register establishment.

Reasons: Due to a Personnel Appeals Board decision, change is necessary to clarify current practice.

Responsibility for Drafting: Roger F. Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-22-220.

Title: Examinations—Veterans preference—Eligibility periods—Percentage allowance.

Purpose: Defines veterans eligible for preference and condition of discharge.

Statutory Authority: RCW 41.06.150.

Specific Statute: Substitute Senate Bill 4620 (in part).

Summary: Change would add to the definition of veteran: Persons who received armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil; changes conditions of discharge.

Reasons: To implement provisions in Substitute Senate Bill 4620.

Responsibility for Drafting: Bill Turney, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-030.

Title: Register designation.

Purpose: Outlines the various registers and their composition.

Statutory Authority: RCW 41.06.150.

Summary: Changes would clarify what the agency promotional register is composed of.

Reasons: Changes are proposed in response to a recent Personnel Appeals Board decision.

Responsibility for Drafting: Roger F. Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 194, filed 12/30/83)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT - An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL - Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel.

AGENCY - An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either

elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the director of personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in

directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendations for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

EXCHANGE TIME – Equal time off for excess hours worked by exceptions work period employees.

(EXIT LEAVE – The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Exit leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction in force or disability and continuing until all the employee's accrued vacation leave is exhausted:))

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060 (2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "project employment," that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION IN FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction in force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SCHEDULING PLAN – A series of schedules, approved for specific positions by the director of personnel or the personnel board, through which schedules the incumbents move in an established pattern.

SEASONAL CAREER EMPLOYEES – Incumbents who have been appointed into seasonal career positions or employees who have repeatedly returned to state employment in the same agency in a work pattern defined as seasonal career employment.

SEASONAL CAREER EMPLOYMENT – Two work patterns are included: (1) Work in positions, not intermittent in nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction in force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be

added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(6). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: **PROVIDED**, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE - Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY - A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION - Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE - A series of workshifts and work days within the workweek.

WORKSHIFT - Scheduled working hours within the workday.

WORKWEEK - A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE - A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

AMENDATORY SECTION (Amending Order 198, filed 2/10/84, effective 3/11/84)

WAC 356-15-060 SHIFT DIFFERENTIAL PROVISIONS AND COMPENSATION. (1) Any employee working a shift shall be paid a shift premium (as shown in the shift differential schedule) under any one of the following conditions:

(a) When her/his ((scheduled)) working hours extend before 6 a.m. or beyond 6 p.m., she/he shall receive the premium rate for those hours that so extend.

(b) The premium rate shall be paid for all hours worked on ((a scheduled)) an evening or night shift. Evening or night shifts are defined as those in which four or more hours of a ((scheduled)) shift extend beyond 6 p.m. or in which three or more hours of a ((scheduled)) shift are completed prior to 6 a.m.

(2) Monthly shift differential rates: In cases where shift differential hours are regularly scheduled over a year, agencies may pay shift differential at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve (12) into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this ((rate)) section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift differential rates higher or lower than those set by the board.

(3) Shift differential and overtime: When a scheduled work period employee works overtime on a shift which qualifies for shift differential, her/his overtime shall be computed as one-and-one-half times her/his basic salary and shift differential combined.

(4) Payment during leave periods: Employees eligible for shift differential will receive the shift differential rate for authorized periods of paid leave, i.e., vacation leave, sick leave, military leave, holiday leave, etc.

((SHIFT DIFFERENTIAL SCHEDULE (Eff. 7-1-84) 50¢ per hour))

SHIFT DIFFERENTIAL SCHEDULE (Effective 7-1-75)

Code	Title	Hourly Premium
5630-5634	Registered Nurses	23¢
0628-0641	Liquor Store Personnel/ working in the stores	23¢
	All other classes	20¢

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 179, filed 12/22/82)

WAC 356-18-100 ACCRUED VACATION LEAVE DISPOSITION-COMPUTATION-HOW MADE. (1) When an employee

who is a member of the public employees retirement system Plan 1 separates from service by reason of resignation with adequate notice, layoff, dismissal, retirement or death, he or she is entitled to a lump sum ((cash)) payment of ((a)) unused vacation leave; except vacation leave accumulated in excess of 240 hours as provided in WAC 356-18-095(2). The compensation shall be computed by using the formula published by the office of financial management. Excess vacation leave accumulated as prescribed in WAC 356-18-095(2) must be taken as vacation leave or lost.

(2) When an employee who is not a member of the public employees retirement system Plan 1 separates from service by reason of resignation with adequate notice, layoff, dismissal, or retirement, ((agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the office of financial management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982, or in case of death)) he or she shall be paid a lump sum payment for accumulated vacation leave, except for vacation leave accumulated in excess of 240 hours as provided in WAC 356-18-095(2). The compensation shall be computed by using the formula published by the office of financial management. Excess vacation leave accumulated as provided in WAC 356-18-095(2) must be taken as vacation leave or lost.

(3) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction in force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), 41.06.100, or WAC 356-06-055.

(4) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(5) The separation cited in subsection (3) of this section will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-18-105 EXIT LEAVE.

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-22-070 APPLICATIONS-DISQUALIFICATION. The director is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, or, after examination, may disqualify such applicant or remove his/her name from a register or refuse to certify any person otherwise eligible on a register if:

(1) The applicant is found to lack any of the requirements established for the register (as defined in WAC 356-26-030) or the class.

(2) The applicant is so disabled as to be rendered unfit to perform the duties of the class.

(3) The applicant is addicted to the use of narcotics, or the habitual excessive use of intoxicating liquors.

(4) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he((f/))she is applying.

(5) The applicant has made a false statement of material fact in the application.

(6) The applicant has previously been dismissed or requested to resign from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(7) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(8) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(9) The applicant has otherwise violated provisions of these rules.

(10) The applicant has taken part in the compilation, administration or correction of the examination.

AMENDATORY SECTION (Amending Order 68, filed 6/25/74)

WAC 356-22-220 EXAMINATIONS—VETERANS PREFERENCE—ELIGIBILITY PERIODS—PERCENTAGE ALLOWANCE. (1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during World War II, the Korean Conflict, the Viet Nam Era (~~and the period beginning and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress~~), (August 5, 1964 – May 7, 1975); or who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.

(2) ~~Further, only persons who received an honorable discharge (—a physical) or who received a discharge (under) for physical reasons with an honorable (conditions) or who were released from active duty under honorable circumstances) record shall be eligible for this veterans preference.~~

(3) In all competitive examinations, veterans shall be given a preference by adding to the passing grade, based upon a possible rating of 100 points as perfect, a percentage of such passing grade under the following conditions:

(a) Ten percent to a veteran who is not receiving any veterans retirement payments. This preference shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.

(b) Five percent to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.

(c) Five percent to a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be utilized on the first promotional examination only.

(4) The above preference provisions must be claimed within eight years of the date of release from active service.

AMENDATORY SECTION (Amending Order 179, filed 12/22/82)

WAC 356-26-030 REGISTER DESIGNATION. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) Employee's names shall not appear for classes at or below the range level of a class in which the employees are serving on a permanent fulltime basis, except when the employees have accepted options beyond a reasonable commuting distance in lieu of separation due to reduction in force. In the excepted cases, the employees' names may appear for classes at the same or lower range levels when the availability would return the employees back to their previous work locations.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

WSR 84-10-039

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1822—Filed May 1, 1984—Eff. July 1, 1984]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Quarantine—Agricultural pests, gypsy moth and apple maggot, chapter 16-470 WAC.

This action is taken pursuant to Notice No. WSR 84-06-054 filed with the code reviser on March 7, 1984. These rules shall take effect at a later date, such date being July 1, 1984.

This rule is promulgated pursuant to chapter 17.24 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 30, 1984.

By M. Keith Ellis
Director

Chapter 16-470 WAC

QUARANTINE - AGRICULTURAL PESTS

WAC

16-470-010	DEFINITIONS
16-470-015	PENALTIES
16-470-020	QUARANTINE - GYPSY MOTH - AREA UNDER ORDER
16-470-030	QUARANTINE/GYPSY MOTH HOSTS AND CARRIERS
16-470-040	GYPSY MOTH QUARANTINE RESTRICTIONS - INTERIOR
16-470-050	GYPSY MOTH QUARANTINE RESTRICTIONS - EXTERIOR
16-470-060	SPECIAL PERMITS
16-470-100	QUARANTINE - APPLE MAGGOT - AREA UNDER ORDER
16-470-110	COMMODITIES UNDER QUARANTINE-APPLE MAGGOT HOSTS AND CARRIERS

- 16-470-120 APPLE MAGGOT QUARANTINE
RESTRICTIONS
INTERIOR/EXTERIOR
16-470-130 SPECIAL PERMITS

NEW SECTION

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

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

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated insect life stages, their hosts, and possible carriers.

(5) "Gypsy moth (*Lymantria dispar*)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

(6) "Apple maggot (*Rhagoletis pomonella*)" means dipterous insects belonging to the family Tephritidae which in the larval stage live within fruit of their host plants, with potential for causing extensive damage to fruit of certain crops.

(7) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management program pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

NEW SECTION

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation with the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both fine and imprisonment.

NEW SECTION

WAC 16-470-020 QUARANTINE - GYPSY MOTH - AREA UNDER ORDER. (1) Interior Quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to Chapter 16-470 WAC rules and requirements.

(2) Exterior Quarantine. All areas of the United States and Canada that are declared high risk by the United States department of agriculture, animal, plant, health inspection service, plant protection and quarantine.

NEW SECTION

WAC 16-470-030 QUARANTINE/GYPSY MOTH HOSTS AND CARRIERS. The following articles and commodities are placed under quarantine when located within or originating from an area as described in WAC 16-470-020:

(1) Trees, shrubs with persistent woody stems, Christmas trees and parts of such trees and shrubs (except seeds, fruits and cones).

(2) Timber and building materials, including but not limited to such items as lumber, planks, poles, logs, firewood, pulpwood, fencing and building blocks.

(3) Mobile homes, recreational vehicles, trailers, boats, camping gear, and associated equipment.

(4) Outdoor household articles including but not limited to such items as furniture, toys, garden tools, garden machinery, animal houses.

(5) Any other items or means of conveyance not covered above when that item or conveyance presents a hazard of the spread of any life stage of gypsy moth.

NEW SECTION

WAC 16-470-040 GYPSY MOTH QUARANTINE RESTRICTIONS - INTERIOR. Items under quarantine are prohibited movement from the area under quarantine except as follows:

(1) Any item under quarantine may be inspected and certified for movement by a department inspector if, in the inspector's judgment, it is free of all stages of gypsy moth. Any item that in the judgment of the department inspector is too large or for other reasons cannot be adequately inspected for all stages of gypsy moth will not be certified except as indicated in WAC 16-470-040(3) and (4).

(2) Garden prunings from trees and shrubs may be moved under Washington state department of agriculture permit to the city or county dumps where such material is to be buried, incinerated, composted, or otherwise treated or handled in a manner that is approved by a department inspector and does not pose a hazard to the spread of gypsy moth life stages. A department permit is not necessary for such material picked up by city or county vehicles or trucking companies under contract to haul such material to county approved facilities for disposal.

(3) Any item which cannot be adequately inspected as stated in WAC 16-470-040(1) may be moved from the quarantine area if cleaned or treated as prescribed by the director and in a manner satisfactory to the department inspector. Such items cleaned or treated shall be certified by a department inspector before movement from the quarantine area.

(4) Department inspectors may also certify items for movement when in their judgment the item has not been

exposed to infestation, or has not been exposed to infestation after being properly inspected, cleaned or treated.

(5) Expense of cleaning or treatment of articles or commodities for gypsy moth shall be the responsibility of the person in possession of the articles or commodities, or the consignee in case of commercial shipment by common carriers of household goods.

NEW SECTION

WAC 16-470-050 GYPSY MOTH QUARANTINE RESTRICTIONS – EXTERIOR. Quarantined articles and commodities are prohibited entry into Washington state except as follows:

(1) Articles and commodities covered originating in the area under quarantine may enter this state: PROVIDED, That the articles or commodities are accompanied by a certificate issued by an authorized agricultural official in the state or province of origin which contains the following information:

(a) The designation of the articles and commodities.
 (b) The county and state or province of origin.
 (c) A statement verifying that all the articles and commodities were inspected for all stages of gypsy moth, and:

(i) They originated in non-infested premises in the area under quarantine and have not been exposed to gypsy moth while in the area under quarantine; or

(ii) Upon inspection, they were found to be free of any stage of gypsy moth; or

(iii) They were treated at origin under the direction of an agricultural official to destroy any stage of gypsy moth; the method of treatment used and the date of the treatment shall also be stated; or

(iv) They were grown, produced, manufactured, stored or handled in such a manner that no stage of gypsy moth would be transmitted on them.

(d) The original or facsimile signature of the authorized agricultural official.

(2) The certificate required under WAC 16-470-050(1) may be issued by a private enterprise: PROVIDED, That the enterprise has been approved by the director, or by the United States department of agriculture, animal and plant health inspection service, plant protection and quarantine as having employees who have successfully completed a training program approved by the director or the United States department of agriculture, conducted by private organizations or state government officials, in the inspection for and treatment of gypsy moth; and the inspection and any treatment was performed, and the certificate issued by, one of those employees.

(3) Any certificate issued by a private enterprise shall contain the information required in WAC 16-470-050(1): PROVIDED, That the statement relating to treatment at origin in WAC 16-470-050(1)(c) shall verify that the articles and commodities were treated at origin by an employee who has successfully completed an approved training program in the inspection for and treatment of gypsy moth; and the signature required in WAC 16-470-050(1)(d), shall be that of the employee issuing the certificate.

(4) The certificate required in WAC 16-470-050(1) shall be securely attached to the outside of the container containing the articles or commodities, or securely attached to the article or commodity itself if not in a container, or securely attached to the consignee's copy of the weighbill or other shipping document.

(5) Any article or commodity covered in WAC 16-470-030 which originated in the area under quarantine and is not accompanied by the certificate required may:

(a) Enter Washington, if, in the determination of the department, the article or commodity is:

(i) Cleaned or treated to destroy gypsy moth at the point of entry; or

(ii) Cleaned or treated to destroy gypsy moth in the county of destination, under the supervision of the department, prior to release of the article or commodity. Any shipment containing articles or commodities to be cleaned or treated in the county of destination shall be sealed at point of entry or origin and held under quarantine in that county until the treatment or cleaning is to occur.

(b) Be refused entry in Washington, if, in the opinion of the department inspector that:

(i) Cleaning or treatment to destroy gypsy moth at the point of entry would interfere with the movement of interstate commerce; and/or

(ii) Cleaning or treatment to destroy gypsy moth in the county of destination presents a high risk of dissemination of gypsy moth during transit or it is not possible to effectively clean or treat due to lack of facilities and/or needed equipment or lack of personnel in that county.

(c) Expense of cleaning or treatment of articles and commodities for gypsy moth at point of arrival in Washington state, or in the county of destination shall be the responsibility of the person in possession of the articles and commodities or the consignee in the case of commercial shipment by common carrier of household goods.

(6) No certificate is required for movement into Washington of articles and commodities covered in WAC 16-470-030 that originated outside an area under quarantine when the point of origin is clearly indicated, their identify has been maintained and they have been safeguarded against infestation by gypsy moth while in the area under quarantine.

NEW SECTION

WAC 16-470-060 SPECIAL PERMITS. The director may issue special permits admitting articles or commodities covered in WAC 16-470-030 not otherwise eligible for entry from the area under quarantine, subject to such conditions and provisions deemed necessary for protection of Washington agriculture.

NEW SECTION

WAC 16-470-100 QUARANTINE – APPLE MAGGOT – AREA UNDER ORDER. The following areas are declared by the director to be under quarantine:

(1) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania and Klickitat counties within the state of Washington.

(2) Exterior quarantine. All state where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma and Texas, and all states east thereof including the District of Columbia, and the states of Oregon, Utah and California.

NEW SECTION

WAC 16-470-110 COMMODITIES UNDER QUARANTINE-APPLY MAGGOT HOSTS AND CARRIERS. The following commodities are hereby placed under quarantine:

(1) California, Oregon, Utah and Washington states - All fresh fruit of apple (including crabapple), pear and hawthorn (haw) except commercial fruit. For the purpose of this rule, commercial fruit shall be fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled; or

(b) Purchased from a grocery store or commercial orchard and accompanied by a receipt or certificate bearing the letterhead or name of the store or grower; or

(c) Fruit grown in a commercial orchard and destined to a commercial processing plant.

(2) The following commodities shipped from states including the District of Columbia listed in WAC 16-470-100: All fresh fruit of apple (including crabapple), apricot, blueberry, cherry, hawthorn (haw), huckleberry, nectarine, peach, pear, plum, prune and quince, and rose hips are prohibited except as noted in WAC 16-470-110(1), pertaining to commercial fruit from California, Oregon, Utah and Washington, except as provided in WAC 16-470-120 (1) through (7).

NEW SECTION

WAC 16-470-120 APPLE MAGGOT QUARANTINE RESTRICTIONS - INTERIOR/EXTERIOR.

(1) Certification required. Commodities described in WAC 16-470-110 that are produced in or shipped from the area under quarantine are prohibited entry into or movement within the state of Washington unless each lot and/or shipment is accompanied by a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodity is shipped evidencing compliance with WAC 16-470-120(3), (4), (6) or (7). No certificate is required for commodities meeting the requirements of WAC 16-470-120 (2) or (6).

(2) Reshipments in original containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.

(3) Repacked commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point

within the area under quarantine to this state. The certificate shall contain the following information:

(a) The state in which commodities were grown,

(b) The point of repacking and reshipment,

(c) The amount and kind of commodities comprising the lot or shipment,

(d) The names and addresses of the shipper and consignee.

(4) Apples exposed to controlled atmosphere (CA) storage. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety days, during which period the temperature within the storage room has been maintained at thirty-eight degrees Fahrenheit or less, may be admitted into Washington: **PROVIDED**, That the storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility, and each lot or shipment of such apples to Washington state is accompanied by a certificate, as provided in WAC 16-470-120(1).

(5) Shipments from cold storage. Commodities described in WAC 16-470-110 which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted into Washington state: **PROVIDED**, That each lot or shipment is accompanied by a certificate, as stated in WAC 16-470-120(1) evidencing compliance with the minimum temperature requirements.

(6) Solid frozen fruits exempt. No restrictions are placed on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(7) Fresh fruit from California, Utah, Oregon and Washington. All fresh fruit of apricot, blueberry, cherry, huckleberry, nectarine, peach, plum, prune and quince grown in and shipped from the states of California, Utah, Oregon and Washington may be shipped into or within Washington state: **PROVIDED**, That the origin state will assure that shipments originated in an area found to be free from apple maggot and was grown in a commercial orchard.

NEW SECTION

WAC 16-470-130 SPECIAL PERMITS. The director may issue special permits admitting commodities covered in WAC 16-470-110 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent introduction, escape or spread of the quarantined pests.

WSR 84-10-040

PROPOSED RULES

GAMBLING COMMISSION

[Filed May 1, 1984]

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 WAC 230-08-170, 230-30-018 and 230-30-103;

that the agency will at 9 a.m., Friday, June 15, 1984, in the City Hall Council Chambers, 8th and Plum, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 9.46.070(8), (11) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 15, 1984.

Dated: April 30, 1984

By: Elwin Hart
Deputy Director

STATEMENT OF PURPOSE

Title: Amendment to WAC 230-08-170 Punchboard and pull tab retention; amendment to WAC 230-30-018 Sellers of punchboards, pull tab, or pull tab dispensing devices to put commission stamp numbers on invoices; and amendment to WAC 230-30-103 Standards for construction of pull tabs.

Description of Purpose: Revise rules to provide better standards for manufacture and control of punchboards and pull tabs.

Statutory Authority: RCW 9.46.070(8), (11) and (14).

Summary of Proposed Rules and Reasons Supporting Action: Amendment to WAC 230-08-170, provides more definitive guidelines for the disposition of punchboards and pull tab series found to be defective to ensure better control over defective merchandise; amendment to WAC 230-30-018, provides better guidelines in accounting for gambling equipment by commission identification stamp number to include instructions on equipment returned to a manufacturer. Revision will provide better control over such equipment; and amendment to WAC 230-30-103, provides improved standards for construction of pull tabs to improve protection to the public.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, and Elwin Hart, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-0865 scan, 753-0865 comm.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments.

AMENDATORY SECTION (Amending Order 114, filed 10/15/81)

WAC 230-08-170 PUNCHBOARD AND PULL TAB RETENTION. (1) Each punchboard which is removed from operation for any

reason, except for surrender to the commission, shall be retained by the operator for at least six months following the last day of operation of said board and the board so removed with the prize flare attached thereto, together with the winning punches of \$5 and above from said board, shall remain available for inspection by the commission or its agents and local law enforcement agencies and taxing agencies.

(2) Each pull tab series which is removed from operation for any reason, except for surrender to the commission, the prize display flare for that pull tab series containing the gambling commission identification stamp, together with the unused pull tabs and winning pull tabs of \$5 and above in that series, shall be retained by the operator for at least six months following the last day of operation of said pull tab series and remain available for inspection by the commission or its agents and local law enforcement and taxing agencies.

(3) Licensees shall account for each punchboard and pull tab series purchased. Punchboards or pull tab series not placed out for public play or returned to the distributor or manufacturer must be retained. A punchboard or pull tab series deemed by the licensee to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without the written approval of the Gambling Commission. When a punchboard or pull tab series is found to be defective after it has been put into play, the licensee will record the defective punchboard or pull tab series on the monthly report required by WAC 230-08-010 and retain for six months unless released by the Gambling Commission. All punchboards and pull tab series returned to distributors and manufacturers shall be listed by commission stamp number on an invoice used in connection with the transaction.

AMENDATORY SECTION (Amending Order 23, filed 9/23/74)

WAC 230-30-018 SELLERS OF PUNCHBOARDS, PULL TABS, OR PULL TAB DISPENSING DEVICES TO PUT COMMISSION STAMP NUMBERS ON INVOICES. Persons selling or otherwise furnishing punchboards, pull tabs, or pull tab dispensing devices shall set out the commission stamp number of each item sold on each invoice and other documents used in connection with the sale.

Distributors shall account for each punchboard, pull tab series, and mechanical pull tab dispensing device which has a commission identification stamp affixed thereto. All punchboards, pull tab series, and mechanical pull tab dispensing devices returned to the manufacturer shall be listed by the commission identification stamp on an invoice used in connection with the transaction.

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 78, filed 11/17/77)

WAC 230-30-103 STANDARDS FOR CONSTRUCTION OF PULL TABS. (1) Pull tabs shall be constructed so that it is impossible to determine the concealed number, symbol, or set of symbols, on the pull tab until it has been dispensed to and opened by the players, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

(2) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(3) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(4) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the

paper stock shall be color coded when individual series numbers are repeated.

(5) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(6) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington State Gambling Commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of the mechanical pull tab dispensing devices approved for use in this state by the Washington State Gambling Commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(7) Length and width.

(a) Vendable pull tabs

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 3/4 inches by 1 7/8 inches plus or minus 1/2 inch.

(b) Nonvendable pull tabs - manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and may not vary by more than 1/32 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(8) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights or any other method.

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.

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

WSR 84-10-041

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-32—Filed May 1, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is conservation of coastal coho salmon stocks while allowing a limited chinook salmon fishery requires these regulations be filed to conform Washington state regulations with those adopted by the Pacific Fisheries Management Council.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 30, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000D SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean waters, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10 except as provided for in this section:

(1) Those waters northerly of a line projected due west from Klipsan Beach and southerly of a line projected due west from the mouth of the Queets River and within six miles of shore, Grays Harbor, and Willapa Bay - Special daily bag limit of two chinook salmon not less than 24 inches in length and all other salmon must be released immediately - Open the Saturday preceeding Memorial Day through June 17, 1984, or until a quota of 5,900 chinook salmon is taken, whichever occurs first. The possession limit may not exceed two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(2) Those waters northerly of a line projected due west from Cape Alava and within three miles of shore - Special daily bag limit of two chinook salmon not less than 24 inches in length and all other salmon must be released immediately - Open July 1, through July 27, 1984, or until a quota of 700 chinook salmon is taken, whichever occurs first. The possession limit may not exceed two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(3) Those waters northerly of a line projected due west from the mouth of the Queets River and within three miles of shore - Bag limit F - Open July 28, 1984 until further notice or until a quota of 200 chinook salmon or 6,500 coho salmon is taken, whichever occurs first.

(4) Those waters southerly of a line projected due west from Cape Shoalwater and northerly of a line projected due west from Klipsan Beach, those waters southerly of a line projected due west from the tip of the south jetty of the Columbia River and northerly of a line projected due west from Cape Falcon and within ten miles of shore, and Willapa Bay - Bag limit F - Open July 28, 1984 until further notice or until a quota of 3,500 chinook salmon or 43,000 coho salmon is taken, whichever occurs first.

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 220-56-11600A SALMON—LAWFUL GEAR. Notwithstanding the provisions of WAC 220-56-116, effective immediately until further notice it is unlawful to use barbed hooks while angling for salmon in all waters of Puget Sound, all marine waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean waters, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10. (Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured)

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.

WSR 84-10-042
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-33—Filed May 1, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to subsistence fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is ceremonial and subsistence allotments of salmon have been taken and salmon conservation needs prevail.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 1, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-05500H CEREMONIAL AND SUBSISTENCE FISHING. Notwithstanding the provisions of WAC 220-32-055, effective 12:00 noon May 2, 1984 until further notice it is unlawful for any Treaty Indian fisherman to fish for or possess salmon taken for

ceremonial or subsistence purposes except that Treaty Umatilla Indians may fish for salmon under the permit conditions of Umatilla ceremonial and subsistence salmon permits 84-3, 84-4, 84-5 and 84-6.

WSR 84-10-043
PROPOSED RULES
COUNCIL FOR
POSTSECONDARY EDUCATION
[Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning residency status for higher education, chapter 37, Laws of 1982 1st ex. sess.;

that the agency will at 9:00 a.m., Tuesday, June 19, 1984, in the Western Washington University, 340 Old Main, Bellingham, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is section 4, chapter 37, Laws of 1982 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 31, 1984.

Dated: May 1, 1984

By: Carl A. Trendler
Executive Coordinator

STATEMENT OF PURPOSE

Re: Residency status for higher education.

Statement of Purpose: This statement of purpose is written in compliance with section 23, chapter 186, Laws of 1980, and to accompany the notice of intention to adopt, amend, or repeal rules by the Council for Postsecondary Education.

Title: Amendments modifying sections dealing with establishing residency status for higher education.

Summary: These amendments provide exemptions from nonresident tuition and fees for active duty military spouses and dependents and refugee's spouses and dependents as specified in chapter 232, Laws of 1984.

Institution Personnel Responsible for Drafting, Implementation and Enforcement of Rules: Jackie M. Johnson, Council for Postsecondary Education, 908 East Fifth Avenue, EW-11, Olympia, WA 98504.

Governmental Organization Proposing the Rule: Council for Postsecondary Education.

Institutional Comments Regarding Statutory Matters: Not applicable.

Rule is not necessary as a result of federal law or court action.

AMENDATORY SECTION (Amending Order 10-82, Resolution No. 83-1, filed 9/8/82)

WAC 250-18-060 EXEMPTIONS FROM NONRESIDENT STATUS. In accordance with RCW 28B.15.014, certain nonresidents shall be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential

shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

(1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;

(2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week; ((or))

(3) Is a faculty member, classified staff member, or administratively exempt employee holding not less than a half-time appointment, or the spouse or dependent child of such a person((-));

(4) Is an active duty military personnel of field grade or lower rank, or the spouse or dependent child or such person, for the first twelve months stationed in the state of Washington; or

(5) Is an immigrant having refugee classification from the U.S. Immigration and Naturalization Service or the spouse or dependent child of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

WSR 84-10-044
PROPOSED RULES
BOARD OF HEALTH
[Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning bulk food storage and display, chapter 248-84 WAC; amending WAC 248-84-002, 248-84-030, 248-84-035 and new WAC 248-84-062;

that the agency will be 9:00 a.m., Wednesday, June 13, 1984, in the Energy Facility Site Evaluation Council, Lacey, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.20.050.

The specific statute these rules are intended to implement is RCW 43.20.050.

Dated: May 2, 1984
By: John A. Beare, MD
Director, Division of Health

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 248-84-002 Bulk foods, storage and display, 248-84-030, 248-84-035 and new WAC 248-84-062. New section WAC 248-84-062, Bulk foods, storage and display and two new definitions in WAC 248-84-002.

The Purpose of this Amendment to the Existing Food Service Sanitation Rules: To provide specific regulation of bulk food sales.

The Reasons These are Necessary: There have been problems with contamination of bulk foods in other areas where they are more prevalent; this type of merchandising is currently expanding rapidly in the state; and existing rules are vague and do not specifically address bulk food sales.

Statutory Authority: RCW 43.20.050.

Summary of the Rule or Rule Change: These new sections define bulk foods and focus on controlling bulk food sales by requiring supervision of the bulk food area and specifying measures to prevent contamination of these foods.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Charles A. Bartleson, Food Programs Supervisor, Environmental Health Programs, Mailstop: LD-11, Phone: 753-2555.

Thirty-one jurisdictional health districts or departments will enforce these rules.

Rules are Proposed by: Washington State Environmental Health Directors Food Committee and the Environmental Health Services Section, OEHP, Division of Health, DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982 since most businesses both large and small are already in substantial compliance with this rule. There will not be a significant economic impact on these businesses affected by this rule amendment.

AMENDATORY SECTION (Amending Order 203, filed 10/01/80)

WAC 248-84-002 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of these rules and regulations:

(1) "Adulterated" ((=)) shall mean the condition of a food:

(a) If ((†)) a food bears or contains any poisonous or deleterious substance in a quantity which may render ((†)) the food injurious to health;

(b) If ((††)) a food bears or contains any added poisons or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;

(c) If ((††)) a food consists in whole or in part of any filthy, putrid, or decomposed substance, or if ((††)) the food is otherwise unfit for human consumption;

(d) If ((††)) a food has been processed, prepared, packed, or held under insanitary conditions, whereby ((††)) the food may have been rendered injurious to health;

(e) If ((†††)) a food container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or

(f) If ((††)) a food is in whole or in part the product of a diseased animal, or an animal which has died other than by slaughter: PROVIDED, That game animals which died other than by slaughter and which meet all other criteria of this definition, may be approved by the health officer for use by temporary food service establishments.

(2) "Approved" ((=)) shall mean acceptable to the health officer based on ((his/her)) his or her determination as to conformance with appropriate standards and good public health practice.

(3) "Bulk food" shall mean processed or unprocessed food, including ready to eat foods, such as dry beans, grains, flour products, macaroni products, dried fruits, candy, nuts, granola, oils, spices, honey, syrups, chocolate, snack foods, bakery items, powdered mixes, dry milk, dry cheese, and similar foods not individually packaged from which the consumer may select desired amounts of food. Bulk food does not include: Potentially hazardous food; raw fruits or vegetables or buffet, salad bar, or smorgasbord-type of service in restaurants or similar food service establishments.

(4) "Closed" ((=)) shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

((††)) (5) "Corrosion-resistant material" ((=)) shall mean a material ((which maintains)) maintaining its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.

((†††)) (6) "Easily cleanable" ((=)) shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

~~((6))~~ (7) "Employee" (=) shall mean the permit holder, individuals having supervisory or management duties, and any other person working in a food service establishment.

~~((7))~~ (8) "Equipment" (=) shall mean all stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of food service establishments.

~~((8))~~ (9) "Food" (=) shall mean any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use, or for sale in whole or in part for human consumption.

~~((9))~~ (10) "Food-contact surfaces" (=) shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

~~((10))~~ (11) "Food processing establishment" (=) shall mean any commercial establishment, other than a restaurant, snack bar, mobile restaurant, temporary food services establishment, retail bakery or catering kitchen, ~~(in which)~~ where food is processed or otherwise prepared or packaged, or where any potentially hazardous food is placed, packaged or repackaged into another container for consumption or for resale.

~~((11))~~ (12) "Food service establishment" (=) shall mean, but not be limited to: Any restaurant; snack bar; tavern; bar; night club; industrial feeding establishment; grocery store; retail meat market; retail fish market; retail bakery; delicatessen; mobile food service unit; temporary food service establishment; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place ~~(in which)~~ where food or drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation where food is served or provided for the public with or without charge.

~~((12))~~ (13) "Health officer" (=) shall mean the city, county, city-county, or district health officer as defined in RCW 70.05.010(2) or ~~(his/her)~~ his or her authorized representative.

~~((13))~~ (14) "Hermetically sealed container" (=) shall mean a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of ~~(its)~~ the container's contents after processing.

~~((14))~~ (15) "Kitchenware" (=) shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.

~~((15))~~ (16) "Mislabelled" (=) shall mean the presence of any written, printed, or graphic matter(;) upon or accompanying food or containers of food which is false or misleading(;) or ~~(which violates)~~ violating any applicable state or local labeling requirements.

~~((16))~~ (17) "Mobile food unit" (=) means a food service establishment designed to be readily movable.

~~((17))~~ (18) "Person" (=) shall mean an individual, firm, corporation, partnership, association, or agency of state, county, or municipal government, or agency of the federal government ~~(which is)~~ subject to the jurisdiction of the state.

~~((18))~~ (19) "Person in charge" (=) shall mean the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

~~((19))~~ (20) "Potentially hazardous food" (=) shall mean any food ~~(which consists)~~ consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other natural or synthetic ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods ~~(which have)~~ having a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

(21) "Ready-to-eat food" shall mean bulk food normally eaten by the consumer without cooking. Nuts in the shell are not included in this definition.

~~((20))~~ (22) "Reconstituted" (=) shall mean dehydrated food products recombined with water or other liquids.

~~((21))~~ (23) "Sanitization" (=) shall mean effective bactericidal treatment by a process ~~(that provides)~~ providing enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils, work surfaces, and equipment.

~~((22))~~ (24) "Sealed" (=) shall mean free of cracks or other openings ~~(that permit)~~ permitting the entry or passage of moisture.

~~((23))~~ (25) "Single-service articles" (=) shall mean cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

~~((24))~~ (26) "Tableware" (=) shall mean all multi-use eating and drinking utensils.

~~((25))~~ (27) "Temporary food service establishment" (=) shall mean a food service establishment ~~(that operates)~~ operating at a fixed location for a period of time of not more than ~~((14))~~ fourteen consecutive days in conjunction with a single event or celebration.

~~((26))~~ (28) "Utensil" (=) shall mean any implement used in the storage, preparation, transportation, or service of food.

~~((27))~~ (29) "Wholesome" (=) shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

AMENDATORY SECTION (Amending Order 203, filed 10/01/80)

WAC 248-84-030 SANITARY DESIGN, CONSTRUCTION, AND INSTALLATION OF EQUIPMENT AND UTENSILS. (1) All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, ~~(shall be)~~ in good repair, and meet the requirements of the national sanitation foundation or equivalent. The food contact surfaces of such equipment and utensils shall be easily accessible for cleaning, nontoxic, corrosion resistant, and nonabsorbent.

(2) All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas. The equipment shall not be located under exposed or unprotected sewer lines, open stairwells, or other sources of contamination.

(3)(a) All food service establishments ~~(in which)~~ where the operations require cleaning and sanitizing of equipment and utensils shall be equipped with either approved mechanical dishwashing facilities or facilities for proper manual dishwashing operations.

(b) When equipped with a mechanical dishwashing unit, a sink with a minimum of two compartments shall also be provided in the dishwashing area.

(c) When manual dishwashing operations are used, a sink with a minimum of three compartments shall be provided in the dishwashing area.

(d) In bars and taverns, an extra sink compartment shall be provided at the bar in addition to those necessary for normal cleaning and sanitizing processes: PROVIDED, That ~~(this)~~ subsections (3)(b) and ~~(subsection 2))~~ (3)(d) of this section shall only apply to food service establishments constructed or remodeled after the effective date of these regulations.

(e) Sinks used for ~~(hand washing)~~ handwashing or equipment or utensil washing shall not be used for food preparation.

AMENDATORY SECTION (Amending Order 203, filed 10/01/80)

WAC 248-84-035 EQUIPMENT AND UTENSIL CLEANING AND SANITATION. (1) All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.

(2) Cooking surfaces of equipment shall be cleaned at least once a day.

(3) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food storage utensils, shall be thoroughly cleaned after each use. All utensils and food-contact surfaces of equipment used in preparation, service, display, or storage of potentially hazardous food shall be sanitized prior to such use, and following any interruption of operations during which contamination of the food-contact surfaces is likely to have occurred.

(4) Where equipment and utensils are used for the preparation of potentially hazardous food on a continuous or a production line basis, the food-contact surfaces of such equipment(;) and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule approved by the health officer.

(5) ~~(Nonfood-contact)~~ Nonfood-contact surfaces of equipment shall be cleaned at such intervals as to keep ~~(them)~~ the surfaces in a clean and sanitary condition.

(6) Cleaning and sanitizing of kitchenware, tableware, food contact surfaces of equipment and utensils shall conform to methods approved by the health officer.

(7) Cloths used for wiping food spills on tableware, such as plates or bowls being served to the customer, shall be clean, dry, and used for no other purpose.

(8) Moist cloths used for wiping up food spills or wiping work surfaces or equipment or utensils or food workers' hands shall be clean and shall be rinsed frequently in an approved sanitizing solution and used for no other purpose.

NEW SECTION

WAC 248-84-062 BULK FOODS, STORAGE, AND DISPLAY. The requirements for bulk foods are the same as for other foods except as specified in this section.

(1) All bulk food display units shall be properly labeled including the common name of the food and/or ingredients (if applicable). Labels for customers to identify bulk foods purchased shall be available upon request. Stocking practices shall promote proper stock rotation.

(2) All bulk food display units shall be separated from any containers of chemicals which might contaminate bulk foods and from pet food by some means approved by the health officer; such as horizontal or vertical separation, separate aisles, or partitions. Bulk containers of chemicals or pet food shall be properly labeled.

(3) A person shall be designated by the management of each food service establishment selling bulk food to be responsible for the bulk food area. This assigned person is responsible for overseeing bulk food operations and shall:

(a) Police the bulk food storage and display areas to discourage tampering with bulk foods and to prevent contamination of bulk foods by customers;

(b) Label bulk food display units, clean up any spills that occur, and rotate stock;

(c) Clean and sanitize storage containers and utensils used for food storage or handling of bulk foods;

(d) Dispose of any bulk foods returned to the food service establishment.

(4) Ready-to-eat bulk food shall be protected from potential sources of contamination by the following methods during dispensing:

(a) Foods shall be dispensed by an employee possessing a valid food and beverage service workers permit; or

(b) Foods shall be dispensed by gravity feed, glove box system, or other types of dispensers approved by the health officer; or

(c) Foods shall be dispensed by the customer: PROVIDED, That the consistency (stickiness) or shape of the food precludes dispensing by the preceding methods and: PROVIDED FURTHER, That foods are dispensed from an approved bulk food display unit with a self-closing lid using proper utensils.

(5) All bulk foods shall be stored and displayed in properly constructed display units or storage containers with properly constructed covers or lids. Properly designed, easily cleanable scoops, or other dispensing utensils shall be present to minimize hand contact with bulk foods. When bulk food storage containers are lined with plastic liners, liners shall be food-grade plastic only. The use of garbage can liners for lining bulk food containers is prohibited.

(6) All containers used for display of ready-to-eat foods shall be at least thirty inches at the lowest access point above floor level, except for honey, oil, or similar liquid products as approved by the health officer.

(7) Any spilled bulk food shall be cleaned up immediately using vacuums, brooms, or mops as appropriate. All spilled bulk food shall be discarded. Any bulk food returned to the food service establishment shall not be returned to the storage container or display unit or resold. Any returned bulk food shall be promptly discarded.

(8) Dispensing utensils shall be stored in the food with the handle extended out of the food or stored clean and dry in a protective enclosure or utensil holder. A separate utensil shall be provided for each food item. Bulk food containers and utensils shall be cleaned and sanitized prior to refilling or when the containers become soiled.

(9) Regular surveillance of bulk food storage and display areas for evidence of pests shall be performed by a qualified store employee or licensed pest control operator. If any evidence of infestation is discovered, appropriate control measures shall be implemented. If pesticides are applied, only a licensed store employee or pest control operator shall make such application. Pesticides, if used, shall be applied in accordance with label directions. Adequate precautions shall be taken to ensure contamination of bulk foods or food contact surfaces does not occur.

(10) WAC 248-152-030(7) prohibits smoking in all public areas of retail food stores. No smoking signs shall be posted in the bulk food display areas. Store employees should inform smokers of this requirement when smoking is observed.

(11) WAC 248-84-062 shall apply to all new bulk food operations starting on or after July 1, 1984. Existing bulk food operations in place before July 1, 1984, have until January 1, 1985, to comply with requirements contained in subsections (2), (4), (5), (6), and (8) of this section.

WSR 84-10-045

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Commission for Vocational Rehabilitation)

[Order 2098—Filed May 2, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating:

Amd WAC 490-500-055 Vocational rehabilitation—Notice to applicant.

Amd WAC 490-500-420 Vocational rehabilitation—Maintenance.

This action is taken pursuant to Notice No. WSR 84-07-005 filed with the code reviser on March 9, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.29.025 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.29 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 2, 1984.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-055 NOTICE TO APPLICANT.

(1) The individual shall be notified in writing of the action taken on ((~~eligibility or~~)) ineligibility.

(2) He shall be informed of the division's procedure for administrative review and fair hearings if he is dissatisfied with the division's decision.

(3) If the applicant was determined to be ineligible for vocational rehabilitation services, the certification shall specify in detail how he failed to meet the criteria of eligibility.

((~~(4) If the applicant was determined to be eligible for vocational rehabilitation services, the notice shall specify the date of certification of eligibility.~~))

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-420 VOCATIONAL REHABILITATION SERVICES—MAINTENANCE. (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs,

and other subsistence expenses which are essential to enable him to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services shall be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation process, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

(4) ~~((Maintenance services provided in connection with diagnostic services shall be provided without regard to the economic need of the client.))~~ The provision of maintenance services ~~((in connection with any other type of service))~~ shall be conditioned on the economic need of the client.

WSR 84-10-046

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1823—Filed May 2, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to marketing order for Washington mint to increase the assessment to 3.5 cents per pound of mint oil, chapter 16-540 WAC.

This action is taken pursuant to Notice No. WSR 84-04-018 filed with the code reviser on January 24, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.65 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 2, 1984.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1406, filed 7/23/75)

WAC 16-540-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The fixed annual assessment on all varieties of mint oil subject to this marketing order shall be ~~((two))~~ three and one-half cents per pound of oil as weighed by first purchaser.

(b) First purchasers shall collect assessments at time of payment for oil, from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board. Producers and producer-handlers who ship their oil direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes. However, if at the end of any fiscal year, the unexpended moneys on deposit with the board shall exceed the total assessments received during that fiscal year, no assessment shall be levied during the next succeeding fiscal year.

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

WSR 84-10-047

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning parking policy, amending WAC 174-116-011 through 174-116-123;

that the institution will at 2:15 p.m., Wednesday, June 6, 1984, in the Board of Trustees Room, Library Building, Room 3112, The Evergreen State College, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing, effective September 1, 1984.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 29, 1984.

Dated: May 1, 1984
 By: Richard N. Schwartz
 Acting President

STATEMENT OF PURPOSE

Campus parking and traffic regulations.

Statutory Authority: WAC 174-116-010 through 174-116-260.

Summary of Rule: Establishes regulations which expedite college business, protect state property, provide maximum safety and assure access at all times for emergency vehicles and personnel, and publish the cost of parking permits and fines.

Agency Personnel Responsible: Ken Jacob, Director of Auxiliary Services, 866-6000, ext. -6192, and Gary Russell, Chief of Security, 866-6000, ext. -6140; The Evergreen State College, Olympia, WA 98505, TA-00.

The Evergreen State College, a public educational institution, higher education system of the state of Washington, Olympia, WA 98505.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-011 REGULATIONS. Drivers and owners of vehicles on the property of The Evergreen State College are responsible for safe and lawful operation of those vehicles. Individuals operating or parking vehicles on college-owned property must at all times comply with the campus regulations, ordinances of Thurston County and laws of the state of Washington.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-040 PARKING PERMITS—GENERAL INFORMATION. (1) Parking permits are issued by the security and parking office following application and the payment of the appropriate fees. All privately-owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to ~~((4:00))~~ 7:00 p.m., Monday through Friday, and at such other times as the college may designate.

(2) Fees for parking permits are as follows:

	Automobile	Motorcycle
Quarterly	((+6.00)) 22.00	((8.00)) 11.00
Annual	((40.00)) 54.00	((20.00)) 27.00
Daily	((-.50)) .75	((-.50)) .75

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-044 PARKING PERMITS—VALIDITY PERIODS. (1) Annual parking permits shall be valid from the date of issue until the first day of the following fall quarter.

(2) Quarterly parking permits shall be valid from the date issued each academic quarter until the first day of the following academic quarter.

(3) Daily permits shall be valid from the time purchased until ~~((4:00))~~ 7:00 p.m. on the date of purchase.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-119 FINES. (1) Payment.

(a) Persons cited for violation of these regulations may respond by paying a fine within ten days of the date of notice of infraction. Such payment shall constitute a waiver of the right to request a review as described in WAC 174-116-121.

(b) All fines are payable to The Evergreen State College cashier. Fines may be paid in person or by mail by sending the notice of infraction and amount of fine to The Evergreen State College cashier. The cashier will not discuss the appropriateness of the fine with the payor.

(2) Unpaid.

If any fine remains unpaid after ~~((ninety))~~ sixty days from the date of the notice of infraction, the following action ~~((with))~~ may be taken by The Evergreen State College:

(a) All services on campus may be withheld including academic registration for the following quarter ((shall be prohibited)).

(b) Transcripts ~~((shall))~~ may be withheld for any persons having outstanding unpaid fines.

(c) Unless payment of the fine has been made, the amount of the fine ~~((with))~~ may be deleted from an employee's paycheck after ~~((the employee has been offered the right of a hearing as contained in this document))~~ notice from the controller.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-122 APPEAL/HEARING PROCEDURE. (1) If the decision of the infraction review committee is not supportive of the alleged violator's request, the alleged violator may request a hearing before the review committee to present his/her case in person. The infraction review committee will meet a minimum of once a month (usually the first Wednesday of the month) to hear such appeals.

(2) Persons requesting a hearing before the infraction review committee must make such requests to the chairperson of the infraction review committee within ten class days of notification of the initial review decision.

(3) The appellant will be notified by the chairperson of the infraction review committee of the time and date of such hearing. Decisions rendered by the infraction review committee on appeals heard shall be binding, except as provided by RCW ~~((28B.10.565))~~ 28B.10.560.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-123 ESTABLISHMENT OF INFRACTION REVIEW COMMITTEE. The Evergreen State College infraction review committee is hereby established, the members of which shall be composed of the following:

- (1) One faculty member chosen by the vice president and provost;
- (2) One exempt staff member chosen by the president;
- (3) One classified staff member chosen by the vice president for business;
- (4) Two currently enrolled students chosen by the Evergreen council; ~~((and))~~
- (5) The chief of security will serve as a nonvoting member; and
- (6) A nonvoting secretary chosen by the chief of security.

WSR 84-10-048
PROPOSED RULES
COUNCIL FOR
POSTSECONDARY EDUCATION
 [Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the displaced homemaker program;

that the agency will at 9 a.m., Tuesday, June 19, 1984, in Western Washington University, 304 Old Main, Bellingham, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 19, 1984.

Dated: May 2, 1984
By: Carl A. Trendler
Executive Coordinator

STATEMENT OF PURPOSE

Re: State of Washington displaced homemaker program.

This statement of purpose is written in compliance with section 2, chapter 186, Laws of 1980, and to accompany the notice of intention to adopt, amend, or repeal rules by the Council for Postsecondary Education.

Title: Amendments modifying regulations for the administration of the displaced homemaker program.

Summary: These amendments make the following changes to the regulations for the administration of the displaced homemaker program: Clarifies specific dates and dollar amounts contained in the sections concerning utilization of contract funds, length of contract periods and contract calendar and closing dates for the 1984-85 fiscal years.

Institution Personnel Responsible for Drafting, Implementation and Enforcement of Rule: Sharyn Ward, Council for Postsecondary Education, 908 East Fifth, Olympia, WA 98504.

Governmental Organization Proposing the Rule: Council for Postsecondary Education.

Institutional Comments Regarding Statutory Matters: Not applicable.

Rule is not necessary as the result of federal law or court action.

AMENDATORY SECTION (Amending Order 3/83, filed 6/29/84 [6/30/83])

WAC 250-44-050 UTILIZATION OF AVAILABLE CONTRACT FUNDS. (1) Each biennium the executive coordinator shall issue contract ~~((reapplication))~~ application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum contract amount for a multipurpose service center to be provided from funds available under the act during the ~~((1983-85 biennium))~~ 1983-85 biennium shall be ~~((53,900))~~ \$3,800 per month.

(b) The maximum contract amount for a contract for a program or programs of service from funds available under the act during the 1983-85 biennium shall be ~~((26,000))~~ ~~((2,600))~~ \$2,500 per month.

(c) ~~((An))~~ ~~((A))~~ A reservation of funds for contracts to provide statewide outreach and information services and/or training for service providers.

(2) At least two multipurpose service centers in major population centers will be supported under the displaced homemaker program, provided adequate funds have been appropriated.

(3) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of services.

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

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.

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 7/79, filed 8/16/79 [8/17/79])

WAC 250-44-060 ELIGIBILITY TO APPLY FOR CONTRACTS. An application for a contract to provide either a multipurpose service center or one or more programs of service for displaced homemakers or training for service providers may be submitted by a sponsoring organization, as defined in WAC 250-44-040(16).

(1) The council will require appropriate documentation of the non-profit status of an applicant which is nonpublic.

(2) Letters of intent, accompanied by the required documentation of non-profit status will be required prior to submission of an application, and will be screened by the council. Sponsoring organizations verified to be eligible will then be invited to submit applications.

(3) Consortiums of appropriate organizations are encouraged, but a single application by a single sponsoring organization, which will serve as fiscal agent for the consortium, is to be submitted for each proposed consortial center, program of service, or multiple programs of service to be operated by a consortium.

~~((4))~~ ~~((A sponsoring organization which applies for and is not awarded a contract to operate a multipurpose service center may submit a subsequent application to operate one or more programs of service and/or training for service providers.))~~

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

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 7/79, filed 8/16/79 [8/17/79])

WAC 250-44-070 STANDARDS TO BE MET BY APPLICANTS. In addition to eligibility as a public or nonprofit organization, each sponsoring organization will be required to provide evidence of adequate staff or governing board provisions to provide ~~((oversight))~~ administrative and financial management oversight services to ensure compliance with contract provisions and conditions.

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

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 7/79, filed 8/16/79 [8/17/79])

WAC 250-44-080 ELIGIBLE EXPENDITURES AND MATCHING REQUIREMENTS. (1) Eligible expenditures. Expenditures eligible to be included in budgets under applications to provide multipurpose centers, programs of service or training for service providers, include all operating expenses needed to carry out the training, counseling, and referral services covered in the proposal, and to provide outreach activities related to the services, subject to the following limitations:

(a) No funds under the contract budgets may be utilized to provide subsistence or stipends for recipients of the services provided.

(b) No funds under the contract budgets may be utilized to pay for student tuition and fees for enrollment in education programs or courses except under specific prior approval by the executive coordinator.

(c) Any out-of-state travel or any subcontracts with other agencies or organizations, to be paid for with funds under contract budgets, must be specifically approved in advance by the executive or his designee; and

(d) Formula allocations of overhead or other expenses of the sponsoring organization not directly related to the provision of the services covered by the contract may not be included in the contract budget, but charges for direct services in support of the contract such as financial accounting services, printing services, transportation, etc., may be included.

(2) Although the contract budget may not support ~~((subsistence))~~ ~~((subsistence))~~ subsistence, stipends, or tuition and fee payments (unless approved in advance) for recipients of services under the contract,

sponsoring organizations are encouraged wherever possible and appropriate to obtain and provide funds for such purposes from other sources (~~((CETA))~~ JTPA, for example) in cases of financial need.

(3) Matching requirements. At least thirty percent of the funding for each center or program supported by a contract under the act must be provided by the sponsoring agency.

(a) Validation of the provision of required matching support will be provided by detail in the budget proposed in each application.

(b) Matching may be provided either in the form of supplemental funds, from any source other than the contract under the act, to pay for services separately accounted for in carrying out the activities covered by the contract, or in the form of contributed services or contributions in-kind also specifically and separately accounted for.

(c) Contributions in-kind may include materials, supplies, chargeable services such as printing services or transportation, salaries and fringe benefit costs for paid employees of the sponsoring organization to the extent such employees work directly in the provision of services under the contract or providing direct support such as secretarial or accounting support, and the equivalent value of contributed volunteer services on the same basis: PROVIDED, That the dollar value of contributed volunteer services shall be calculated by determining the hourly rate for comparable paid positions for which the volunteer is fully qualified, and multiplying the hourly rate times the number of hours of service contributed.

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

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.

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 1/81 [2/82], filed 4/14/81 [7/12/82])

WAC 250-44-090 REQUIRED ASSURANCES. No contract will be awarded unless the sponsoring organization includes in its application the following assurances:

(1) No person in this state, on the grounds of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the act ~~(())~~ ~~(())~~;

(2) The sponsoring organization will actively seek to employ for all staff positions supported by funds provided under the act, and for all staff positions supported by matching funds under any contract, including supervisory, technical and administrative positions, persons who qualify as displaced homemakers;

(3) Services provided to displaced homemakers under the contract will be provided without ~~((charge to them))~~ ~~((payment of any fees))~~ payment of any fees for the services: PROVIDED, That the executive coordinator may approve exceptions to this requirement upon determining that such exceptions would be in the best interest of displaced homemaker program objectives ~~(())~~;

(4) First priority for all services provided under the contract will be given to persons who qualify in all regards as displaced homemakers. Other persons in need of the services due to similar circumstances may be assisted if provision of such assistance will not in any way interfere with provision of services to displaced homemakers as defined in the act. The sponsoring organization will include in its reports separate and distinct accountability for services to displaced homemakers and to other persons in need of the services;

(5) The sponsoring organization agrees to comply in full with the accounting and reporting requirements set forth in WAC 250-44-100 and such other accounting and reporting requirements as may reasonably be established by the executive coordinator.

(6) The sponsoring organization agrees to participate in evaluation procedures to be established pursuant to WAC 250-44-210, including the use of a specified uniform intake classification form for persons to whom services are provided, and specified uniform evaluation questionnaires;

(7) The sponsoring organization will actively seek to coordinate activities under the contract with related activities and services provided by other organizations;

(8) The sponsoring organization understands and agrees that payments from the council under the contract will be provided monthly or quarterly upon submission and approval of ~~((monthly))~~ payment requests in a form and containing information specified by the executive coordinator of the council, and that approval of ~~((monthly))~~ payments shall be conditioned upon the executive coordinator's determination that the sponsoring organization is in compliance with the terms of the contract and chapter 250-44 WAC ~~(())~~ ~~(())~~;

(9) The executive officer of the sponsoring organization has reviewed the application, including all assurances contained therein, and authorized to submit the application and execute a contract in accordance with the application if it is approved by the council; and

(10) The executive coordinator and staff of the council will be provided access to financial and other records pursuant to the contract.

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

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 3/84, filed 6/29/83 [6/30/83])

WAC 250-44-110 LENGTH OF CONTRACT PERIODS. Contract periods for contracts awarded under the act shall be in accordance with each ~~((reapplication))~~ application proposal, subject to contract ~~((reapplication))~~ application guidelines issued by the executive coordinator.

(1) Contracts for operation of multipurpose service centers during the 1983-85 biennium may cover operations beginning as early as ~~((July 1, 1983))~~ September 1, 1984 and ending ~~((August 31, 1984))~~ June 30, 1985.

(2) Contracts for operation of programs of services during the 1983-85 biennium may cover operations beginning as early as ~~((July 1, 1983))~~ September 1, 1984 and ending ~~((August 31, 1984))~~ June 30, 1985.

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

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 3/83, filed 6/29/83 [6/30/83])

WAC 250-44-130 CALENDAR AND CLOSING DATES FOR LETTERS OF INTENT, ~~((REAPPLICATIONS))~~ APPLICATIONS ~~(())~~ AND AWARDS. (1) Sponsoring organizations wishing to ~~((reapply))~~ apply for contracts to continue operation of multipurpose service centers, shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic ~~((applicants))~~ applicants ~~((applications))~~ ~~((reapplications))~~, by Monday, ~~((May 9, 1983))~~ June 18, 1984 as specified in the contract ~~((reapplication))~~ application guidelines.

(2) The executive coordinator or his designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by Monday, ~~((May 16, 1983))~~ June 25, 1984 ~~((or))~~ or seven days from the filing date for letters of intent as specified in the contract ~~((reapplication))~~ application guidelines.

(3) ~~((Reapplications))~~ Applications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection 2 of this section ~~(())~~. The closing dates for such applications by ~~((Tuesday, May 31, 1983))~~ Monday, July 9, 1984 as specified in the contract ~~((reapplication))~~ application guidelines.

(4) Sponsoring organizations wishing to ~~((reapply))~~ apply for contracts to operate programs of service and a statewide outreach and information services program shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by Monday, ~~((May 9, 1983))~~ June 18, 1984.

(5) The executive coordinator or his designee will screen the letters of intent for programs of service and a statewide outreach and information services program, prepare a list of all eligible sponsoring organizations which filed letters of intent, and distribute the list to all organizations on the list, by Monday, ~~((May 6, 1983))~~ June 25, 1984, or seven days from the filing date for letters of intent as specified in the contract ~~((reapplication))~~ application guidelines.

(6) ~~((Reapplications))~~ Applications for contracts for programs of service and a statewide outreach and information services program may be submitted by sponsoring organizations on the list pursuant to subsection 5 of this section by ~~((Tuesday, May 31, 1983))~~ Monday, June 9, 1984 as specified in the contract ~~((reapplication))~~ application guidelines.

(7) The executive committee of the council will approve awards of contracts~~((s))~~, provided qualifying ~~((reapplications))~~ applications were received by the closing dates specified in this section ~~((and))~~ and in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive coordinator may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing center~~((s))s~~ and programs by amendment of contracts in effect.

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

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 84-10-049
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed May 2, 1984]

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 model ordinance for adoption of SEPA procedures, adopting chapter 173-806 WAC, and model ordinance for use in integration of SEPA guidelines, repealing chapter 173-805 WAC;

that the agency will at 2:00 p.m., Thursday, June 7, 1984, in the Department of Ecology's Headquarters Offices, St. Martin's Campus, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.21C.130.

The specific statute these rules are intended to implement is chapter 43.21C RCW, the State Environmental Policy Act.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984
By: Donald W. Moos
Director

STATEMENT OF PURPOSE

Title: Model ordinance for adoption of SEPA procedures.

Description of Purpose: Replace existing chapter 173-805 WAC with chapter 173-806 WAC.

Statutory Authority: RCW 43.21C.130.

Summary of Rule: Establishes procedures for designating SEPA responsible official, responding to a request for early notice (mitigated DNS), preparing an EIS, and meeting public notice requirements. Establishes policies and procedures for conditioning or denying permits or other approvals based on information in SEPA documents. Establishes a fee schedule. Adopts by reference other procedures and criteria in chapter 197-11 WAC, SEPA rules.

Reasons Supporting Proposed Action: By October 1, 1984, cities and counties throughout the state must adopt procedures consistent with chapter 197-11 WAC, which was adopted January 1984 and went into effect April 4, 1984. This model ordinance must be in place before then so cities and counties may use it.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janet R. Rhodes, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6026.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The impacts are the same as those discussed in the SBEIS for chapter 197-11 WAC, which is shown below.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry be reviewed and altered, if necessary, to minimize their impact on small businesses.

Chapter 197-11 WAC implements chapter 117, Laws of 1983. Many requirements of businesses are statutory requirements and therefore cannot be deleted from the implementing regulation. This statement will only be concerned with requirements set forth in the proposed regulation which are not specifically required by the statute.

Many industries could be impacted by chapter 197-11 WAC. Any business proposing any activity which effects the environment is potentially subject to SEPA compliance. However, records of past SEPA activity are not coded by industry and are scattered in some 1500-2000 agencies, including state agencies, cities, counties, and special service districts.

This statement does not attempt to identify the impacts of SEPA by industry or by size of firm, but examines costs to proponents based on the degree of impact to the environment.

During the last five years (1978 through 1982), the Department of Ecology received an average of 300 draft environmental impact statements (EIS) and 3665 final declarations of nonsignificance per year. These averages will be used to estimate total cost of this regulation. Because the cost of compliance with this regulation is governed by degree of environmental impact, not size of firm, it is impossible to compare the economic impact of

small firms versus large firms. However, larger and/or more complex projects generally are more likely to result in greater impact on the environment and also more likely to be undertaken by large firms.

Costs are outlined below for four cases:

Case 1

When compliance requires that an EIS be prepared, (when probable adverse environmental impacts are significant), the cost of preparing the EIS may be absorbed by the agency requiring the EIS or passed on to the applicant. The EIS requirement is statutory. The statute also states that the public must be involved; but does not specify how that involvement shall occur. The proposed regulation specifies involvement as (1) public notice in a newspaper of general circulation, (2) posting of the property, and (3) public hearing (in some cases).

Current cost of one public notice varies from paper to paper in a range from \$40 to \$350. When an EIS is involved, two to three public notices are required, resulting in costs of \$80 to \$1,050. Posting costs are estimated at \$100 to \$300, assuming a \$50 to \$100 range per posting. Public hearings cost involves room rental. Agencies may adopt, by regulation, other public notice alternatives, which may result in less cost to the applicant. If local agencies do not adopt specific public notice requirements, the requirements, as set forth in this regulation, will prevail.

Case 2

There are four criteria which determine compliance under Case 2. They are:

When more than one agency requires a permit or approval;

When the project involves demolition of a building which, if under construction, would require SEPA compliance;

When the action is grading or excavation; or

When it involves a mitigated declaration of nonsignificance (DNS).

Case 2 actions require a 15-day comment period and one public notice estimated at a cost range of \$40 to \$350. Agencies may adopt other forms of public notice, which may result in less cost.

Case 3

Case 3 actions require a DNS but no public notice.

Case 4

Case 4 actions are exempted from SEPA compliance.

General

Some local agencies charge a filing fee when an applicant submits an environmental checklist. These charges appear to range from \$10 to \$270 per checklist and would be added to costs outlined in cases 1 through 3.

Based on a September 1978 study entitled "Green Goals and Greenbacks, A Comparative Study of State Level Environmental Impact Statement Programs and Their Associated Costs," by S. L. Hart and G. A. Enk of The Institute on Man and Science, 80 percent of all

actions are exempted from SEPA compliance (Case 4), 1 percent require preparation of an EIS (Case 1), and the other 19 percent require preparation of a DNS (Cases 2 and 3). Historical data to segregate SEPA impact by size of firm and by industry is available. However, the process would require several man-months to individually inspect and code files of 1500-2000 state and local agencies. This outlining of cost ranges of SEPA compliance should serve to satisfy the intent of the Regulatory Fairness Act.

MODEL ORDINANCE — Chapter 173-806 WAC

NEW SECTION

WAC 173-806-010 AUTHORITY. The city/county of _____ adopts this ordinance under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904.

NEW SECTION

WAC 173-806-020 ADOPTION BY REFERENCE. The city/county adopts the following sections or subsections of Chapter 197-11 WAC of the Washington Administrative Code by reference:

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on action during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.
197-11-500	Purpose of this Part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA Register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.
197-11-650	Purpose of this Part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.

197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decisionmaker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.
197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.
197-11-900	Purpose of this Part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.
197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

NEW SECTION

WAC 713-806-030 ADDITIONAL DEFINITIONS. In addition to those definitions contained within WAC 197-11-700 through 799, when used in this ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.

(2) "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.

(3) "Ordinance" means the ordinance, resolution, or other procedure used by the city/county to adopt regulatory requirements.

(4) "Early notice" means the city's/county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).

Reviser's note: The above new section was filed by the agency as WAC 713-806-030. However, the other rules for the Department of Ecology are found in Title 173 WAC. The section above appears to be WAC 173-806-030, but pursuant to RCW 34.08.040, it is published in the same form as filed by the agency.

NEW SECTION

WAC 173-806-040 ADDITIONAL CONSIDERATIONS IN TIME LIMITS APPLICABLE TO THE SEPA PROCESS. The following time limits (expressed in calendar days) shall apply when the city/county processes licenses for all private projects and those governmental proposals submitted to the city/county by other agencies:

(1) *[Optional. Not required under act or rules.]* Categorical exemptions. The city/county shall identify whether an action is categorically exempt within seven days of receiving a completed application.

(2) Threshold determinations.

(a) *[Optional. Further Clarification of 15 day period for threshold determination.]* The city/county should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen days of the date an applicant's adequate application and completed checklist are submitted.

(b) *[Optional. Not Required.]* When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:

(i) The city/county should request such further information within fifteen days of receiving an adequate application and completed environmental checklist;

(ii) The city/county shall wait no longer than thirty days for a consulted agency to respond;

(iii) The responsible official should complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency.

(c) *[Optional. Not required.]* When the city/county must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city/county should complete the studies within thirty days of receiving an adequate application and a completed checklist.

(d) *[Optional]* The city/county shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-045 ADDITIONAL TIMING CONSIDERATIONS. (1) For nonexempt proposals, the DNS or *[Note: select either draft or final EIS.]* _____ EIS for the proposal shall accompany the city's/county's staff recommendation to any appropriate advisory body, such as the Planning Commission.

(2) If the city's/county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city/county conduct environmental review prior to submission of the detailed plans and specifications. *[Note: the following may be added.]* The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is _____.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-050 FLEXIBLE THRESHOLDS FOR CATEGORICAL EXEMPTIONS. [Note: This section is optional. The lowest exempt level in the ranges below apply unless the city/county raises the level based on local conditions, such as previous DNSs on the activities or city/county development codes. The city/county may raise the level for an exemption to any point up to the maximum specified in WAC 197-11-800 (1)(c); once levels are established in this ordinance, the city/county must apply a level to all projects within the geographic area to which the level applies.]

(1) _____ city/county establishes the following exempt levels for minor new construction under WAC 197-11-800 (1)(b) based on local conditions:

(a) For residential dwelling units in WAC 197-11-800 (1)(b)(i) (Note: Range 4-20 units): up to _____ dwelling units.

(b) For agricultural structures in WAC 197-11-800 (1)(b)(ii) (Note: Range 10,000 - 30,000 square feet): up to _____ square feet.

(c) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 (1)(b)(iii) (Note: Range 4,000 - 12,000 square feet and 20 - 40 parking spaces): up to _____ square feet and up to _____ parking spaces.

(d) For parking lots in WAC 197-11-800 (1)(b)(iv) (Note: Range 20 - 40 parking spaces): up to _____ parking spaces.

(e) For landfills and excavations in WAC 197-11-800 (1)(b)(v) (Note: Range 100 - 500 cubic yards): up to _____ cubic yards.

(2) Whenever the city/county establishes new exempt levels under this section, it shall send them to the Department of Ecology, headquarters office, Olympia, Washington, under WAC 197-11-800 (1)(c).

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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 173-806-060 USE OF EXEMPTIONS. (1) Each department within the city/county that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The city/county shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the city/county may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

(a) The city/county shall not give authorization for:

- (i) Any nonexempt action;
- (ii) Any action that would have an adverse environmental impact; or
- (iii) Any action that would limit the choice of alternatives.

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

NEW SECTION

WAC 173-806-070 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES. (1) The department within the city/county receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that

proposal under WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

(2) When the city/county is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the city/county is not the lead agency for a proposal, all departments of the city/county shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city/county department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city/county may conduct supplemental environmental review under WAC 197-11-600.

(4) If the city/county or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city/county must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen day time period. Any such petition on behalf of the city/county may be initiated by _____.

(5) Departments of the city/county are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: PROVIDED, That the responsible official and any department that will incur responsibilities as the result of such agreement must approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses).

NEW SECTION

WAC 173-806-080 TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY. [Optional for cities or towns under 5,000 population and counties of fifth through ninth class.] For any proposal for a private project where the city/county would be the lead agency and for which one or more state agencies have jurisdiction, the city's/county's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city/county shall be an agency with jurisdiction. To transfer lead agency duties, the city's/county's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city/county shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-090 ENVIRONMENTAL CHECKLIST. (1) [Use Option 1 or 2, but not both] (Option 1, using checklist from the rules without changes.) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city/county shall use the environmental checklist to determine the lead agency and, if the city/county is the lead agency, for determining the responsible official and for making the threshold determination.

(Option 2, adding questions to the checklist) A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed,

or SEPA compliance has been initiated by another agency. The checklist shall be in the form of WAC 197-11-960 with the following additions: *[Indicate city's/county's additions.]* _____.

(2) For private proposals, the city/county will require the applicant to complete the environmental checklist, providing assistance as necessary. For city/county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) *[Optional]* The city/county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs: *[Either one or both of the following may be included.]*

(a) The city/county has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-100 MITIGATED DNS. (1) As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the city's/county's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within _____ working days. The response shall:

(a) Be written;

(b) State whether the city/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city/county to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the city/county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city/county shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:

(a) If the city/county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city/county shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).

(b) If the city/county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city/county shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200 foot stormwater retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen day comment period and public notice.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city/county.

(8) If the city's/county's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city/county should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

(9) The city's/county's written response under (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city/county to consider the clarifications or changes in its threshold determination.

NEW SECTION

WAC 173-806-120 PREPARATION OF EIS - ADDITIONAL CONSIDERATIONS. (1) Preparation of draft and final EISs and SEISs is the responsibility of *(department)* under the direction of the responsible official. Before the city/county issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and Chapter 197-11 WAC.

(2) The draft and final EIS or SEIS shall be prepared by city/county staff, the applicant, or by a consultant selected by the city/county or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city/county will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's/county's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

(3) The city/county may require an applicant to provide information the city/county does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the city/county may request under another ordinance or statute.)

NEW SECTION

WAC 173-806-125 ADDITIONAL ELEMENTS TO BE COVERED IN AN EIS. *[This section is completely optional. If used, you may select any of the listed elements or add your own.]* The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this ordinance:

(1) Economy.

(2) Cultural factors.

(3) Social policy analysis.

(4) Cost-benefit analysis.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-130 PUBLIC NOTICE. *[This section is required. Subsections 1 and 2 may be combined.]* (1) Whenever _____ city/county issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city/county shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(b) If no public notice is required for the permit or approval, the city/county shall give notice of the DNS or DS by: *[Note: select at least one of the following]*

(i) Posting the property, for site-specific proposals;

(ii) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(iv) Notifying the new media;

(v) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(iv) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas);

(vii) *[or, specify other method]* _____.

(c) Whenever the city/county issues a DS under WAC 197-11-360(3), the city/county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408.

(2) Whenever the city/county issues a draft EIS under WAC 197-11-455(5) or a supplemental EIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) indicating the availability of the DEIS in any public notice required for a nonexempt license; and

[Note: in addition select at least one of the following or insert all of the list and require that at least one method be used].

(b) Posting the property, for site-specific proposals;

(c) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(e) Notifying the news media;

(f) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(g) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (within general lists or lists for specific proposals or subject areas); [and/or

(h) specify other] _____.

(3) Whenever possible, the city/county shall integrate the public notice required under this section with existing notice procedures for the city's/county's nonexempt permit(s) or approval(s) required for the proposal.

(4) The city/county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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 173-806-140 DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE CITY/COUNTY. (1) The _____ [position title, department, or office] shall be responsible for preparation of written comments for the city/county in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft EIS.

(2) This [person, department or office] shall be responsible for the city's/county's compliance with WAC 197-11-550 whenever the city/county is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city/county.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-150 DESIGNATION OF RESPONSIBLE OFFICIAL. (1) [Note: use Option 1 or 2, but not both.] (Option 1) For those proposals for which the city/county is the lead agency, the responsible official shall be [Note: indicate position title, level within city's/county's organization, elected official title or legislative body] _____.

(Option 2) For public proposals, the head (administrative official) of the department making the proposal shall be the responsible official. For private proposals, the head (administrative official) of the department with primary responsibility for approving the permits and licenses for the proposal shall be the responsible official. When multiple officials have permitting authority, the assignment of responsibility shall be reached by agreement.

(2) For all proposals for which the city/county is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-160 SUBSTANTIVE AUTHORITY. (1) The policies and goals set forth in this ordinance are supplementary to those in the existing authorization of the City of _____ / _____ County.

(2) The (city/county) may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The city/county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) below and cited in the license or other decision document.

(3) The (City/County) may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this ordinance; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) below and identified in writing in the decision document.

(4) The city/county designates and adopts by reference the following policies as the basis for the city's/county's exercise of authority pursuant to this section:

(a) The city/county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The city/county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(c) [Optional] The city/county adopts by reference the policies in the following city/county (codes, ordinances, resolutions, plans): [List the codes, ordinances, resolutions, or plans you have selected, such as zoning ordinance, building codes or comprehensive plans.] _____.

(d) [Optional] The city/county establishes the following additional policies: _____.

(5) [Note: Required by RCW 43.21C.060, unless the city/county council/commission elects to eliminate such appeals and states so in this ordinance.] Except for permits and variances issued pursuant to Chapter _____ of the City/County Code (chapter relating to Shoreline Management), when any proposal or action not requiring a decision of the City/County Council/Commission is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the City/County Council/Commission. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten (10) days of the decision being appealed.

Review by the City/County Council/Commission shall be on a de novo basis.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-170 APPEALS. (1) *[Agency administrative appeal is optional. If allowed, the statute requires that all of this subsection be included, except (c) which is optional.]* _____ city/county establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

(a) Any agency or person may appeal the city's/county's procedural compliance with Chapter 197-11 WAC for issuance of the following: *[Note: Select one or more]*

(i) A final DNS: *[Note: choose one of the following options.]*
(Option 1) Appeal of the DNS must be made to _____ within _____ days of the date the DNS is final (see WAC 197-11-390)

(2)(a).
(Option 2) Appeal of the DNS must be made to _____ within _____ days of the date the DNS is final. Appeal of the substantive determination on the action must be made to _____ within _____ days of the issuance of the permit or other license.

(Option 3) Appeal of the *[city/county must specify DNS, substantive determination on action, or both. If both are allowed, they must be consolidated]* must be made to _____ within _____ days of the date the permit or other approval is issued.

(ii) A DS: The appeal must be made to _____ within _____ days of the date the DS is issued.

(iii) A DS: Appeal of the *[city/county must specify final EIS, substantive determination on the action, or both. If both are allowed, they must be consolidated.]* must be made to _____ within _____ days of the date the permit or other approval is issued.

(b) For any appeal under this subsection, the city/county shall prepare for a record that shall consist of the following:

(i) Findings and conclusions;

(ii) Testimony under oath; and

(iii) A taped or written transcript.

(c) *[Optional]* The city/county may require the appellant to provide an electronic transcript.

(d) The procedural determination by the city's/county's responsible official shall carry substantial weight in any appeal proceeding.

(2) The city/county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. *[The following is optional]* The following permits or approvals require official notice: _____.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-180 ENVIRONMENTALLY SENSITIVE AREAS. *[Optional. If used, all subsections must be included.]* (1) *[Use Option 1 or 2, but not both]*

[Option 1: if maps have been prepared] The map(s) filed under _____ designate the location of environmentally sensitive areas within the city/county and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for that area are: _____. Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city/county.

[Option 2: if environmentally sensitive areas have not been designated] _____ shall designate environmentally sensitive areas under the standards of WAC 197-11-908 and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with _____ and the department of ecology, headquarters office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.

(2) The city/county shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this ordinance, making a threshold determination for all such proposals. The city/county shall not automatically require an EIS

for a proposal merely because it is proposed for location in an environmentally sensitive area.

(3) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-190 RESPONSIBILITY OF AGENCIES — SEPA PUBLIC INFORMATION. The city/county shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW.

NEW SECTION

WAC 173-806-200 FEES. *[This section is completely optional. You may use any or none of subsections 1, 2 or 4 but you must use subsection 3 if other subsections are used.]* The city/county shall require the following fees for its activities in accordance with the provisions of this ordinance:

(1) Threshold determination. For every environmental checklist the city/county will review when it is lead agency, the city/county shall collect a fee of *(\$50.00 or enter a different amount)* from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee. *[Note: The following option may be added: When the city/county completes the environmental checklist at the applicant's request or under section 090(3) of this ordinance, an additional \$_____ shall be collected.]*

(2) Environmental impact statement.

(a) When the city/county is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city/county, the city/county may charge and collect a reasonable fee from any applicant to cover costs incurred by the city/county in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

(b) The responsible official may determine that the city/county will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city/county and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city/county and applicant after a call for proposals. The city/county may require the applicant to post bond or otherwise ensure payment of such costs.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.

(3) The city/county may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this ordinance relating to the applicant's proposal.

(4) The city/county shall not collect a fee for performing its duties as a consulted agency.

(5) The city/county may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by chapter 42.17 RCW.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-210 NOTICE/STATUTE OF LIMITATIONS. *[Optional]* (1) The city/county, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW 43.21C.080.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-806-220 SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

REPEALER

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

- WAC
- 173-805-010 Policies and authority.
 - 173-805-020 Adoption by reference.
 - 173-805-030 Additional definitions.
 - 173-805-040 Time limits applicable to the SEPA process.
 - 173-805-050 Environmentally sensitive areas.
 - 173-805-060 Use of exemptions.
 - 173-805-070 Lead agency determination and responsibilities.
 - 173-805-080 Transfer of lead agency status to a state agency.
 - 173-805-090 Environmental checklist.
 - 173-805-100 Preparation of EIS.
 - 173-805-105 Additional elements to be covered in an EIS.
 - 173-805-110 Designation of official to perform consulted agency responsibilities for the city/county.
 - 173-805-115 Designation of responsible official.
 - 173-805-120 (Optional) SEPA public information center.
 - 173-805-121 Responsibility of agencies—SEPA public information.
 - 173-805-130 Fees.
 - 173-805-135 Notice/statute of limitations.
 - 173-805-140 Severability.

WSR 84-10-050
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 84-14—Filed May 2, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Edmonds, city of, WAC 173-19-3903.

This action is taken pursuant to Notice No. WSR 84-07-054 filed with the code reviser on March 21, 1984. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 30, 1984.

By Donald W. Moos
 Director

AMENDATORY SECTION (Amending Order DE 80-13, filed 5/14/80)

WAC 173-19-3903 EDMONDS, CITY OF. City of Edmonds master program approved January 23, 1976.

Revision approved March 5, 1979. Revision approved May 6, 1980. Revision approved March 21, 1984. Revision approved April 30, 1984.

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 84-10-051
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order 84-17—Filed May 2, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Olympia, city of, WAC 173-19-4203.

This action is taken pursuant to Notice No. WSR 84-07-059 filed with the code reviser on March 21, 1984. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 30, 1984.

By Donald W. Moos
 Director

AMENDATORY SECTION (Amending Order DE 84-9, filed 3/29/84)

WAC 173-19-4203 OLYMPIA, CITY OF. City of Olympia master program approved May 21, 1976. Revision approved March 29, 1984. Revision approved April 30, 1984.

WSR 84-10-052
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- New WAC 458-40-18713 Stumpage values—Tables for July 1 through December 31, 1984.
- New WAC 458-40-18714 Harvester adjustments—Tables for July 1 through December 31, 1984.
- Amd WAC 458-40-18600 General.
- Amd WAC 458-40-18700 Definitions.
- Amd WAC 458-40-18704 Stumpage value areas—Map.
- Amd WAC 458-40-18705 Hauling distance zones—Map.
- Amd WAC 458-40-18706 Timber quality code numbers—Tables.
- Rep WAC 458-40-18701 Small harvester option.
- Rep WAC 458-40-18702 Definitions for small harvester option.

Rep WAC 458-40-18703 Taxable stumpage value for small harvester option;

that the agency will at 10:00 a.m., Wednesday, June 6, 1984, in the Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 204, Laws of 1984.

The specific statute these rules are intended to implement is chapter 204, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1984.

Dated: May 2, 1984

By: John B. Conklin
Forest Tax Supervisor

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Tables for determination of stumpage values—New sections WAC 458-40-18713, 458-40-18714 and amendatory sections WAC 458-40-18600, 458-40-18700, 458-40-18704, 458-40-18705 and 458-40-18706.

Purpose: To establish the values for reporting and payment of the timber excise tax levied by chapter 204, Laws of 1984.

Statutory Authority: Chapter 204, Laws of 1984, which directs the Department of Revenue to prepare tables of stumpage values before June 30 and December 31 of each year to be used for the six month periods thereafter.

Summary and Reasons for the Rule: The tables set out the value of stumpage for each species or subclassification of timber within designated areas having similar growing, harvesting and marketing conditions. These values are to be used for computing the timber excise tax due quarterly by timber harvesters upon timber harvested for sale or for commercial industrial use during the period July 1, 1984, through December 31, 1984.

Drafters of the Rule: John Conklin, (206) 753-2871, and Joe Gienty, (206) 753-1385, Evergreen Plaza Building, Room 303, 711 South Capitol Way, Olympia, WA 98501.

Rule Implementation and Enforcement: Trevor W. Thompson, Director, Property Tax, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

AMENDATORY SECTION (Amending Order FT-83-7, filed 12/30/83)

WAC 458-40-18600 GENERAL. Pursuant to the duty imposed by ~~((RCW 84.33.071))~~ chapter 204, Laws of 1984, to prepare tables of stumpage values for each species of timber and consistent with the

duty to make allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors, the department has promulgated rules and prepared tables which prescribe stumpage values and make allowances for the relevant factors.

Pursuant to the duty imposed by RCW 84.33.073 and 84.33.074 to establish an elective manner for the small harvester to report his forest excise tax, the department has promulgated rules providing for filing an optional short form forest excise tax return.

These rules shall not be construed to affect any public timber contracts in effect prior to August 1, 1982.

AMENDATORY SECTION (Amending Order FT-83-7, filed 12/30/83)

WAC 458-40-18700 DEFINITIONS. (1) Acceptable log scaling rule. The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice (~~shall be an acceptable scaling procedure and provided that such procedure~~) shall be submitted to the department for approval prior to the time of harvest.

(2) Applicable rate of tax. The applicable rate of tax shall be that excise tax rate in effect at the time the timber is harvested.

(3) Approved log scaling and grading rules.

(a) West of the Cascade summit—Approved scaling and grading rule. With respect to the reporting of timber harvested from private or public lands in areas west of the Cascade summit, which areas are designated as stumpage value areas 1, 2, 3, 4, and 5 in the stumpage value area map of WAC 458-40-18704, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" are approved by the department for use in those areas.

(b) East of the Cascade summit—Approved scaling rule. With respect to the reporting of timber harvested from private or public lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18704, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) East of the Cascade summit—Established grading rule. Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private or public land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) Step 1. The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) Step 2. The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) Step 3. The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in step 2.

~~((4))~~ (4) Codominant trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(5) Competitive bidding process. The competitive bidding process means the offering of timber which is advertised to the general public for sale at a public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. For purposes of this chapter the competitive bidding process includes making available to the general public permits for the removal of forest products.

~~((6))~~ (6) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

~~((7))~~ (7) Dominant trees. Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

~~((6))~~ (8) Forest excise tax payment. Every person who is engaged in business as a harvester of timber from privately or publicly owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the ~~((appropriate rate))~~ applicable rate of tax as provided in ~~((RCW 84.33.077))~~ chapter 204, Laws of 1984.

~~((7))~~ (9) Harvester. Harvester shall mean every person who from his own land or from land of another under a right or license granted by lease or contract, either directly or by contracting with others, fells, cuts, or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

~~((8))~~ (10) Harvested timber—When determined. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(11) Harvesting and marketing costs. Harvesting and marketing costs means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest.

~~((9))~~ (12) Harvest type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable sawtimber, all ages—The removal of timber east of the Cascade summit shall be reported as ~~((^))~~merchantable sawtimber, all ages,~~((^))~~ unless the harvest type comes within the definition in this chapter of ~~((^))~~special forest products (~~((harvest-^))~~).

(b) Old growth (~~((final harvest))~~). The removal of any timber from a harvest unit that is 100 years of age or older and west of the Cascade summit shall be reported as ~~((^))~~old growth (~~((final harvest-^))~~) unless the harvest type comes within the definition in this chapter of ~~((^))~~special forest products (~~((harvest-^))~~).

(c) Special forest products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western redcedar products shall be reported as ~~((^))~~special forest products (~~((harvest-^))~~).

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade summit;
(ii) Timber that is less than 100 years of age;
(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young growth (~~((final harvest))~~). The removal of any timber from a harvest unit that is less than 100 years of age and does not meet the definition of thinning in ~~((paragraph (d) of this section))~~ (d) of this subsection and west of the Cascade summit shall be reported as ~~((^))~~young growth (~~((final harvest-^))~~) unless the harvest type comes within the definition in this chapter of ~~((^))~~special forest products (~~((harvest-^))~~) or within the definition of ~~((^))~~thinning (~~((harvest-^))~~).

~~((10))~~ (13) Harvest unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(14) Lump sum sale. A lump sum sale, also known as a cash sale or an installment sale, is a sale of timber wherein the total sale price as determined at the time of sale is final and not dependent upon the volume of timber actually harvested.

~~((11))~~ (15) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(16) Other consideration. As used herein other consideration shall mean improvements to the land that are required by contract by the seller and are of a permanent nature. For instance, other consideration may include, but is not limited to the construction of permanent roads, and the installation of permanent bridges.

(17) Permanent road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest is a permanent road.

~~((12))~~ (18) Private timber. Private timber is all timber harvested from privately owned lands. Private timber includes timber on reclassified reforestation land under chapter 84.28 RCW as amended by chapter 204, Laws of 1984.

(19) Pro rata unit price. The pro rata unit price shall be the result of dividing the total sale price of a lump sum sale by the sale volume.

~~((13))~~ (20) Public timber. Public timber is timber harvested from state, federal, municipal, county, and other government owned lands.

~~((14))~~ (21) Remote island. A remote island is an area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

(22) Sale price. The sale price shall mean the amount paid for standing timber in cash or other consideration.

~~((15))~~ (23) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(24) Scale sale. A scale sale means a sale in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest.

(25) Small harvester. Small harvester means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding 500 MBF in a calendar quarter and not exceeding 1000 MBF in a calendar year of combined public and private harvest (excluding conifer and hardwood utility). It does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvests of forest products classified by the department as special forest products including Christmas trees, posts, shake boards, bolts, flatsawn, and shingle blocks.

(26) Small harvester option. Harvesters of no more than 500 MBF per calendar quarter or a total of 1000 MBF in a calendar year of combined public and private harvest (excluding conifer and hardwood utility) may elect to calculate the timber tax in the manner provided by RCW 84.33.073 and 84.33.074. A harvester who elects to use this option shall use the quarterly reporting forms provided for this option by the department.

~~((16))~~ (27) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof (as defined in Agriculture Handbook No. 541 Checklist of United States Trees (Native and Naturalized)):

(a) ~~((West of the Cascade summit))~~:

(i) "Douglas-fir," "western hemlock," "true fir," "western redcedar," "noble fir," "Sitka spruce," "Alaska-cedar," "red alder," and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (shake blocks and boards), "western redcedar" (flatsawn and shingle blocks), "western redcedar and other" (posts), "Douglas-fir" (Christmas trees), "true fir and others" (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine," "lodgepole pine," "western white pine," "Douglas-fir," "western hemlock," "true fir," "western redcedar," "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas-fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer," as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood," and "other hardwood," as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility," "conifer utility," and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.) Douglas-fir, western hemlock, true fir, noble fir, western redcedar, Alaska-cedar, western larch, ponderosa pine, lodgepole pine, western white pine, Sitka spruce, Engelmann spruce,

red alder, and cottonwood shall be reported as separate species where designated as such in the stumpage value tables.

(b) Species designations for the harvest type special forest products shall be western redcedar shake blocks and boards, western redcedar flatsawn and shingle blocks, western redcedar and other posts, lodgepole pine and other posts, pine Christmas trees, Douglas-fir Christmas trees, Douglas-fir and other Christmas trees, true fir and other Christmas trees.

(c) Other conifer, as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(d) Hardwood, and other hardwood, as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(e) Utility, conifer utility, and hardwood utility are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

~~((17))~~ (28) Stumpage value area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are ten such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18704. Stumpage value areas 1, 2, 3, 4, and 5 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

~~((18))~~ Stumpage value of timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables.)

(29) Taxable stumpage value of timber. The taxable stumpage value of timber shall be the value determined by one of the following methods as appropriate:

(a) Private timber. The taxable stumpage value of private timber shall be the appropriate value for each species of timber harvested, or for each species of special forest product harvested, as set forth in the stumpage value tables adopted under this chapter.

(b) Private timber — small harvester option. The taxable stumpage value for the small harvester option shall be determined by one of the following methods, whichever is most appropriate to the circumstances of the harvest.

(i) Sale of logs — Timber which has been severed from the stump and cut into various lengths for further processing. The taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing. Actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, the deduction shall be a percentage of the gross receipts from the sale of the harvested timber as determined by the department. The deduction shall be fifty percent of the gross receipts. A landowner who has sold logs for a percentage share of gross receipts should report the value received under WAC 458-40-18700(29)(b)(ii).

(ii) Sale of stumpage — Standing or fallen trees which have not been severed from the stump, providing the harvest occurs within twelve months of the date of sale. The taxable stumpage value is the actual gross receipts received for the timber for the most recent sale prior to

harvest. No harvesting and marketing cost deduction is allowable. If harvest occurs more than twelve months after the date of sale, report under WAC 458-40-18700(29)(b)(i).

(c) Public timber. The taxable stumpage value for public timber sales shall be determined as follows:

(i) Noncompetitive sales: Timber not sold by a competitive bidding process shall be valued in the same manner as private timber.

(ii) Scale sales: The taxable stumpage value shall be the sum of the products of each species volume multiplied by the unit price for each species.

(iii) Lump sum sales: For sales in which the harvest is completed within a single quarterly reporting period, the taxable value shall be the actual sale price for the timber in cash or other consideration. For sales in which the harvest extends over more than one quarterly reporting period, the taxable value for each period shall be based on the actual quantity harvested and the estimated pro rata unit price. In no event shall the taxable value of the sale differ from the original sale price in cash or other consideration.

(iv) Sale of logs: When public timber is sold in the form of logs, the taxable value shall be the actual purchase price for the logs less deductions as appropriate for the costs of felling, bucking, and yarding the logs to the point of sale. Cost deductions shall be the actual costs when documented proof of such costs are available. In the absence of verifiable actual cost data, cost deductions shall be based on the appraised costs as appraised by the seller, if available; or an estimate of such costs based on the best available information from the sale of similar timber under similar harvesting conditions.

~~((19))~~ (30) Timber. Timber shall include forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, posts and other western redcedar products.

~~((20))~~ (31) Timber quality code number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18706, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

(32) Unit price. The unit price shall mean the sale price (including cash or other consideration) for each unit of volume. The unit price will most often be expressed as dollars per MBF.

~~((21))~~ (33) This rule shall not be construed to affect any public timber contracts in effect prior to August 1, 1982.

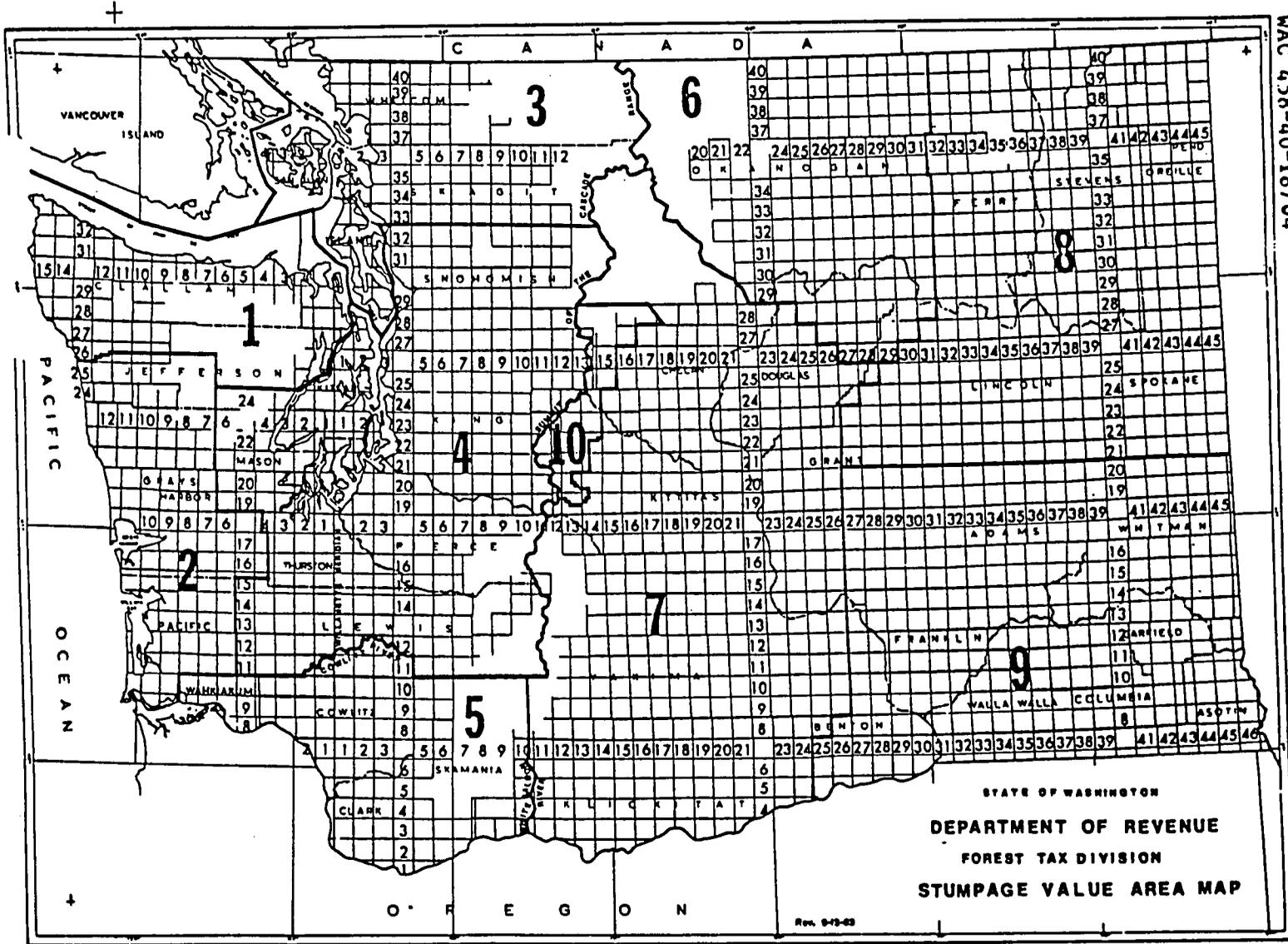
~~((22)) This rule shall become effective January 1, 1984.~~

AMENDATORY SECTION (Amending Order FT-83-7, filed 12/30/83)

WAC 458-40-18704 STUMPAGE VALUE AREAS—MAP. In order to allow for differences in market conditions and other relevant factors throughout the state as required by ~~((RCW 84.33.071(3)))~~ chapter 204, Laws of 1984, the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value.

The following stumpage value area map is hereby adopted:



AMENDATORY SECTION (Amending Order FT-83-7, filed 12/30/83)

WAC 458-40-18705 HAULING DISTANCE ZONES—MAPS. In order to allow for differences in hauling costs and other relevant factors as required by ((RCW 84.33.071)) chapter 204, Laws of 1984, the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which

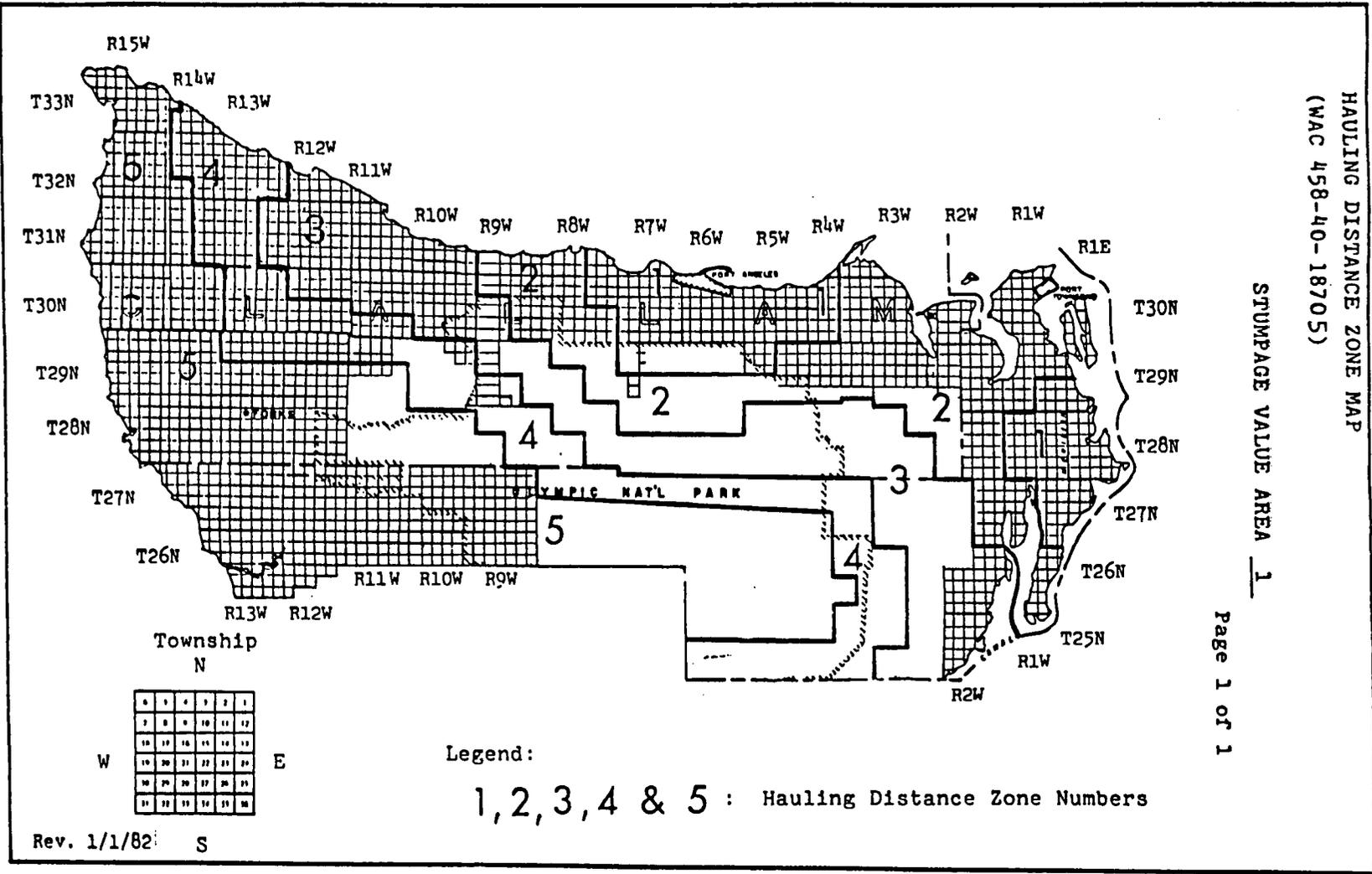
are to be used in computing timber harvest value under the stumpage value tables.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted:

HAULING DISTANCE ZONE MAP
(MAC 458-40-18705)

STUMPAGE VALUE AREA 1

Page 1 of 1



Legend:

1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

6	9	12	15	18
7	8	10	11	12
13	14	16	17	18
19	20	21	22	23
24	25	26	27	28
29	30	31	32	33

W E

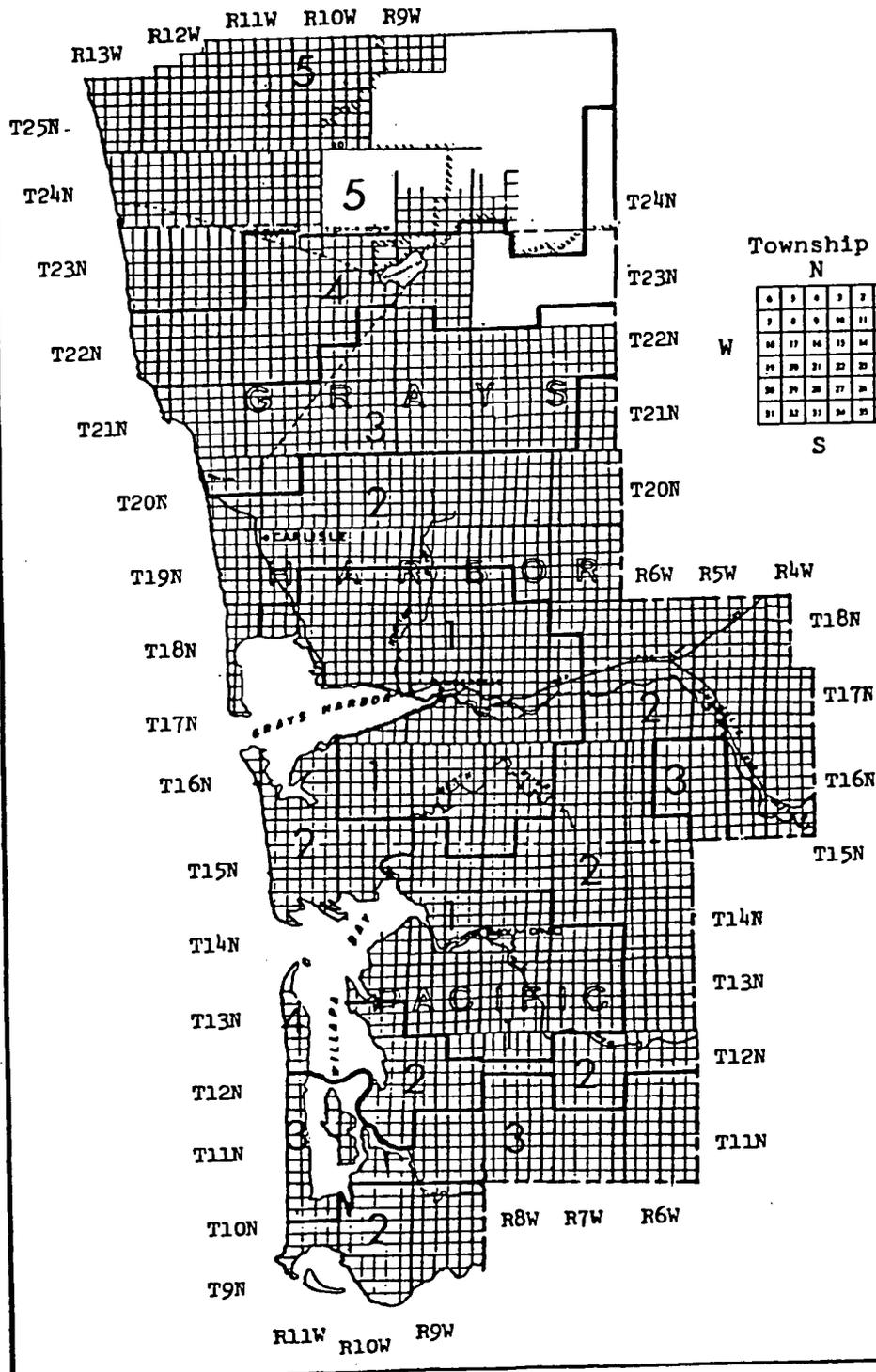
Rev. 1/1/82 S

[91]

HAULING DISTANCE ZONE MAP
(WAC458-40-18705)

STUMPAGE VALUE AREA 2

Page 1 of 1



Township

N				
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
S				

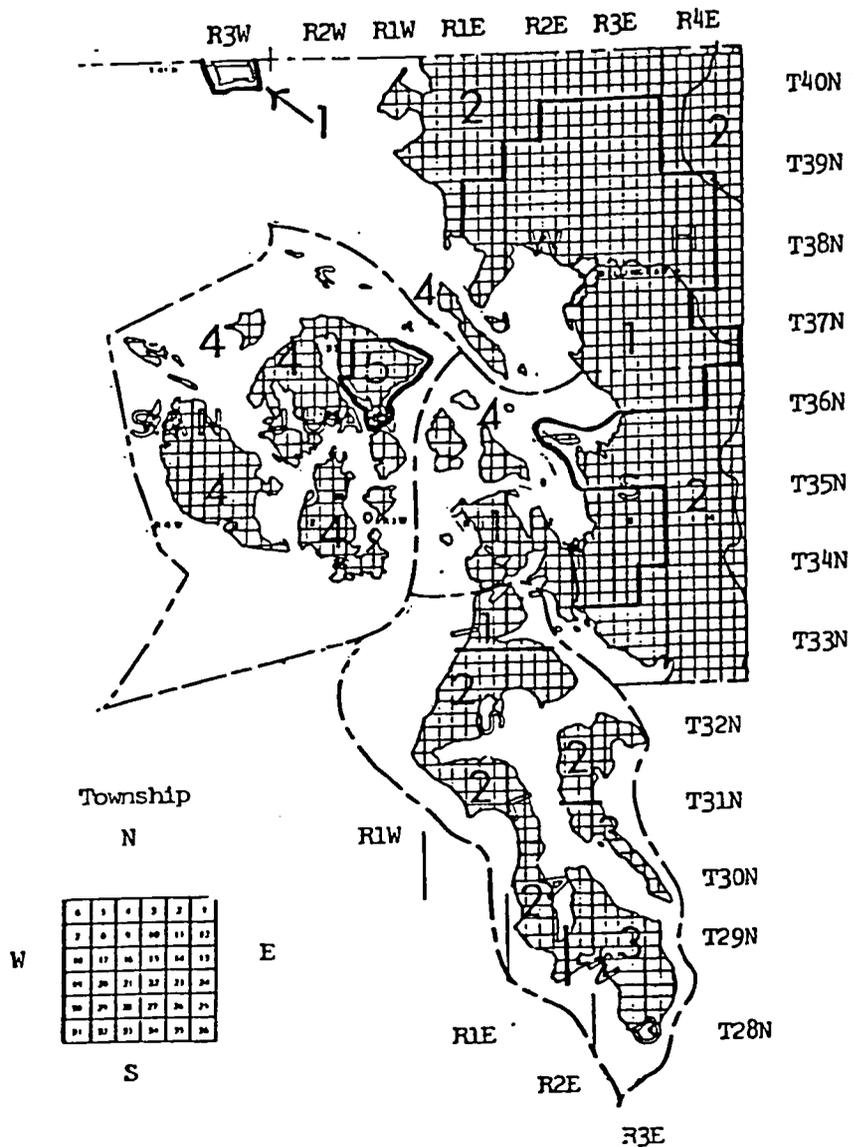
W E

Legend:
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC458-40-18705)

STUMPAGE VALUE AREA 3

Page 1 of 2



Township
N

	6	7	8	9	10	11	12	
W	13	14	15	16	17	18	19	E
	20	21	22	23	24	25	26	
	27	28	29	30	31	32	33	
	S							

Legend:

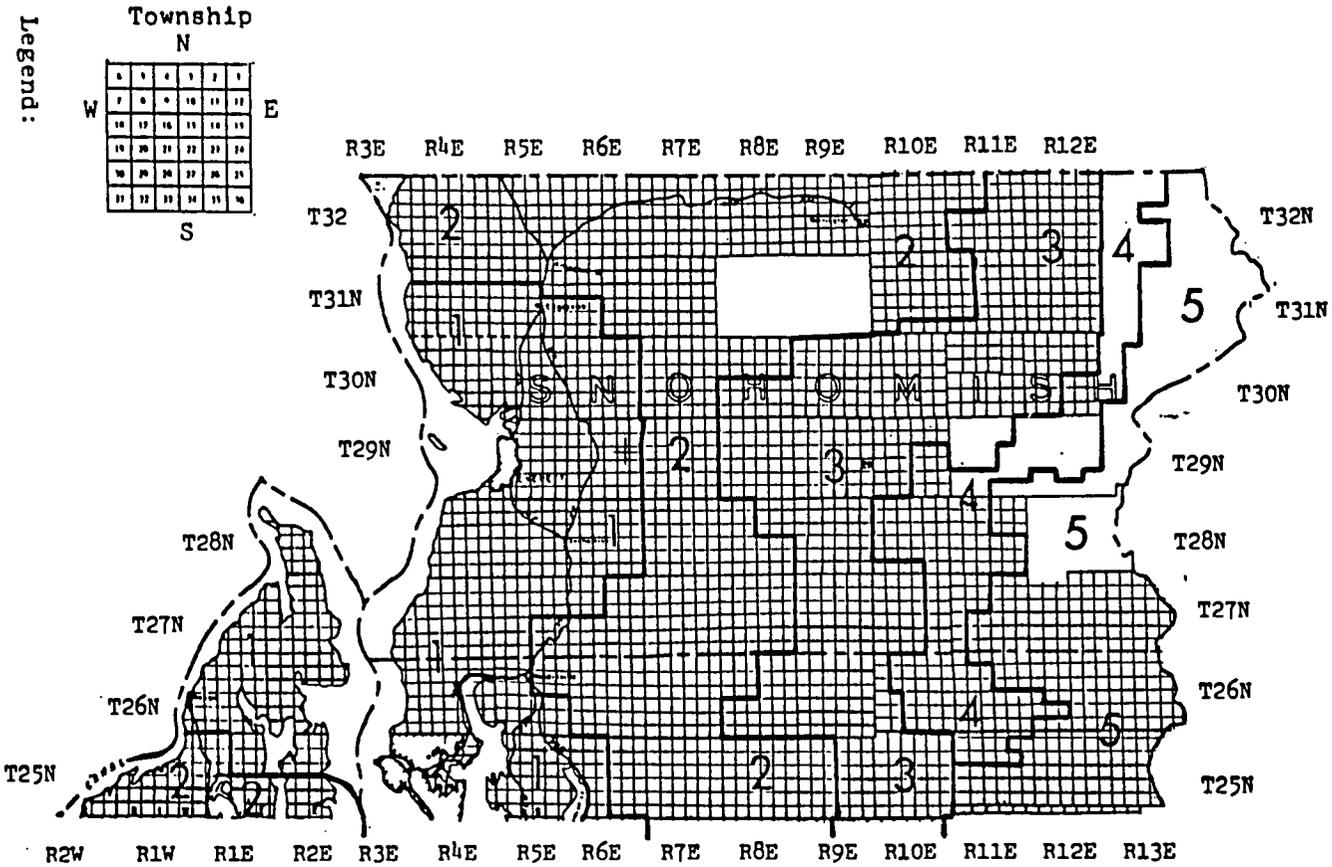
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

(1-1-84)

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 4

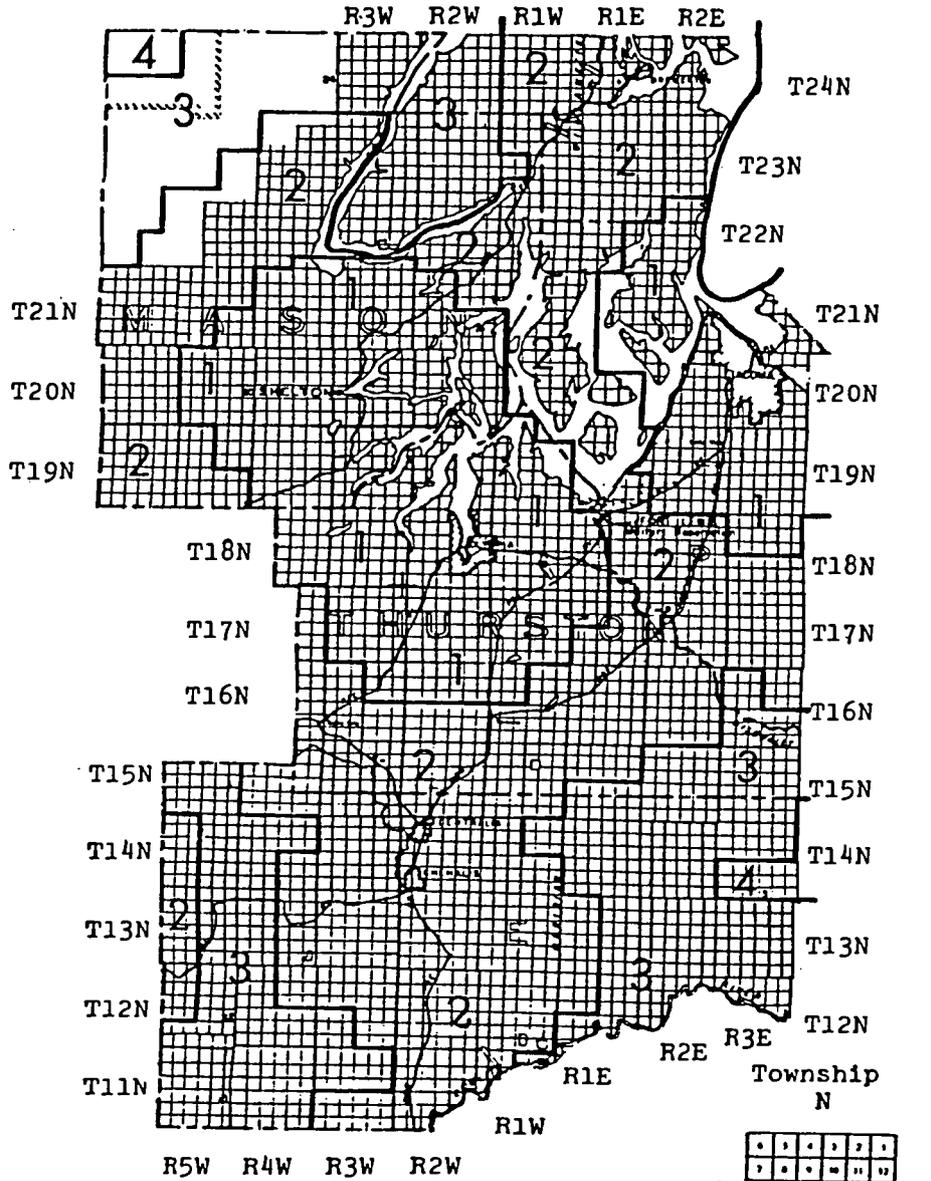
Page 1 of 3



Legend:
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 4

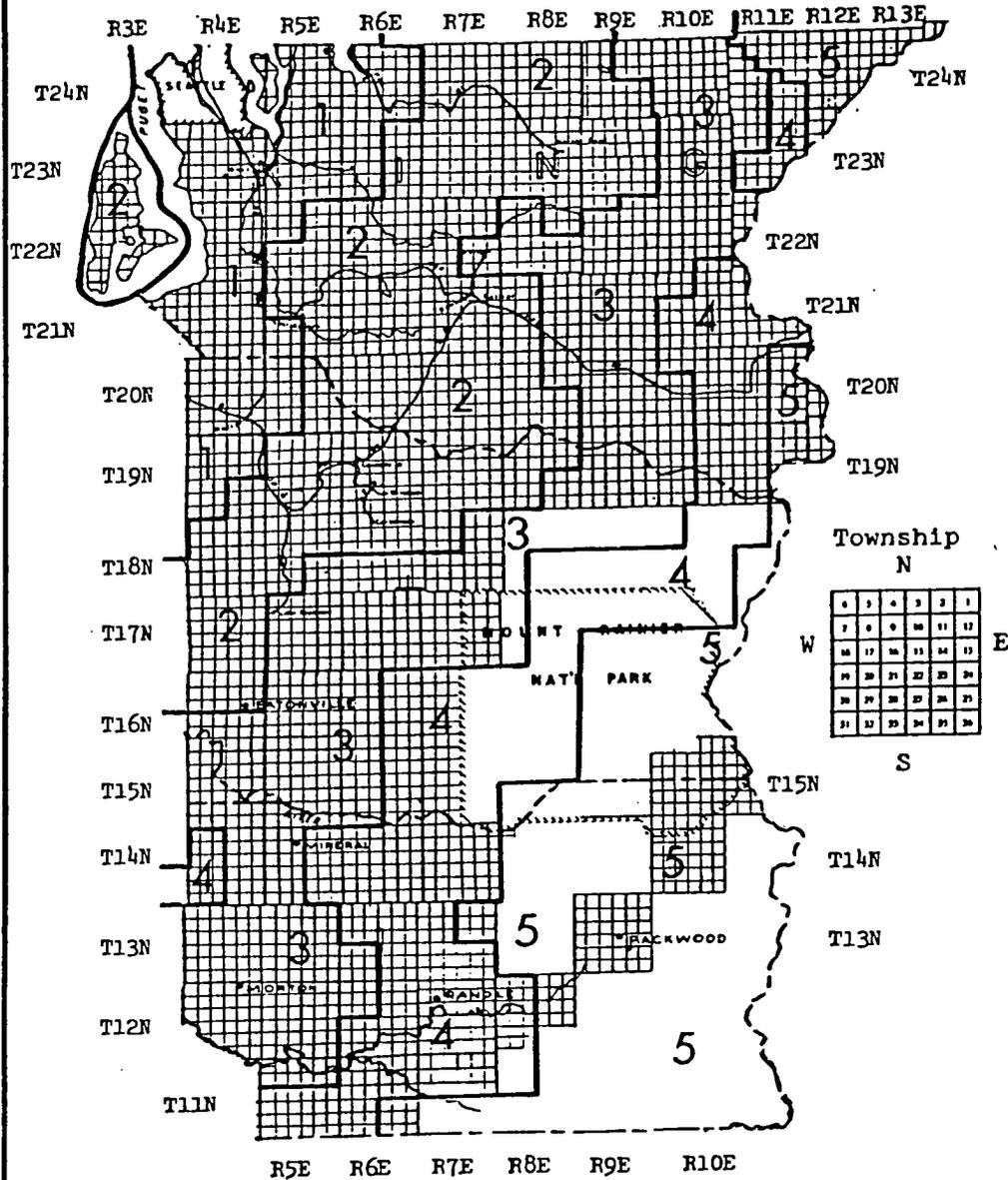


Legend:

1, 2, 3 and 4: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 4 Page 3 of 3



Township N

6	3	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

W E

S

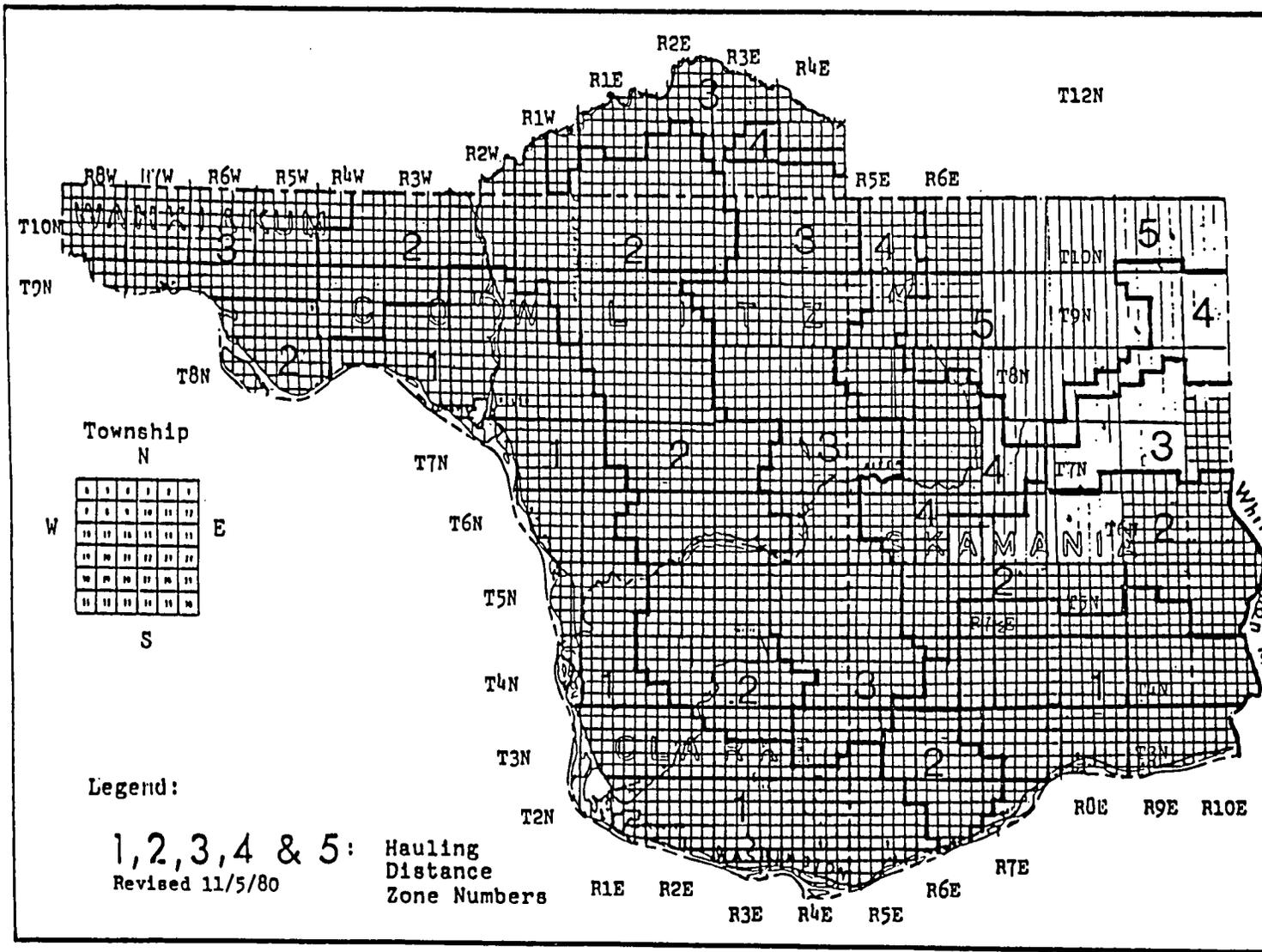
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(MAC 458-40-18705)

STUMPAGE VALUE AREA 5

Page 1 of 1



Township N

A	B	C	D	E
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25

W E S

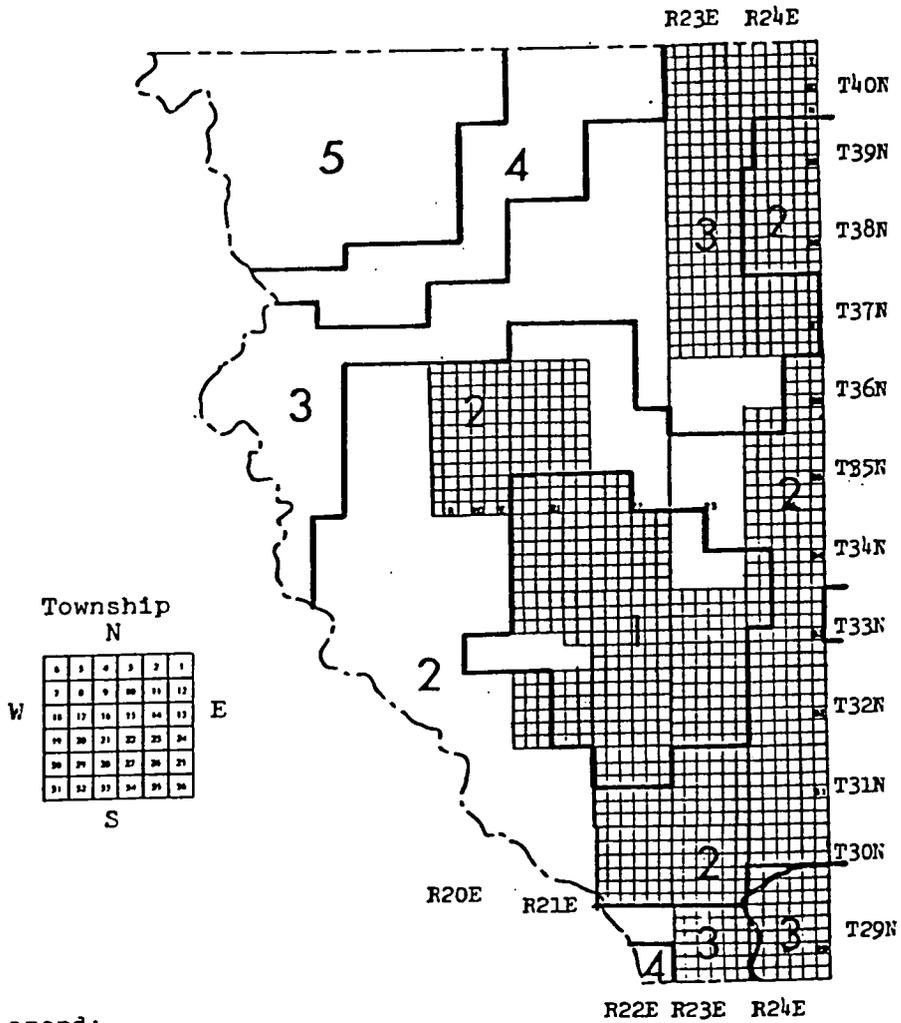
Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers
 Revised 11/5/80

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 6

Page 1 of 2



Township
N

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

W

E

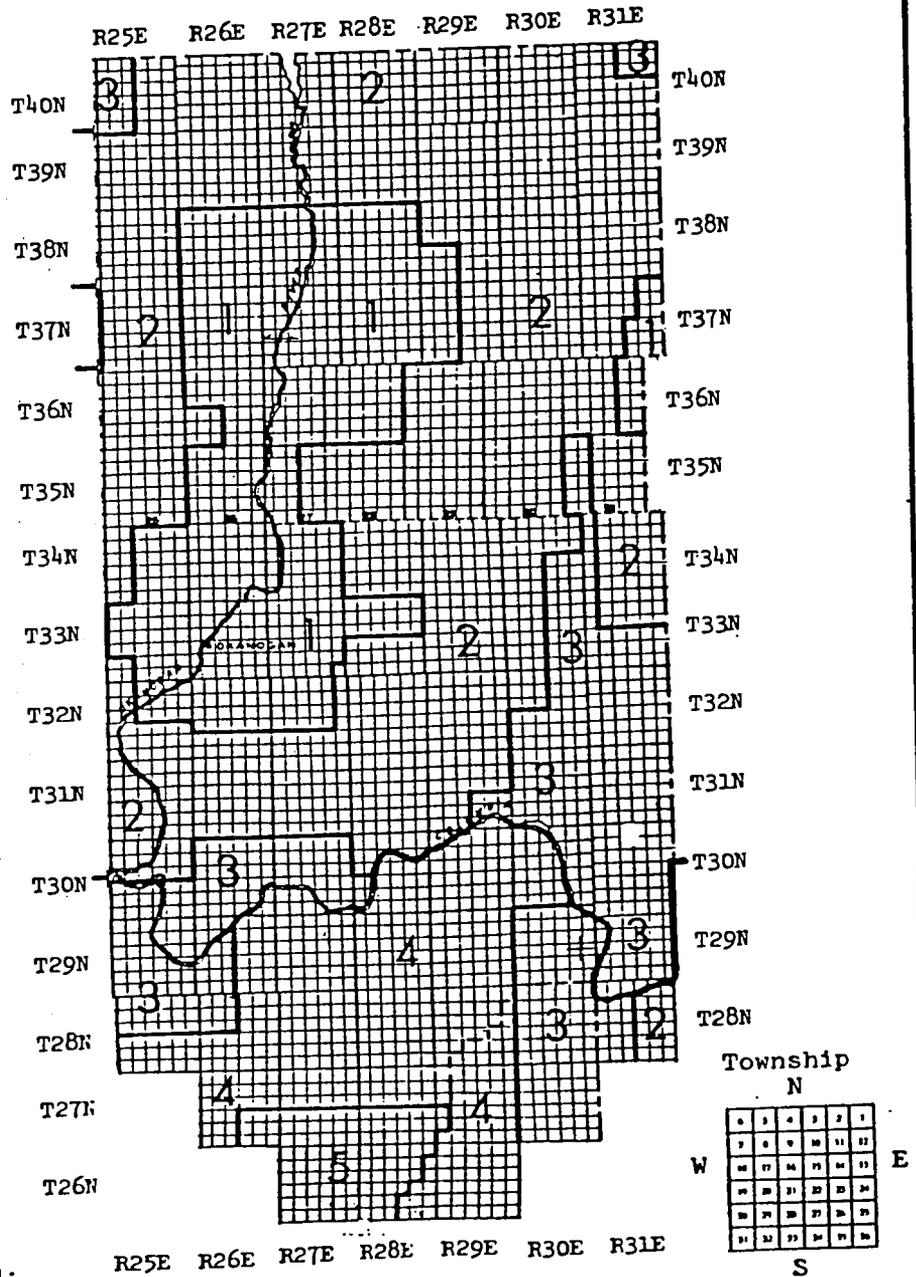
S

Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 6



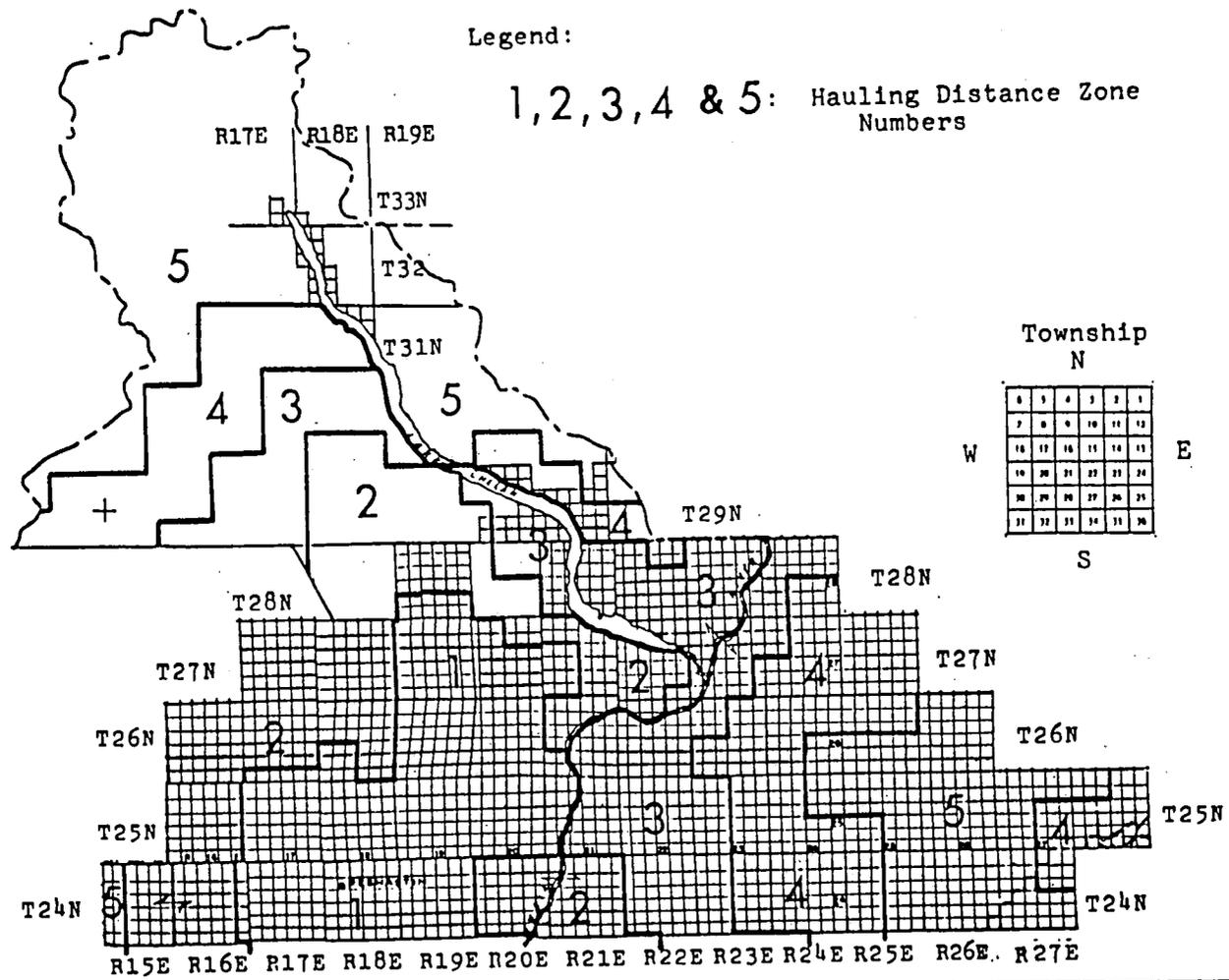
HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



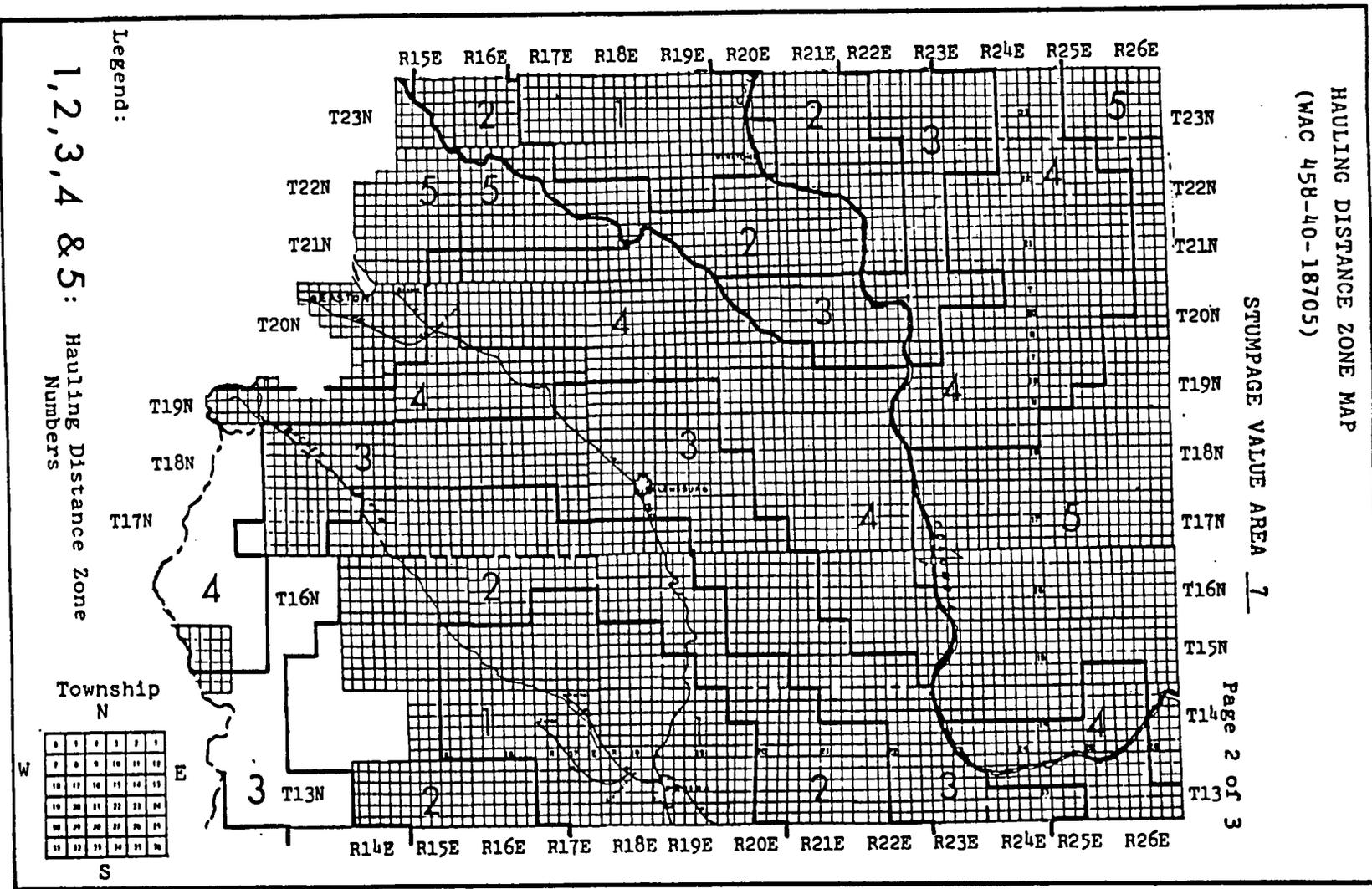
Township N

6	5	4	3	2	1
7	6	5	4	3	2
8	7	6	5	4	3
9	8	7	6	5	4
10	9	8	7	6	5
11	10	9	8	7	6
12	11	10	9	8	7
13	12	11	10	9	8
14	13	12	11	10	9
15	14	13	12	11	10
16	15	14	13	12	11
17	16	15	14	13	12
18	17	16	15	14	13
19	18	17	16	15	14
20	19	18	17	16	15
21	20	19	18	17	16
22	21	20	19	18	17
23	22	21	20	19	18
24	23	22	21	20	19
25	24	23	22	21	20
26	25	24	23	22	21
27	26	25	24	23	22
28	27	26	25	24	23
29	28	27	26	25	24
30	29	28	27	26	25
31	30	29	28	27	26
32	31	30	29	28	27
33	32	31	30	29	28
34	33	32	31	30	29
35	34	33	32	31	30
36	35	34	33	32	31
37	36	35	34	33	32
38	37	36	35	34	33
39	38	37	36	35	34
40	39	38	37	36	35
41	40	39	38	37	36
42	41	40	39	38	37
43	42	41	40	39	38
44	43	42	41	40	39
45	44	43	42	41	40
46	45	44	43	42	41
47	46	45	44	43	42
48	47	46	45	44	43
49	48	47	46	45	44
50	49	48	47	46	45
51	50	49	48	47	46
52	51	50	49	48	47
53	52	51	50	49	48
54	53	52	51	50	49
55	54	53	52	51	50
56	55	54	53	52	51
57	56	55	54	53	52
58	57	56	55	54	53
59	58	57	56	55	54
60	59	58	57	56	55
61	60	59	58	57	56
62	61	60	59	58	57
63	62	61	60	59	58
64	63	62	61	60	59
65	64	63	62	61	60
66	65	64	63	62	61
67	66	65	64	63	62
68	67	66	65	64	63
69	68	67	66	65	64
70	69	68	67	66	65
71	70	69	68	67	66
72	71	70	69	68	67
73	72	71	70	69	68
74	73	72	71	70	69
75	74	73	72	71	70
76	75	74	73	72	71
77	76	75	74	73	72
78	77	76	75	74	73
79	78	77	76	75	74
80	79	78	77	76	75
81	80	79	78	77	76
82	81	80	79	78	77
83	82	81	80	79	78
84	83	82	81	80	79
85	84	83	82	81	80
86	85	84	83	82	81
87	86	85	84	83	82
88	87	86	85	84	83
89	88	87	86	85	84
90	89	88	87	86	85
91	90	89	88	87	86
92	91	90	89	88	87
93	92	91	90	89	88
94	93	92	91	90	89
95	94	93	92	91	90
96	95	94	93	92	91
97	96	95	94	93	92
98	97	96	95	94	93
99	98	97	96	95	94
100	99	98	97	96	95
101	100	99	98	97	96
102	101	100	99	98	97
103	102	101	100	99	98
104	103	102	101	100	99
105	104	103	102	101	100
106	105	104	103	102	101
107	106	105	104	103	102
108	107	106	105	104	103
109	108	107	106	105	104
110	109	108	107	106	105
111	110	109	108	107	106
112	111	110	109	108	107
113	112	111	110	109	108
114	113	112	111	110	109
115	114	113	112	111	110
116	115	114	113	112	111
117	116	115	114	113	112
118	117	116	115	114	113
119	118	117	116	115	114
120	119	118	117	116	115
121	120	119	118	117	116
122	121	120	119	118	117
123	122	121	120	119	118
124	123	122	121	120	119
125	124	123	122	121	120
126	125	124	123	122	121
127	126	125	124	123	122
128	127	126	125	124	123
129	128	127	126	125	124
130	129	128	127	126	125
131	130	129	128	127	126
132	131	130	129	128	127
133	132	131	130	129	128
134	133	132	131	130	129
135	134	133	132	131	130
136	135	134	133	132	131
137	136	135	134	133	132
138	137	136	135	134	133
139	138	137	136	135	134
140	139	138	137	136	135
141	140	139	138	137	136
142	141	140	139	138	137
143	142	141	140	139	138
144	143	142	141	140	139
145	144	143	142	141	140
146	145	144	143	142	141
147	146	145	144	143	142
148	147	146	145	144	143
149	148	147	146	145	144
150	149	148	147	146	145
151	150	149	148	147	146
152	151	150	149	148	147
153	152	151	150	149	148
154	153	152	151	150	149
155	154	153	152	151	150
156	155	154	153	152	151
157	156	155	154	153	152
158	157	156	155	154	153
159	158	157	156	155	154
160	159	158	157	156	155
161	160	159	158	157	156
162	161	160	159	158	157
163	162	161	160	159	158
164	163	162	161	160	159
165	164	163	162	161	160
166	165	164	163	162	161
167	166	165	164	163	162
168	167	166	165	164	163
169	168	167	166	165	164
170	169	168	167	166	165
171	170	169	168	167	166
172	171	170	169	168	167
173	172	171	170	169	168
174	173	172	171	170	169
175	174	173	172	171	170
176	175	174	173	172	171
177	176	175	174	173	172
178	177	176	175	174	173
179	178	177	176	175	174
180	179	178	177	176	175
181	180	179	178	177	176
182	181	180	179	178	177
183	182	181	180	179	178
184	183	182	181	180	179
185	184	183	182	181	180
186	185	184	183	182	181
187	186	185	184	183	182
188	187	186	185	184	183
189	188	187	186	185	184
190	189	188	187	186	185
191	190	189	188	187	186
192	191	190	189	188	187
193	192	191	190	189	188
194	193	192	191	190	189
195	194	193	192	191	190
196	195	194	193	192	191
197	196	195	194	193	192
198	197	196	195	194	193
199	198	197	196	195	194
200	199	198	197	196	195
201	200	199	198	197	196
202	201	200	199	198	197
203	202	201	200	199	198
204	203	202	201	200	199
205	204	203	202	201	200
206	205	204	203	202	201
207	206	205	204	203	202
208	207	206	205	204	203
209	208	207	206	205	204
210	209	208	207	206	205
211	210	209	208	207	206
212	211	210	209	208	207
213	212	211	210	209	208
214	213	212	211	210	209
215	214	213	212	211	210
216	215	214	213	212	211
217	216	215	214	213	212
218	217	216	215	214	213
219	218	217	216	215	214
220	219	218	217	216	215
221	220	219	218	217	216
222	221	220	219	218	217
223	222	221	220	219	218
224	223	222	221	220	219
225	224	223	222	221	220
226	225	224	223	222	221
227	226	225	224	223	222
228	227	226	225	224	223
229	228	227	226	225	224
230	229	228	227	226	225
231	230	229	228	227	226
232	231	230	229	228	227
233	232	231	230	229	228
234	233	232	231	230	229
235	234	233	232	231	230
236	235	234	233	232	231
237	236	235	234	233	232

HAULING DISTANCE ZONE MAP
(MAC 458-40-18705)

STUMPAGE VALUE AREA 7

Page 2 of 3



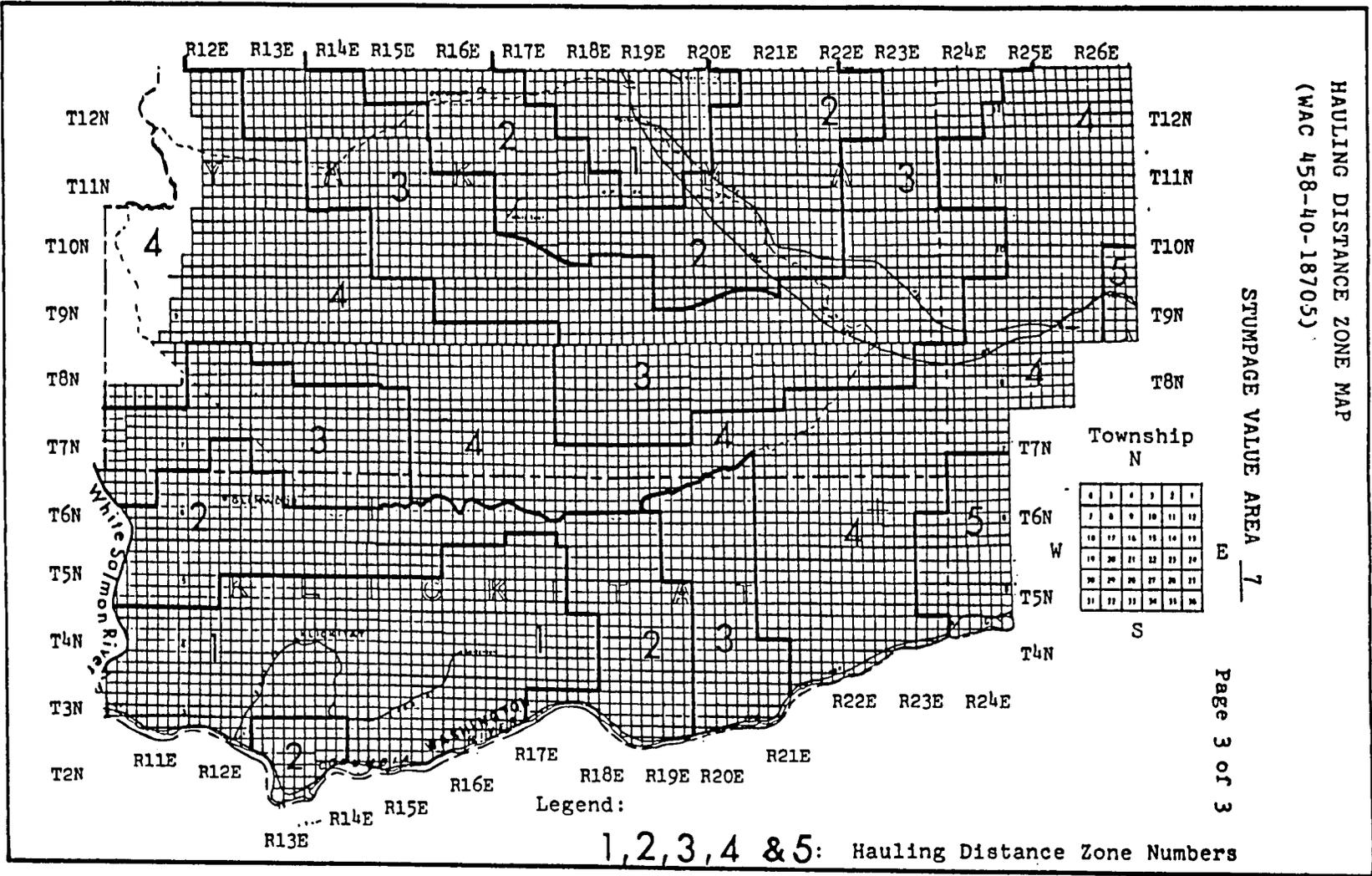
Legend:
1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31	32	33	34	35

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 7

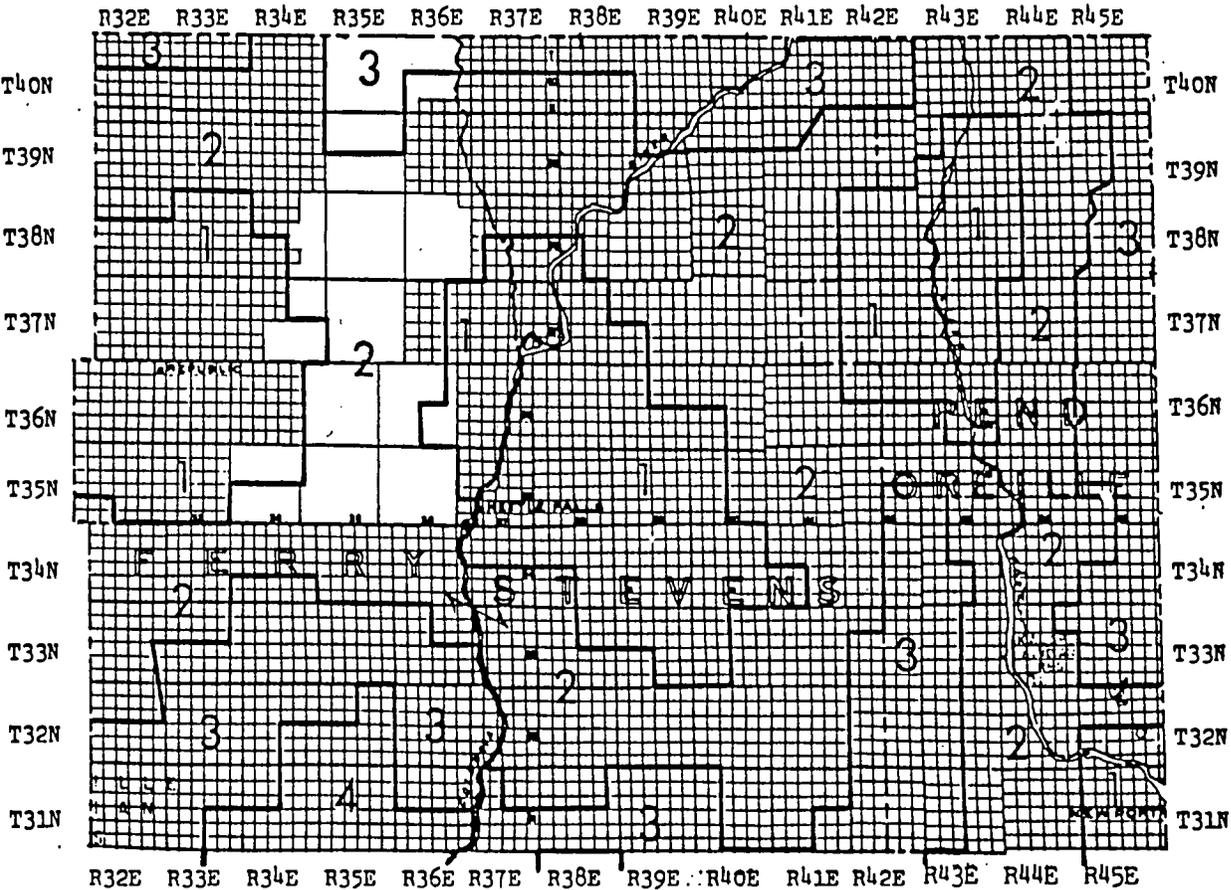
Page 3 of 3



HAULING DISTANCE ZONE MAP
(MAC 458-40-18705)

STUMPAGE VALUE AREA 8

Page 1 of 2



Township
N

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50

W

E

S

Legend:

1, 2, 3, 4 & 5: Hauling Distance
Zone Numbers

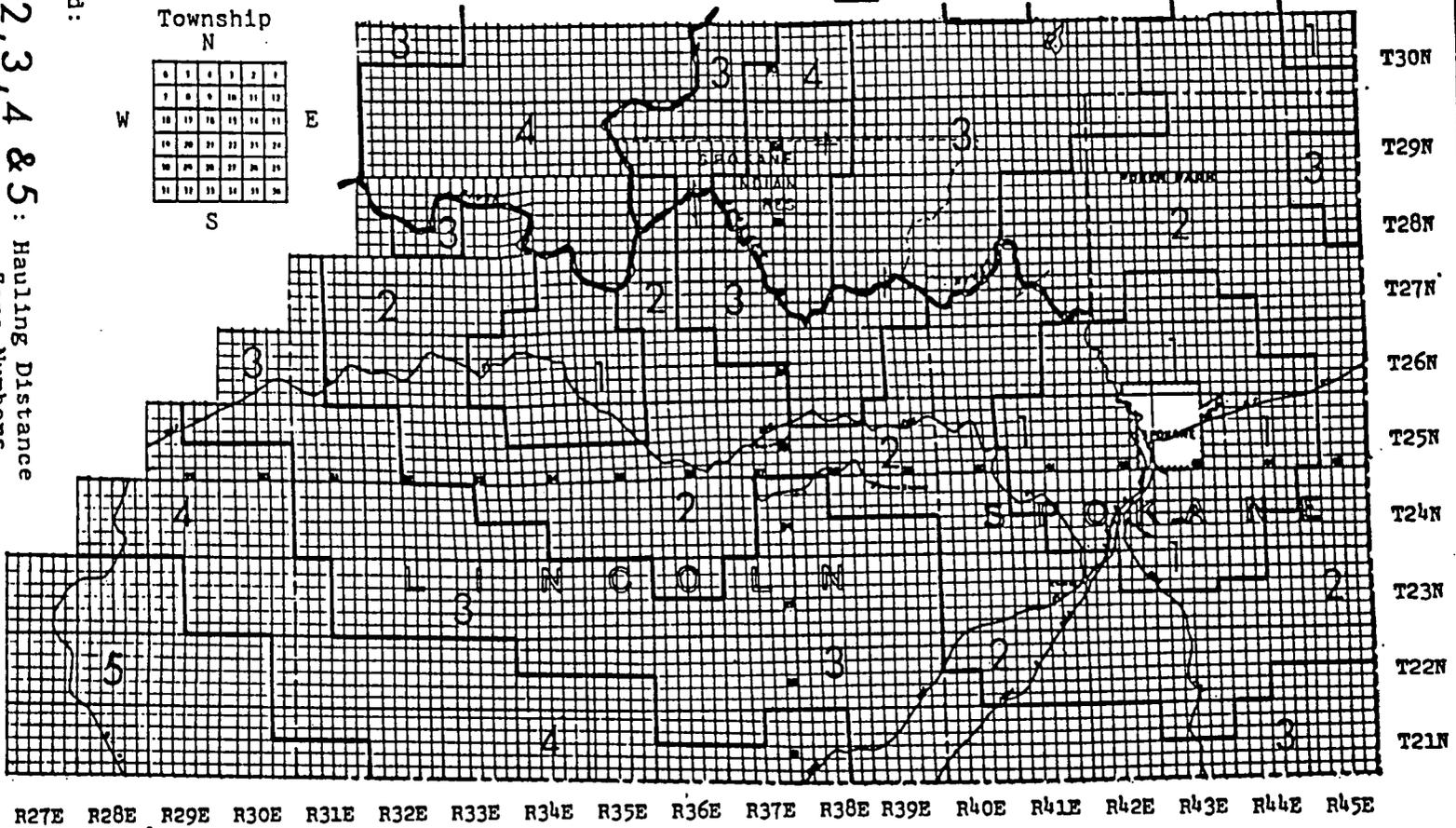
HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 8

Page 2 of 2

Legend:
1, 2, 3, 4 & 5 : Hauling Distance
Zone Numbers

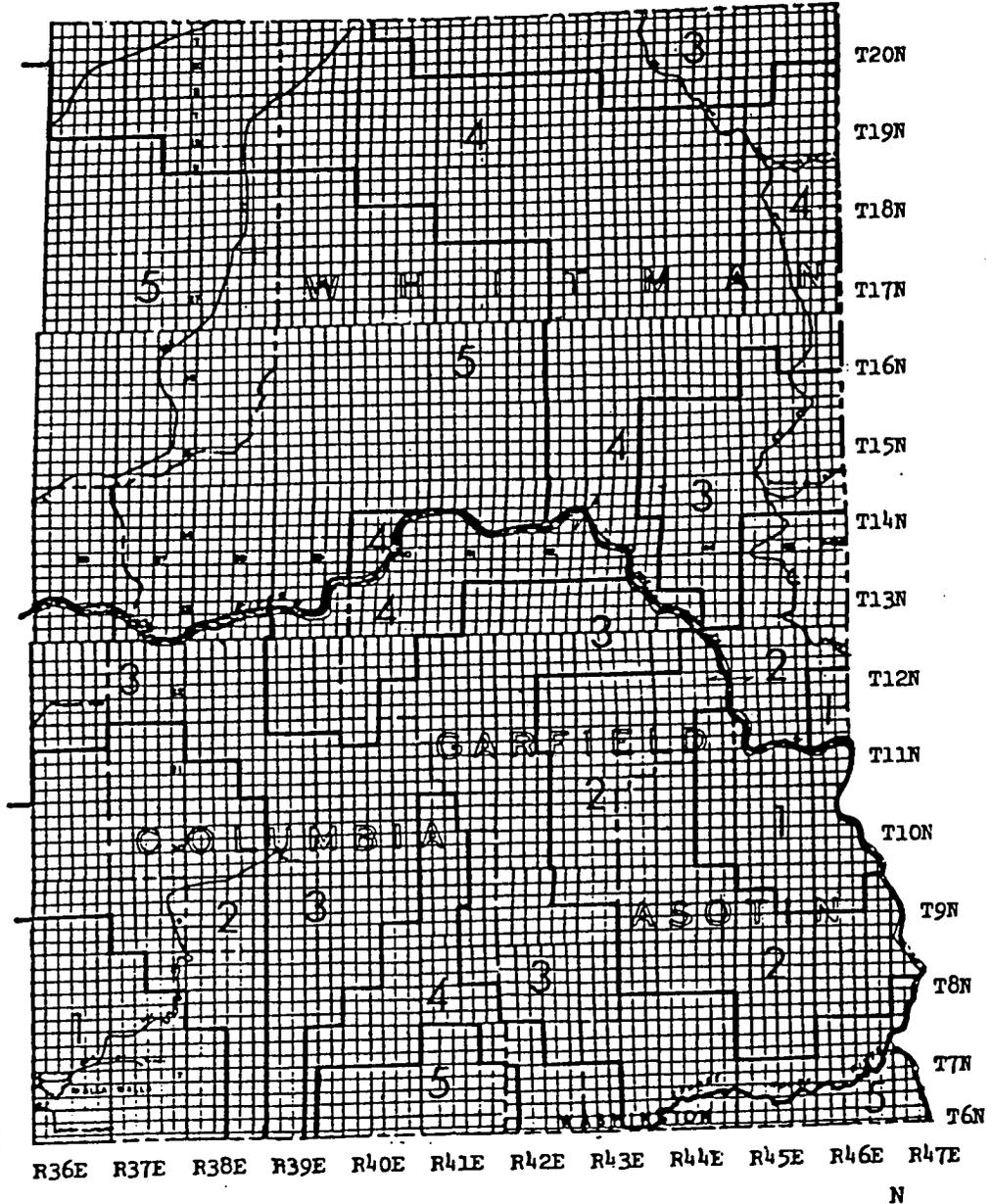
		Township N						
		6	7	8	9	10	11	12
W		13	14	15	16	17	18	19
		20	21	22	23	24	25	26
		27	28	29	30	31	32	33
		34	35	36	37	38	39	40
		S						
		E						



[105]

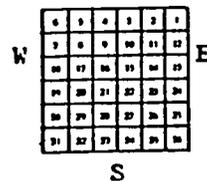
HAULING DISTANCE ZONE MAP
(WAC 458-40-18705):

STUMPAGE VALUE AREA 9



Legend:

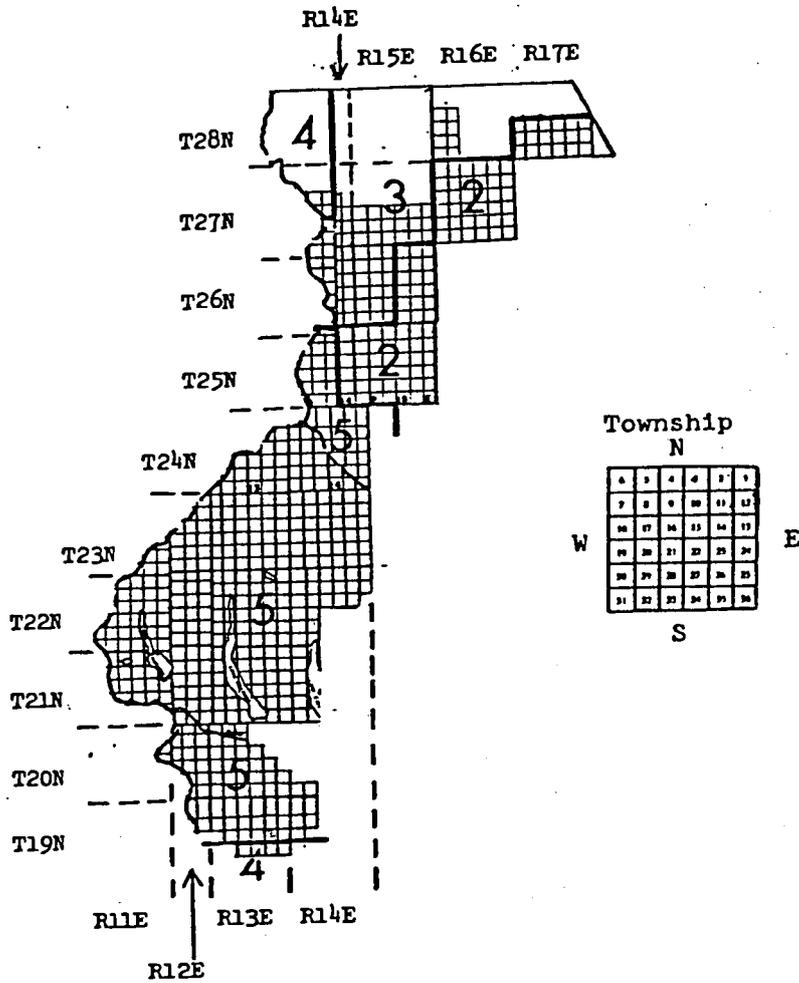
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers



HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 10

Page 1 of 1



Legend:

2, 3, 4 and 5: Hauling Distance Zone Numbers

AMENDATORY SECTION (Amending Order FT-83-7, filed 12/30/83)

WAC 458-40-18706 **TIMBER QUALITY CODE NUMBERS—TABLES.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by ((RCW 84.33.071(3))) chapter 204, Laws of 1984, the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted:

**TABLE 1—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5
OLD GROWTH ((FINAL HARVEST))
(100 years of age or older)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
2	Douglas-fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
3	Western Hemlock, True Firs & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
4	Western Redcedar & Alaska-cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility

¹For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see the Official Rules for the following Log Scaling and Grading Bureaus; Columbia River, Grays Harbor, Northern

California, Puget Sound, Southern Oregon, and Yamhill. (January 1, 1982 Edition)

**TABLE 2—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5
YOUNG GROWTH ((AND)) OR THINNING
(less than 100 years of age)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 70% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
2	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
3	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
4	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
5	Douglas-fir, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility

¹For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see the Official Rules for the following Log Scaling and Grading Bureaus; Columbia River, Grays Harbor, Northern California, Puget Sound, Southern Oregon, and Yamhill. (January 1, 1982 Edition)

((WESTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4, and 5 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest," and "young growth final harvest."))

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas-fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill No. 1 sawmill	20 MBF
	20 MBF

<u>Log Grade</u>	<u>Net Volume, Scribner Scale</u>
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF
TOTAL	150 MBF

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas-fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas-fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas-fir harvested would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Net Volume Harvested</u>
Douglas-fir	2	150 MBF))

TABLE 3—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
MERCHANTABLE SAWTIMBER, ALL AGES

<u>Timber Quality Code Number</u>	<u>Species</u>	<u>Log Grade Specifications⁽¹⁾</u>
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

(¹To determine timber quality code number in stumpage value areas 6, 7, 8 and 9 for Eastern Washington, see the following example:

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington:

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet:

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists less than 10 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1

MBF the entire Ponderosa pine harvest would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Volume Harvested</u>
Ponderosa Pine (PP)	1	150 MBF))

TABLE 4—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREA 10
MERCHANTABLE SAWTIMBER, ALL AGES

<u>Timber Quality Code Number</u>	<u>Species</u>	<u>Log Grade Specifications⁽¹⁾</u>
	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
1	Hardwoods	All logs graded as sawlogs
	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
2	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
3	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

(¹To determine timber quality code number in stumpage value area 10 in Eastern Washington, see the following example:

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington:

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet:

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Volume Harvested</u>
Ponderosa Pine (PP)	2	150 MBF))

NEW SECTION

WAC 458-40-18713 STUMPAGE VALUES—TABLES FOR JULY 1 THROUGH DECEMBER 31, 1984. As required by chapter 204, Laws of 1984 the department has prepared tables which assign

stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1 through December 31, 1984.

**TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1984**

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$179	\$173	\$167	\$161	\$155
		2	170	164	158	152	146
		3	162	156	150	144	138
Western Hemlock ²	WH	1	170	164	158	152	146
		2	144	138	132	126	120
		3	115	109	103	97	91
True Fir ³	TF	1	170	164	158	152	146
		2	144	138	132	126	120
		3	115	109	103	97	91
Western Redcedar ⁴	RC	1	252	246	240	234	228
		2	245	239	233	227	221
		3	159	153	147	141	135
Sitka Spruce	SS	1	196	190	184	178	172
		2	172	166	160	154	148
		3	99	93	87	81	75
Other Conifer	OC	1	170	164	158	152	146
		2	144	138	132	126	120
		3	115	109	103	97	91
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

**TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1984**

YOUNG GROWTH OR THINNING
(less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$214	\$207	\$200	\$193	\$186
		2	203	196	189	182	175
		3	167	160	153	146	139
		4	161	154	147	140	133

**TABLE 2—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ²	WH	1	157	150	143	136	129
		2	131	124	117	110	103
		3	104	97	90	83	76
		4	96	89	82	75	68
True Fir ³	TF	1	157	150	143	136	129
		2	131	124	117	110	103
		3	104	97	90	83	76
		4	96	89	82	75	68
Western Redcedar ⁴	RC	1	189	182	175	168	161
		2	148	141	134	127	120
		3	144	137	130	123	116
Other Conifer	OC	1	157	150	143	136	129
		2	131	124	117	110	103
		3	104	97	90	83	76
		4	96	89	82	75	68
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

**TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1984**

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$204	\$198	\$192	\$186	\$180
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	76	70	64	58	52
Western Redcedar & Other Posts ²	RCP	1	0.32	0.32	0.32	0.32	0.32
Douglas-fir Christmas Trees ³	DFX	1	0.40	0.40	0.40	0.40	0.40
True Fir & Other Christmas Trees ³	TFX	1	1.00	1.00	1.00	1.00	1.00

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1984

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$233	\$227	\$221	\$215	\$209
		2	202	196	190	184	178
		3	172	166	160	154	148
Western Hemlock ²	WH	1	170	164	158	152	146
		2	142	136	130	124	118
		3	128	122	116	110	104
True Fir ³	TF	1	170	164	158	152	146
		2	142	136	130	124	118
		3	128	122	116	110	104
Western Redcedar ⁴	RC	1	303	297	291	285	279
		2	262	256	250	244	238
		3	221	215	209	203	197
Sitka Spruce	SS	1	196	190	184	178	172
		2	172	166	160	154	148
		3	99	93	87	81	75
Other Conifer	OC	1	170	164	158	152	146
		2	142	136	130	124	118
		3	128	122	116	110	104
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1984

YOUNG GROWTH OR THINNING
(less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$204	\$197	\$190	\$183	\$176
		2	194	187	180	173	166
		3	178	171	164	157	150
		4	161	154	147	140	133
Western Hemlock ²	WH	1	153	146	139	132	125
		2	112	105	98	91	84
		3	108	101	94	87	80
		4	84	77	70	63	56

TABLE 5—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir ³	TF	1	153	146	139	132	125
		2	112	105	98	91	84
		3	108	101	94	87	80
		4	84	77	70	63	56
Western Redcedar ⁴	RC	1	197	190	183	176	169
		2	175	168	161	154	147
		3	122	115	108	101	94
Other Conifer	OC	1	153	146	139	132	125
		2	112	105	98	91	84
		3	108	101	94	87	80
		4	84	77	70	63	56
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

TABLE 6—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$223	\$217	\$211	\$205	\$199
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	82	76	70	64	58
Western Redcedar & Other Posts ²	RCP	1	0.32	0.32	0.32	0.32	0.32
Douglas-fir Christmas Trees ³	DFX	1	0.40	0.40	0.40	0.40	0.40
True Fir & Other Christmas Trees ³	TFX	1	1.00	1.00	1.00	1.00	1.00

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 7—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1984

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$258	\$252	\$246	\$240	\$234
		2	189	183	177	171	165
		3	180	174	168	162	156
Western Hemlock ²	WH	1	241	235	229	223	217
		2	137	131	125	119	113
		3	104	98	92	86	80
True Fir ³	TF	1	241	235	229	223	217
		2	137	131	125	119	113
		3	104	98	92	86	80
Western Redcedar	RC	1	287	281	275	269	263
		2	220	214	208	202	196
		3	153	147	141	135	129
Sitka Spruce	SS	1	196	190	184	178	172
		2	172	166	160	154	148
		3	99	93	87	81	75
Alaska-cedar	YC	1	339	333	327	321	315
		2	312	306	300	294	288
		3	228	222	216	210	204
Other Conifer	OC	1	241	235	229	223	217
		2	137	131	125	119	113
		3	104	98	92	86	80
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.

² Includes Western and Mountain Hemlock.

³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

TABLE 8—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1984

YOUNG GROWTH OR THINNING
(less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$199	\$192	\$185	\$178	\$171
		2	193	186	179	172	165
		3	177	170	163	156	149
		4	166	159	152	145	138
Western Hemlock ²	WH	1	164	157	150	143	136
		2	157	150	143	136	129
		3	109	102	95	88	81
		4	96	89	82	75	68

TABLE 8—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir ³	TF	1	164	157	150	143	136
		2	157	150	143	136	129
		3	109	102	95	88	81
		4	96	89	82	75	68
Western Redcedar ⁴	RC	1	235	228	221	214	207
		2	214	207	200	193	186
		3	124	117	110	103	96
Other Conifer	OC	1	164	157	150	143	136
		2	157	150	143	136	129
		3	109	102	95	88	81
		4	96	89	82	75	68
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.

² Includes Western and Mountain Hemlock.

³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

⁴ Includes Alaska-cedar.

TABLE 9—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$227	\$221	\$215	\$209	\$203
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	84	78	72	66	60
Western Redcedar & Other Posts ²	RCP	1	0.32	0.32	0.32	0.32	0.32
Douglas-fir Christmas Trees ³	DFX	1	0.40	0.40	0.40	0.40	0.40
True Fir & Other Christmas Trees ³	TFX	1	1.00	1.00	1.00	1.00	1.00

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 10—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1984

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$212	\$206	\$200	\$194	\$188
		2	208	202	196	190	184
		3	191	185	179	173	167
Western Hemlock ²	WH	1	221	215	209	203	197
		2	138	132	126	120	114
		3	126	120	114	108	102
True Fir ³	TF	1	221	215	209	203	197
		2	138	132	126	120	114
		3	126	120	114	108	102
Western Redcedar	RC	1	291	285	279	273	267
		2	266	260	254	248	242
		3	160	154	148	142	136
Sitka Spruce	SS	1	196	190	184	178	172
		2	172	166	160	154	148
		3	99	93	87	81	75
Noble Fir	NF	1	241	235	229	223	217
		2	152	146	140	134	128
		3	134	128	122	116	110
Alaska-cedar	YC	1	339	333	327	321	315
		2	312	306	300	294	288
		3	228	222	216	210	204
Other Conifer	OC	1	221	215	209	203	197
		2	138	132	126	120	114
		3	126	120	114	108	102
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

TABLE 11—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1984

YOUNG GROWTH OR THINNING
(less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$221	\$214	\$207	\$200	\$193
		2	200	193	186	179	172
		3	174	167	160	153	146
		4	164	157	150	143	136

TABLE 11—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ²	WH	1	167	160	153	146	139
		2	147	140	133	126	119
		3	126	119	112	105	98
		4	121	114	107	100	93
True Fir ³	TF	1	167	160	153	146	139
		2	147	140	133	126	119
		3	126	119	112	105	98
		4	121	114	107	100	93
Western Redcedar ⁴	RC	1	204	197	190	183	176
		2	194	187	180	173	166
		3	184	177	170	163	156
Other Conifer	OC	1	167	160	153	146	139
		2	147	140	133	126	119
		3	126	119	112	105	98
		4	121	114	107	100	93
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.

³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴Includes Alaska-cedar.

TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards	RCS	1	\$238	\$232	\$226	\$220	\$214
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	87	81	75	69	63
Western Redcedar & Other Posts ²	RCP	1	0.32	0.32	0.32	0.32	0.32
Douglas-fir Christmas Trees ³	DFX	1	0.40	0.40	0.40	0.40	0.40
True Fir & Other Christmas Trees ³	TFX	1	1.00	1.00	1.00	1.00	1.00

¹Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1984

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$271	\$265	\$259	\$253	\$247
		2	229	223	217	211	205
		3	188	182	176	170	164
Western Hemlock ²	WH	1	156	150	144	138	132
		2	144	138	132	126	120
		3	132	126	120	114	108
True Fir ³	TF	1	156	150	144	138	132
		2	144	138	132	126	120
		3	132	126	120	114	108
Western Redcedar ⁴	RC	1	275	269	263	257	251
		2	248	242	236	230	224
		3	164	158	152	146	140
Sitka Spruce	SS	1	196	190	184	178	172
		2	172	166	160	154	148
		3	99	93	87	81	75
Noble Fir	NF	1	241	235	229	223	217
		2	152	146	140	134	128
		3	134	128	122	116	110
Other Conifer	OC	1	156	150	144	138	132
		2	144	138	132	126	120
		3	132	126	120	114	108
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1984

YOUNG GROWTH OR THINNING
(less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$248	\$241	\$234	\$227	\$220
		2	196	189	182	175	168
		3	170	163	156	149	142
		4	163	156	149	142	135

TABLE 14—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ²	WH	1	155	148	141	134	127
		2	116	109	102	95	88
		3	99	92	85	78	71
		4	89	82	75	68	61
True Fir ³	TF	1	155	148	141	134	127
		2	116	109	102	95	88
		3	99	92	85	78	71
		4	89	82	75	68	61
Western Redcedar ⁴	RC	1	222	215	208	201	194
		2	208	201	194	187	180
		3	156	149	142	135	128
Other Conifer	OC	1	155	148	141	134	127
		2	116	109	102	95	88
		3	99	92	85	78	71
		4	89	82	75	68	61
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	88	81	74	67	60
Hardwood Utility	HU	5	22	22	22	22	22
Conifer Utility	CU	5	4	4	4	4	4

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

TABLE 15—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$212	\$206	\$200	\$194	\$188
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	79	73	67	61	55
Western Redcedar & Other Posts ²	RCP	1	0.32	0.32	0.32	0.32	0.32
Douglas-fir Christmas Trees ³	DFX	1	0.40	0.40	0.40	0.40	0.40
True fir & Other Christmas Trees ³	TFX	1	1.00	1.00	1.00	1.00	1.00

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 16—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1984

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$140	\$134	\$128	\$122	\$116
		2	107	101	95	89	83
Douglas-fir	DF	1	110	104	98	92	86
Western Larch	WL	1	110	104	98	92	86
Western Hemlock ²	WH	1	79	73	67	61	55
True fir ³	TF	1	79	73	67	61	55
Engelmann Spruce	ES	1	62	56	50	44	38
Western White Pine	WP	1	163	157	151	145	139
Western Redcedar	RC	1	143	137	131	125	119
Lodgepole Pine	LP	1	75	69	63	57	51
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	3	3	3	3	3

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.

² Includes Western and Mountain Hemlock.

³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

TABLE 17—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$99	\$93	\$87	\$81	\$75
Lodgepole Pine & Other Posts ²	LPP	1	0.32	0.32	0.32	0.32	0.32
Pine Christmas Trees ³	PX	1	0.30	0.30	0.30	0.30	0.30
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 18—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 1984

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$161	\$155	\$149	\$143	\$137
		2	128	122	116	110	104
		3	95	89	83	77	71
Douglas-fir	DF	1	127	121	115	109	103
		2	112	106	100	94	88
		3	97	91	85	79	73
Western Larch	WL	1	127	121	115	109	103
		2	112	106	100	94	88
		3	97	91	85	79	73
Western Hemlock ²	WH	1	112	106	100	94	88
		2	95	89	83	77	71
		3	77	71	65	59	53
True Fir ³	TF	1	112	106	100	94	88
		2	95	89	83	77	71
		3	77	71	65	59	53
Other Conifer	OC	1	112	106	100	94	88
		2	95	89	83	77	71
		3	77	71	65	59	53
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	1	1	1	1	1

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.

² Includes Western and Mountain Hemlock.

³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All these species are commonly referred to as "White Fir."

TABLE 19—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$108	\$102	\$96	\$90	\$84
Lodgepole Pine & Other Posts ²	LPP	1	0.32	0.32	0.32	0.32	0.32
Pine Christmas Trees ³	PX	1	0.30	0.30	0.30	0.30	0.30
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF Scribner scale. See conversion method table 2 WAC 458-40-19004.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

NEW SECTION

WAC 458-40-18714 HARVESTER ADJUSTMENTS—TABLES FOR JULY 1 THROUGH DECEMBER 31, 1984. In order to make reasonable and adequate allowances for costs of removal and

size of logging operation in computation of stumpage value rates as required by chapter 204, Laws of 1984, the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18713.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against special forest products.
- (2) No harvest adjustment shall be allowed against utility, conifer utility, and hardwood utility.
- (3) Stumpage value rates for conifers and hardwoods shall be adjusted to a value no lower than \$1 per thousand board feet.

Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage value rates. Such applications should contain a map with the legal description of the area from which the timber will be removed, a description of the damage sustained by the timber, and a listing of additional costs incurred. Such applications should be sent to the Department of Revenue AX-02, Forest Tax Division, General Administration Building, Olympia, Washington 98504, before the harvest commences.

In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application when the necessary information is obtained, but in no event later than 90 days following completion of the harvest unit.

Upon application from any person who plans to harvest damaged timber the department will make a determination as to the amount of adjustment to be allowed. The harvester will be notified by the department of the amount of the adjustment. This amount can then be taken as a credit against tax liabilities or if the harvester is no longer harvesting, a refund will be authorized.

The following harvest adjustment tables are hereby adopted for use during the period of July 1 through December 31, 1984:

**TABLE 1—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5
July 1 through December 31, 1984**

**OLD GROWTH
(100 years of age, or older)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	-\$7.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$21.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$44.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$85.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

**TABLE 2—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5
July 1 through December 31, 1984**

**YOUNG GROWTH OR THINNING
(less than 100 years of age)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 30 thousand board feet per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	-\$2.00
Class 3	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$6.00
Class 4	Harvest of less than 5 thousand board feet per acre.	-\$8.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrop or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$21.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$44.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$85.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning (see WAC 458-40-19700 (9)(d))		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

**TABLE 3—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10
July 1 through December 31, 1984**

MERCHANTABLE SAWTIMBER, ALL AGES

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	-\$12.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	-\$33.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$85.00

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

WSR 84-10-053
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 201—Filed May 2, 1984]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd WAC 356-22-070 Applications—Disqualification.
 Amd WAC 356-26-030 Register designation.

We, the State Personnel Board, find that an emergency exists and that this 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 the emergency is the changes were made to clarify current practice in the referral of promotional candidates within an agency. These changes were made in response to a recent Personnel Appeals Board decision.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1984.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-22-070 APPLICATIONS—DISQUALIFICATION. The director is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, or, after examination, may disqualify such applicant or remove his/her name from a register or refuse to certify any person otherwise eligible on a register if:

(1) The applicant is found to lack any of the requirements established for the register (as defined in WAC 356-26-030) or the class.

(2) The applicant is so disabled as to be rendered unfit to perform the duties of the class.

(3) The applicant is addicted to the use of narcotics, or the habitual excessive use of intoxicating liquors.

(4) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime

which would be grounds for dismissal from the position for which he(~~he~~)/she is applying.

(5) The applicant has made a false statement of material fact in the application.

(6) The applicant has previously been dismissed or requested to resign from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(7) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(8) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(9) The applicant has otherwise violated provisions of these rules.

(10) The applicant has taken part in the compilation, administration or correction of the examination.

AMENDATORY SECTION (Amending Order 179, filed 12/22/82)

WAC 356-26-030 REGISTER DESIGNATION.

(1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) Employee's names shall not appear for classes at or below the range level of a class in which the employees are serving on a permanent fulltime basis, except when the employees have accepted options beyond a reasonable commuting distance in lieu of separation due to reduction in force. In the excepted cases, the employees' names may appear for classes at the same or lower range levels when the availability would return the employees back to their previous work locations.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform

the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted

shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

WSR 84-10-054
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 202—Filed May 2, 1984]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd	WAC 356-30-130	Seasonal career employment.
Amd	WAC 356-30-230	Demotion—Voluntary.
Amd	WAC 356-46-130	State Housing Committee—Responsibilities.

This action is taken pursuant to Notice Nos. WSR 84-06-049 and 84-07-003 filed with the code reviser on March 6, 1984, and March 8, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1984.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 194, filed 12/30/83)

WAC 356-30-130 SEASONAL CAREER EMPLOYMENT. (1) (~~Seasonal career positions are those established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period.~~) Seasonal career employees are those in seasonal career positions or employees whose repeated pattern of work is defined as the second pattern (2) in the definition of seasonal career employment.

(2) (~~The appointing authority may establish seasonal~~) Positions which are established to respond to cyclic work load requirements and which meet the definition of

seasonal career employment shall be established as seasonal career positions; provided, that the agency will not establish seasonal career positions which circumvent the utilization of full time positions. ((Seasonal career employees are those who have been appointed to a seasonal career position with the mutual expectations of continued employment season after season:))

(3) An initial appointment into seasonal career employment shall be from a register or lists; except that employees selected for a fourth consecutive season of cyclical temporary employment, as provided in the definition of seasonal career employment, shall be granted a seasonal career appointment provided they pass a qualifying examination for the classification in which they are employed.

(4) Upon completion of the probationary period of 1040, 1560, or 2080 accumulated scheduled hours (if serving a six-month, nine-month, or twelve-month probationary period), employees in seasonal career ((positions)) employment shall assume the rights of a permanent employee. Past service that later entitles employees to seasonal career employment will count toward permanent status at the beginning of the fourth qualifying season.

(5) Seasonal career employees affected by reduction-in-force, ((or)) reduction in hours of work, ((a)) subsequent reemployment or increase in scheduled hours of work ((affecting seasonal career employees in seasonal career positions shall be by seniority)) will have their reduction-in-force rights only within their seasonal career layoff unit((; provided,)) and will compete based on seniority. Notification of reduction-in-force or alterations of work schedules shall be given no later than two working days prior to the effective date. ((Seasonal career employees shall not accrue seniority while on seasonal layoff)) Seniority gained by seasonal career employees during seasonal layoff shall be disregarded.

(6) ((Agencies)) Seasonal career reduction-in-force registers shall ((maintain)) be maintained and ((post seasonal reduction in force registers for reemployment to seasonal career positions)) posted within their respective agencies in accordance with the agency's reduction-in-force ((policy)) procedures and policies.

(7) Seasonal career employees ((who have completed one season of employment)) separated due to a reduction-in-force shall be placed on a separate seasonal career reduction-in-force register for ((that)) the season ((of employment)) from which they were laid off.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-30-230 DEMOTION—VOLUNTARY.
(1) A permanent employee, or an employee separated within the last year by reduction in force, or an employee who has been notified that he is scheduled for reduction in force may voluntarily take a position, which is by definition a demotion, when the position is in a class which is the same as or a related class for which the person qualified, as determined by the director. When such voluntary demotions are granted as an option to fill vacancies, they shall be done according to seniority and offered first, within the employee's layoff unit, then

within the department, and then service-wide. No further examination will be required. The employee will not serve a trial service period.

(2) A proposed demotion shall be approved by the director prior to the effective date of the action.

(3) A permanent employee may also qualify or compete for classes of positions in other series which by definition are demotions, by completing an application form and taking the appropriate examination.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES. (1) To assist the personnel board in determining policy and establishing rental and utility charges and allowances for employees residing in ((agency-supplied)) housing designated by agencies for employees and not available for rent on the open market, there is hereby created a state housing committee consisting of:

(a) A chairperson appointed by the director of personnel and from the staff of the department of personnel.

(b) A representative from:

(i) Department of social and health services

(ii) Department of transportation

(iii) Department of natural resources

(iv) Department of fisheries

(v) Department of game

(vi) Parks and recreation commission

(vii) Department of veterans affairs

(viii) Department of corrections, and

(ix) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

(2) It shall be the responsibility of the committee to:

(a) Establish procedures for

(i) Conducting committee business on a scheduled basis,

(ii) Reviewing problems concerning rent, utilities, and housing maintenance, and

(iii) Facilitating communications between affected agencies and employees; and

(b) Recommend to the personnel board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing designated by agencies for employees and not available for rent on the open market shall determine the rental and utility rates to charge ((employees)) according to the guidelines and the findings approved by the personnel board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the personnel board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act.

WSR 84-10-055
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-18-060 Examination—Eligibility, by removing procedural material from rule and including in procedures specified in WAC 251-18-010(2).
- Amd WAC 251-18-130 Veterans preference, by clarifying language with regard to preference.
- Amd WAC 251-10-112 Medical examination—Current employee, to allow for medical examinations of current employees as previously included in WAC 251-18-160.
- Rep WAC 251-18-025 Recruitment notice—Exception—Training, and add provisions to WAC 251-18-060.
- Rep WAC 251-18-030 Recruitment notice—Content, and include in procedures specified in WAC 251-18-010(2);

that the agency will at 9:00 a.m., Friday, May 25, 1984, in the Board Room, Wenatchee Valley College, Wenatchee, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 25, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-06-065 filed with the code reviser's office on March 7, 1984.

Dated: May 2, 1984
 By: John A. Spitz
 Director

WSR 84-10-056
ADOPTED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Order 115—Filed May 2, 1984]

Be it resolved by the Higher Education Personnel Board, acting at Clark College, Vancouver, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 251-18-010 Examination—Requirement—Responsibilities.
- New WAC 251-18-011 Promotional organizational units—Establishment.
- New WAC 251-18-012 Eligible list—Related list.
- New WAC 251-18-015 Noncompetitive service.
- Amd WAC 251-18-020 Recruitment notice—Publicity—Duration.

- Amd WAC 251-18-050 Examinations—Employee release time.
- Amd WAC 251-18-070 Application forms—Acceptance.
- Amd WAC 251-18-110 Application—Disqualification—Rejection.
- Amd WAC 251-18-120 Applicants—Anonymity.
- Amd WAC 251-18-140 Examination results—Notification—Institutional review.
- New WAC 251-18-145 Examination—Eligibility—Right of appeal.
- Amd WAC 251-18-160 Examination—Medical.
- Amd WAC 251-18-180 Eligible lists—Definition—Composition.
- Amd WAC 251-18-190 Eligible lists—Duration.
- Amd WAC 251-18-200 Eligible lists—Removal of name—Notification.
- Amd WAC 251-18-240 Certification—Method.
- Amd WAC 251-18-260 Certification—Incomplete.
- Amd WAC 251-18-265 Certification—Concurrent.
- Amd WAC 251-18-270 Certification—Interview of eligibles.
- Rep WAC 251-18-080 Application—Acceptance.
- Rep WAC 251-18-100 Application—Admission to examination.
- Rep WAC 251-18-115 Examination—Eligibility—Right to appeal or review.
- Rep WAC 251-18-150 Reexamination—Procedure.
- Rep WAC 251-18-155 Examination—Records requirement.
- Rep WAC 251-18-170 Eligible lists—Establishment.
- Rep WAC 251-18-175 Eligible list—Related list.
- Rep WAC 251-18-181 Eligible lists—Combined.
- Rep WAC 251-18-230 Certification—Request for.

This action is taken pursuant to Notice No. WSR 84-06-065 filed with the code reviser on March 7, 1984. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 20, 1984.
 By John A. Spitz
 Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-010 EXAMINATION—REQUIREMENT—((DEFINITION)) RESPONSIBILITIES. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination ~~((developed and approved by the director))~~. Examinations shall be developed utilizing the class specifications and a detailed job analysis, to the degree possible, in a manner which will test fairly the capacity and fitness of the candidates ~~((to discharge efficiently the duties of the position))~~.

(2) ~~((An examination is any formal, scored, quantified measure or assessment used as the basis for a personnel selection decision. It may include written, oral, physical or performance tests, evaluation of experience and training, or any combination of these. It may take into consideration such factors as education, experience, physical~~

fitness, performance appraisal, and any other qualifications which in the judgment of the director properly enter into the determination of the relative fitness of applicants:

~~(3) Competitive examinations are not required for the establishment of eligible lists in the noncompetitive service:)) (a) The director shall establish procedures approved by the board for the development, modification, approval, administration, evaluation and use of examinations.~~

~~(b) Personnel officers may establish procedures to meet specific institutional requirements, provided such procedures are approved by the director before they are used.~~

~~(3) Personnel officers shall be responsible for following the procedures established in subsection (2) (a) and (b) of this section for all appointments to positions in the classified service in their institutions.~~

~~(4) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.~~

NEW SECTION

WAC 251-18-011 PROMOTIONAL ORGANIZATIONAL UNITS—ESTABLISHMENT. The personnel officer shall establish promotional organizational units based upon administrative unit and/or geographical location. Such units must be approved by the director.

NEW SECTION

WAC 251-18-012 ELIGIBLE LIST—RELATED LIST. (1) Should a vacancy occur in a class for which there is no existing eligible list, it shall be the responsibility of the personnel officer to recruit and develop an eligible list.

(2) If it is impractical to recruit in order to establish an eligible list for a class, the personnel officer may:

(a) Substitute an eligible list for a related class if he/she deems the classes to be sufficiently similar.

(b) Request the use of an eligible list established for the class at another institution.

NEW SECTION

WAC 251-18-015 NONCOMPETITIVE SERVICE. (1) All classes at an institution shall be considered to be in the competitive service unless a class has been specifically approved by the director to be in the noncompetitive service at that institution.

(2) For a class to be considered for approval for the noncompetitive service, the personnel officer must comply with the procedures established by the director and approved by the board for granting such approval.

AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-18-020 ((EXAMINATION)) RECRUITMENT NOTICE—PUBLICITY—DURATION. ((†) The personnel officer is responsible for determining when to open an eligible list and conduct examinations. Each personnel officer shall develop and

maintain on file a procedure by which employees who have indicated an interest in promotion through the established procedure are made aware of promotional opportunities within the organizational unit:

~~(2) Public notice of examinations to establish eligible lists shall be made via recruitment bulletin for the duration of the announcement and such other publicity as the personnel officer deems warranted in the interest of attracting adequate numbers of qualified applicants. The minimum period for posting recruitment bulletins will be seven calendar days, for an open competitive posting the personnel officer may authorize a shorter minimum posting period. The personnel officer may extend the duration of a posting as required by giving public notice in the same manner as the original notice.~~

~~(3) Examination notices are of two types:~~

~~(a) Those having definite duration, and~~

~~(b) Those having indefinite duration during which application may be made. Prior to closing a notice published for an indefinite period, public notice of at least three calendar days shall be given. Such notice may take either of the following forms:~~

~~(i) Public notice given in the same manner as the original notice, or~~

~~(ii) A statement on the bulletin board posting that when sufficient applications are received, the application period may be closed upon three days prior notice:)) (1) Notice of examinations to establish eligible lists shall be made via public display, including institutional posting, of recruitment notices and such other publicity as the personnel officer deems to be warranted.~~

~~(2) Recruitment notices may be opened with or without specified closing dates:~~

~~(a) A recruitment notice with a specified closing date must allow for an application period of at least seven calendar days from the date of opening the notice, unless the personnel officer authorizes a shorter application period for an open competitive or noncompetitive recruitment notice.~~

~~(b) A recruitment notice without a specified closing date must state that the application period may be closed upon three calendar days prior notice. Public notice of at least three calendar days must be given prior to closing such a recruitment notice.~~

~~(3) The personnel officer shall develop and utilize a procedure by which employees who have formally indicated an interest in promotion are made aware of promotional opportunities.~~

~~(4) The personnel officer may extend the application period for a recruitment notice as required by giving public notice in the same manner as the original notice.~~

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-050 EXAMINATIONS ((ADMINISTRATION))—EMPLOYEE RELEASE TIME. ((†) Examinations shall be held at such times and places as in the judgment of the personnel officer most nearly meet the convenience of applicants, practicability of administration, and needs of the service:)) Current employee applicants shall suffer no loss in regular salary as

a result of participating in examinations which are conducted for their employing institution during their regularly scheduled working hours.

~~((2) Examinations shall be conducted by the personnel officer or designee and shall be administered in accordance with standards and procedures approved by the director.))~~

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-070 APPLICATION FORMS—ACCEPTANCE. (1) Application ~~((s for employment shall be filed on))~~ forms shall be prescribed by the personnel officer ~~((Any question in any application form or examination shall be))~~ in compliance with applicable state and/or federal law.

(2) Applications shall be filed in accordance with the times specified in the recruitment notice.

(3) All required application materials, including supplemental applications, must be submitted by the specified time in order for an application to be considered.

(4) When an application is rejected for failure to meet the requirements of subsection (3) of this section, the provisions of WAC 251-18-110(2) shall apply.

(5) The personnel officer may require proof of age, education, experience, veterans preference, and/or other claims relevant to the qualifications of an applicant.

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-110 APPLICATION—DISQUALIFICATION—REJECTION. (1) The personnel officer may reject an application ~~((or an applicant))~~ at any time during the examination process for good and sufficient reason(s).

(2) Whenever the personnel officer rejects an application ~~((or an applicant under the provisions of these rules; he/she shall furnish a written statement of the specific reasons therefor and advise)),~~ the applicant ~~((of the right of appeal per WAC 251-18-115, except in those instances in which he/she was present at the time of notification of rejection or disqualification))~~ shall be given a written statement including:

(a) The specific reason(s) for the rejection; and

(b) Notification of the right of review per WAC 251-18-140(1)(b); and

(c) His/her right of appeal per WAC 251-18-145(1)(a).

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-120 APPLICANTS—ANONYMITY. When practical, the identity of ~~((an))~~ persons taking a ~~((competitive))~~ written examination shall be concealed from the examiners ~~((by the use of an identification number on all examination papers. When used, this number shall be used from the beginning of the examination until the papers have all been rated)).~~

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-140 EXAMINATION RESULTS—NOTIFICATION—INSTITUTIONAL REVIEW. (1) ~~((Within ten working days after scoring the examination, the personnel officer will provide each applicant competing in an examination with written notice of his/her score or failure to obtain a passing score and in addition his/her appeal rights per the provisions of WAC 251-18-115. Any applicant or authorized representative may request in writing that the personnel officer review the examination rating and/or score within fifteen calendar days after notification of the score. If an error in scoring has been made, it will be corrected and the eligible's name will be placed at the appropriate place on the eligible list. A correction so made shall not invalidate any appointment previously made from the list.~~

(2) ~~The personnel officer will notify the candidate of the date of placement on the eligible list and the date of expiration.))~~ The personnel officer shall:

(a) Provide each applicant with written notice of his/her final status in the examination process, normally within fifteen calendar days after the eligible list is established; and

(b) Inform each applicant that within fifteen calendar days of service of his/her notice, he/she may request a review of the action by the personnel officer; and

(c) Inform each applicant of his/her appeal rights per WAC 251-18-145(1)(c).

(2) Within thirty calendar days after receiving a request for review as provided in subsection (1)(b) of this section, the personnel officer will provide the applicant with written notice of the results of the review and of appeal rights as provided in WAC 251-18-145(1)(b).

NEW SECTION

WAC 251-18-145 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL. (1) A person shall have the right to appeal the following to the higher education personnel board as provided in subsection (2) of this section:

(a) Rejection of his/her application; or

(b) The results of the institutional examination review process per WAC 251-18-140(1)(b); or

(c) The conduct of the selection process and/or his/her examination results; or

(d) Failure to restore his/her name to an eligible list following the institutional review process per WAC 251-18-200(4); or

(e) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

(2) Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-18-010 (1), (2), or (3) in accordance with WAC 251-12-075.

(3) Such appeal must be in writing and filed in the office of the director within thirty calendar days after either service of the results of the institutional review or the effective date of the action appealed. The director

shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction, or dismissal, as provided in WAC 251-12-080 through 251-12-260, except for WAC 251-12-110; or

(b) The director may investigate the case and issue a determination.

(i) When the appellant is a classified employee, within thirty calendar days of the date of service of the determination to the appellant and the institution, either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety;

(ii) When the appellant is not a classified employee, the director's determination shall be final and binding; or

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-160 EXAMINATION—MEDICAL. ~~((The Candidates))~~ Eligibles for employment or promotion shall take a medical examination if prescribed for the position to which appointment is sought. All ~~((candidates))~~ eligibles must conform with medical regulations for state employment established by the Washington state board of health.

~~((A medical examination and/or doctor's certificate also may be required where a question arises concerning the fitness of the incumbent to perform the duties of his/her position.))~~

AMENDATORY SECTION (Amending Order 113, filed 3/30/84, effective 5/1/84)

WAC 251-18-180 ELIGIBLE LISTS—DEFINITION—COMPOSITION. ~~((The various))~~ Eligible lists ~~((are defined))~~ shall be established by class as follows:

(1) Institution-wide layoff lists ~~((shall be established by class and))~~ shall contain the names of:

(a) All permanent and probationary employees laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ~~((Ranking of eligibles shall be))~~ ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved ~~((Ranking of eligibles shall be))~~, ranked in order of layoff seniority.

(2) Organizational unit promotional lists ~~((shall be established by class and))~~ shall contain the names of all permanent employees of the organizational unit for which the list is established ~~((;))~~ who have ~~((successfully completed))~~ passed the examination for the class ~~((;~~

~~Ranking of eligibles shall be))~~, ranked in order of their final ~~((earned rating on the))~~ examination ~~((; plus any preference credits))~~ scores.

(3) Institution-wide promotional lists ~~((shall be established by class and))~~ shall contain the names of all permanent employees who have ~~((successfully completed))~~ passed the examination for the class, ranked in order of their final ~~((earned rating on the))~~ examination ~~((; plus any preference credits))~~ scores.

(4) Special employment program layoff lists ~~((shall be established by class and))~~ shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ~~((Ranking of eligibles shall be))~~ ranked in order of layoff seniority.

(5) State-wide layoff lists ~~((shall be established by class and))~~ shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060 ~~((Ranking of eligibles shall be))~~, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) ~~((Open competitive/noncompetitive lists:~~

~~(a) Open competitive lists shall be established by class and))~~ Open competitive lists shall contain the names of all ~~((candidates))~~ other applicants who have ~~((successfully completed))~~ passed the examination for the class, ranked in order of their final ~~((earned rating on the))~~ examination ~~((; plus any veterans preference credits or credits resulting from being in permanent status at another institution/related board. Credits resulting from movement indicated above shall be equal to five percent of the employee's final earned rating and will be added to the employee's final passing))~~ score. Applicants who are in permanent status at another institution/related board shall have a five percent credit added to their final passing score.

~~((b))~~ (7) Noncompetitive lists shall be established ~~((by class where the class has been previously approved by the director to be part of the noncompetitive service at a particular higher education institution. They))~~ per WAC 251-18-015 and shall contain the names of applicants who meet the minimum ~~((requirements))~~ qualifications and have passed the noncompetitive examination, if any, for the class ~~((for which the list is established. The eligibles shall be))~~, ranked by priority in time of filing application.

(8) For positions which meet the HEPB definitions of administrative, executive or professional employees, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing score

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-190 ELIGIBLE LISTS—DURATION. (1) ~~((The term of eligibility for each name on an eligible list shall be one year from the date the name is placed on the eligible list except for institution-wide layoff list for which eligibility shall be two years. Prior to the expiration date of the eligible on all eligible lists except open competitive/noncompetitive and state-wide layoff lists, he/she shall be given the opportunity to extend eligibility for one additional year by written request to the personnel officer.~~

~~(2) The personnel officer may extend the duration of an entire eligible list for one additional year if it is determined to be in the best interest of the service.~~

~~(3)) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:~~

~~(a) After two years on an institution-wide layoff list;~~

~~(b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list or state-wide layoff list;~~

~~(c) After six months on an open competitive or noncompetitive list.~~

~~(2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, or a special employment program layoff list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.~~

~~(3) The personnel officer may extend an entire eligible list for the following periods:~~

~~(a) Six months for open competitive and noncompetitive lists;~~

~~(b) One year for all other lists.~~

~~(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation.~~

AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-18-200 ELIGIBLE LISTS—REMOVAL OF NAME—NOTIFICATION. (1) ~~The ((name of an eligible may be removed from an eligible list by the)) personnel officer may remove a name from an eligible list for good and sufficient reason. ((Whenever any person's name is removed from an eligible list he/she shall be notified of the specific reasons for such removal and advised of the right to request a review by the personnel officer per subsection (2) of this section, except in instances where the eligible:))~~

~~(2) Notification of the removal of a name according to subsection (1) of this section is not required where the person has:~~

~~(a) ((Has)) Requested removal from the list in writing;~~

~~(b) ((Has)) Failed to respond ((within ten calendar days)) to a written inquiry ((or)) within ((three)) ten calendar days or to a telegraphed inquiry ((from the~~

~~personnel office)) within three calendar days relative to availability for appointment;~~

~~(c) ((Has)) Failed to notify the personnel office of a change((s)) of address; ((or))~~

~~(d) ((Is an open competitive candidate and has been removed from an eligible)) Been removed from a state-wide layoff list, an open-competitive or noncompetitive list due to expiration of eligibility(:~~

~~(2) Such person may, within five working days of notification, make a written request to the personnel officer for restoration to such eligible list for the duration of eligibility. The personnel officer, after full consideration of the request, may restore the name to the eligible list, or refuse to do so. The person shall be notified of the personnel officer's action and of the right of appeal per WAC 251-18-115.); or~~

~~(e) Been removed from an eligible list due to expiration of an extension of eligibility in accordance with WAC 251-18-190(2).~~

~~(3) In all other cases, the affected person shall be notified of the specific reasons for removal from the eligible list and advised of the right to request a review by the personnel officer per subsection (4) of this section.~~

~~(4) A person whose name has been removed from an eligible list for reasons other than those listed in subsection (2) of this section may request in writing within ten calendar days of notification that the personnel officer restore the name to the list for the duration of eligibility.~~

~~(5) Within ten calendar days after receiving a request per subsection (4) of this section, the personnel officer will provide the person with written notification of the decision to:~~

~~(a) Restore the name to the eligible list; or~~

~~(b) Refuse to restore the name to the eligible list. In this case, the person shall also be advised of the right of appeal per WAC 251-18-145(1)(d).~~

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-240 CERTIFICATION—METHOD. (1) Upon receipt of a personnel ~~((requisition)) request, the personnel officer shall provide to the employing official ((a certification of names in writing. Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.~~

~~(2) The personnel officer shall certify to the employing official)) in writing four more names than there are vacancies to be filled by the certification.~~

~~(2) Names shall be certified in strict order of standing on the eligible list(s).~~

~~(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. ((Except as provided in subsection (4) of this section)) Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:~~

~~(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(8):~~

~~(i) Institution-wide layoff list;~~

~~((b))~~ (ii) Organizational unit ((promotion)) promotional list;

~~((c))~~ (iii) Institution-wide ((promotion)) promotional list;

~~((d))~~ (iv) Special employment program layoff list;

~~((e))~~ (v) State-wide layoff list;

~~((f))~~ (vi) Open competitive or noncompetitive list.

~~((4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employees and there are insufficient eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on the basis of four more names than there are vacancies to be filled by the certification:)) (b) When the personnel officer has established a combined eligible list:~~

(i) Institution-wide layoff list;

(ii) Combined eligible list.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-260 CERTIFICATION—INCOMPLETE. When the number of names available for ((filling any)) certification for a given vacancy is fewer than five, the employing official may make an appointment from the certification or decline to do so.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-265 CERTIFICATION—CONCURRENT. When more than one ((department)) employing official submits a personnel request for certification for a class concurrently, the ((top five)) same names ((on)) from the appropriate ((employment)) eligible list(s) will be certified to each ((department for consideration and selection)) official as required by WAC 251-18-240.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-270 CERTIFICATION—INTERVIEW OF ((CANDIDATES)) ELIGIBLES. The employing official shall interview each ((candidate)) eligible certified prior to making an appointment, except when the eligible waives the interview.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 251-18-080 APPLICATION—ACCEPTANCE.

(2) WAC 251-18-100 APPLICATION—ADMISSION TO EXAMINATION.

(3) WAC 251-18-115 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL OR REVIEW.

(4) WAC 251-18-150 REEXAMINATION—PROCEDURE.

(5) WAC 251-18-155 EXAMINATION—RECORDS REQUIREMENT.

(6) WAC 251-18-170 ELIGIBLE LISTS—ESTABLISHMENT.

(7) WAC 251-18-175 ELIGIBLE LIST—RELATED LIST.

(8) WAC 251-18-181 ELIGIBLE LISTS—COMBINED.

(9) WAC 251-18-230 CERTIFICATION—REQUEST FOR.

WSR 84-10-057

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 2, 1984]

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 relating to alcohol blend gasolines, chapter 16-657 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 30, 1984.

The authority under which these rules are proposed is chapter 19.94 RCW.

This notice is connected to and continues the matter in Notice No. WSR 84-07-026 filed with the code reviser's office on March 16, 1984.

Dated: May 2, 1984

By: Michael V. Schwisow
Deputy Director

WSR 84-10-058

ADOPTED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 116—Filed May 2, 1984]

Be it resolved by the Higher Education Personnel Board, acting at Clark College, Vancouver, Washington, that it does adopt the annexed rules relating to definitions ("examinations"; "final examination score"), amending WAC 251-04-020.

This action is taken pursuant to Notice No. WSR 84-06-065 filed with the code reviser on March 7, 1984. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 20, 1984.

By John A. Spitz
Director

AMENDATORY SECTION (Amending Order 112, filed 3/2/84)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"APPOINTING AUTHORITY" - A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" - An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" - The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" - The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" - A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" - One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate

each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" - All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" - The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" - A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" - Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"CYCLIC YEAR POSITION" - A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

"DEMOTION" - The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" - The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" - The personnel director of the higher education personnel board.

"DISMISSAL" - The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" - An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" - A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption.")

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance

with WAC 251-118-130, 251-18-180(6) and/or 251-18-180(8)(b).

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds or lack of work:

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

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of cyclic year positions. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNITY" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution or related board.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and

definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved at the institution.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" – An enforced absence without pay for disciplinary purposes.

"TEMPORARY APPOINTMENT" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit

voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

WSR 84-10-059
PROPOSED RULES
DEPARTMENT OF LICENSING
(Council on Hearing Aids)
[Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Council on Hearing Aids intends to adopt, amend, or repeal rules concerning the amending of WAC 308-50-020 reexaminations; and 308-50-110 minimum standards of equipment;

that the agency will at 2:30 p.m. or as soon thereafter as possible, Friday, June 8, 1984, in the Alpine Room, Sea-Tac Hilton Hotel, 17620 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.35.161.

The specific statute these rules are intended to implement is RCW 18.35.161.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1984.

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

Barbara Johnson
Executive Secretary
Washington State Council on Hearing Aids
P.O. Box 9649
Olympia, WA 98504
234-1153 scan
753-1153 comm

Dated: May 2, 1984
By: Barbara Johnson
Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters:
WAC 308-50-020 Reexaminations; and 308-50-110
Minimum standards of equipment.

Statutory Authority: RCW 18.35.161.

Specific Statute that Rule is Intended to Implement: RCW 18.35.161.

Summary of the Rules: WAC 308-50-020, this section describes the limitations on and requirements for reexamination; and WAC 308-50-110, this section describes acceptable equipment standards for the fitting and dispensing of hearing aids.

Reasons Supporting the Proposed Actions: The purpose of the amendment to WAC 308-50-020 is to clarify limitations on reexamination. The amendment is intended to eliminate misunderstanding on the part of applicants failing to pass the examination; and the purpose of the amendment to WAC 308-50-110 is to clarify test environment requirements and to cause such requirements to be a minimum standard of equipment not limited to places of business. The amendment is necessary because tests are given in mobile units and at itinerant locations in addition to official places of business.

Responsible Personnel: In addition to members of the council, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Barbara Johnson, Executive Secretary, P.O. Box 9649, Olympia, WA 98504, 234-1153 scan, 753-1153 comm.

Name of the Person or Organization that is Proposing the Rules: Washington State Council on Hearing Aids.

Agency Comments or Recommendations: Rule-making and disciplinary authorities under chapter 18.35 RCW were previously delegated to the director of the Department of Licensing. The authorities were newly delegated to the Council on Hearing Aids with the enactment of RCW 18.35.161. The council has undertaken to review existing rules and to propose amendments necessary to fulfill the obligations imposed upon the council by RCW 18.35.161.

These rules are 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 Rules or their Purposes: None.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact more than twenty percent of all industries, or more than ten percent of any one industry as that term is defined by RCW 19.85.020(3).

AMENDATORY SECTION (Amending Order PL 222, filed 11/5/75)

WAC 308-50-020 REEXAMINATIONS. (1) Should an applicant fail any section, he may apply to the department to be reexamined in such section(s).

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

(3) Any person who fails to qualify for licensure after three examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances.

AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-110 MINIMUM STANDARDS OF EQUIPMENT. Minimum equipment in the fitting and dispensing of hearing aids shall include:

(1) Access to a selection of hearing aid models, and hearing aid supplies and services sufficiently complete to accommodate the various user needs.

(2) Facilities for the personal comfort of customers.

(3) A test environment with background noise no greater than current American National Standards Institute specifications [S3.1-1960 (R-1970)] plus 15 dB. (~~in each place of business by January 1, 1975~~)

(4) Pure tone audiometer calibrated in accordance with WAC 308-50-120.

(5) Equipment appropriate for conducting speech audiometry (testing).

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 84-10-060

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Physical Therapy)

[Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Physical Therapy intends to adopt, amend, or repeal rules concerning the practice and licensure of physical therapists;

that the agency will at 9:00 a.m., Thursday, June 14, 1984, in the Vance Airport Inn, Seattle Room, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.74.023.

Dated: May 2, 1984

By: Barbara Johnson
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Physical Therapy.

Purpose: To revise examination standards and to adopt standards for certain applicants and for physical therapists for the protection of the public by encouraging the delivery of safe and appropriate physical therapy services.

Summary: WAC 308-42-010 Definitions; 308-42-045 Examination; 308-42-060 Reciprocity—Requirements for licensure; 308-42-125 Applicants from unapproved schools; 308-42-130 Initial evaluation—Referral—Nonreferral—Recommendations—Follow-up; 308-42-135 Supportive personnel—Supervision; 308-42-140 Supportive personnel identification; 308-42-145 Special requirements for physical therapist assistant utilization; 308-42-150 Professional conduct principles; 308-42-155 Division of fees—Rebating—Financial interest—Endorsement; and 308-42-160 Physical therapy records.

Statutory Authority: RCW 18.74.023.

Reason Proposed: WAC 308-42-010 amendments will provide for new definitions needed to implement

chapter 116, Laws of 1983; WAC 308-42-045 amendments will improve the examination passing standards and to permit applicants to be reexamined on portions of the examination; WAC 308-42-060 amendments are to reflect the change in the examination scores; WAC 308-42-125 proposal is to provide procedures for evaluation of applicants from unapproved schools; WAC 308-42-135 proposal sets practice standards for the use of supportive personnel for the protection of patients; WAC 308-42-140 proposal requires supportive personnel be properly identified so that the public will be informed; WAC 308-42-145 proposal establishes special requirements for physical therapist assistant utilization for the protection of patients; WAC 308-42-150 proposal establishes certain professional conduct principles to protect the public; WAC 308-42-155 proposal explains the restrictions on division of fees or rebating for the protection of the public welfare; and WAC 308-42-160 proposal establishes the level of recordkeeping necessary for adequate records of physical therapy treatment.

Responsible Departmental Personnel: In addition to members of the Physical Therapy Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Barbara Johnson, Executive Secretary, Third Floor, Highways-Licenses Building, Olympia, WA 98504, 234-1153 scan, 753-1153 comm.

Proponents: The subject matter of this rules hearing has been proposed by the Washington State Board of Physical Therapy.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 191, filed 5/29/75)

WAC 308-42-010 DEFINITIONS. For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein: (1) ~~((The "prescription and direction of a person licensed in Washington to practice medicine and surgery", under which the physical therapist must practice, shall include written or oral instructions from the said medical and/or surgical practitioner. If the instructions are oral, the physical therapist may administer treatment accordingly, but must make a notation for his own record describing the nature of the treatment, the date administered, the name of the person receiving treatment, and the name of the prescribing practitioner.))~~ The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) ~~((A "person licensed to practice medicine and surgery" shall include properly licensed physicians, osteopathic physicians, osteopathic physicians, podiatrists, and dentists. Provided, however, that the prescription and direction of the podiatrist and dentist be limited to their scope of practice as defined by chapters 18.22 and 18.32 RCW respectively.))~~ "Consultation" means a discussion of a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) ~~((The "performance of tests of neuro-muscular function" includes the performance of electroneuromyographic examinations.))~~ "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean an individual who shall have received an associate degree as a physical therapist assistant from an approved school, or a graduate of an approved school of physical therapy who has not been licensed to practice physical therapy in Washington state.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible and visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

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 PL 426, filed 2/10/83)

WAC 308-42-045 EXAMINATION. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74-.035 shall be the examination for physical therapists as prepared by the Professional Examining Service of New York. A passing score is 70% of the raw score ~~((with not less than 60% raw score))~~ on each of the three examination parts.

~~((2))~~ A passing score, as defined above, obtained in a PES exam within three years prior to the date of registration application and verified by the Interstate Reporting Service of the Professional Examining Service of New York, will satisfy the written examination requirement.

~~((3))~~ If a candidate fails to receive a passing score on the examination, he or she ~~((must retake the entire examination))~~ will be required to retake only the section(s) failed.

~~((4))~~ (3) Where necessary, applicant's score will be rounded off to the nearest whole 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.

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 PL 426, filed 2/10/83)

WAC 308-42-060 RECIPROCITY — ~~((RECOMMENDATIONS TO DIRECTOR))~~ REQUIREMENTS FOR LICENSURE. Before reciprocity ~~((be))~~ is extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the ~~((examining committee))~~ board shall determine the qualifications of the applicant as prescribed by law based in part on the Professional Examining Service examination as follows:

(a) For applicants examined after October 4, 1984, an overall score of 70% of the raw score on each part of the three examination parts, or

~~((a))~~ (b) For applicants examined ~~((after))~~ between October 14, 1981, and October 4, 1984, a score of 70% of the raw score with not less than 60% raw score on each of the three examination parts, or

~~((b))~~ (c) For applicants examined prior to October 14, 1981, a score of 1.5 standard deviation below the national mean; verified by the Interstate Reporting Service of the Professional Examining Service of New York, shall be considered passing for the purpose of reciprocity outlined in RCW 18.74.060.

(2) If the decision to extend reciprocity is based on an examination other than the Professional Examining Service, the ~~((examining committee))~~ board shall determine if such examination is equivalent to that required by the laws of this state.

(3) The ~~((committee))~~ board shall not recommend to the director that a person be registered as a physical therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the Professional Examining Service examination, or other examination equivalent to that required by the law of this state.

~~((4))~~ All applicants who have been denied reciprocity must apply for registration in Washington and receive a probationary certificate or become licensed before engaging in the practice of physical therapy.)

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.

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 308-42-125 APPLICANTS FROM UNAPPROVED SCHOOLS. Applicants who have not graduated from a physical therapy program approved by the board must submit an application for review by the board. Supporting documentation will include but not be limited to:

- (a) official transcript from the physical therapy program showing degree date, and
- (b) evaluation report of transcripts from a credentialing service recognized by the board. If the qualifications are substantially equal to those required of graduates of board approved schools the applicant will be eligible to write the examination being administered in Washington, PROVIDED: If the applicant has taken the examination recognized by the board in another state or territory, or District of Columbia and the scores reported meet Washington requirements, such applicant may be exempted from the examination in Washington at the discretion of the board.

NEW SECTION

WAC 308-42-130 INITIAL EVALUATION - REFERRAL - NON-REFERRAL - RECOMMENDATIONS - FOLLOW-UP. (1) Initial evaluation of a non-referral patient shall include history, chief complaint, examination, and recommendation for treatment.

(2) Direct referral of a patient by an authorized health care practitioner may be by telephone, letter, or in person. PROVIDED, HOWEVER, if the instructions are oral, the physical therapist may administer treatment accordingly, but must make a notation for his/her record describing the nature of the treatment, the date administered, the name of the person receiving treatment, and the name of the referring authorized health care practitioner.

(3) The physical therapist will follow-up each referral or non-referral with the appropriate record keeping as defined in WAC 308-42-150.

NEW SECTION

WAC 308-42-135 SUPPORTIVE PERSONNEL - SUPERVISION. Supervision of supportive personnel requires that the supervisor perform the following activities:

- (1) Provide initial evaluation of the patient.
- (2) Develop a treatment plan and program, including the long and short-term goals.
- (3) Assess the competence of supportive personnel to perform assigned tasks.
- (4) Select and delegate appropriate portions of the treatment plan and program.
- (5) Identify and document precautions, special problems, contraindications, goals, anticipated progress and plans for reevaluation.
- (6) Direct and supervise supportive personnel in delegated functions.
- (7) Reevaluate the patient, adjust the treatment plan, perform final evaluation of the patient and provide discharge planning.
- (8) Designate or establish channels of written and oral communication, and
- (9) Monitor routine treatments before being continued by physical therapist assistant or aide.

NEW SECTION

WAC 308-42-140 SUPPORTIVE PERSONNEL IDENTIFICATION. All supportive personnel shall wear an identification badge identifying them as either a physical therapist assistant or a physical therapist aide as appropriate. Supportive personnel shall not use any term or designation which indicates or implies that he or she is licensed or registered in the state of Washington.

NEW SECTION

WAC 308-42-145 SPECIAL REQUIREMENTS FOR PHYSICAL THERAPIST ASSISTANT UTILIZATION. The physical therapist assistant may function under immediate, direct or indirect supervision if the following requirements are met:

- (1) Immediate supervision is required every four (4) patient visits.
- (2) Any change in the patient's condition not consistent with planned progress or treatment goals necessitates a reevaluation by the licensed physical therapist before further treatment is carried out, and
- (3) A licensed physical therapist may not supervise more than two (2) physical therapist assistants at any one time.

NEW SECTION

WAC 308-42-150 PROFESSIONAL CONDUCT PRINCIPLES. (1) The patient's lawful consent is to be obtained before any information related to the patient is released, except to the consulting or referring authorized health care practitioner and/or authorized governmental agency(s).

(a) Physical therapists are responsible for answering legitimate inquiries regarding a patient's physical dysfunction and treatment progress, and

(b) Information is to be provided to insurance companies for billing purposes only.

(2) Physical therapists are not to compensate to give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context it is a paid advertisement.

(3) It is the licensee's responsibility to report any unprofessional, incompetent or illegal acts which are in violation of chapter 18.74 RCW or any rules established by the board.

NEW SECTION

WAC 308-42-155 DIVISION OF FEES - REBATING - FINANCIAL INTEREST - ENDORSEMENT. (1) Physical therapists are not to directly or indirectly request, receive or participate in the dividing, transferring, assigning, rebating or refunding of an unearned fee, or to profit by means of a credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services.

(2) Physical therapists who practice physical therapy as partners or in other business entities may pool fees and moneys received, either by the partnership or other entity, for the professional services furnished by any physical therapist member or employee of the partnership or entity. Physical therapists may divide or apportion the fees and moneys received by them, in the partnership or other business entity, in accordance with the partnership or other agreement.

(3) There shall be no rebate to any health care practitioner who refers or authorizes physical therapy treatment or evaluation.

(4) Physical therapists are not to influence patients to rent or purchase any items which are not necessary for the patient's care.

NEW SECTION

WAC 308-42-160 PHYSICAL THERAPY RECORDS. In order to maintain the integrity of physical therapy practice, the physical therapist shall maintain a complete record of each patient which shall include, but not be limited to: (1) Referrals/non-referrals.

(a) The physical therapist is responsible for obtaining all necessary information such as medical history, contraindications or, if a direct referral from an authorized health care practitioner, special instructions.

(2) Initial physical therapy evaluation shall include, but not be limited to:

- (a) Patient's name, age, sex, date of admission,
- (b) Diagnosis and date of onset,
- (c) Reported and measurable objective data related to the patient's dysfunction,
- (d) Assessment, and
- (e) Short and long term measurable goals of treatment related to the patient's problem as assessed by objective data documented in the evaluation.

(3) Physical therapy treatment plan shall include, but not be limited to:

- (a) Type and amount of treatment to be rendered,
- (b) Frequency of treatment,

- (c) Duration of treatment (stated in days or weeks),
- (d) Date and signature of physical therapist, and
- (e) The physical therapist shall document the consultation of a non-referral patient.
- (4) Records shall be kept to indicate the specific therapy provided for each patient each treatment session.
- (5) Progress notes shall:
 - (a) Describe any change in condition the patient's response (physically or mentally) to treatment. Adverse reaction or unusual incidents related to the physical therapy treatment shall be documented on the day of occurrence or the day of the identification of the reaction.
 - (b) Indicate progress OR regression, including temporary discontinuation,
 - (c) Record tests and evaluations given and progress or lack of progress made,
 - (d) Record any information about appliances, etc., and
 - (e) Be signed and dated by the person rendering treatment.
- (6) Discharge note shall be written when the patient is discontinued from therapy and include, but not be limited to:
 - (a) Date and reason for discharge, if known,
 - (b) Objective data related to the initial evaluation and subsequent review,
 - (c) A complete and accurate summary of the patient's status at the time (functional ability, increase or limitation of range of motion, decrease or increase of pain, muscle power, general physical/mental condition including tolerance, etc.),
 - (d) Any recommendations the physical therapist might have regarding the need for follow-up care (if applicable) and,
 - (e) Signature of physical therapist and date.
- (7) Home programs shall be documented in physical therapy service record with a comment regarding the level of understanding by the responsible person.

WSR 84-10-061
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed May 2, 1984]

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 used automotive oil recycling sign requirements for automotive oil sellers, chapter 173-330 WAC;

that the agency will at 2:00 p.m., Tuesday, June 12, 1984, in the Department of Ecology, Rowsix, 4224 6th Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 26, 1984.

The authority under which these rules are proposed is chapter 19.114 RCW, used automotive oil recycling.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1984.

Dated: May 2, 1984
 By: Donald W. Moos
 Director

STATEMENT OF PURPOSE

Title: Chapter 173-330 WAC, Used automotive oil recycling—Sign requirements for automotive oil sellers.

Description of Purpose: Provide minimum requirements for the posting and maintaining of signs informing the public of proper collection and disposal of automotive oil.

Statutory Authority: Chapter 19.114 RCW, used automotive oil recycling.

Summary of Rule: Establishes sign criteria, posting and maintenance requirements.

Reasons Supporting Proposed Action: Encourages used oil recycling through public information at point of sale.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: R. Leighton Pratt, Department of Ecology, MS: PV-11, Olympia, 98504, 459-6505.

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 information supplied by agency.]

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: This proposed regulation potentially impacts all businesses in Standard Industrial Classifications (SIC's): 501, 508, 517, 533, 539, 541, 549, 551, 552, 553, 554, 555, 556, 557, 559, 591, 594, 598, and 599 by requiring purchase of signs, posting of signs, and notification that signs have been posted. Chapter 19.114 RCW requires that this regulation be adopted and enforced. This statement satisfies the requirements of chapter 19.85 RCW, the Regulatory Fairness Act.

USED AUTOMOTIVE OIL RECYCLING

SIGN REQUIREMENTS FOR AUTOMOTIVE OIL SELLERS

NEW SECTION

WAC 173-330-010 PURPOSE. Pursuant to chapter 19.114 RCW it is recognized by the legislature that used automotive oil is a limited resource that can be collected and recycled. Further, improper disposal results in undesirable effects upon the economy and the environment.

These rules provide minimum requirements for the posting and maintaining of durable and legible signs informing the public of proper collection and disposal of used oil.

NEW SECTION

WAC 173-330-020 APPLICABILITY. All sellers as defined in WAC 173-330-030 shall conform to the provisions of this chapter.

NEW SECTION

WAC 173-330-030 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Used oil" means automotive oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties.

(2) "Recycle" means to prepare used oil for reuse as a petroleum product by refining, rerefining, reclaiming, reprocessing, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and rules.

(3) "Department" means the department of ecology

(4) "Director" means the director of the department of ecology.

(5) "Person" means an individual, private or public corporation, partnership, cooperative, association, estate, municipality, political subdivision or governmental agency or instrumentality.

(6) "Seller" means any person selling oil within the State of Washington.

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 173-330-040 RESPONSIBILITY TO PROCURE AND POST SIGN. It shall be the responsibility of all sellers to procure, post, and maintain a sign at their own expense in accordance with the provisions within this chapter.

NEW SECTION

WAC 173-330-050 SIGN CRITERIA. (1) A sign shall be constructed of white card stock - 80# or of equal weight and quality material, and be:

- a. Commercially printed
- b. Size 11" x 14"
- c. Type style - Helvetica
- d. Type color - Green #347
- e. Recycling logo - 3"

(2) ALL SIGNS WILL CARRY THIS MESSAGE:
USED OIL IS RECYCLABLE

"Improper disposal of used oil is a significant source of water pollution, contributes to the overall shortage of energy resources, and has a detrimental impact on general public health."

FOR MORE INFORMATION CALL 1-800-RECYCLE

(3) The sign shall indicate how and where used oil may be properly disposed of including the location and hours of operation of conveniently located used oil collection facilities. This information may be clearly hand written in an information block on the sign.

(4) The sign shall be substantially in the form shown in WAC 173-330-900 contained herein.

NEW SECTION

WAC 173-330-060 POSTING AND MAINTENANCE OF SIGNS (1) Signs shall be posted in a location visible to the public at or near the point of sale. This location shall either be at the automotive oil display location within the store or at the cash register.

(2) Signs shall be maintained at the required location and shall remain fully visible and legible at all times.

(3) Damaged, lost or misplaced signs will be replaced in a timely manner not to exceed two business days.

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 173-330-070 EFFECTIVE DATE AND COMPLIANCE

(1) This chapter shall become effective October 1, 1984. Sellers shall post signs in accordance with the provisions of this chapter as of that date.

(2) Sellers shall notify the department in writing by January 1, 1985 of compliance.

NEW SECTION

WAC 173-330-900 LOGO AND SIGN



**"IMPROPER DISPOSAL OF USED OIL IS A
 SIGNIFICANT SOURCE OF WATER POLLUTION,
 CONTRIBUTES TO THE OVERALL SHORTAGE
 OF ENERGY RESOURCES AND HAS A DETRIMENTAL
 IMPACT ON GENERAL PUBLIC HEALTH"**

-CHAPTER 173-330 WAC

<p>RECYCLE USED OIL AT: LOCATION _____ TIMES _____</p>

**FOR MORE INFORMATION CALL
 THE WASHINGTON STATE DEPT. OF ECOLOGY
 LITTER CONTROL AND RECYCLING PROGRAM**

1-800-RECYCLE

**WSR 84-10-062
 PROPOSED RULES
 DEPARTMENT OF LICENSING
 (Council on Hearing Aids)
 [Filed May 2, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Council on Hearing Aids intends to adopt, amend, or repeal rules concerning readopting the following sections: WAC 308-50-140 Bait advertising; 308-50-160 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties; 308-50-170 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character

of business, etc.; 308-50-180 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of physician; 308-50-190 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of words "prescription," "diagnosis," etc.; 308-50-200 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to visibility, construction, etc.; 308-50-210 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to batteries; 308-50-230 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting business establishment; 308-50-240 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Advertising of parts, accessories or components; 308-50-250 Unfair or deceptive practices,

unethical conduct and unfair methods of competition—Endorsements, etc.; 308-50-260 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Used or rebuilt products; 308-50-270 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Association with the state of Washington; 308-50-280 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Tests, acceptance or approval; 308-50-290 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use, imitation or simulation of trademarks, etc.; 308-50-295 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Defamation of competitors or false disparagement of their products; and amending WAC 308-50-220 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception representing novelty of products;

that the agency will at 9:30 a.m., Friday, June 8, 1984, in the Alpine Room, Sea-Tac Hilton Hotel, 17620 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.35.161.

The specific statute these rules are intended to implement is RCW 18.35.161.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1984.

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

Barbara Johnson
Executive Secretary
Washington State Council on Hearing Aids
P.O. Box 9649
Olympia, WA 98504
234-1153 scan
753-1153 comm

Dated: May 2, 1984
By: Barbara Johnson
Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: Same as above.

Statutory Authority: RCW 18.35.161.

Specific Statute that Rules are Intended to Implement: RCW 18.35.161.

Summary of the Rules: WAC 308-50-140, this section establishes bait advertising as an unethical practice; WAC 308-50-160, this section describes restrictions upon the offering of guarantees and warranties to consumers; WAC 308-50-170, this section restricts licensees from falsely implying or representing that they manufacture or develop hearing aids; WAC 308-50-180, this section restricts licensees from falsely representing the association of physicians in the manufacture or selection of hearing aids; WAC 308-50-190, this section restricts licensees from implying or representing

that they will perform services of a diagnostic or prescriptive nature; WAC 308-50-200, this section restricts licensees from using terms that tend to mislead consumers with respect to the visibility and construction of hearing aids; WAC 308-50-210, this section restricts licensees from making misrepresentations as to the substitutability of batteries in hearing aids; WAC 308-50-220, this section restricts licensees from using certain terms that tend to mislead consumers with respect to the novelty of hearing aids; WAC 308-50-230, this section restricts licensees from using terms that tend to mislead consumers as to the commercial nature of establishments where hearing aids are fitted and dispensed; WAC 308-50-240, this section restricts licensees from falsely implying or representing that certain component parts comprise the entire hearing aid; WAC 308-50-250, this section restricts licensees from falsely advertising or otherwise representing endorsements; WAC 308-50-260, this section requires licensees to make full disclosure when used or rebuilt products are offered for sale; WAC 308-50-270, this section restricts licensees from implying or representing that they are associated with the state of Washington in capacities other than that of licensees; WAC 308-50-280, this section restricts licensees from making false representations as to the testing and approval of hearing aids; WAC 308-50-290, this section restricts licensees from the use, imitation or simulation of trademarks in a manner that would tend to mislead consumers; and WAC 308-50-295, this section restricts licensees from unfair competitive practices.

Reasons Supporting the Proposed Rules: The purpose of the readoption of WAC 308-50-140, 308-50-160, 308-50-170, 308-50-180, 308-50-190, 308-50-200, 308-50-210, 308-50-230, 308-50-240, 308-50-250, 308-50-260, 308-50-270, 308-50-280, 308-50-290 and 308-50-295, is to ratify existing rules; and the purpose of the amendment to WAC 308-50-220 is to add additional terms to the list of terms that tend to mislead consumers.

Responsible Personnel: In addition to members of the council, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Barbara Johnson, Executive Secretary, P.O. Box 9649, Olympia, WA 98504, 234-1153 scan, 753-1153 comm.

Name of the Person or Organization that is Proposing the Rules: Washington State Council on Hearing Aids.

Agency Comments or Recommendations: Rule-making and disciplinary authorities under chapter 18.35 RCW were previously delegated to the director of the Department of Licensing. The authorities were newly delegated to the Council on Hearing Aids with the enactment of RCW 18.35.161. The council has undertaken to review existing rules and to propose ratifications and/or amendments as necessary to fulfill the obligations imposed upon the council by RCW 18.35.161.

These rules are 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 Rules or Their Purposes: None.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact more than twenty percent of all industries, or more than ten percent of any one industry as that term is defined by RCW 19.85.020(3).

READOPTED SECTION

WAC 308-50-140 BAIT ADVERTISING. It shall be unethical to engage in bait advertising. In determining whether there has been a violation of this rule, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product or service, but was made for the purpose of contacting prospective purchasers and selling them a product, service or products other than the product or service offered. In addition to the procedures outlined in chapter 18.35 RCW, other acts or practices which are considered bait advertising include:

- (1) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect;
- (2) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;
- (3) The disparagement, by acts or words, of the product offered, or the disparagement of the guarantee, credit terms, availability of service, repairs or parts, or in any other respect, in connection with it;
- (4) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;
- (5) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter; and
- (6) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this rule.

READOPTED SECTION

WAC 308-50-160 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—GUARANTEES AND WARRANTIES. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent in advertising or otherwise that a hearing aid is "guaranteed" without clear and conspicuous disclosure of:

- (1) The nature and extent of the guarantee, and
- (2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and
- (3) The manner in which the guarantor will perform thereunder, and
- (4) The identity of the guarantor. (The necessary disclosure requires that any guarantee made by the licensee which is not backed up by the manufacturer must clearly state that the guarantee is offered by the licensee only.)

Representations that a hearing aid is "guaranteed for life" or has a "lifetime guarantee," in addition to meeting the above requirements, shall contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as may have the tendency to mislead purchasers or prospective purchasers into the belief that the hearing aid so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

This rule has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty."

READOPTED SECTION

WAC 308-50-170 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—CHARACTER OF BUSINESS, ETC. It shall be an

unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent, unless it is true, directly or indirectly through the use of any word or term in his corporate or trade name, in his advertising or otherwise:

- (1) That he is a manufacturer of hearing aids or devices, or of batteries, parts, or accessories therefor;
- (2) That he is the owner or operator of a factory or producing company manufacturing such products; or
- (3) That he owns or maintains a laboratory devoted to hearing aid research, testing, experimentation, or development.

READOPTED SECTION

WAC 308-50-180 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—USE OF PHYSICIAN. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent directly or by implication, unless it is true:

- (1) That the services or advice of a physician have been used in the designing or manufacturing of hearing aids or in the selection, fitting, adjustment, maintenance or repair of hearing aids.
- (2) The prohibitions of this rule are applicable to the use of the terms "doctor," "physician," "otologist" or "otolaryngologist"; to any abbreviations, variations or derivatives of such terms; and to the use of any symbol, depiction, or representation having a medical or osteopathic connotation.

READOPTED SECTION

WAC 308-50-190 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—USE OF WORDS "PRESCRIPTION," "DIAGNOSIS," ETC. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use, in advertising or otherwise, the words "prescribe," "prescription," "diagnose," "diagnosis," or "diagnostic" or any abbreviation, variation or derivative thereof or symbol therefor, in his business name or in referring to or describing his service, business, business activity or any industry product, unless such licensee is a licensed physician or such licensee clearly reveals that the use of such term(s) refers to a function or action or activity which has been or will be performed only by a licensed physician.

READOPTED SECTION

WAC 308-50-200 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—DECEPTION AS TO VISIBILITY, CONSTRUCTION, ETC. A licensee shall not:

- (1) Represent, directly or by implication, through the use of such words or expressions as "invisible," "hidden," "hidden hearing," "completely out of sight," "conceal your deafness," "hear in secret," "unnoticed even by your closest friends," "no one will know you are hard of hearing," "your hearing loss is your secret," "no one need know you are wearing a hearing aid," "hidden or out of sight when inserted in the ear canal," or by any other words or expressions of similar import, that any hearing aid, device, or part is hidden or cannot be seen unless such is the fact.

- (2) Use in advertising the words or expressions "no cord," "cordless," "one hundred percent cordless," "no unsightly cord dangling from your ear," "no wires," "no tell-tale wires," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that a plastic tube (or similar device) runs from the instrument to the ear if such is the fact.

- (3) Use in advertising the words or expressions, "no button," "no ear button," "no buttons or receivers in either ear," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that an earmold or plastic tip is inserted in the ear if such is the fact.

- (4) Represent, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features such as the absence of anything in the ear, or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in most cases of hearing loss this type of instrument is not suitable.

READOPTED SECTION

WAC 308-50-210 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—DECEPTION AS TO BATTERIES. Licensees shall not represent directly or by implication, that batteries sold only by such licensees, or bearing a specified brand, label, or other identifying mark, are the only ones suitable for use in a particular type or make of hearing aid or device when such is not a true fact.

AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-220 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—DECEPTION REPRESENTING NOVELTY OF PRODUCTS. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent to purchasers or prospective purchasers any statement or statements which have the capacity and tendency or effect of misleading or deceiving them into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle, when such is not the fact.

Representations of the following or similar types, when not fully justified by the facts, are among those prohibited by this rule: "Amazing new discovery," "revolutionary new invention," "radically new and different," "sensational new laboratory development," "remarkable new electronic device," "brand-new invention," "marvelous new hearing invention," "new scientific aid," ((and)) "miracle," "automatic noise suppression (ans)," "automatic," "word separator," "computer," "computerized," "computer circuitry," and "continuous adoptive tone (cat)."

READOPTED SECTION

WAC 308-50-230 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—MISREPRESENTING BUSINESS ESTABLISHMENT. It shall be unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent, directly or by implication, that a commercial hearing aid establishment is a governmental or public one, or is a nonprofit medical, educational, or research institution, through the use of terms having a medical, professional, or scientific connotation, such as, "hearing center," "hearing institute," "hearing bureau," "hearing clinic," "state's hearing clinic," "state's speech and hearing center," or similar representations.

Nothing in this rule is understood to preclude a licensee from representing if such be the fact, that he owns, operates or controls a "hearing aid center," or from using other words or expressions which clearly and nondeceptively identify the member's establishment as a commercial hearing aid enterprise.

READOPTED SECTION

WAC 308-50-240 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—ADVERTISING OF PARTS, ACCESSORIES OR COMPONENTS. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use or cause to be used, any type of advertising or promotional literature depicting or describing a part, accessory, or component of any hearing aid or device, such as a battery on a finger, a transistor held in the hand, etc., in such manner as to have the capacity and tendency to mislead or deceive purchasers or prospective purchasers into the erroneous belief that the said part, accessory or component is all that needs to be worn or carried.

READOPTED SECTION

WAC 308-50-250 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—ENDORSEMENTS, ETC. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent:

- (1) That the particular individual, organization, or institution endorses, uses or recommends such licensee's hearing aids, devices, or other industry products when such is not the fact; or
- (2) That a particular individual wears such licensee's hearing aids or devices when such is not the fact.

READOPTED SECTION

WAC 308-50-260 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—USED OR REBUILT PRODUCTS. (1) A licensee may not represent, directly or indirectly, that any industry product or part thereof is new, unused, or rebuilt, when such is not the fact.

(2) In the marketing of a hearing aid which has been used, or which contains used parts, a licensee shall make full and nondeceptive disclosure of such fact in all advertising and promotional literature relating to the product, on the container, box or package in which such product is packed or enclosed and, if the product has the appearance of being new, on the product itself. The required disclosure may be made by use of such words as "used," "secondhand," "repaired," or "rebuilt," whichever most accurately describes the product involved.

(3) A licensee shall not misrepresent the identity of the rebuilder of a hearing aid. If the rebuilding of a hearing aid was done by other than the original manufacturer, a licensee shall disclose such fact wherever the original manufacturer is identified.

READOPTED SECTION

WAC 308-50-270 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—ASSOCIATION WITH THE STATE OF WASHINGTON. A licensee shall not represent in any manner that he is endorsed by or associated with the state of Washington or any of its administrative bodies. Nothing in this rule is to preclude the licensee from verifying upon request that he is licensed by the state to engage in the fitting and dispensing of hearing aids.

READOPTED SECTION

WAC 308-50-280 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—TESTS, ACCEPTANCE OR APPROVAL. A licensee shall not:

(1) Represent or use any seals, emblems, shields or other insignia which represent, directly or by implication, in any manner that a hearing aid or device has been tested, accepted, or approved by any individual, concern, organization, group, or association, unless such is the fact and unless the hearing aid or device has been tested by such individual, concern, organization, group or association in such manner as reasonable to insure the quality and performance of the instrument in relation to its intended usage and the fulfillment of any material claims made, implied or intended to be supported by such representation or insignia.

(2) Represent that a hearing aid or device tested, accepted, or approved by any individual, concern, organization, group or association has been subjected to tests based on more severe standards of performance, workmanship and quality than is in fact true.

(3) Make any other false, misleading or deceptive representation respecting and testing, acceptance or approval of a hearing aid or device by any individual, concern, organization, group or association.

(NOTE: Under this rule, it is not necessary for each individual hearing aid or device to be tested where the method employed is a sample testing and full and nondeceptive disclosure of this fact is given in all advertising and otherwise.)

READOPTED SECTION

WAC 308-50-290 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—USE, IMITATION OR SIMULATION OF TRADEMARKS, ETC. A licensee shall not:

(1) Imitate or simulate the trademarks, trade names, brands or labels of competitors with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(2) Use in his advertising the name, model name or trademark of a particular manufacturer of hearing aids in such manner as to imply a relationship with the manufacturer that does not exist or otherwise to mislead or deceive purchasers or prospective purchasers.

(3) Use any trade name, corporate name, trademark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature or origin of any product of the industry or of any material used therein, or which is false, deceptive or misleading in any other material respect.

READOPTED SECTION

WAC 308-50-295 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—DEFAMATION OF COMPETITORS OR FALSE DISPARAGEMENT OF THEIR PRODUCTS. (1) It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their testing procedures, testing equipment, business methods, selling prices, values, credit terms, policies, or services.

(NOTE: The use of "bait" or "blind" advertisements as a means of accomplishing such defamation or false disparagement is deemed to be within the prohibitions of this rule.)

(2) Under this rule, it is an unfair trade practice for an industry member:

(a) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them; or

(b) to represent falsely that competitors are unreliable but that the disparager is not; or

(c) to quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to shown, demonstrate, or represent competitive models as being the current models when such is not the fact.

WSR 84-10-063**ADOPTED RULES****DEPARTMENT OF LICENSING****(Dental Hygiene Examining Committee)**

[Order PL 466—Filed May 2, 1984]

Be it resolved by the Washington State Dental Hygiene Examining Committee, acting at Everett, Washington, that it does adopt the annexed rules relating to the examination, amending WAC 308-25-025.

This action is taken pursuant to Notice No. WSR 84-07-049 filed with the code reviser on March 21, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.29.031 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 24, 1984.

By Peggy Conner
Chief

AMENDATORY SECTION (Amending Order PL 459, filed 2/1/84)

WAC 308-25-025 THE EXAMINATION. The dental hygiene examination will consist of a written section and a practical section.

(1) Written examination. The written theory examination will cover ten (10) subject areas including inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, and restorative

dentistry: PROVIDED, That a certificate granted by the National Board of Dental Hygiene Examination may be accepted in lieu of the written examination: PROVIDED, FURTHER, that such applicant will also be required to successfully complete a written examination covering anesthesia, restorative dentistry, Washington state dental hygiene practice, and other subjects.

(2) Practical examination: The practical examination will include:

(a) A clinical demonstration of a prophylaxis case to consist of the removal of deposits from and the polishing of the surfaces of the teeth.

(i) Patients must be obtained by applicant and be at least eighteen (18) years of age with a minimum of twenty-four (24) teeth. A patient shall not be a dentist, dental student, dental hygienist, or dental hygiene student. Patients must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. If the case is not appropriate for testing the applicant's competency, patient will be rejected. Requirements for suitable test case:

(A) Subgingival calculus: Patients must have a minimum of ~~((the twelve (12)))~~ fourteen (14) teeth with subgingival calculus ~~((, a minimum of four (4) teeth must be located in two (2) posterior sextants))~~. A minimum of three of the four posterior sextants (from first bicuspid to third molar) must have detectable subgingival calculus. Subgingival calculus must be present on at least eleven (11) posterior teeth. A minimum of three (3) teeth with subgingival calculus must be located in the anterior sextants.

(B) Supragingival calculus: Patient must have visible supragingival calculus ~~((visible in at least one sextant))~~.

(C) Stain: Patient must have ~~((supragingival calculus))~~ visible stain ~~((in at least one sextant))~~.

(D) Patients will not be acceptable if patient has advanced stages of periodontal involvement in more than one sextant. ~~((If the case is not appropriate for testing the applicant's competency, patient will be rejected.))~~

(ii) Case history to be completed on forms prepared by the committee. The patient will be rejected if contraindications exist in the medical history for receiving immediate dental hygiene treatment.

(iii) The applicant must furnish a specified series of diagnostic radiographs taken by the applicant which will be evaluated by and remain with the committee. Unless otherwise authorized by the committee, the same patient will be used for patient case history, prophylaxis, anesthetic administration and radiographs.

(b) The applicant will be required to demonstrate the administration of a local anesthetic. The applicant will furnish anesthesia armamentarium including ~~((an))~~ a manual aspirating syringe and using anesthetic solution with no vasoconstrictor unless otherwise authorized by the committee.

(c) Restorative: applicant will need to demonstrate the ~~((placement, carving))~~ insertion, condensation, carving, and polishing of amalgam restorations.

(i) Applicants will bring a ~~((typodont))~~ dentoform with a condensed, carved and unpolished M.O.D. amalgam restoration on a molar which applicant will be required to polish and leave with the board.

(ii) The applicant must demonstrate proper insertion, condensation and carving of the restorative material in the ((typodont)) dentoform tooth, establishing proper anatomy, contour and proximal contact. The applicant must supply all instruments and materials required to perform the restorative procedures.

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 84-10-064
PROPOSED RULES
BOARD OF PHARMACY
[Filed May 2, 1984]

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 adding new sections WAC 360-36-400, 360-36-410, 360-36-420, 360-36-430 and 360-36-440; that the agency will at 9:00 a.m., Thursday, May 17, 1984, in the Office of State Department of Commerce and Economic Development, 312 First Avenue North, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 69.50.201, 69.50.203, 69.50.205, 69.50.207, 69.50.209 and 69.50.211.

This notice is connected to and continues the matter in Notice No. WSR 84-06-067 filed with the code reviser's office on March 7, 1984.

Dated: April 26, 1984
By: Barbara Phillips
Assistant Attorney General

WSR 84-10-065
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed May 2, 1984]

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 Finance—Categorical apportionment, chapter 392-122 WAC;

that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-122 WAC, Finance—Categorical apportionment.

Rule Section(s): WAC 392-122-005 Authority; 392-122-010 Purpose; 392-122-600 Remediation assistance program—Applicable code provisions; 392-122-605 Formula for distribution of state moneys for a remediation assistance program; 392-122-610 Distribution of state moneys for a remediation assistance program; 392-122-700 Transitional bilingual program—Applicable code provisions; 392-122-705 Formula for the distribution of state moneys for the transitional bilingual program; 392-122-710 Distribution of state moneys for a transitional bilingual program; 392-122-800 State highly capable students education program—Applicable code provisions; 392-122-805 Formula for distribution of state moneys for a state highly capable students education program; 392-122-810 Distribution of state moneys for a state highly capable students education program; 392-122-900 General provision—Carryover prohibition; and 392-122-905 General provision—Maximum control factor—Proration.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To establish state policies regarding allocation of apportionment for categorical programs.

Summary of the New Rule(s) and/or Amendments: WAC 392-122-005, sets forth authority for this chapter; 392-122-010, sets forth purpose for this chapter; 392-122-600, indicates provision of chapter applicable to remediation assistance program; 392-122-605, sets forth formula for allocation of state remediation assistance moneys; 392-122-610, sets forth procedure for allocation of state remediation assistance moneys; 392-122-700, indicates provision of chapter applicable to transitional bilingual program; 392-122-705, sets forth formula for allocation of state transitional bilingual program moneys; 392-122-710, sets forth procedure for allocation of state transitional bilingual program moneys; 392-122-800, indicates provisions of this chapter applicable to highly capable students; 392-122-805, sets forth formula for the distribution of state highly capable student moneys; 392-122-810, sets forth procedure for distribution at state highly capable student moneys; 392-122-900, sets forth state policy regarding carry over of funds; and 392-122-905, establishes possibility of proration.

Reasons Which Support the Proposed Action(s): [No information supplied by agency.]

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; **Implementation and Enforcement:** Perry Keithley, SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Codifies agency policy regarding apportionment of categorical moneys.

Chapter 392-122 WAC
FINANCE—CATEGORICAL APPORTIONMENT

NEW SECTION

WAC 392-122-005 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of chapter 28A.41 RCW.

NEW SECTION

WAC 392-122-010 PURPOSE. The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts for programs authorized by RCW 28A.41.162 other than basic education apportionment and transportation allocations.

NEW SECTION

WAC 392-122-600 REMEDIATION ASSISTANCE PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the remediation assistance program:

- (1) WAC 392-122-600 through 392-122-610; and
- (2) WAC 392-122-900 through 392-122-905.

NEW SECTION

WAC 392-122-605 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR A REMEDIATION ASSISTANCE PROGRAM. (1) As used in this section, the term "basic skills test" shall mean the approved fourth grade test administered by districts pursuant to RCW 28A.03.060.

(2) A district's entitlement for state moneys for a remediation assistance program shall be calculated as follows:

(a) Multiplying the percentage of students taking the basic skills test for last year that scored in the lowest quartile as determined by the nationally normed scores by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six: PROVIDED, That if the district did not have any student score in the lowest quartile as defined above in the basic skills test, the district shall use the average percentage of students so scoring for the previous five years state-wide averages;

(b) Multiply the number of students obtained in the above calculation by the per pupil allocation established in the state appropriation act for a remediation assistance program; and

(c) The product is the district's entitlement subject to WAC 392-122-610, 392-122-900 and its provision for enrollment adjustment.

NEW SECTION

WAC 392-122-610 DISTRIBUTION OF STATE MONEYS FOR A REMEDIATION ASSISTANCE PROGRAM. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-122-605 in monthly payments according to the schedule depicted in RCW 28A.48.010 that shall be adjusted in intervals to accurately reflect the changes in each district's grades two through six annual average full time enrollment.

NEW SECTION

WAC 392-122-700 TRANSITIONAL BILINGUAL PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state funds for the transitional bilingual program:

- (1) WAC 392-122-700 through 392-122-710; and
- (2) WAC 392-122-900 through 392-122-905.

NEW SECTION

WAC 392-122-705 FORMULA FOR THE DISTRIBUTION OF STATE MONEYS FOR THE TRANSITIONAL BILINGUAL PROGRAM. (1) As used in this section the term "eligible student" shall mean those students defined under WAC 392-160-005(c).

(2) A district's entitlement for state moneys for a transitional bilingual program shall be calculated as follows:

(a) Multiplying the number of eligible students by the per pupil allocation established in the state appropriation act for a transitional bilingual program.

(b) The result of the calculation provided in (a) of this subsection is the district's entitlement subject to WAC 392-122-710 and its provision for enrollment adjustment.

NEW SECTION

WAC 392-122-710 DISTRIBUTION OF STATE MONEYS FOR A TRANSITIONAL BILINGUAL PROGRAM. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-122-700 according to the apportionment schedule provided in RCW 28A.48.010. The amount apportioned may be adjusted intermittently to reflect changes in the district's reported eligible students as reported on the P223SN, Special Needs Enrollment Reporting Form.

NEW SECTION

WAC 392-122-800 STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state funds for the state highly capable students education program:

- (1) WAC 392-122-800 through 392-122-810; and
- (2) WAC 392-122-900 through 392-122-905.

NEW SECTION

WAC 392-122-805 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR A STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM. (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-105(3).

(2) A district's entitlement for state moneys for a state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district by one percent;

(b) Multiplying the number of students obtained in the above calculation by the per pupil allocation established in the state operating appropriations act in effect at the time the apportionment is due; and

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

NEW SECTION

WAC 392-122-810 DISTRIBUTION OF STATE MONEYS FOR A STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-122-805 according to the apportionment schedule provided in RCW 28A.48.010. The amount apportioned may be adjusted intermittently to reflect changes in the district's AAFTE students as reported on the P223, Monthly Report of School District Enrollment Form.

NEW SECTION

WAC 392-122-900 GENERAL PROVISION—CARRYOVER PROHIBITION. Categorical apportionment moneys shall not be carried over from one fiscal school year to another. Moneys distributed by the state for a categorical program which remain unspent during the applicable school district fiscal in expenditure classifications deemed allowable by the superintendent of public instruction—i.e., an unrestricted fund balance—at close of the fiscal shall revert to the state.

NEW SECTION

WAC 392-122-905 GENERAL PROVISION—MAXIMUM CONTROL FACTOR—PRORATION. The maximum rate of allocation specified in this chapter shall be allocated by the superintendent of public instruction to school districts unless the state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds

appropriated for allocation to school districts for such programs. All such prorations shall be announced to school districts through official agency bulletins.

WSR 84-10-066
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 2, 1984]

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 Finance—School district budgeting, chapter 392-123 WAC;

that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capital Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.65.465.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-123 WAC Finance—School district budgeting.

Rule Section(s): WAC 392-123-054 Time schedule for budget; 392-123-071 Budget extensions—First-class school districts; and 392-123-072 Budget extensions—Second-class school districts.

Statutory Authority: RCW 28A.65.465.

Purpose of the Rule(s): To set forth policies and procedures for school district budgeting.

Summary of the New Rule(s) and/or Amendments: WAC 392-123-054, deletes the requirement that school district budgets be filed with the appropriate county auditor; 392-123-071, deletes the requirement that school district budget extensions be filed with the appropriate county auditor; and 392-123-072, deletes the requirement that school district budget extensions be filed with the appropriate county auditor.

Reasons Which Support the Proposed Action(s): Reflects current agency practice.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Mel Collart, SPI, 3-3584.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Eliminates unnecessary filing requirement.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-054 TIME SCHEDULE FOR BUDGET. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished every person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.	Same as first-class.
July 15		Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
July 20	Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.			official minutes of the board.	than September 10th.
July 25		Final date for educational service district to notify districts of problems noted in review.			Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total two days: PROVIDED, That the budget must be adopted no later than August 1st. Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	September 3	Final date for district to file three copies of said adopted budget with their educational service district.	
			September 10	Last date for educational service district to file ((copies)) a copy of said adopted budgets with the superintendent of public instruction ((and the appropriate county auditor)). One copy will be retained by educational service district.	Same as first-class except one copy of adopted and approved budget must be returned to local school district by this date.
August 3		Last date to forward four copies of said adopted budget to educational service district for review, alteration and approval.			
August 10	Final date for educational service district to notify districts of review problems noted in review.				
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later			

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-071 BUDGET EXTENSIONS—FIRST-CLASS SCHOOL DISTRICTS. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

((Three)) Two copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy ((each)) to the superintendent of public instruction ((and the appropriate county auditor)). One copy shall be retained by the educational service district. The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30. The final date for adopting appropriation resolutions extending budgets for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution and a copy of the latest budget status report. The

revised budget shall be in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-072 BUDGET EXTENSIONS—SECOND-CLASS SCHOOL DISTRICTS. If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made in the format prescribed by the superintendent of public instruction. ~~((Four))~~ Three copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

~~((Copies))~~ A copy of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district ~~((and the appropriate county auditor)).~~

**WSR 84-10-067
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 2, 1984]

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 Finance—Educational service district budgeting, chapter 392-125 WAC;

that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.21.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-125 WAC, Finance—Educational service district budgeting.

Rule Section(s): WAC 392-125-003 Authority; 392-125-011 Basis of budgeting and accounting; 392-125-012 Definitions—Revenues, accrual basis expenditures, cash basis expenditures, appropriation and disbursements; 392-125-020 Budget preparation, hearing and adoption; 392-125-025 Budget approval; 392-125-030 Time schedule for budget process; 392-125-035 Budget content; 392-125-040 Overexpending and exceeding the budget; 392-125-045 A balanced budget; and 392-125-065 Content of the monthly budget status.

Statutory Authority: RCW 28A.21.135.

Purpose of the Rule(s): To establish ESD budgeting procedures.

Summary of the New Rule(s) and/or Amendments: WAC 392-125-003, sets forth authority for this chapter; 392-125-011, requires budgeting of revenue on the accrual basis; 392-125-012, provides definitions for ESD budgets similar to the definitions for school district budgets; 392-125-020, reflects the changes in filing requirements; 392-125-025, reflects the changes in filing requirements; 392-125-030, corrects the date; 392-125-035, requires fund balance as a measure of beginning and ending resources rather than cash balance and requires that salary exhibits display each salary rate is eliminated; 392-125-040, deletes unnecessary language; 392-125-045, requires fund balance as a measure of beginning and ending resources rather than cash balance; and 392-125-065, requires fund balance as a measure of beginning and ending resources rather than cash balance.

Reasons Which Support the Proposed Action(s): Primarily code updates to reflect current practices.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Mel Collart, SPI, 3-3584.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Reflects change made by 1983

legislature which switched from cash to fund balance accounting.

NEW SECTION

WAC 392-125-003 AUTHORITY. The authority for this chapter is RCW 28A.21.135 which authorizes the superintendent of public instruction to promulgate rules and regulations for the adoption of budgeting procedures for educational service districts modeled after the statutory procedure for school districts.

AMENDATORY SECTION (Amending Order 81-19, filed 9/4/81)

WAC 392-125-011 BASIS OF BUDGETING AND ACCOUNTING. Revenue and expenditures shall be recognized on the ~~((cash basis and expenditures shall be recognized on the))~~ accrual basis.

NEW SECTION

WAC 392-125-012 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS. As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of an educational service district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from school districts that are due, but are not collected by the end of the fiscal period; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

(4) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(5) "Cash basis expenditures" shall mean actual disbursements during a given fiscal period regardless of when liabilities are incurred or the period of incurrence of expenditures.

(6) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(7) "Disbursements" shall mean payments in cash, including but not limited to issuance of warrants.

AMENDATORY SECTION (Amending Order 81-19, filed 9/4/81)

WAC 392-125-020 BUDGET PREPARATION, HEARING AND ADOPTION. On or before the 1st day of May, each educational service district shall prepare a budget for the operation of the educational service district for the ensuing fiscal year and immediately following completion of the budget, shall publish a notice stating that the budget is completed and placed on file in the district headquarters office with copies available for any interested person or organization. The notice shall state the date, time, and place the educational service district board will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Said meeting shall occur on or before the third Friday in May. The notice shall also state that any person may appear during the meeting and be heard for or against any part of such budget. The notice shall be published once each week for two consecutive weeks immediately following the completion of the budget in a newspaper of general circulation in the district.

An educational service district board shall secure the signature of the chairman of the superintendents' advisory committee as an indication that the budget has been reviewed by the committee. At the conclusion of the hearing which shall not exceed two days, the board of directors shall adopt the budget by resolution. After the budget has

been adopted by the board at the public hearing, ~~((four))~~ two certified copies shall be forwarded to the superintendent of public instruction on or before the fourth Monday in May in order that the superintendent may revise and fix the budget according to statute.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-025 BUDGET APPROVAL. The superintendent of public instruction shall revise and fix the annual budget of each educational service district, establish the appropriation and return ~~((two))~~ one approved ~~((copies))~~ copy of the budget to the district prior to the 30th day of June. ~~((One of the copies returned to the district shall be forwarded to the county auditor of the headquarters county of the district. The other copy returned to the district shall be for district use. The superintendent shall submit a copy of the district's approved budget to the state auditor.))~~

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-030 TIME SCHEDULE FOR BUDGET PROCESS. The time schedule for preparation of the annual budget of an educational service district follows: If the superintendent of public instruction deems it necessary to request a second and revised budget, the timing of the process shall be similar and shall be outlined specifically in the request.

ON OR BEFORE	REQUIREMENT
May 1	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
2 weeks preceding public hearing	Copies of budget made available to interested citizens.
((May 18)) <u>3rd Friday in May</u>	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
((May 20)) <u>4th Monday in May</u>	Forward ((four)) two properly signed copies of budget to superintendent of public instruction.
June ((30))	Superintendent revises, fixes and approves budget and returns two copies to the district (one for county auditor of headquarters county).

AMENDATORY SECTION (Amending Order 80-15, filed 5/13/80)

WAC 392-125-035 BUDGET CONTENT. (1) The budget prepared by an educational service district shall set forth the complete financial program and consider all activities of the district for the ensuing fiscal year in detailed expenditures by program and the sources of revenue from which it is to be financed.

(2) The revenue section of a budget shall set forth the estimated ~~((receipts))~~ revenue from all sources for the ensuing fiscal year, the estimated ~~((receipts))~~ revenue for the fiscal year current at the time of the budget preparation, the actual ~~((receipts))~~ revenue for the last completed fiscal year, and the probable net cash and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue which cannot reasonably be anticipated to be received in cash during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the expenditures for the last completed fiscal year. Expenditures shall be broken out by program, activity, and object of expenditure. ~~((Each salary shall be set out separately, together with the title or position, in a salary exhibit.))~~ Total salary amounts, full-time equivalents and the high, low, and average annual salaries shall

be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

The salary exhibits shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are professional and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. ~~((All budgets shall be prepared on the modified accrual basis. Accruals of expenditures for the beginning of the fiscal year and estimates of ending accrued expenditures shall be displayed in the budget document with the difference between these amounts being an adjustment to expenditures to calculate disbursements.))~~

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-040 **OVEREXPENDING AND EXCEEDING THE BUDGET.** The budget as fixed and approved by the superintendent of public instruction shall constitute the appropriation from the general expense fund for an educational service district for the ensuing fiscal year. A budget is overexpended and is exceeded if expenditures are made in excess of the amount of the appropriation including budget extensions. ~~((Expenditures are liabilities incurred for budgetary charges during the fiscal year whether paid or unpaid.))~~

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-045 **A BALANCED BUDGET.** The estimated ~~((disbursements))~~ expenditures for the ensuing fiscal year shall not be greater than the total of the estimated ~~((cash receipts))~~ revenues for the ensuing fiscal year plus the probable (for the initial budget) or actual (or budgets developed after ~~((cash))~~ fund balance is known) ~~((net cash balance and investments))~~ fund balance at the close of the fiscal year preceding the ensuing fiscal year. A budget is considered a balanced budget if the above requirement is met.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-065 **CONTENT OF THE MONTHLY BUDGET STATUS.** The monthly budget status report shall contain the most current approved budget amounts by summary level accounts and the ~~((cash and investment))~~ fund balance at the beginning and end of the period being analyzed. Encumbrances also shall be reflected in the report. The report shall display activity on a fiscal year-to-date basis on both revenues and expenditures and the "as of" date shall be indicated at the top of the report. The report shall be signed by the educational service district superintendent.

WSR 84-10-068
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed May 2, 1984]

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 Finance—Emergency school closure, chapter 392-129 WAC;

that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-129 WAC, Finance—Emergency school closure.

Rule Section(s): WAC 392-129-013 Application to superintendent of public instruction.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): Permit SPI in specific situation to apportion basic education moneys in spite of district not providing 180 days of instruction.

Summary of New Rule(s) and/or Amendments: Sets forth specific information needed by SPI for determination.

Reasons Which Support the Proposed Action(s): Clarify correct state policy.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bob Schley, SPI, 3-1717.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): This rule reflects current agency policy and is therefore a codification of current substantive requirement.

NEW SECTION

WAC 392-129-013 **APPLICATION TO SUPERINTENDENT OF PUBLIC INSTRUCTION.** The following information shall be contained in each application to the superintendent of public instruction for a determination of eligibility:

- (1) Name of the district;
- (2) Name of the superintendent of the district;
- (3) Statement by the superintendent of the district that the board of directors has reviewed the application and supports its submittal;
- (4) The unforeseen condition(s) which cause a district and/or individual building closure (see WAC 392-129-010);
- (5) The specific dates on which the district and/or building was closed;
- (6) The specific dates the district shall schedule for making up the days of school closure.

WSR 84-10-069
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 2, 1984]

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 Finance—Nonhigh participatory finance—Including transfer of M & O levy authority from high to nonhigh districts, chapter 392-132 WAC; that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.44.230 and 84.52.053(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-132 WAC, Finance—Nonhigh participatory finance—Including transfer of M & O levy authority from high to nonhigh districts.

Rule Section(s): WAC 392-132-010 Authority; 392-132-020 Purpose; 392-132-030 Definitions; 392-132-040 Determining levy capacity transfer and amount due; 392-132-050 Annual determination of the billing amounts due in May and November installments of each year to a serving high school district from a serve nonhigh school district; 392-132-060 Notice of assessment by high school district of a lesser amount or waiver of the entire amount; and 392-132-070 Amount due includes expenditures for education and transportation.

Statutory Authority: RCW 28A.44.230 and 84.52.053(7).

Purpose of the Rule(s): To equalize revenue and costs among high and nonhigh districts.

Summary of the New Rule(s) and/or Amendments: WAC 392-132-010, sets forth the authority for this chapter; 392-132-020, sets forth the purpose for this chapter; 392-132-030, defines "estimated amount due," "actual amount due," "estimated number of AAFTE students who reside within the boundaries of the high school district," "actual number of AAFTE students who resided within the boundaries," "nonhigh billing," "P-213," "P-22NR," "average annual full-time equivalent students," and "annual determination of the excess maintenance and operation levy transfer from the high school district to the nonhigh school district for educating nonhigh school district students" are established; 392-132-040, establishes procedure for determining levy capacity transfer; 392-132-050, establishes procedure

for determining billing amounts due from a served nonhigh school district; 392-132-060, establishes procedure for giving notice by high school district of a lesser amount or waiver of the entire amount due by a nonhigh school district; and 392-132-070, establishes that the amount specified in WAC 392-132-050 is the entire amount due from a nonhigh school district unless otherwise agreed to by the board of directors of a nonhigh school district.

Reasons Which Support the Proposed Action(s): To codify agency practice.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Mel Collart, SPI, 3-3584.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The chapter reflects current agency policy and practice.

Chapter 392-132 WAC

FINANCE—NONHIGH PARTICIPATORY FINANCE—INCLUDING TRANSFER OF M AND O LEVY AUTHORITY FROM HIGH TO NONHIGH DISTRICTS

NEW SECTION

WAC 392-132-010 AUTHORITY. This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.44.230 and 84.52.0531(7). RCW 28A.44.230 provides that the superintendent of public instruction may adopt rules and regulations for the payments to high school districts for educating nonhigh district students. RCW 84.52.0531(7) provides that the superintendent of public instruction shall develop rules and regulations for the calculation of the excess maintenance and operation levy transfer from high school districts to nonhigh school districts.

NEW SECTION

WAC 392-132-020 PURPOSES. The purposes of this chapter are to provide the annual procedure that the superintendent of public instruction shall use for:

(1) Determining the amount due from nonhigh school districts for educating and transporting nonhigh district students; and

(2) Transferring maintenance and operating excess levy authority from the high to nonhigh district.

NEW SECTION

WAC 392-132-030 DEFINITIONS. (1) "Estimated amount due" for a school year shall mean the result of the following calculation:

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ends is divided by the estimated number of average annual full time equivalent (AAFTE) students who reside within the boundaries of the high school district. That quotient is multiplied by the estimated number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on form P-213.

(2) "Actual amount due" for a school year shall mean the result of the following calculation:

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ended is divided by the actual number of AAFTE students who resided within the boundaries of the high school district. That

quotient is multiplied by the actual number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on form P-213.

(3) "Estimated number of AAFTE students who reside within the boundaries of the high school district" during a school year shall mean the result of the following calculation:

Average the number of students reported on the forms P-223 available at the time of the calculation of the nonhigh billing. Subtract from this average the average number of students attending the high school district's cooperative programs as reported on forms P-223NR available at the time of the calculation of the nonhigh bill. Also subtract all the estimated nonhigh enrollment as reported on forms P-213. Add the average number of students who reside within the high school district who attended cooperative programs in other districts as reported on the partial year P-223NR forms available at the time of the calculation of the nonhigh billing.

(4) "Actual number of AAFTE students who resided within the boundaries" during a school year shall mean the result of the following calculation:

Subtract from the AAFTE for a school year as reported on forms P-223 the AAFTE students for a school year as reported on forms P-223NR. Added to the resident enrollment count of the high school district is the number of AAFTE students who reside within the high school district who attended cooperative programs in other districts as reported on forms P-223NR.

(5) "Nonhigh billing" shall mean the amount due to a high school district from a nonhigh school district for educating and transporting nonhigh district students.

(6) "P-213" shall have the same meaning as this is given in WAC 392-139-017.

(7) "P-223NR" shall have the same meaning as this is given in WAC 392-139-017.

(8) "Average annual full time equivalent students (AAFTE)" shall have the same meaning as this is given in WAC 392-121-105.

(9) "Annual determination of the excess maintenance and operation levy transfer from the high school district to the nonhigh school district for educating nonhigh school district students" shall have the same meaning as this is given in WAC 392-139-037.

NEW SECTION

WAC 392-132-040 DETERMINING LEVY CAPACITY TRANSFER AND AMOUNT DUE. Pursuant to WAC 392-139-037, annually, the superintendent of public instruction shall make the necessary determinations and calculate (1) the excess maintenance and operation levy transfer from the high school district to the nonhigh school district, and (2) the amount due to the high school district by the nonhigh school district. The respective high and nonhigh school district shall be notified of the results of such determinations and calculations.

NEW SECTION

WAC 392-132-050 ANNUAL DETERMINATION OF THE BILLING AMOUNTS DUE IN MAY AND NOVEMBER INSTALLMENTS OF EACH YEAR TO A SERVING HIGH SCHOOL DISTRICT FROM A SERVED NONHIGH SCHOOL DISTRICT. During the month of May of the school year for which the amount is due, each served nonhigh district shall pay by warrant to each serving high school district fifty percent of the total estimated amount due for the school year. During the following November, each served nonhigh district shall pay by warrant to each serving high school district the actual amount due for the school year less the fifty percent of the total estimated amount due which was paid in the preceding May installment.

NEW SECTION

WAC 392-132-060 NOTICE OF ASSESSMENT BY HIGH SCHOOL DISTRICT OF A LESSER AMOUNT OR WAIVER OF THE ENTIRE AMOUNT. A high school district board of directors may elect to assess a nonhigh school district an amount which is less than the amount calculated in WAC 392-132-050 or waive the entire amount. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount or waiver no later than September first following the school year for which the amount is due.

NEW SECTION

WAC 392-132-070 AMOUNT DUE INCLUDES EXPENDITURES FOR EDUCATION AND TRANSPORTATION. Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts established as due by WAC 392-132-050 shall be the entire amount due from a nonhigh school district for the school year for the education and transportation of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district.

WSR 84-10-070 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 2, 1984]

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 Finance—Associated student body moneys, chapter 392-138 WAC;

that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.58.115.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-138 WAC, Finance—Associated student body moneys.

Rule Section(s): WAC 392-138-003 Authority; 392-138-010 Definitions; 392-138-012 Fees optional non-credit extracurricular events; 392-138-016 Scholarships, student exchange and charitable purposes—ASB private moneys; 392-138-025 Formation of associated student bodies required; 392-138-030 Powers—Authority and policy of board of directors; 392-138-035 Deposit and investment of associated student body moneys; 392-138-047 Segregation of accounts—Public and private moneys; 392-138-050 Disbursement approval—Total disbursements; 392-138-071 Public moneys—Previous law; 392-138-075 Title to property—Dissolution of associated student body or affiliated group; 392-138-100 Student aid donations and other nonassociated student body monies; 392-138-015 Repealed; and 392-138-020 Repealed.

Statutory Authority: RCW 28A.58.115.

Purpose of the Rule(s): To establish policies and procedures for the fiscal control and accounting of associated student body moneys.

Summary of the New Rule(s) and/or Amendments: WAC 392-138-003, sets forth the authority for this

chapter; 392-138-010, establishes definitions for private and public associated student body moneys, associated student body governing body, and bona fide voluntary donations; 392-138-012, provision for fee waiver and reduction of fees; 392-138-016, provides for the use of associated student body private money for scholarships, student exchange and charitable purposes; 392-138-025, provides for the appointment of an employee(s) to act as the governing body in K-6 schools; 392-138-030, establishes school boards' authority and requiring the establishment of associated student body governing bodies; 392-138-035, sets forth the rules and regulations to cover both private and public associated student body moneys with respect to depositing, investing and expending; 392-138-047, sets forth requirements for segregation of public and private moneys within the accounting records; 392-138-050, sets forth criteria and procedures for disbursement and transfer of fund balances; 392-138-071, establishes that all associated student body moneys expended prior to June 1, 1982, are to be considered public moneys; 392-138-075, establishes title to property acquired with associated student body funds; 392-138-100, establishes that moneys received under RCW 28A.58.030 may be administered within the associated student body fund, and that nonassociated student body moneys may be held and administered within the associated student body fund; 392-138-015, repealed; and 392-138-020, repealed.

The 1984 legislature clarified distinction between ASB public and private moneys.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Mel Collart, SPI, 3-3584.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Amendments implement action by 1984 legislation.

NEW SECTION

WAC 392-138-003 AUTHORITY. The authority for this chapter is RCW 28A.58.115 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding the administration and control of associated student body moneys.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-010 DEFINITIONS. (1) "Associated student body organization" means a formal organization of students, including subcomponents or affiliated student groups such as student clubs, which is formed with the approval, and operated subject to the control, of the board of directors of a school district in compliance with this chapter.

(2) "Associated student body program" means any activity which (a) is conducted in whole or part by or in behalf of an associated student body during or outside regular school hours and within or outside school grounds and facilities, and (b) is conducted with the approval, and at the direction or under the supervision, of the school district.

(3) "Central district office" means the board of directors and/or their official designee to whom authority has been delegated to act in their behalf.

(4) "Associated student body public moneys" means ~~((a)) donations made for the support of an associated student body program, (b))~~ fees collected from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature, ~~((c))~~ revenues derived from "associated student body programs" as defined in subsection (2)~~((above))~~ of this section, and ~~((d))~~ any other moneys received by an associated student body, not specified in subsection (5) of this section and WAC 392-138-100, for the support of an associated student body program.

(5) "Associated student body private moneys" means bona fide voluntary donations that are identified as donations at the time of collection.

(6) "Associated student body governing body" means the student council, student activities board, or other officially recognized group of students appointed or elected to represent the entire associated student body within a school in accordance with procedures established by the board of directors of the school district.

(7) "Bona fide voluntary donations" means collections of money freely given without commensurate goods or services being received directly or indirectly by the donor. Bona fide voluntary donations must be intentional, real, actual, genuine, and not feigned.

NEW SECTION

WAC 392-138-012 FEES OPTIONAL NONCREDIT EXTRACURRICULAR EVENTS. The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt regulations which state that: (1) Attendance and the fee are optional, and (2) the district will waive and reduce fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies.

NEW SECTION

WAC 392-138-016 SCHOLARSHIPS, STUDENT EXCHANGE AND CHARITABLE PURPOSES—ASB PRIVATE MONEYS. Associated student body moneys which constitute bona fide voluntary donations at the time of collection are private moneys and may be used for scholarship, student exchange, and charitable purposes as the appropriate governing body representing the associated student body shall determine: For such purposes, said moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution but shall be deemed "associated student body private moneys."

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-025 FORMATION OF ASSOCIATED STUDENT BODIES REQUIRED. The formation of an associated student body shall be mandatory and a prerequisite whenever one or more students of a school district engage in money-raising activities with the approval and at the direction or under the supervision of the district: PROVIDED, That the ~~((establishment of an associated student body in schools of the elementary grade levels (K-6) shall not be mandatory. PROVIDED FURTHER, That money raised by elementary students with the approval and at the direction or under the supervision of the school district shall nevertheless be deposited, invested, budgeted,~~

disbursed, and accounted for in a manner consistent with this chapter. The board of directors of a school district shall determine when the amount of money generated by extracurricular activities and/or the best interest of students warrant the formation of an associated student body for elementary grade levels)) board of directors of a school district may act, or delegate the authority to an employee(s) of the district to act, as the associated student body governing body for any school plant facility within the district containing no grade higher than the sixth grade.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-030 POWERS—AUTHORITY AND POLICY OF BOARD OF DIRECTORS. The board of directors of each school district shall: (1) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.58.010 (Corporate powers), RCW 28A.02.020 (General public school system administration), RCW 28A.58.030 (Gifts, conveyances, etc., for scholarship and student aid purposes), RCW 28A.58.101 (Government of schools, pupils, and employees), RCW 28A.58.110 (Bylaws of board and school government), RCW 28A.58.150 (2), (3) and (8) (Superintendent's duties), RCW 28A.58.200 (Pupils to comply with rules and regulations), RCW 43.09.200 (Division of municipal corporations—Uniform system of accounting), RCW 36.22.090 (Warrants of political subdivisions), and chapter 28A.65 RCW (School district budgets);

(2) Approve the constitution and bylaws of each district associated student body and establish policies and guidelines relative to:

(a) The identification of those activities which shall constitute the associated student body program;

(b) The establishment of an official governing body representing the associated student body;

(c) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

~~((c))~~ (d) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student subgroup organizations affiliated with an associated student body;

(3) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level; and

(4) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body moneys shall be budgeted and disbursed.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-035 DEPOSIT AND INVESTMENT OF ASSOCIATED STUDENT BODY MONEYS. All associated student body moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the "associated student body program fund" of the school district and shall be accounted for, expended, and invested subject to the practices and procedures governing other ~~((public))~~ moneys of the district except as such practices and procedures are modified by or pursuant to this chapter.

NEW SECTION

WAC 392-138-047 SEGREGATION OF ACCOUNTS—PUBLIC AND PRIVATE MONEYS. When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010 (4) and (5), two separate sets of accounts shall be maintained for each associated student body organization for budgets, revenues, expenditures and fund balances in such a manner that there is a complete segregation by accounting records for each associated student body organization including clubs, classes, athletic events and general associated body.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-050 DISBURSEMENT APPROVAL—TOTAL DISBURSEMENTS. Associated student body moneys shall be disbursed subject to the following conditions:

(1) No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-040;

(2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe, and as provided for in subsection (4) of this section for scholarships, student exchange, or charitable purposes;

(3) ~~((The))~~ All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Supporting documentation of the vouchers shall bear evidence of ~~((student))~~ approval by the associated student body governing body in accordance with associated student body by-laws;

(4) Vouchers authorizing disbursements for scholarship, student exchange, or charitable purposes shall be accompanied by:

(a) A petition to the associated student body governing body requesting disbursement if the request was originated by an associated student body organization other than the governing body (—i.e., a subcomponent or an affiliated student group); and

(b) A written communication adopted by the associated student body governing body authorizing the disbursement;

(5) When a fund balance account of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the account balance: **PROVIDED, That a transfer of fund balance between associated student body organizations may be made pursuant to the associated student body by-laws and as approved by the associated student body governing body;**

~~((4))~~ (6) Warrants shall not be issued in excess of the moneys on deposit with the county treasurer in the associated student body program fund; and

~~((5))~~ (7) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter.

NEW SECTION

WAC 392-138-071 PUBLIC MONEYS—PREVIOUS LAW. All moneys expended from associated student body program funds prior to June 10, 1982, shall be considered public moneys.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-075 TITLE TO PROPERTY—DISSOLUTION OF ASSOCIATED STUDENT BODY OR AFFILIATED GROUP. The purchase of vehicles, furniture, fixtures, equipment, and real property with associated student body private moneys is an act of conversion of private money to public property. Title to all such property acquired through the expenditure of associated student body private moneys shall be vested in the school district. Title to all property acquired through the expenditure of associated student body public moneys shall be vested in the school district.

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then (a) the school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization, and (b) the records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of public records.

NEW SECTION

WAC 392-138-100 STUDENT AID DONATIONS AND OTHER NONASSOCIATED STUDENT BODY MONEYS. The board of directors of a school district may accept money donated for scholarship and student aid purposes and deposit, invest, and expend the same within the associated student body program fund pursuant to the school district's rules and regulations adopted in compliance with RCW 28A.58.030.

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion

of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-138-015 DISTINCTION BETWEEN PUBLIC AND PRIVATE MONEYS—DUTIES OF ADVISORS.

(2) WAC 392-138-020 PRIVATE MONEYS NOT TO BE COMMINGLED—EXCEPTION IN CASE OF STUDENT AID DONATIONS.

**WSR 84-10-071
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed May 2, 1984]**

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 Transportation—Replacement and depreciation allocation, chapter 392-142 WAC;

that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-142 WAC Transportation—Replacement and depreciation allocation.

Rule Section(s): WAC 392-142-020 Vehicle categories.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To set forth state policies and procedures for replacement of transportation vehicles.

Summary of the New Rule(s) and/or Amendments: WAC 392-142-020, revisions reflecting the addition of four new vehicle transportation categories for transporting students as deemed necessary by the advisory committee on state supported specifications.

Reasons Which Support the Proposed Action(s): Permits additional categories of transportation vehicles.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Don Carnahan, SPI, 3-0235.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Permits greater local flexibility in selection of transportation vehicles.

AMENDATORY SECTION (Amending Order 83-16, filed 10/26/83)

WAC 392-142-020 VEHICLE CATEGORIES. (1) By May 1st of each school year, the superintendent of public instruction shall develop preliminary categories of student transportation vehicles. The categories shall include, but not be limited to, variables such as vehicle capacity, type of fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The categories shall be determined pursuant to the definitions set forth in WAC 392-142-020 and 392-143-010 and shall be applicable to the following school year.

(2) As used in this section, the terms:

(a) "School bus student capacity" shall mean the maximum allowable number of students that can be seated on a school bus using 21-inch seat spacing from the seating reference point;

(b) "Seating reference point" shall mean the point of intersection of horizontal and vertical axis measured as follows:

(i) The horizontal distance is 5.0 to 5.4 inches from the front surface of the seat back; and

(ii) The vertical distance is 2.5 inches above the top of the seat cushion.

(c) "Gasoline engine" shall mean a spark ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination thereof;

(d) "Diesel engine" shall mean a compression ignited engine using diesel fuel;

(e) "Transmission" shall mean either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box;

(f) "Engine location" shall mean that the engine is located in the front, midship, or rear section of transit (Type D) school buses; and

(g) "Special handicapped equipment" shall mean wheelchair lifts, passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

(3) Replacement vehicle categories are as follows:

TYPE A:

- | | |
|---------------------------|---------------------|
| 1. Student capacity 10-24 | a. Gas manual |
| | b. Gas automatic |
| | c. Diesel manual |
| | d. Diesel automatic |

TYPE B:

- | | |
|---------------------------|---------------------|
| 1. Student capacity 18-22 | a. Gas manual |
| | b. Gas automatic |
| | c. Diesel manual |
| | d. Diesel automatic |
| 2. Student capacity 23-27 | a. Gas manual |
| | b. Gas automatic |
| | c. Diesel manual |
| | d. Diesel automatic |
| 3. Student capacity 28-32 | a. Gas manual |
| | b. Gas automatic |
| | c. Diesel manual |
| | d. Diesel automatic |

TYPE C:

- | | |
|------------------------|---------------------|
| 1. Student capacity 29 | a. Gas manual |
| | b. Gas automatic |
| | c. Diesel manual |
| | d. Diesel automatic |

WSR 84-10-072
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 2, 1984]

- 2. Student capacity 35
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 3. Student capacity 41
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 4. Student capacity 47
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 5. Student capacity 53
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 6. Student capacity 59
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 7. Student capacity 65
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 8. Student capacity 71
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 9. Student capacity 77
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic

TYPE D:

- 1. Student capacity 78
Front engine
 - a. Diesel manual
 - b. Diesel automatic
- 2. Student capacity 78
Midship engine
 - a. Diesel manual
 - b. Diesel automatic
- 3. Student capacity 78
Rear engine
 - a. Diesel manual
 - b. Diesel automatic
- 4. Student capacity 84-89
Front engine
 - a. Diesel manual
 - b. Diesel automatic
- 5. Student Capacity 84
Rear engine
 - a. Diesel manual
 - b. Diesel automatic
- 6. Student capacity 90
Midship engine
 - a. Diesel manual
 - b. Diesel automatic

Any approved school bus used to transport students with handicapping conditions must have special handicapped equipment affixed to the vehicle. Replacement costs of special handicapped equipment shall be determined annually and added to the state-determined purchase price. The useful life of the special handicapped equipment shall be the same as the useful vehicle life to which the special equipment is affixed.

(4) By June 15th of each school year, the superintendent shall notify school districts of the preliminary vehicle categories for the ensuing school year. By October 15th of each school year, the superintendent shall finalize the student transportation vehicle categories and notify the school districts of any changes which affects that school year.

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 transitional bilingual instruction program, chapter 392-160 WAC;

that the agency will at 9:00 a.m., Thursday, June 7, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.58.800 through 28A.58.810.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-160 WAC, Transitional bilingual instruction program.

Rule Section(s): WAC 392-160-003 Authority; 392-160-004 Purpose; 392-160-005 Definitions; 392-160-010 School district board of directors duties; 392-160-015 Identification of eligible pupils; 392-160-020 Approved tests for determining initial eligibility—English proficiency scores; 392-160-026 District application; 392-160-027 Board approval; 392-160-028 Content of district application; 392-160-029 Program approval; 392-160-035 Three year limitation—Testing—Program exit requirements; 392-160-040 Alternative instruction program; and 392-160-001 Repealed.

Statutory Authority: RCW 28A.58.800 through 28A.58.810.

Purpose of the Rule(s): To set forth state policies and procedures for transitional bilingual instruction program.

Summary of the New Rule(s) and/or Amendments: WAC 392-160-003, sets forth the authority for this chapter; 392-160-004, sets forth the purpose for this chapter; 392-160-005, defines key terms in chapter; 392-160-010, sets forth duties of school board; 392-160-015, defines eligible pupil; 392-160-020, lists approved tests and establishes procedures for inclusion of additional tests; 392-160-026, requires district application for state moneys; 392-160-027, requires board approval of application; 392-160-028, establishes the specific content to be included in school district applications for funds; 392-160-029, sets forth SPI program approval procedure; 392-160-035, sets forth three year limitation on eligibility and exceptions to such provision; 392-160-040, establishes conditions for alternative program; and 392-160-001, repealed because language is no longer applicable.

Reasons Which Support the Proposed Action(s): State has moved from bloc to categorical program.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Mona Bailey, SPI, 3-6701; and Implementation: Keith Crosbie, SPI, 3-2573.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Implements 1984 legislative decision to make program categorical.

Chapter 392-160 WAC
SPECIAL SERVICE PROGRAM—TRANSITIONAL BILINGUAL INSTRUCTION ~~((PROGRAM))~~

NEW SECTION

WAC 392-160-003 AUTHORITY. The authority for this chapter is RCW 28A.58.808 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a transitional bilingual instructional program.

NEW SECTION

WAC 392-160-004 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the implementation of a transitional bilingual instructional program.

AMENDATORY SECTION (Amending Order 80-21, filed 6/17/80)

WAC 392-160-005 DEFINITIONS. As used in this chapter:

(1) "Transitional bilingual instruction" ~~((and "bilingual instruction" each))~~ means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a pupil to achieve competency in English;

(b) Introduces concepts and information in the primary language of a pupil and reinforces them in the English language; and

(c) Tests pupils in the subject matter in English.

(2) "Primary language" means the language most often used by a pupil (not necessarily by parents, guardians, or others) for communication in the pupil's place of residence.

(3) "Eligible pupil" means any pupil who meets the following ~~((three))~~ two conditions:

(a) The primary language of the pupil must be other than English; and

(b) The pupil's English skills must be sufficiently deficient or absent to ~~((the extent that))~~ impair learning ~~((on the part of the pupil would be impaired if he or she is taught only in English; and~~

(c) ~~The pupil must not be equally or almost equally competent in English and his or her non-English primary language or more competent in English).~~

(4) ~~((("Limited number of eligible pupils" means nineteen or fewer eligible pupils in a single school district whose non-English primary language is the same.~~

(5)) "Alternative instructional program" means a program of instruction which may include((s)) English as a second language and is designed to enable the pupil to achieve competency in English.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-010 SCHOOL DISTRICT BOARD OF DIRECTORS DUTIES. Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible pupil a transitional bilingual instruction or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program in a language they can understand; and

(3) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials and program models.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-015 IDENTIFICATION OF ELIGIBLE PUPILS. (1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each pupil's primary language and the determination of which pupils with a primary language other than English are eligible pupils. Such procedures shall include:

(a) Provisions for the identification of a pupil's primary language pursuant to an interview with or a written questionnaire directed to the pupil and the pupil's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and

(b) Provisions for testing pupils as provided for in this section, WAC 392-160-020 and 392-160-035.

(2) Deadline for determining eligibility of newly enrolled pupils: The primary language and eligibility of each newly enrolled pupil shall be established no later than the twentieth school day after the date upon which the pupil commences attendance at a particular school district.

(3) Newly enrolled pupils who speak little or no English—Determination of eligibility: The eligibility of a newly enrolled pupil whose eligibility is reasonably apparent by reason of:

(a) The pupil's ability to communicate reasonably well in his or her non-English primary language; and

(b) The pupil's inability to communicate in English to any practical extent ~~((shall be))~~ as determined ((pursuant to)) by an interview with the pupil by appropriate school district staff. ~~((The interview shall be conducted by a person with sufficient skill in both English and the non-English language of the pupil, if a person with such qualifications is reasonably available. If a qualified interviewer is not reasonably available, school personnel shall exercise their best judgment based upon observations of a newly enrolled pupil to determine the pupil's eligibility.))~~ No other approved test need be administered if the professional judgment of the school personnel ~~((based upon the interview or observations))~~ is that the pupil is eligible as defined in WAC 392-160-005(3).

(4) All other newly enrolled pupils—Determination of eligibility: The eligibility of all newly enrolled pupils:

(a) Who have a primary language other than English; and

(b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

(5) Annual reassessment of all pupils required: Each school year each pupil who has previously been identified as eligible and admitted to a bilingual instruction or alternative instruction program shall be identified as eligible or ineligible each school year pursuant to the administration of a standardized test as set forth in WAC 392-160-035.

AMENDATORY SECTION (Amending Order 80-21, filed 6/17/80)

WAC 392-160-020 APPROVED TESTS FOR DETERMINING INITIAL ELIGIBILITY—ENGLISH PROFICIENCY SCORES. (1) Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled pupils (other than those who speak little or no English) whose primary language is other than English:

(a) Language assessment scales (LAS);

(b) Basic inventory of natural language (BINL); and

(c) Bilingual syntax measure (BSM).

(2) Scores which establish an English skills deficiency: In the event a pupil scores within one of the following ranges the pupil's English skills shall be deemed sufficiently deficient or absent to impair learning ~~((when taught only in English)):~~

(a) Language assessment scales. Three or below;

(b) Basic inventory of natural language;

(i) Grades K-2, 0-50;

(ii) Grades 3-8, 0-75;

(iii) Grades 9-12, 0-100;

(c) Bilingual syntax measure:

(i) Level II, four or below; and

(ii) Level I, three or below.

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

(a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;

(b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and

(c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

~~((4) Determination of "dominant" language:~~

~~(a) Pupils whose test results establish an English skill deficiency pursuant to subsection (2) or (3)(b) shall also be administered the same test in their non-English primary language, if available, to determine whether the pupil is equally or almost equally competent in English and the pupil's primary language or more competent in English;~~

~~(b) If no test is available in a pupil's non-English primary language, the pupil shall be interviewed by a person with sufficient skill in both English and the non-English primary language of the pupil, if a person with such qualifications is reasonably available; and~~

~~(c) A pupil shall be deemed an eligible pupil if the test results or the professional judgment of school personnel based upon a interview when no test is available establish that the pupil is not equally or almost equally competent in English and the pupil's non-English primary language or more competent in English;))~~

NEW SECTION

WAC 392-160-026 DISTRICT APPLICATION. Each school district that seeks an allocation of state funds for a transitional bilingual instruction program shall submit a program approval application to the superintendent of public instruction no later than August 1 of each year: PROVIDED, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible pupils the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

NEW SECTION

WAC 392-160-027 BOARD APPROVAL. The district's annual application shall be approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-160-028 CONTENT OF DISTRICT APPLICATION. The districts annual application shall contain the following:

(1) The number of eligible pupils served during the current school year and the estimated number to be served in the next school year for each non-English primary language spoken;

(2) A description of the approved tests to be used in the next school year to determine pupil eligibility;

(3) The estimated number of pupils who will be enrolled during the next school year in a program funded pursuant to this chapter in excess of three school years (i.e., 540 school days or portions thereof). The numbers of such pupils shall be identified by the non-English primary language spoken and the type of program to be provided (i.e., bilingual or alternative instructional program);

(4) The number of pupils who have been enrolled in a program funded pursuant to this chapter in excess of three school years who are currently served identified by the non-English primary language spoken by each pupil and the type of program provided each pupil;

(5) A description of the bilingual instruction and alternative instructional programs planned for the next school year; and

(6) A description of the in-service training program that is planned for the next school year.

NEW SECTION

WAC 392-160-029 PROGRAM APPROVAL. Program approval by the superintendent of public instruction shall be as follows:

(1) Each application that is submitted as required by and pursuant to this chapter shall be approved: PROVIDED, That approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application.

(2) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-035 THREE YEAR LIMITATION—TESTING—PROGRAM EXIT REQUIREMENTS. (1) No pupil shall continue to be entitled to a transitional bilingual or alternative instructional program after the pupil has received instruction in a transitional bilingual or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): PROVIDED, That each such pupil who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the pupil's learning impairment (~~when taught only in English~~) (i.e., unable to score above the 35th percentile on an approved test) shall continue to be entitled to an approved bilingual instruction or alternative instructional program.

(2) The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its pupils.

(3) No pupil shall be entitled to continued enrollment in a transitional bilingual or alternative program once the pupil has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the pupil's age and grade level.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-040 ~~((ELIGIBILITY FOR AN OPTIONAL))~~ ALTERNATIVE INSTRUCTIONAL PROGRAM. ~~((1) Districts with a limited number of pupils: Each school district with a limited number of eligible pupils may elect to provide such pupils an alternative instructional program:~~

~~((2) Districts with more than a limited number of pupils:))~~ School districts ~~((with more than a limited number of eligible pupils and))~~ under one or more of the following conditions may elect to provide an alternative instructional program:

~~((1))~~ (1) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success; ~~((or~~

~~((2))~~ (2) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible pupils; ~~((or~~

~~((3))~~ (3) Bilingual instruction cannot be provided affected pupils without substantially impairing their basic education program because of their disbursement throughout many grade levels or schools, or both; or

~~((4))~~ (4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-160-001 PURPOSE—SUPPLEMENTAL FEDERAL REQUIREMENTS.

WSR 84-10-073
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 2, 1984]

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 Special service program—Remediation assistance, chapter 392-162 WAC;

that the agency will at 9:00 a.m., Thursday, June 7, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.41.408.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-162 WAC, Special service program—Remediation assistance.

Rule Section(s): WAC 392-162-005 Authority; 392-162-010 Purpose; 392-162-015 Definition—Basic skills; 392-162-020 Definition—Remediation assistance program; 392-162-025 Definition—Direct supervision and control; 392-162-030 Definition—Educationally deprived students; 392-162-035 Allowable expenditures for remediation assistance program; 392-162-040 Definition—Placement test; 392-162-045 Definition—Like services; 392-162-050 Definition—Accounting manual; 392-162-055 Definition—Direct expense; 392-162-060 District application; 392-162-065 Board approval; 392-162-070 Content of district application; 392-162-075 Program approval; 392-162-080 Program requirement—Selection of students; 392-162-085 Program requirement—Maximum number of students; 392-162-090 Program requirement—Notification of parents; 392-162-095 Program requirement—Fifty percent in chapter one regular buildings—Recovery of moneys; 392-162-100 Program requirement—Program evaluation; and 392-162-105 Program requirement—End of year report.

Statutory Authority: RCW 28A.41.408.

Purpose of the Rule(s): To implement state program of remediation assistance to eligible students.

Summary of the New Rule(s) and/or Amendments: WAC 392-162-005, sets forth authority for this chapter; 392-162-010, sets forth the purpose for this chapter; 392-162-015, defines basic skills; 392-162-020, defines remediation program; 392-162-025, defines direct supervision and control; 392-162-030, defines educationally deprived students; 392-162-035, defines supplementary services; 392-162-040, defines placement

test; 392-162-045, defines like services; 392-162-050, defines accounting manual; 392-162-055, defines direct expenditure; 392-162-060, requires application to SPI; 392-162-065, requires board approval of district application; 392-162-070, sets forth content of district application; 392-162-075, sets forth approval criteria; 392-162-080, sets forth selection criteria for students; 392-162-085, notes statutory enrollment lid; 392-162-090, requires parents to be notified of student involvement in program; 392-162-095, prohibits expenditure of state remediation funds on other than specific objects within program 55; 392-162-100, sets forth procedure for recovery of funds if 50% of state moneys is not spent in Chapter 1 Regular buildings; 392-162-105, requires program evaluation by TIERS system; 392-162-110, requires end of year report; and 392-162-115, establishes SPI monitoring procedure.

Reasons Which Support the Proposed Action(s): The 1984 legislature eliminated the bloc grant.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Judy Schrag, SPI, 4-1842; and Implementation: June Peck, SPI, 3-3220.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Implements statute and Doran II.

Chapter 392-162 WAC
SPECIAL SERVICE PROGRAM—REMEDATION ASSISTANCE

NEW SECTION

WAC 392-162-005 AUTHORITY. The authority for this chapter is RCW 28A.41.408 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a program designed to provide remediation assistance to public school students in grades two through six who are deficient in basic skills achievement.

NEW SECTION

WAC 392-162-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the administration of and to ensure district compliance with state requirements for a program designed to provide remediation assistance to public school students in grades two through six who are deficient in basic skills achievement.

NEW SECTION

WAC 392-162-015 DEFINITION—BASIC SKILLS. As used in this chapter, the term "basic skills" means reading, mathematics, and language arts.

NEW SECTION

WAC 392-162-020 DEFINITION—REMEDATION ASSISTANCE PROGRAM. As used in this chapter, the term "remediation assistance program" shall mean the same as "program of remediation" in RCW 28A.41.402—namely, "assistance in the remediation of basic skills deficiencies provided to five students or less per session by a person appropriately trained for that purpose acting under the direct supervision and control of a person certified pursuant to chapter 28A.67 RCW." (See RCW 28A.67.010 which requires qualified teachers to hold a valid teacher's certificate or permit.)

NEW SECTION

WAC 392-162-025 DEFINITION—DIRECT SUPERVISION AND CONTROL. As used in this chapter, the term "direct supervision and control" shall mean supervision of the content and method of instruction, evaluation of the effectiveness of the instruction, and such additional control as is necessary to direct the instructional program in order to provide an opportunity for student achievement.

NEW SECTION

WAC 392-162-030 DEFINITION—EDUCATIONALLY DEPRIVED STUDENTS. As used in this chapter, the term "educationally deprived students" shall mean students whose educational attainment in basic skills achievement, as documented by placement testing, is below the level that is appropriate for the student's chronological/grade level.

NEW SECTION

WAC 392-162-035 DEFINITION—SUPPLEMENTARY SERVICES DESIGNED TO MEET THE SPECIAL EDUCATIONAL NEEDS OF PARTICIPATING STUDENTS. As used in this chapter, the term "supplementary services designed to meet the special educational needs of participating students" shall mean:

- (1) A program of remediation; and
- (2) Support services consisting of supervision, materials and supplies, and the training of administrators, teachers, aids, and tutors.

NEW SECTION

WAC 392-162-040 DEFINITION—PLACEMENT TEST. As used in this chapter, the term "placement test" shall mean an objective test(s) administered by a district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students.

NEW SECTION

WAC 392-162-045 DEFINITION—LIKE SERVICES. As used in this chapter, the term "like services" shall mean the same as "like needs" specified in RCW 28A.41.406—namely, programs conducted pursuant to chapter 28A.13 RCW which provide supplementary services designed to meet the special educational needs of participating students. However, the term "like services" does not include communication disorder or physical or occupational therapy services and the student is receiving no other specially designed instruction.

NEW SECTION

WAC 392-162-050 DEFINITION—ACCOUNTING MANUAL. As used in this chapter, the term "accounting manual" shall mean the latest edition of the accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor.

NEW SECTION

WAC 392-162-055 DEFINITION—DIRECT EXPENDITURE. As used in this chapter, the term "direct expenditure" shall be as defined in the accounting manual glossary of terms—i.e., "those elements of expenditures which can be easily, obviously and conveniently identified with specific programs, . . ."

NEW SECTION

WAC 392-162-060 DISTRICT APPLICATION. Each district that seeks an allocation from the state for a remediation assistance program shall submit an annual application on forms provided by the superintendent of public instruction for approval.

NEW SECTION

WAC 392-162-065 BOARD APPROVAL. The district's annual application shall be approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-162-070 CONTENT OF DISTRICT APPLICATION. The district's annual application shall contain the following:

- (1) Planned expenditures by program activity and object;
- (2) Instructional program description which describes the supplementary services designed to meet the special educational needs of the participating students;
- (3) Amount of total expenditures planned for Chapter 1 Regular eligible buildings (see chapter 392-163 WAC);
- (4) Amount of total expenditures planned to support nationally validated program models, if any; and
- (5) An assurance that no less than fifty percent of the state moneys for a remediation assistance program shall be expended in buildings determined eligible to receive Chapter 1 Regular moneys pursuant to WAC 392-163-300.

NEW SECTION

WAC 392-162-075 PROGRAM APPROVAL. The superintendent of public instruction shall approve each district's application which contains the information in this section.

NEW SECTION

WAC 392-162-080 PROGRAM REQUIREMENT—SELECTION OF STUDENTS. A student selected to participate in the remediation assistance program shall meet the following requirements:

- (1) The student is enrolled in any grade two through six;
- (2) The student is educationally deprived;
- (3) The student has been selected through a placement test; and
- (4) The student is not receiving like services.

NEW SECTION

WAC 392-162-085 PROGRAM REQUIREMENT—MAXIMUM NUMBER OF STUDENTS. The total number of students served in the remediation assistance program with state funds shall not exceed the total number of eligible students calculated per WAC 392-122-605(2)(a). For each student served in excess of this number, the amount per pupil allocated by the state shall be recovered.

NEW SECTION

WAC 392-162-090 PROGRAM REQUIREMENT—NOTIFICATION OF PARENTS. Each district shall notify parents of participating students of the involvement of their child in the remediation assistance program.

NEW SECTION

WAC 392-162-095 PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURES. State remediation assistance program revenue shall be expended only in the allowable objects of expenditure, except capital outlay, in activities 21, 22, and 27 in Program 55, Remediation, State, Accounting Manual. If a district incurs an expenditure with state moneys for a remediation assistance program in a nonallowable object(s) or activity(ies), the amount of such nonallowable expenditure shall be recovered by the superintendent of public instruction after the end of the school fiscal year.

NEW SECTION

WAC 392-162-100 PROGRAM REQUIREMENT—FIFTY PERCENT IN CHAPTER 1 REGULAR BUILDINGS—RECOVERY OF MONEYS. Not less than fifty percent of state moneys provided for a remediation assistance program shall be expended by a district shall be in buildings determined eligible to receive Chapter 1 Regular moneys pursuant to WAC 392-163-300. If a district incurs expenditures for more than fifty percent of such moneys in noneligible buildings, the amount above fifty percent shall be recovered by the superintendent of public instruction after the end of the school fiscal year.

NEW SECTION

WAC 392-162-105 PROGRAM REQUIREMENT—PROGRAM EVALUATION. The Title I Evaluation and Reporting System (TIERS) shall be used by districts to evaluate educational achievement in the remediation assistance program. The data shall be reported annually to the superintendent of public instruction on provided forms.

NEW SECTION

WAC 392-162-110 PROGRAM REQUIREMENT—END OF YEAR REPORT. Districts shall submit to the superintendent of public instruction at the close of the fiscal year an end of the year report on forms provided by the superintendent of public instruction which includes number of students served by grade level, basic skills area, ethnicity, and gender.

NEW SECTION

WAC 392-162-115 MONITORING OF DISTRICTS. In order to insure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor district programs no less than once every three years by sampling procedures.

WSR 84-10-074
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 2, 1984]

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 Special service program—Highly capable students, chapter 392-170 WAC;

that the agency will at 9:00 a.m., Thursday, June 7, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is chapter 28A.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-170 WAC, Special service program—Highly capable students.

Rule Section(s): WAC 392-170-005 Authority; 392-170-010 Purpose; 392-170-015 Local option; 392-170-020 District application; 392-170-025 Board approval; 392-170-030 Substance of annual school district application; 392-170-035 Definition—Highly capable students; 392-170-040 Multiple criteria for determination of superior intellectual ability—Definitions; 392-170-045 Nomination process for highly capable students; 392-170-050 Screening of nominees; 392-170-055 Assessment process for selection as highly capable student; 392-170-060 Nondiscrimination in the use of tests; 392-170-065 Nondiscrimination in the review of testing results; 392-170-070 Multidisciplinary selection committee; 392-170-075 Selection of most highly capable; 392-170-080 Educational program for highly capable students; 392-170-085 Notification of parents; 392-170-090 End of year report; and 392-170-095 District records.

Statutory Authority: Chapter 28A.16 RCW.

Purpose of the Rule(s): To set forth policies and procedures for the implementation of program for highly capable students.

Summary of the New Rule(s) and/or Amendments: WAC 392-170-005, sets forth the authority for this chapter; 392-170-010, sets forth the purpose for this chapter; 392-170-015, indicates receipt of state categorical funds is optional but conditions follow acceptance; 392-170-020, sets forth application requirement; 392-170-025, requires board approval of application; 392-170-030, sets forth substance of application; 392-170-035, defines highly capable student; 392-170-040, sets forth multiple criteria for selection of students; 392-170-045, establishes nomination process; 392-170-050, establishes screening process; 392-170-055, establishes assessment process; 392-170-060, prohibits discrimination in use of tests; 392-170-065, prohibits discrimination in review of tests; 392-170-070, indicates membership on selection committee; 392-170-075, sets forth final selection process; 392-170-080, sets forth individual program requirement; 392-170-085, mandates parents notification of inclusion in program; 392-170-090, requires end of year report; and 392-170-095, requires recordkeeping.

Reasons Which Support the Proposed Action(s): 1984 legislature changed program from bloc grant to categorical.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Judy Schrag, SPI, 4-1842; and Implementation: June Peck, SPI, 3-3220.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Implements action by 1984 legislature.

Chapter 392-170 WAC
SPECIAL SERVICE PROGRAM—HIGHLY CAPABLE STUDENTS

NEW SECTION

WAC 392-170-005 AUTHORITY. The authority for this chapter is RCW 28A.16.— which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program for highly capable students, including the nomination, assessment, and selection of such students.

NEW SECTION

WAC 392-170-010 PURPOSE. The purpose of this chapter is to establish policies and procedures for administration of a program for the education of students who are highly capable.

NEW SECTION

WAC 392-170-015 LOCAL OPTION. The offering of a program by a school district to serve highly capable students with categorical state funds is optional. However, if the school district accepts categorical state moneys for this purpose, compliance with this chapter is mandatory.

NEW SECTION

WAC 392-170-020 DISTRICT APPLICATION. Each district that seeks an allocation of state funds for a program for highly capable students shall submit an annual application on forms provided by the superintendent of public instruction for approval.

NEW SECTION

WAC 392-170-025 BOARD APPROVAL. The district's annual application shall be approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-170-030 SUBSTANCE OF ANNUAL SCHOOL DISTRICT APPLICATION. The school district's annual application shall contain the following:

- (1) Number of students to be served by grade level;
- (2) Brief description of plan to identify students;
- (3) Program goals;
- (4) Instructional program description; and
- (5) Assurances signed by the school district's authorized representative that the district shall comply with all applicable statutes and regulations.

NEW SECTION

WAC 392-170-035 DEFINITION—HIGHLY CAPABLE STUDENTS. As used in this chapter, the term highly capable student shall mean a student who has been assessed to have superior intellectual ability as demonstrated by the multiple criteria specified in WAC 392-170-040.

NEW SECTION

WAC 392-170-040 MULTIPLE CRITERIA FOR DETERMINATION OF SUPERIOR INTELLECTUAL ABILITY—DEFINITIONS. The multiple criteria for the determination of students with superior intellectual ability shall include the following:

- (1) "Cognitive ability" which for the purpose of this chapter shall be defined as the complete range of intellectual functions referred to as intellect, intelligence, or mental abilities and includes such psychological concepts as thinking, abstract reasoning, problem solving, verbal comprehension, and numerical facility.
- (2) "Specific academic achievement in one or more major content areas" which for the purpose of this chapter shall be defined as obtained results on a standardized achievement test appropriate for the student's chronological grade level in one or more of the following content areas:
 - (a) Reading;
 - (b) Mathematics;
 - (c) Social studies;
 - (d) Language arts; and
 - (e) Science.
- (3) "Demonstrated behavioral characteristics of exceptional creativity" which for the purpose of this chapter shall mean creative products and/or learning characteristics which demonstrate to teachers, parents, or classmates that the student has the intellectual potential to perform academically at a level significantly higher than the norm for the chronological grade level.

NEW SECTION

WAC 392-170-045 NOMINATION PROCESS FOR HIGHLY CAPABLE STUDENTS. Each school district board of directors shall approve procedures for the nomination of students to participate in programs for highly capable students. Such procedures shall permit nominations from any source, including teachers, other staff, parents, students, and members of the community.

NEW SECTION

WAC 392-170-050 SCREENING OF NOMINEES. Students nominated for consideration as highly capable students may be screened for eligibility according to district procedures. Such procedures shall be applied equitably and systematically to all nominated students. Screening procedures may eliminate students for whom there exists clear, current evidence that the student will not qualify for eligibility under WAC 392-170-055.

NEW SECTION

WAC 392-170-055 ASSESSMENT PROCESS FOR SELECTION AS HIGHLY CAPABLE STUDENT. Students nominated for selection as a highly capable student, unless eliminated through screening as provided in WAC 392-170-050, shall be assessed by qualified district personnel using a minimum of one measure for each of the multiple criteria in WAC 392-170-040. In order to be considered for final selection as among the most highly capable by the multidisciplinary selection committee following assessment, there shall exist evidence of one or more of the following characteristics:

- (1) Evidence that the student scores in the top ten percent in cognitive ability as demonstrated by a standardized ability test;
- (2) Evidence that the student scores in the top five percent in one or more specific academic achievement area; and/or
- (3) Evidence that the student demonstrates behavioral characteristics for exceptional creativity.

NEW SECTION

WAC 392-170-060 NONDISCRIMINATION IN THE USE OF TESTS. If a standardized ability or achievement test has not been validated for the racial or ethnic group represented by the student being tested, neither the standardized test nor the test results may be used in the assessment of the student. In such cases, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon other evidence of cognitive ability, academic achievement, or exceptional creativity. Such eligibility shall be documented in a narrative writing.

NEW SECTION

WAC 392-170-065 NONDISCRIMINATION IN THE REVIEW OF TESTING RESULTS. Test results used in the assessment of any nominated student shall be reviewed by a qualified practitioner in testing and shall be adjusted, if necessary, to make corrections for environmental, social, and cultural factors which may have interfered in accurately reflecting a nominated student's cognitive or achievement test results.

NEW SECTION

WAC 392-170-070 MULTIDISCIPLINARY SELECTION COMMITTEE. The multidisciplinary selection committee for the final selection of the most highly capable students for participation in the district's program for highly capable students shall consist of the following professionals:

- (1) A classroom teacher with training and experience in teaching highly capable students: PROVIDED, That if such a classroom teacher is not available, a classroom teacher shall be appointed;
- (2) A psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results;
- (3) A district administrator with responsibility for the supervision of the district's program for highly capable students; and
- (4) Such additional professionals, if any, the district deems desirable.

NEW SECTION

WAC 392-170-075 SELECTION OF MOST HIGHLY CAPABLE. Districts shall adopt policies and procedures for the selection of the most highly capable students by the multidisciplinary selection committee. Such policies and selection procedures:

- (1) Shall be consistent with the state board of education's prohibition against unlawful discrimination as defined in WAC 180-40-215(1);
- (2) Shall be based on professional judgment as to which students will benefit the most from inclusion in the district's program, including such additional factors as the student's desire to be included in the program options provided by the district; and
- (3) Shall be based on a ranking system which considers the multiple criteria in WAC 392-170-040; the assessment criteria in WAC 392-170-055, and other data collected in the assessment process: PROVIDED, That for students whose cognitive ability score or achievement test results are not available for inclusion in the assessment because of the provision of WAC 392-170-060, the final selection ranking system shall provide an equal opportunity for such students to be included as most highly capable in spite of the fact that one or more

of these scores were not available for inclusion in the assessment of such students.

NEW SECTION

WAC 392-170-080 EDUCATIONAL PROGRAM FOR HIGHLY CAPABLE STUDENTS. Each student selected as a highly capable student shall be provided an educational opportunity which takes into account such students unique needs and capabilities. Such program shall recognize the limits of the resources provided by the state and the program options available to the district, including programs in adjoining districts and public institutions of higher education. Districts shall keep on file a description of the educational program provided for each student selected.

NEW SECTION

WAC 392-170-085 NOTIFICATION OF PARENTS. Each district shall notify parents of participating children of the involvement of their child in the district's program for highly gifted students.

NEW SECTION

WAC 392-170-090 END OF YEAR REPORT. Districts shall submit to the superintendent of public instruction at the close of fiscal year an end of the year report on forms provided by the superintendent of public instruction which includes number of students served by grade level and the ethnicity and gender of such students.

NEW SECTION

WAC 392-170-095 DISTRICT RECORDS. Districts shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel.

WSR 84-10-075
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 2, 1984]

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 Special education program—Education for all handicapped children, chapter 392-171 WAC;

that the agency will at 9:00 a.m., Wednesday, June 6, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.13.070(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1984.

Dated: May 2, 1984

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-171 WAC, Special education program—Education for all handicapped children.

Rule Section(s): WAC 392-171-295 Authority; 392-171-325 Students' rights to special education programs;

392-171-331 Continuing eligibility; 392-171-351 General assessment safeguards—Personnel, materials and procedures; 392-171-366 Summary analysis of assessment data; 392-171-381 Definition and eligibility criteria for developmentally handicapped students; 392-171-382 Definition and eligibility criteria for developmentally delayed children; 392-171-383 Areas of developmental delay—Definitions; 392-171-384 Distinction between developmentally handicapped children and other handicapping conditions; 392-171-386 Definition and eligibility for seriously behaviorally disabled; 392-171-391 Definition and eligibility criteria for communication disordered; 392-171-401 Definition and eligibility criteria for health impaired; 392-171-406 Specific learning disability—Definition; 392-171-411 Specific learning disability—Eligibility criteria; 392-171-413 Method for documenting severe discrepancy—Grades one through six; 392-171-418 Method for documenting severe discrepancy—Grades seven and above; 392-171-431 Definition and eligibility criteria for multihandicapped; 392-171-461 Individualized education program; 392-171-516 Reassessment; 392-171-721 Program length; 392-171-731 Monitoring; 392-171-416 Repealed; and 392-171-426 Repealed.

Statutory Authority: RCW 28A.13.070(7).

Purpose of the Rule(s): To establish policies and procedures for the implementation of an appropriate educational program for handicapped children.

Summary of the New Rule(s) and/or Amendments: WAC 392-171-295, sets forth authority of chapter; 392-171-325, implements mandatory preschool for four year olds in 1984-85 school year and three year olds in 1985-86 school year; 392-171-331, revises continuing eligibility clause (grandfather clause) to include students affected by amendments in 1984. Also reflects federal requirement of services through age 21; 392-171-351(1), clarifies that multidisciplinary team is a group of professionals and changes composition of multidisciplinary team for SLD and specifically requires inclusion of a psychologist; 392-171-351(2), clarifies prohibition against single test to determine eligibility for special education; 392-171-351(3), prohibits use of test that has not been validated for as required by Larry P. Also requires I.Q. tests to be administered and interpreted by psychologist or psychiatrist; 392-171-351(4), "shall" clarifies sentence; 392-171-351(5), clarifies that recommendations of related service providers shall be included in assessments; 392-171-351(6), clarifies state policy regarding 180 day school year and role of assessment team; 392-171-366(1)(b), clarifies language; 392-171-366(1)(f), clarifies use of professional judgment to make adjustments assuming the test is otherwise valid for the group represented by the person tested. Requires narrative documentation of eligibility; 392-171-366(1)(g), clarifies language; 392-171-366(3), clarifies needed documentation for SLD; 392-171-366(4), elaborates on what needs to be included in record for dissenting professional opinion; 392-171-381, sets forth definition of developmentally handicapped children which includes developmentally delayed students and several other traditional categories; 392-171-382, sets forth definition for developmentally delayed children; 392-171-383, sets

forth areas of developmental delay; 392-171-384, distinguishes between developmentally and other handicapped children; 392-171-386, clarifies current policy through amendments; 392-171-391, establishes specific criteria for preschool CD services; 392-171-401, clarifies definition of health impaired to include "congenital syndromes" and "degenerative conditions"; 392-171-406, clarifies SLD definition; specifically precludes spelling as an academic area; and requires documentation of severe discrepancy; 392-171-411, sets forth documentation of SLD; 392-171-413, sets forth definition of severe discrepancy for grades one through six; 392-171-418, sets forth definition of severe discrepancy for grades seven through twelve; 392-171-431, clarifies that SLD may not be combined with another handicapping condition to qualify for multihandicapped funding; 392-171-461, requires IEP team to consider need for reschedule school year; 392-171-516, clarifies that "reassessment" is same as "assessment"; 392-171-714, clarifies that extended school year may be met by a rescheduled school year; 392-171-731, serves notice of agency intent to monitor districts for documentation of eligibility; 392-171-416, repealed (replaced by amendment to WAC 392-171-366(1)(f)); and 392-171-426, repealed (replaced by amendment to WAC 392-171-366(11)(8)).

Reasons Which Support the Proposed Action(s): Reflects action by 1984 legislature and federal policy regarding appropriate education.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Judy Schrag, SPI, 4-1842; and Implementation: Greg Kirsch, SPI, 3-6733.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Clarifies agency policy regarding SLD, extended school year, preschool, and other special education rules.

NEW SECTION

WAC 392-171-295 AUTHORITY. The authority for this chapter is RCW 28A.13.070(7) which authorizes the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.13 RCW. Such authority is supplemented by RCW 28A.02.100 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-325 STUDENTS' RIGHTS TO SPECIAL EDUCATION PROGRAMS. (1) Each school district shall provide every handicapped student ~~((of common school age))~~ between the age of three and twenty-one a free and appropriate educational program consisting of special education and related services: PROVIDED, That handicapped children between the age of three and four need not be served until the 1985-86 school year. ((Common school age is age five to age twenty-one.))

(2) School districts may provide special education and related services to handicapped students in the zero to one, one, two, three and/or four year old age groups without being obligated to extend preschool programs to nonhandicapped children. However, if a school district provides an education to any nonhandicapped child in the zero to ~~((one, one, two,))~~ three ~~((or four))~~ year old age group, the district shall make special education and related services available pursuant to

this chapter to all its handicapped students of the same age: PROVIDED, That school districts that do not offer services to all eligible three year old handicapped children in the 1984-85 school year shall be subject to this nondiscriminatory service requirement.

(3) Any student made a focus of concern shall qualify pursuant to the disability definitions and criteria set forth in this chapter in order to receive state or federal special education funding. A handicapped student shall remain eligible for special education and related services until: (a) The student has met high school graduation requirements established by the school district pursuant to rules of the state board of education; or (b) the student has reached age twenty-one; or (c) the student is no longer in need of special education and related services as judged by the student's multidisciplinary team based upon a reassessment of the student, whichever occurs first. The student may continue to receive special education and related services: PROVIDED, That a reassessment of the student concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-331 CONTINUING ELIGIBILITY. (1) Any student whose eligibility was established pursuant to rules in effect at a time of prior assessment but before September 1, ~~((1980))~~ 1984, shall continue to remain eligible for special education and related services under the authority and provisions of such prior rules unless:

(a) The student has met high school graduation requirements established by the school district pursuant to the rules of the state board of education; or

(b) The student reaches age twenty-one; or

(c) The student is no longer in need of special education and related services: PROVIDED, That the determination that the student needs to receive special education and related services is based on a reassessment of the student which concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education. Any such student shall be reassessed pursuant to WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(2) Any student made a focus of concern for the first time and/or assessed for the first time after September 1, 1980, shall be assessed and determined eligible pursuant to WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(3) Effective September 1, ~~((1980))~~ 1984, and thereafter, every handicapped student shall remain eligible for special education and related services only so long as the student has not yet met high school graduation requirements established by the school district pursuant to rules of the state board of education or the student has not reached age twenty-one, or the student no longer requires special education and related services as judged by the student's multidisciplinary team based on a reassessment of the student.

(4) The student whose twenty-first birthday occurs during the school year ~~((may))~~ shall continue to be eligible for special education and related services for the remainder of the school year.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-351 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS AND PROCEDURES. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The assessment of a student (except one with a suspected communication disorder) shall be made by a multidisciplinary team ~~((or))~~ (i.e., a group of professionals) including at least one teacher ~~((or other specialist with knowledge))~~ and at least one person qualified to conduct individual diagnostic assessment in the area of ~~((the))~~ suspected disability. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules: PROVIDED, That in assessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team:

(a) The student's regular teacher~~((:))~~ or ~~((fb))~~ if the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; ~~((or))~~

(b) A teacher having experience with learning disabled students; and

(c) ~~((For a student of less than school age, an individual trained in early childhood education designated by the school district, and~~

~~(d) At least one person qualified to conduct individual diagnostic examinations of students, such as)) A school psychologist((communication disorder specialist, special education teacher or remedial reading teacher)).~~

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility or handicapping condition and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory. All tests and other evaluation materials shall have been validated for the specific purpose for which they are used, shall be administered by ~~((trained))~~ qualified personnel in conformance with the instructions of their producer, and shall accurately reflect whatever factors the tests purport to measure. If a standardized test is not available that has been validated for the group represented by the student being assessed, such test results shall not be utilized to determine eligibility. In such cases, the professional judgment of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a specific handicapping and need for special education. This professional judgment shall be documented in writing. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist: PROVIDED, That cognitive tests for developmentally delayed students other than an intelligence quotient test need not be administered by a qualified psychologist unless the testing manual requires otherwise.

(4) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results shall accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(5) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including recommendations of related services providers, previous screening and assessments, health, and cumulative records; and

(b) Conduct such current assessment activities as are required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to corroborate the validity of standardized measures, including but not limited to parent and/or teacher interviews and current classroom performance data.

(6) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty day school calendar.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-366 SUMMARY ANALYSIS OF ASSESSMENT DATA. (1) The leader of a student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 392-171-351(6) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the eligibility decision pursuant to WAC 392-171-376 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the ~~((disability))~~ handicapping condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, if any, of cultural, environmental, economic, and behavioral factors to the assessment results;

(f) Where the test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a child's eligibility for a handicapping condition, including a developmental delay, because of lack of responsiveness, the quality of the child's response, or environmental, cultural, or economic factors, the multidisciplinary team shall apply professional judgment to make necessary corrections and a determination of eligibility (or ineligibility). In such event, the multidisciplinary team shall document in a narrative writing the basis for such corrections and the instruments used, if any, and the data collected for a determination of eligibility (or ineligibility).

(g) Make recommendations to the individualized education program committee regarding placement, special education and related services needed, needs for specialized materials or equipment, ((instructional)) learning modalities (e.g., auditory), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program; and

~~((g))~~ (h) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by both the team leader and the school district's special education director or his or her designee.

(3) Provided that, in the case of a student suspected of having a specific learning disability, the summary analysis shall also include a statement of:

(a) The relevant behavior noted during the observation of the student, including the relationship of that behavior to the student's academic problem(s) in the regular education program;

(b) The ((relationship of that behavior to the student's academic functioning)) reasons why the student has an academic achievement problem in the regular education program and a summary, if applicable, of previous intervention attempts and results; and

(c) The educationally relevant medical findings, if any, including the results of a current vision and hearing screening.

(4) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her ~~((conclusion(s)))~~ disagreements and the reasons therefor.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-381 DEFINITION AND ELIGIBILITY CRITERIA FOR DEVELOPMENTALLY HANDICAPPED ~~((PRE-SCHOOL))~~ STUDENTS. Definition and eligibility criteria for developmentally handicapped ~~((preschool))~~ students are as follows:

~~((A preschool student from birth until of chronological age to be eligible for first grade shall be considered to have a significant delay and to be developmentally handicapped if the student is functioning at seventy-five percent or less of his/her chronological age in two or more of the following developmental areas: Fine motor, gross motor, expressive language, receptive language, social, self-help, cognitive or sensory development.~~

~~All students considered for initial placement in special education as preschool developmentally handicapped shall be assessed and determined eligible for special education and related services according to the following:~~

~~((1) An annual multidisciplinary assessment of developmental level obtained from a functional profile which addresses performance in the following areas:~~

~~((a) Fine motor; (b) gross motor; (c) expressive language; (d) receptive language; (e) social; (f) self-help; (g) cognitive; (h) sensory.~~

~~((2) The assessment team shall include an individual trained in early childhood education or an individual with knowledge in the area of the student's suspected disability and two or more of the following as appropriate: (a) Psychologist; or (b) physician or other qualified medical practitioner; or (c) audiologist; or (d) occupational or physical therapist; or (e) school or public health nurse; or (f) communications disorders specialist; or (g) social worker; or (h) teacher.~~

(3) The functional profile shall be derived from individually administered, standardized or professionally recognized developmental scales which result in chronological age equivalents. Observations and interviews shall be administered by the assessment team. Information obtained from the tests, observations and interviews shall be compiled by the multidisciplinary team leader and shall be summarized according to the procedures in WAC 392-171-366. A student shall be considered as having a significant developmental delay if he or she exhibits a deficit of twenty-five percent or more in any two of the areas listed above.

PROVIDED, That in cases where the multidisciplinary team assessment of the student's developmental level has been concluded and where the results do not document a twenty-five percent deficit in two of the eight developmental areas provided for in the eligibility criteria, and a qualified medical practitioner has documented a medically diagnosed congenital syndrome or the assessment team has documented that the student has a high predictability of future developmental delays and is in need of special education and related services, the assessment team may recommend placement in a special education program. The student who becomes eligible for first grade, based on chronological age, during the school year may remain eligible as a preschool student for the remainder of the school year. The student shall be reassessed to determine eligibility in one of the handicap categories pursuant to WAC 392-171-386 through 392-171-451 prior to the beginning of the next school year.)

(1) As used in this chapter, the term "developmentally handicapped children" shall mean children under the age of entry to the first grade who meet the definition and eligibility criteria for the following:

- (a) WAC 392-171-382, Developmentally delayed children;
- (b) WAC 392-171-396, Orthopedically impaired;
- (c) WAC 392-171-401, Health impaired;
- (d) WAC 392-171-436, Deaf;
- (e) WAC 392-171-441, Hard of hearing;
- (f) WAC 392-171-446, Visually handicapped; and
- (g) WAC 392-171-451, Deaf-blind;

(2) The term "developmentally handicapped children" does not include children under the age of entry to the first grade who qualify solely for communications disorder services under WAC 392-171-391.

NEW SECTION

WAC 392-171-382 DEFINITION AND ELIGIBILITY CRITERIA FOR DEVELOPMENTALLY DELAYED CHILDREN. Definition and eligibility criteria for developmentally delayed children are as follows:

(1) Developmentally delayed, birth to three years. As used in this chapter, the term "developmentally delayed children, birth to three years" shall mean those children under three years of age who demonstrate a 1.5 standard deviation or twenty-five percent delay in the developmental delay area of cognitive (WAC 392-171-383(1)), communication (WAC 392-171-383(2)), or in motor which for the purpose of this section shall be a combined delay area of fine motor (WAC 392-171-383(3)) and gross motor (WAC 392-171-383(4)). Such children in order to continue to be eligible for special education and related services after reaching three years of age shall meet the entry eligibility criteria for developmentally delayed, three to six years or one of the other eligibility criteria specified in WAC 392-171-381;

(2) Developmentally delayed, three to six years. As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between three years and the age of eligibility for entry to the first grade who receive a score on a standardized normed referenced test retest or split-half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the five developmental delay areas defined in WAC 392-171-382;

(b) One and one-half standard deviations below the mean in two or more of the five developmental delay areas defined in WAC 392-171-383; and

(c) One standard deviation below the mean in three or more of the five developmental delay areas defined in WAC 392-171-383 and for whom the multidisciplinary team has determined and documented in a narrative that there exists a high probability that such discrepancies—because of social, economic, or environmental factors—will increase without special education and related services.

NEW SECTION

WAC 392-171-383 AREAS OF DEVELOPMENTAL DELAY—DEFINITIONS. The five developmental delay areas for the

purpose of applying eligibility criteria to developmentally delayed children are:

(1) Cognitive: Comprehending, remembering, and making sense out of one's experience. Cognitive ability is the ability to think and is often thought of in terms of intelligence;

(2) Communication: The ability to effectively use or understand, age-appropriate language, including vocabulary, grammar, and speech sounds;

(3) Fine motor: Motor skills requiring precise, coordinated use of the small muscles;

(4) Gross motor: Motor skills used for body control such as standing, walking, balance and climbing; and

(5) Social/emotional: The ability to develop and maintain functional interpersonal relationships and to exhibit age appropriate social and emotional behaviors.

NEW SECTION

WAC 392-171-384 DISTINCTION BETWEEN DEVELOPMENTALLY HANDICAPPED CHILDREN AND OTHER HANDICAPPING CONDITIONS. (1) Except for children who qualify solely for communications disorder services under WAC 392-171-391, children under the age of entry to first grade, in order to be eligible for special education and related services, shall meet the eligibility criteria for one of the handicapping conditions specified in WAC 392-171-381.

(2) Children under the age of entry to first grade, who qualify for special education as developmentally delayed under WAC 392-171-382 shall not qualify for special education and related services upon entry to first grade until a reassessment is conducted and a determination is made that the student qualifies under the provisions of one of the other handicapping conditions in this chapter.

AMENDATORY SECTION (Amending Order 83-1, filed 3/30/83)

WAC 392-171-386 DEFINITION AND ELIGIBILITY FOR SERIOUSLY BEHAVIORALLY DISABLED. (1) Seriously behaviorally disabled students are those who exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects their own educational performance:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic. The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled(;) and students whose ((primary)) disability is identified in another handicapping category ((do not qualify as seriously behaviorally disabled)).

(3) All students considered for initial placement in special education as seriously behaviorally disabled shall be assessed by a multidisciplinary team including at least one school psychologist or school social worker and determined as eligible for special education and related services according to the following:

(a) A current school district evaluation which concludes that the student has a serious behavioral disability and which considers and describes the student's social and emotional behaviors and provides any implications for educational planning.

((††)) (b) For the purposes of establishing that the student has a behavioral disability, the evaluation shall describe behaviors which distinguish between common disciplinary problem behaviors and serious behavioral disabilities. Common disciplinary problem behaviors (e.g., truancy, smoking, breaking school conduct rules) may exist in conjunction with serious behavioral disabilities, but cannot be used as the sole criteria for recommending special education and related services.

((†††)) The evaluation ((must)) shall include:

((††††)) (i) Dated and signed documented anecdotal records of behavioral observations made by two or more persons at separate times and places, each of which cite and corroborate specific behaviors which, in the aggregate, provide foundation for probable concern for serious behavioral disability. Multiple settings are required (e.g., in addition to the classroom setting consider playground, cafeteria, school bus, hallway, etc.); and

~~((B))~~ (ii) Dated and signed documented evidence of at least two intervention techniques that have been tried and the effect of each. These interventions may include, but are not limited to, changes in student's regular class schedule, ~~((and/or))~~ curriculum, and/or teacher~~(:)~~, school counseling ~~((or))~~, community agency therapy, or counseling; and

~~((C))~~ (iii) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

~~((B))~~ (c) Current assessment of level of academic or cognitive achievement as measured by standardized tests appropriate to age level and administered individually.

~~((E))~~ (d) A current vision and hearing screening report.

~~((Exception-Provided that))~~ (e) In the event the required academic assessment and vision and hearing screening are concluded~~(:)~~ and ~~((provided that))~~ there are documented and dated anecdotal records of behavioral observations showing that the student's disability is evidenced in the school environment, the following evaluation reports may be substituted for the school district's evaluation:

(i) A current psychiatric evaluation which considers and describes the student's social and emotional behaviors, which concludes and describes a serious behavioral disability and where implications for educational planning are provided~~(:)~~. The multidisciplinary team ~~((must))~~ shall consider these implications in planning and implementing the student's educational program; or

(ii) A current psychological evaluation by a nonpublic school mental health professional who holds a graduate degree in a recognized mental health specialty that considers and describes the student's social and emotional behaviors, which concludes that the student has a serious behavioral disability, the consequences of which entail the necessity for active, on-going therapy and/or counseling, and where implications for educational planning are provided~~(:)~~. The multidisciplinary team ~~((must))~~ shall consider these implications in planning and implementing the student's educational program.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-391 DEFINITION AND ELIGIBILITY CRITERIA FOR COMMUNICATION DISORDERED. A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation~~(:)~~ which adversely affects a student's educational performance. The assessment procedures and eligibility standards outlined in this section apply to those students whose only handicapping condition is a communication disorder.

All students considered for initial placement in special education as communication disorder shall be assessed and determined eligible for special education and related services according to the following:

(1) A current hearing screening report; ~~((and))~~

(2) A current description of the level of educational or cognitive development as provided by the classroom teacher, or where available, by standardized tests in those areas affected by the speech and/or communication problem(s) including discussion of the impact of the problem(s) on existing or potential educational performance; and

(3) A current assessment of the level of speech and/or language development as measured by standardized tests or professionally recognized procedures, scales, or checklists appropriate to the student's age level and mode of communication, individually administered, and which considers the student's sex, dialect norms, social-cultural environment, and behaviors. Provided, that for children under the age of eligibility for entry to the first grade the assessment shall be for the level of speech and language development. Such measures shall result in one or more of the following findings that the student:

(a) Achieves a rating of moderate or severe on a standardized articulation test that yields a severity rating and/or misarticulates five or more unrelated phonemes each in two or more positions (initial, medial, or final) for children under the age of eligibility for entry to the first grade, three or more unrelated phonemes for students ((up to)) six through age eight, or one or more for students over age eight, with consideration given to the student's speech intelligibility, physical ability, and/or therapy history.

(b) Has a delay in receptive and/or expressive language such that functioning is one year or more below chronological age for students up through age eight or functioning is two-thirds of chronological age or below for students over age eight.

(c) Has interruptions or dysfluencies in more than one speaking situation such as repetitions, prolongations, blockage in flow of speech,

struggle, or avoidance behaviors which interfere with communication or are inconsistent with age or development.

(d) Has a deviation in voice quality, pitch, or loudness characterized by abusive vocal habits, or interference with communication, or is inconsistent with age or development, or demonstrates chronic hoarseness of duration of three weeks or more.

Whenever appropriate, referral for medical and/or psychological and/or other evaluations shall be made and the results considered in the assessment of the student's suspected handicapping condition.

AMENDATORY SECTION (Amending Order 83-1, filed 3/30/83)

WAC 392-171-401 DEFINITION AND ELIGIBILITY CRITERIA FOR HEALTH IMPAIRED. Health impaired students are those who have chronic or acute health problems such as students with serious congenital heart defect, other congenital syndrome(s), other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment or other profound health circumstances or degenerative condition(s) which adversely affect or with a high degree of professional certainty will affect their educational performance or having an autistic condition which is manifested by severe communicational problems.

All students considered for initial placement in special education as health impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning; ~~((and))~~

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; ~~((and))~~

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning which may include an evaluation of adaptive behaviors as measured by standardized instrument(s)~~(:)~~ or professionally recognized scales addressing the student's self-help and interpersonal communication skills in relation to chronological age/grade peers; and

(4) A current vision and hearing screening report.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-406 SPECIFIC LEARNING DISABILITY—DEFINITION. Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language ~~((resulting from perceptual-motor handicaps))~~. Such disorder may include problems in visual and auditory perception and integration ~~((which))~~ and may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, ~~((spell accurately, and to))~~ accurately perform mathematical calculations, including those involving reading, and spell accurately in context. Spelling shall be assumed under the other seven areas of academic achievement and shall not stand alone as a qualifying academic achievement area. The presence of a specific learning disability is indicated by ~~((near average, average, or above average))~~ intellectual functioning above that specified in this chapter for eligibility as mentally retarded and a severe discrepancy between the student's intellectual ability, ~~((but nonetheless the student demonstrates significant performance deficits))~~ and academic achievement in one or more of the following ~~((academic achievement))~~ areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; and
- (7) Mathematics reasoning;

PROVIDED, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, ~~((a))~~ behavioral disability, or ~~((an))~~ environmental, cultural, or economic ~~((disadvantage))~~ factors.

A specific learning disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia: PROVIDED, That the student meets the eligibility criteria set forth in WAC 392-171-411, including documentation of severe discrepancy as required by WAC ~~392-171-413 and ((392-171-416))~~ 392-171-418.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-411 SPECIFIC LEARNING DISABILITY—ELIGIBILITY CRITERIA. Assessment procedures and eligibility standards: All students considered for initial placement in special education as specific learning disabled shall be assessed and determined eligible for special education and related services according to the following:

(1) ~~((A current assessment of intellectual functioning shall be obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted by a qualified psychologist and attested to as to validity. The measured level of intellectual functioning must be near-normal or above; and~~

~~(2) A current assessment of level of academic achievement shall be measured by standardized test(s) appropriate to age level and administered individually. The student's chronological age/grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for intellectual functioning shall then be compared to the results of the actual achievement measures, the results of which must yield:~~

~~(a) A functioning level of two-thirds or below of expected performance; and~~

~~(b) A functioning level below chronological age/grade. Those students unable to score within test norms on standardized academic achievement measures shall be assessed using individually administered standardized school readiness tests, professionally recognized developmental scales; and~~

~~(3) A current assessment of perceptual, perceptual-motor or language functioning shall be obtained, the results of which show a deficit of greater than or equal to 1 1/2 standard deviations below the mean or a functioning level of 2/3 or below chronological age/grade performance in one or more of the following:~~

- ~~(a) Visual processing:~~
 - ~~(i) Discrimination; or~~
 - ~~(ii) Closure; or~~
 - ~~(iii) Memory; or~~
 - ~~(iv) Sequencing; or~~
 - ~~(v) Association; or~~
 - ~~(vi) Integration.~~
- ~~(b) Auditory processing:~~
 - ~~(i) Discrimination; or~~
 - ~~(ii) Closure; or~~
 - ~~(iii) Memory; or~~
 - ~~(iv) Sequencing; or~~
 - ~~(v) Association; or~~
 - ~~(vi) Integration.~~
- ~~(c) Haptic processing:~~
 - ~~(i) Kinesthetic; or~~
 - ~~(ii) Tactile.~~
- ~~(d) Sensory integration/association:~~
 - ~~(i) Visual-motor; or~~
 - ~~(ii) Visual-auditory (vocal); or~~
 - ~~(iii) Auditory-motor; or~~
 - ~~(iv) Receptive language; or~~
 - ~~(v) Expressive language.~~

~~For students whose chronological age placement is seventh grade or above, neither the visual nor auditory deficit is required as a condition to the eligibility; and~~

~~(4)) A current assessment which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning shall be obtained. This assessment shall be of sufficient scope to rule out ~~((severe)) motor handicaps, mental retardation, serious behavioral disability, environmental, cultural ((background)), or economic ((disadvantage)) factors as an explanation for ~~((educational delay)) the specific academic problem; ((and~~~~~~

~~(5)) (2) A current vision and hearing screening report shall be obtained and shall be of sufficient scope to rule out vision or hearing acuity as an explanation for the specific academic problem; ((and~~

~~(6)) (3) A written record of observation ~~((and measurement of the student's academic performance and classroom behavior in the regular classroom)) of the student's learning behaviors in the regular education program and the relationships of these behaviors to the specific academic problem shall be ~~((made)) completed by a member of the assessment team other than the student's regular ~~((classroom)) education~~~~~~~~

~~teacher ~~((In the case of a student not enrolled in school, a team member shall observe the student in an environment appropriate for a student of that age.~~~~

~~(7) The results of the intellectual, achievement and perceptual/language measures along with the assessment of social and emotional behaviors and the vision and hearing screening and classroom observation shall be reviewed by the multidisciplinary team. The multidisciplinary team shall prepare a written report of the results of the assessment pursuant to WAC 392-171-366;)) and~~

~~(4) Written documentation that the student has an academic achievement problem in the regular education program shall be available. Such documentation shall include, if applicable, previous intervention attempts and the results obtained. Examples of data used for documentation may include:~~

~~(a) Student performance on daily classroom work and/or criterion-referenced tests;~~

~~(b) Summary of past student performance;~~

~~(c) Group test results;~~

~~(d) Teacher observation and judgments; and~~

~~(e) Performance on student learning objectives.~~

~~(5) Documentation of the existence of a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas specified in WAC 392-171-406 shall be recorded. Such documentation shall conform to the requirements of WAC 392-171-413 and 392-171-418, whichever is applicable.~~

NEW SECTION

WAC 392-171-413 METHOD FOR DOCUMENTING SEVERE DISCREPANCY—GRADES ONE THROUGH SIX. A severe discrepancy shall be determined and documented from tables developed by the superintendent of public instruction using the regressed standard score discrepancy method.

(1) The regressed standard score discrepancy method shall consider the following variables at a criterion level equal to or greater than 1.55:

(a) The reliability coefficient of the intellectual ability test;

(b) The reliability coefficient of the academic achievement test;

(c) An appropriate correlation between the intellectual ability and the academic achievement tests.

(2) Tests used to assess the student's intellectual ability and academic achievement shall be:

(a) Current;

(b) Reliable as demonstrated by a reliability coefficient of .85 or above;

(c) Normed on representative national samples;

(d) Selected and administered in accordance with the general requirements of WAC 392-171-351; and

(e) Individually administered and interpreted by a qualified person (defined in WAC 392-171-351) in accordance with the standardized procedures described in the test manuals.

(3) For the purposes of determining a severe discrepancy:

(a) A total or full scale intellectual ability score shall be used; and

(b) An academic achievement test score which can be converted into a standard score with a mean of one hundred and a standard deviation of fifteen shall be used to determine the level of academic achievement.

(4) A severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas provided for in WAC 392-171-406 shall be determined by applying the regressed standard score discrepancy method to the obtained intellectual and ability achievement test scores using the tables referenced above:

PROVIDED, That where the assessment results do not appear to accurately represent the student's intellectual ability and where the discrepancy between the student's intellectual ability and academic achievement does not initially appear to be severe upon application of the discrepancy tables, WAC 392-171-413, the multidisciplinary team may apply professional judgment in order to determine the presence of a specific learning disability. In this event, the multidisciplinary team shall document in writing a narrative explanation as to why the student is specific learning disabled and in need of special education services. The assessment team must provide supportive evidence, including the procedures used to determine that a severe discrepancy exists between the student's intellectual ability and academic achievement: PROVIDED FURTHER, That if the prohibition against the use of specific tests or test results as provided in WAC 392-171-351(3) shall preclude the use of any of the tests referenced above, the assessment team shall document in a narrative the basis upon which the members decided

that there exists a severe discrepancy between intellectual ability and achievement and a need for special education services.

NEW SECTION

WAC 392-171-418 METHOD FOR DOCUMENTING SEVERE DISCREPANCY—GRADES SEVEN AND ABOVE. A severe discrepancy between student's intellectual ability and academic achievement for students grade seven and above shall be determined and documented as follows:

(1) A current assessment of intellectual functioning shall be obtained from a standardized individual test designed to measure intellectual functioning and individually administered.

(2) A current assessment of level of academic achievement in one or more of the seven areas described in WAC 392-171-406 shall be measured by standardized test(s) appropriate to age level and administered individually.

(3) The student's chronological age/grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for intellectual functioning shall then be compared to the results of the actual achievement measures, the results of which must yield:

(a) A functioning level of two-thirds or below of expected performance; and

(b) A functioning level below chronological age/grade.

(4) If the results of the above comparison for a particular student indicate a functioning level of two-thirds or below of expected performance and a functioning level of two-thirds or below of expected chronological age/grade level in one or more of the seven areas described in WAC 392-171-406, a severe discrepancy has been documented.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-431 DEFINITION AND ELIGIBILITY CRITERIA FOR MULTIHANDICAPPED. A student shall be considered multihandicapped when there are present and documented two or more handicapping conditions, each of which is so severe as to warrant a special program were that handicapping condition to appear in isolation, and the combination of which causes such severe educational problems that the student cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. Students who are classified as having a specific learning disability in combination with another handicapping condition shall not be eligible to be counted for state funding purposes as multihandicapped. (See WAC 392-171-451.)

Assessment procedures and eligibility standards: All students considered for initial placement in special education as multihandicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) Assessment procedures for each handicapping condition have been followed, the results of which document eligibility for inclusion in special education were each handicap to appear in isolation; and

(2) Summary statements in the assessment analysis report document that the effect of the multiplicity of handicaps is so severe that the student cannot be accommodated in special education programs solely for one of the impairments.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-461 INDIVIDUALIZED EDUCATION PROGRAM. (1) Each handicapped student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included.

The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: **PROVIDED**, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(d) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services shall be provided; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

(2) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

(3) Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-516 REASSESSMENT. Each handicapped student shall be ~~(assessed)~~ reassessed in compliance with assessment procedures as specified in WAC 392-171-341(3) and (4) through 392-171-366 of this chapter at least once every three years, or more frequently if conditions warrant, if otherwise required by this chapter, or if the student's parent(s), teacher, or IEP committee requests a reassessment. The district shall provide written notice to the parent(s) of a student (or to the adult student) prior to conducting the reassessment. The notice shall comply with the notice requirement of WAC 392-171-521 and 392-171-526.

Following the completion of the reassessment and based on the reassessment results, the district superintendent or his or her designee shall record in writing one of the following decisions:

(1) The student continues to meet initial eligibility criteria documenting the presence of a handicapping condition(s) and is in need of continuing special education and related services; or

(2) The student no longer meets initial eligibility criteria but needs to continue to receive special education and related services; or

(3) The student no longer meets initial eligibility criteria and no longer needs to receive special education and related services.

In accordance with WAC 392-171-521, the parent shall be notified of the school district's decision within ten calendar days following the completion of the reassessment. When continued placement is indicated, an IEP meeting shall be convened in accordance with WAC 392-171-456 through 392-171-466. When special education services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-171-521.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-721 PROGRAM LENGTH. The length of the education program for handicapped students shall be at least as long as the education program for nonhandicapped students in terms of both the number of school days in the regular school year and the average number of hours per school day. In the alternate, if it is determined that an appropriate program for a particular handicapped child requires the scheduling of services over a period of time that exceeds the regular one hundred eighty day school calendar, the district may reschedule the days of attendance and the hours of attendance per day in such a way that the particular handicapped child has access to at least the number of hours of services as provided for nonhandicapped children. If a handicapped student cannot attend school a full school day and the district makes an exception to the above, the reason shall be documented in his or her education or medical records.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-731 MONITORING. (1) The superintendent of public instruction or his or her designee shall annually monitor selected local school district special education programs. The purposes of monitoring shall be:

(a) To determine the school district's compliance with this chapter and the federal regulations implementing 20 USC Section 1401 et seq. (PL 94-142) and federal and state handicapped laws including the adequacy of documentation of eligibility for students placed in special education programs and the validation of information included in school district applications for federal funds;

(b) To provide the school district with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or his or her designee shall develop procedures (including specific timelines) for monitoring school districts. These procedures (~~(must)~~) shall include:

- (a) Collection of data and reports;
- (b) Conduct of on-site visits;
- (c) A review of state and federal special education fund utilization; and
- (d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district. The monitoring report shall include, but not be limited to:

- (a) Findings of noncompliance, if any; and
 - (b) Required corrective actions for remediation of any such instance(s) of noncompliance.
- (4) The school district shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

- (a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report;
- (b) A written action plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remediate the instance(s) of noncompliance;
- (c) In the event that the district submits supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report, the office of superintendent of public instruction shall within thirty calendar days provide the district with a determination as to the alteration of the monitoring report. The school district shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, pursuant to that determination.

(5) The superintendent of public instruction or his or her designee either shall (~~(either)~~) approve the plan as submitted or shall request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district shall be provided written notice of:

- (a) Approval;
 - (b) The performance expected of the district; and
 - (c) The schedule for periodic review or verification of the district's progress toward remediation of the instance(s) of noncompliance.
- (6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

- (a) Verification visits by OSPI staff to:
 - (i) Determine whether the school district is taking the required corrective action;
 - (ii) Expedite the school district's response to a monitoring report;
 - (iii) Provide any necessary technical assistance to the school district in its efforts to comply.
- (b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-746.
- (c) Initiate request for OSPI audit pursuant to WAC 392-171-736 through 392-171-756 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 392-171-416 SPECIFIC LEARNING DISABILITY—EXCEPTIONS TO GENERAL ELIGIBILITY CRITERIA.
- (2) WAC 392-171-426 MENTAL RETARDATION—I.Q. ELIGIBILITY RANGE VARIATION.

WSR 84-10-076

PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 2, 1984]

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 Finance—General apportionment, chapter 392-121 WAC;

that the agency will at 9:00 a.m., Tuesday, June 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 12, 1984.

The authority under which these rules are proposed is RCW 28A.41.170 and 28A.41.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984
By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-121 WAC, Finance—General apportionment.

Rule Section(s): WAC 392-121-195 Fire district allocation.

Statutory Authority: RCW 28A.41.170 and 28A.41.055.

Purpose of the Rule(s): Provide payment to districts for their payments to five [fire] protection districts.

Summary of the New Rule(s) and/or Amendments: The striking of the reference to unincorporated areas reflects action by the 1983 legislature to include all five [fire] protection districts. The striking of the "\$1.00" rate reflects a desire to cross reference to appropriation act. The remaining changes are for clarification purposes.

Reasons Which Support the Proposed Action(s): Reflect action by the 1983 legislature and clarify agency policy.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bob Schley, SPI, 3-1717.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Changes clarify agency policy and do not reflect substantive change.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-195 FIRE DISTRICT ALLOCATION. In addition to those (~~(funds)~~) moneys distributed for basic education purposes, school districts are entitled per RCW 52.36.020 to be reimbursed

for ~~((funds))~~ moneys expended for the purchase of fire protection services from fire protection districts. Only school plants located in ~~((unincorporated areas))~~ a fire protection district established pursuant to chapter 52.04 RCW shall be eligible for such ~~((funds))~~ moneys.

Payment to districts shall be made each July as a part of the monthly apportionment allocation. The amount of payment shall be ~~((100))~~ the rate per student referenced in the appropriations act for those students enrolled in each eligible school plant.

The headcount enrollment ~~((count))~~ used to compute each district's reimbursement will be ~~((taken each))~~ as of October 1 of the ~~((calendar))~~ school year ~~((preceding the month of))~~ for which the allocation is being made. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any ~~((funds))~~ moneys allocated to school districts for the purpose stated in this rule and not used for this purpose shall be recovered by the superintendent of public instruction from a district's monthly apportionment allocation.

If the ~~((funds))~~ moneys appropriated by the legislature for fire protection service reimbursement are insufficient to support the allocation rate ~~((of 100))~~ per student, the rate shall be reduced equally for all eligible districts on a pro rata basis.

WSR 84-10-077

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 2, 1984]

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 forest reproductive material certification standards, chapter 16-319 WAC;

that the agency will at 1:15 p.m., Wednesday, June 6, 1984, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1984.

The authority under which these rules are proposed is chapter 15.49 RCW.

Dated: May 2, 1984

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-319 WAC, WAC 16-319-020, 16-319-041 and 16-319-061.

Description of Purpose: To consider amendments to the forest reproductive material certification standards most of which are housekeeping changes.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules consist of certification standards and fees for certification of forest reproductive material.

Reasons for Supporting Proposed Action: To provide more uniformity within the WAC.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Seed Branch Supervisor, 2015 South 1st Street, Yakima, WA 98903, telephone (509) 575-2750.

Persons Proposing Rule: Washington State Crop Improvement Association.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-020 FOREST REPRODUCTIVE MATERIAL CERTIFICATION STANDARDS. (1) ~~((PURPOSE))~~ Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) ~~((DEFINITIONS))~~ Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and processing standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated ~~((500-))~~ five-hundred foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the ~~((producer))~~ conditioner on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in paragraph (1).

(h) Certifying agency means the duly designated agent of the state ~~((agent))~~ ~~((agency))~~ agency: In Oregon state, the Oregon seed certification service, 102 Farm Crops Building, Oregon state university, Corvallis, Oregon 97331; in Washington state, Washington state crop improvement association, inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of ~~((origin))~~ provenance means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit. (Only certificate of provenance are issued to satisfy O.E.C.D.)

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in ~~((500-))~~ five-hundred foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

0 - 500 feet — Code 05	2501 - 3000 feet — Code 30
501 - 1000 feet — Code 10	3001 - 3500 feet — Code 35
1001 - 1500 feet — Code 15	3501 - 4000 feet — Code 40
1501 - 2000 feet — Code 20	4001 - 4500 feet — Code 45
2001 - 2500 feet — Code 25	4501 - 5000 feet — Code 50
	and so forth.

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from a distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within ~~((500=))~~ five-hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within ~~((500=))~~ five-hundred foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

(t) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

(u) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with processing standards.

(v) ~~((Producer))~~ Conditioner means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(w) Provenance means the original geographic source of seed, pollen or propagules.

(x) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(y) Seed zone means a geographic area delineated on western forest tree seed council's tree seed zone map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(z) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(aa) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

(bb) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

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

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-041 APPLICATION FOR CERTIFICATION OF FOREST REPRODUCTIVE MATERIAL. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for all certification classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less

than anticipated: PROVIDED, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection.

(ii) Source identified classes - the fee includes field inspection ~~((and audit))~~ at the per bushel rate shown in the current fee schedule and audit of processing at the hourly rate also shown in the current fee schedule.

~~(((A) The fee for each lot containing less than sixty bushels shall be a maximum of \$36.00. PROVIDED, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof))~~

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars. PROVIDED, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

~~(((B) Sixty percent of the fee for the estimated collection of cones shall be paid with the application, the remainder to be paid when billed by the certifying agency after processing is complete.))~~

(iii) Audit class - the fee includes audit of applicant's field and processing records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, ~~((packing.))~~ package identification, ~~((and))~~ storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) ~~((FEE SCHEDULE))~~ Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$15/hr.	\$15/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$0.60/bu.	\$15/hr.	
*Lots 6-10 bu.	\$15/lot	\$15/hr.	
*Lots 0-5 bu.	\$ 9/lot	\$15/hr.	
Total bushels X \$0.36/bu.			With application
Audit	None	\$15/hr.	When billed

*Small lot fee applies when over twenty percent of total lots audited range between 0 and 10 bu. inclusive.

(b) Tree certification

(i) Bare root seedlings - \$.20/m with a minimum of ~~((600))~~ six-hundred dollars per growing site.

(ii) Container and tubling seedlings - \$.50/m for a total of less than two million with a minimum of ~~((600))~~ six-hundred dollars per growing site; \$.30/m for quantities over two million per growing site.

(iii) Forty percent of the fee to accompany the application at the beginning stage of the crop. Final billing will be based on the number when packed.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, signs, cuttings, audit of forest reproductive material not offered for certification by applicant, etc. at ~~((15/hr.))~~ fifteen dollars per hour payable when billed.

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 1704, filed 7/24/80)

WAC 16-319-061 PROCESSING STANDARDS. (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to processing shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise ~~((producer))~~ conditioner before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is processed. During processing, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels will remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before processing another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed 0.5(~~(%)~~) percent by weight; trees, cuttings, scions, etc. (~~(+%)~~) one percent by number; pollen (~~(+%)~~) one percent by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material will be done by the applicant with the label being affixed to the container: **PROVIDED**, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the ~~((producer))~~ conditioner upon demand and, if verified by the certifying agency, must be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan will normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and 16-319-061 (6)(b)(ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test must be recorded in detail.

(iv) Trees to be planted for tests must be grown together in soil as uniform as possible, or, if they are grown in different soils, must be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check must be clearly demonstrated

for at least one of the characters being tested. Characters of economic importance in forestry identified in the test must be clearly reported if they are significantly inferior at the ~~((95%))~~ ninety-five percent level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the ~~((producer))~~ conditioner for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of ~~((origin))~~ provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of ~~((origin))~~ provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical. ~~((No items of reproductive material ineligible for any class of certification shall be included on any certificate of origin.))~~

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label must show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of non-certifiable reproductive material with audit class, or non-certifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot must drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

(10) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.

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.

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.

WSR 84-10-078**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed May 2, 1984]

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 certification fees and standards; corn seed certification and fees, chapter 16-316 WAC;

that the agency will at 1:15 p.m., Wednesday, June 6, 1984, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1984.

The authority under which these rules are proposed is chapter 15.49 RCW.

Dated: May 2, 1984

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-316 WAC: WAC 16-316-0401, 16-316-0601, 16-316-230, 16-316-270, 16-316-350, 16-316-440, 16-316-660, 16-316-715, 16-316-901, 16-316-911, 16-316-916 and 16-316-921.

Description of Purpose: To consider increases in late penalty fees and add varieties to the varieties eligible list for certification. Establish rules for the certification of corn.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules consist of certification standards and fees for certification of various seeds. Corn certification is a new program and these rules are proposed to accommodate a request for corn seed certification.

Reasons for Supporting Proposed Action: The increases in the late penalty fees are necessary to ensure certification applications are received by the department in time to make inspections at the appropriate stage of growth.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Seed Branch Supervisor, 2015 South 1st Street, Yakima, WA 98903, telephone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1599, filed 4/30/79)

WAC 16-316-0401 CERTIFICATION FEES.

(1) ~~((SEEDLING APPLICATIONS))~~ Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower ~~(\$10.00)~~ \$15.00

(b) Late seedling penalty fee: ~~(\$10.00)~~ \$50.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(2) ~~((RENEWAL APPLICATIONS))~~ Renewal applications: Due May 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower \$10.00

(b) Late renewal penalty fee: \$10.00

This additional fee shall be charged per grower for renewal applications received after May 1.

(3) ~~((REINSPECTION))~~ Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) ~~((INSPECTION AND FINAL CERTIFICATION FEES))~~ Inspection and final certification fees: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests.

(a) Inspection and final certification fee: \$ 0.60

per 100 pounds. (If no seed is tagged, ~~((20¢))~~ twenty cents of the final certification fee is refundable upon request.)

(b) Service fee for out-of-state origin . \$ 0.30 per ~~((100))~~

one-hundred pounds.

(c) Blend fee shall be as established by blend ~~((regulation))~~

rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(d) Payment of fees shall be the responsibility of the person signing the application. However the ~~((processor))~~ conditioner may assume responsibility.

(5) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(6) ~~((PURITY AND GERMINATION TEST))~~ Purity and germination test fees as established by the director of agriculture.

(7) Fees for retagging, or services not listed in this ~~((order))~~ rule shall be the most applicable fee established by the director of agriculture.

(8) Fees for reissue of tags shall be ~~(\$0.05)~~ five cents a tag with minimum fee of ~~(\$5.00)~~ five dollars.

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

AMENDATORY SECTION (Amending Order 1689, filed 5/30/80)

WAC 16-316-0601 SEED STANDARDS. Seed standards shall be as follows:

Specific Seed Standards	Bentgrass			
	Founda-tion	Regis-tered	Certi-fied	
Pure Seed**	(Minimum) 98.00%	98.00%	98.00%	98.00%
Other Crop Seed	(Maximum) .20%	.20%	.60%	.60%
Inert Matter	(Maximum) 2.00%	2.00%	2.00%	2.00%
Weed Seed	(Maximum) .30%	.30%	.40%*	.40%*
Germination	(Minimum) 85.00%	85.00%	85.00%	85.00%

Specific Seed Standards	Redtop			
	Founda-tion	Regis-tered	Certi-fied	
Pure Seed**	(Minimum) 96.00%	96.00%	((92.00%))	95.00%
Other Crop Seed	(Maximum) .20%	.20%	.60%	.60%
Inert Matter	(Maximum) 4.00%	4.00%	((8.00%))	5.00%
Weed Seed	(Maximum) .30%	.30%	.50%	.50%
Germination	(Minimum) 80.00%	80.00%	80.00%	80.00%

(a) Blue tag seed shall not contain over ~~((900))~~ nine-hundred seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) Seed must not contain more than ~~((90))~~ ninety per pound for blue tag, singly or collectively of objectionable weeds (see general rules). Seed must be free of the seed of weeds listed as prohibited noxious.

* A maximum of .50% weed seed will be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.

** 1.50% other fine bentgrasses and .50% redtop will be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

AMENDATORY SECTION (Amending Order 1735, filed 5/15/81)

WAC 16-316-230 CERTIFICATION FEES.

(1) ~~((SEEDLING APPLICATIONS))~~ Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower ~~(\$10.00)~~ \$15.00

(b) Late seedling penalty fee: ~~(\$10.00)~~ \$50.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre) \$ 1.50 (Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the

year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ~~((\\$10.00))~~ ten dollar late penalty fee at the discretion of the certifying agency.

(2) ~~((RENEWAL APPLICATIONS))~~ Renewal applications: Due June 7, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:
Per variety, per grower ~~((\\$10.00))~~ \$15.00
(b) Renewal acreage fee: (per acre) \$ 1.50
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: \$10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) ~~((REINSPECTION))~~ Reinspection:
Other than isolation (each field) \$20.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(4) ~~((PRODUCTION FEE))~~ Production fee includes sampling and tagging per cwt.: \$ 0.40
The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ~~((\\$0.10))~~ ten cents of the ~~((\\$0.30))~~ thirty cents cwt. production fee charged is refundable.

(5) ~~((PURITY AND GERMINATION TEST))~~ Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this ~~((order))~~ rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((\\$0.05))~~ five cents a tag with a minimum fee of ~~((\\$5.00))~~ five dollars.

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82)

WAC 16-316-270 CERTIFICATION FEES.

(1) ~~((APPLICATIONS))~~ Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:
Per variety, per grower ~~((\\$10.00))~~ \$15.00
(b) Acreage fee:
(i) One inspection: (per acre) \$ 1.50

One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.
(ii) Two inspections: (per acre) \$ 3.00
Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: \$10.00
This additional fee shall be charged per grower for applications received after July 1.

(2) ~~((REINSPECTION))~~ Reinspection: (each field) \$20.00
If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(3) ~~((PRODUCTION FEE))~~ Production fee includes sampling and tagging per cwt.: \$ 0.30
The production fees are billed at ~~((completion of tests))~~ final certification and tagging.

(4) ~~((PURITY AND GERMINATION TESTS))~~ Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this ~~((order))~~ rule shall be the most applicable fee established by the director of agriculture.

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-350 CERTIFICATION FEES. (1) ~~((SEEDLING APPLICATIONS))~~ Seedling applications: Due within sixty days after

planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) ~~((SEEDLING APPLICATION FEE))~~ Seedling application fee:
Per variety, per grower ~~((\\$10.00))~~ \$15.00

(b) ~~((LATE SEEDLING PENALTY))~~ Late seedling penalty fee:
(per kind) ~~((\\$10.00))~~ \$50.00
This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) ~~((SEEDLING PRODUCING APPLICATION FEE))~~ Seedling producing application fee:
Per variety, per grower ~~((\\$10.00))~~ \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31: PROVIDED, That such application may be accepted after due date with ~~((\\$10.00))~~ ten dollars late penalty fee at the discretion of the certifying agency.

(2) ~~((RENEWAL APPLICATIONS))~~ Renewal applications: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) ~~((RENEWAL APPLICATION FEE))~~ Renewal application fee:
Per variety, per grower ~~((\\$10.00))~~ \$15.00

(b) ~~((LATE RENEWAL PENALTY FEE))~~ Late renewal penalty fee: (per kind) \$10.00
This additional fee shall be charged for renewal applications received after May 1.

(3) ~~((REINSPECTION))~~ Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two re-inspections are permitted for each field each year.

(4) ~~((INSPECTION AND FINAL CERTIFICATION FEES))~~ Inspection and final certification fees: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) ~~((INSPECTION AND FINAL CERTIFICATION FEE))~~ Inspection and final certification fee \$ 0.60
per one hundred pounds. (If no seed is tagged, ~~((\\$0.20))~~ twenty cents of the final certification fee is refundable upon request.)

(ii) ~~((SERVICE FEE FOR OUT-OF-STATE ORIGIN))~~ Service fee for out-of-state origin \$ 0.30
per one hundred pounds.

(iii) ~~((BLEND FEE))~~ Blend fee shall be as established by blend ~~((regulation))~~ rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) ~~((PAYMENT OF FEES))~~ Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) ~~((INSPECTION AND FINAL CERTIFICATION FEE))~~ Inspection and final certification fee \$ 1.00
per one hundred pounds. (Minimum fee per tagging) \$10.00

(ii) ~~((SERVICE FEE FOR OUT-OF-STATE ORIGIN))~~ Service fee for out-of-state origin \$ 0.65
per one hundred pounds.

(iii) ~~((BLEND FEE))~~ Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend \$ 0.95
per one hundred pounds.

(B) Out-of-state origin certified seed used in blend \$ 0.60
per one hundred pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit will be issued for the percent of the blend lot not tagged. (For example, if forty percent of the

blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds must be made by June 30 following final disposition of the blend.

(5) (~~PAYMENT OF FEES~~) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(6) (~~FEES FOR SERVICES~~) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(7) (~~PURITY AND GERMINATION TEST~~) Purity and germination test fees shall be as established by the director of agriculture.

(8) (~~FEES FOR RETAGGING, OR SERVICES NOT LISTED IN THIS RULE~~) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(9) (~~FEES FOR REISSUE OF TAGS~~) Fees for reissue of tags shall be (~~\$0.10~~) ten cents per tag with a minimum fee of (~~\$10.00~~) ten dollars.

AMENDATORY SECTION (Amending Order 1734, filed 5/15/81)

WAC 16-316-440 CERTIFICATION FEES.

(1) (~~SEEDLING APPLICATIONS~~) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:
 - Per variety, per grower ... (~~\$10.00~~) \$15.00
- (b) Late seedling penalty fee: .. (~~\$10.00~~) \$50.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.
- (c) Seedling acreage fee: (per acre)..... \$ 1.50
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with (~~\$10.00~~) ten dollars late penalty fee at the discretion of the certifying agency.

(2) (~~RENEWAL APPLICATIONS~~) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:
 - Per variety, per grower ... (~~\$10.00~~) \$15.00
- (b) Renewal acreage fee: (per acre) \$ 1.50
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: \$10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) (~~REINSPECTION~~) Reinspection: Other than isolation (each field) \$20.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(4) (~~PRODUCTION FEE~~) Production fee includes sampling and tagging per cwt. \$ 0.40
The production fee is billed at completion of tests. If none of the seed is tagged, (~~\$0.10~~) ten cents of the (~~\$0.30~~) thirty cents cwt. production fee charged is refundable.

(5) (~~PURITY AND GERMINATION TEST~~) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this (~~order~~) rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be (~~\$0.05~~) five cents a tag with a minimum fee of (~~\$5.00~~) five dollars.

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

AMENDATORY SECTION (Amending Order 1738, filed 5/15/81)

WAC 16-316-660 CERTIFICATION FEES.

(1) (~~SEEDLING APPLICATIONS~~) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:
 - Per variety, per grower (~~\$10.00~~) \$15.00
- (b) Late seedling penalty fee: (~~\$10.00~~) \$50.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.
- (c) Seedling acreage fee: (per acre)..... \$ 1.50
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with (~~\$10.00~~) ten dollars late penalty fee at the discretion of the certifying agency.

(2) (~~RENEWAL APPLICATIONS~~) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:
 - Per variety, per grower (~~\$10.00~~) \$15.00
- (b) Renewal acreage fee: (per acre) \$ 1.50
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: \$10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) (~~REINSPECTION~~) Reinspection: Other than isolation (each field) \$20.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two re-inspections are permitted for each field each year.

(4) (~~PRODUCTION FEE~~) Production fee includes sampling and tagging per cwt. \$ 0.40
The production fee is billed at completion of tests. If none of the seed is tagged, (~~\$0.10~~) ten cents of the (~~\$0.30~~) thirty cents cwt. production fee charged is refundable.

(5) (~~PURITY AND GERMINATION TEST~~) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging or services not listed in this (~~order~~) rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be (~~\$0.05~~) five cents a tag with a minimum fee of (~~\$5.00~~) five dollars.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-715 MISCELLANEOUS FIELD AND SEED INSPECTION STANDARDS. (1) The field inspection will be made:

- (a) For field pea - when seedcrop is in full bloom;
- (b) For lentil - when seedcrop is in full bloom;
- (c) For soybean - when seedcrop is in full bloom and/or of mature color;
- (d) For sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;
- (e) For small grains - when seedcrop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection. Fields rejected for other causes will remain eligible for reinspection.

(3) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(4) Germination minimum refers to germination when sampled.

(5) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

NEW SECTION

WAC 16-316-901 CORN SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the list of varieties eligible and the following specific rules constitute the standards for corn seed certification.

NEW SECTION

WAC 16-316-906 CERTIFICATION FEES.

- (1) Fees for applications for each separate combination and/or isolation \$15.00
 (2) Acreage fee:
 (a) First acre \$25.00
 (b) Each additional acre \$10.00

NEW SECTION

WAC 16-316-911 ELIGIBILITY - FOUNDATION CORN INBRED LINES. (1) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.

(2) An inbred line must be a relatively true breeding strain of corn resulting from (a) at least five successive generations of controlled self-fertilization or (b) at least five generations of backcrossing to a recurrent parent with selection or (c) its equivalent.

(3) Inbred seed must meet one of the following requirements:

(a) Be in the hands of the originator.
 (b) Be a line obtained directly from a state agricultural experiment station.

(c) Be a line obtained from the United States department of agriculture.

(d) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

(4) Inbred lines increased by hand pollination will be eligible for certification.

(5) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.

(6) Addition of specific genetic factors to a line.

(a) When a specific genetic factor(s) is added to an inbred line, the line must have been backcrossed to its recurrent parent at least five generations. The line must be homozygous for the specific genetic factor(s) except for (1) the pollen restoration factor(s) and (2) the genic male sterile maintainer line.

(b) For a recovered pollen restorer inbred line, selection must be relative to a specific cytoplasmic male sterile source.

(c) Proof of the genetic nature of a recovered line will be supplied by the originator.

(d) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

(i) Breeder seed: The hand pollinated selfed seed from a know duplicate-deficient plant heterozygous at a particular male sterile locus.

(ii) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(iii) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(e) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

(f) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g. B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from which it was derived, e.g. B37 Mt-1 ms-1, N28 Mt-1 ms-10.

NEW SECTION

WAC 16-316-916 FIELD INSPECTION. At least three field inspections shall be made by a representative of the certifying agency during the pollinating period. When the previous crop was corn, at least one additional inspection shall be made to verify that the field is

sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving previous notice to the grower.

NEW SECTION

WAC 16-316-921 FIELD STANDARDS. (1) Isolation:

(a) An inbred must be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field must be entered for certification, inspected, and meet all field requirements for certification.

(i) Differential maturity dates are permitted for modifying isolation distances provided there are no receptive silks in the ear parent at the same time pollen is being shed in the contaminating field.

(ii) Foundation inbred production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(b) Corrections for improper isolation must be made by one of the following methods:

(i) By completely destroying or by detasseling, the necessary contaminating corn before silks appear in the ear parent in the field to be certified, or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) Roguing:

(a) Definitely off-type plants must be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred being inspected shall be classified as definitely off-type.

(b) An isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) Sucker tassels and portions of tassels of off-type plants will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.

WSR 84-10-079

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 2, 1984]

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 testing lab fees, chapter 16-304 WAC;

that the agency will at 1:15 p.m., Wednesday, June 6, 1984, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1984.

The authority under which these rules are proposed is chapter 15.49 RCW.

Dated: May 2, 1984

By: Art G. Losey
 Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-304 WAC: WAC 16-304-040, 16-304-110 and 16-304-130.

Description of Purpose: To consider increases in some seed testing lab charges and to extend the seed assessment.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules set seed testing lab charges for services performed for the seed industry.

Reasons for Supporting Proposed Action: The proposed fee increases are to cover increased handling costs. The seed assessment is necessary to fund the consumer protection program.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Seed Branch Supervisor, 2015 South 1st Street, Yakima, WA 98903, telephone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1797, filed 5/16/83)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds
Bentgrass	2 oz.	\$26.00	\$13.00	\$14.00	\$40.00	\$18.00
Bluegrass	4 oz.	18.00	11.00	12.00	30.00	18.00
Bromegrass	6 oz.	19.00	11.00	10.00	30.00	18.00
Fescue	4 oz.	18.00	11.00	10.00	28.00	18.00
Orchardgrass	4 oz.	21.00	13.00	11.00	32.00	18.00
Ryegrass	4 oz.	18.00	11.00	9.50	27.50	18.00
Crested Wheatgrass	4 oz.	21.50	13.00	11.00	32.50	18.00
Other Wheatgrass	6 oz.	31.00	19.00	11.00	42.00	18.00
Other grasses	4 oz.	15.00	9.50	9.50	24.50	18.00
Beans & Peas	1 1/4 lb.	11.00	6.50	10.00	21.00	18.00
Cereals	1 1/4 lb.	11.50	8.00	10.00	21.50	18.00
Other crops	4 oz.	11.50	8.00	10.00	21.50	18.00
Mixture (for each additional kind)		9.50		11.00		18.00
Beets		12.00	7.50	15.00	27.00	

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: ((+)) one gram - bluegrass; ((5)) five grams - alfalfa; and ((+00)) one-hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: ((+0)) ten grams - bluegrass; ((50)) fifty grams - alfalfa; ((500)) five-hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on ((400)) four-hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

- (a) Crop and/or weed exam Noxious only fee plus \$ 3.50 (or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

- (b) Poa annua check for bentgrass and bluegrass - each ((5)) five grams \$14.00
- Poa annua check for other grasses - each ((+0)) ten grams . . . \$14.00

- (c) Sod seed analysis -
- Bluegrass \$49.00
- Fescue \$35.00
- Ryegrass \$28.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, ((25)) twenty-five gram all weed/all crop, except ((+0)) ten gram Poa annua exam. Ryegrass and Fescue test includes purity, ((+00)) one-hundred

gram all weed/all crop. (Fluorescent required on Ryegrass; germ and fluorescent test additional fee.)

- (d) Fluorescent test - ((400)) four-hundred seed test) . . . \$11.00

(e) Pest and disease, soil exam or similar \$14.00 (Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - ((50)) fifty gram exam to evaluate if a lot appears to be sod quality (phone report only) \$13.00

(g) Variety separation of Kentucky bluegrass \$16.00 If separated at time of purity analysis \$ 8.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

- (a) Reports will not be mailed until all tests are completed.
- (b) Samples must be plainly labeled "inventory samples".
- (c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.
- (d) The fee for this service will be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

- (4) Miscellaneous laboratory fees:
- (a) Rush samples (including phone report if requested at time sample is submitted) \$ 8.00
- (b) Phone reports on test result, per call \$ 2.50
- (c) Preliminary report on germination (phone report only) \$ 7.00
- (d) Morphological test \$ 7.00 (alfalfa or clover examined under magnification for combine damage.)
- (e) Additional mailing of report (each destination) \$ 1.50

- (f) Recopies of reports (minimum fee) \$ 2.50
(or hourly fee when applicable)
- (g) ISTA test - purity and germination fee plus ((50)) fifty percent
- (h) Seed count. \$14.00
- (i) Extra charge for samples requiring special preparation for germination, i.e. ((beets)) New Zealand spinach, pelleted seeds, spinach, chards, etc. ((~~5.50~~)) \$16.00
- (j) Hourly fee for miscellaneous services. \$16.00
- (k) Service charge for submitted federal phytosanitary certificates, per certificate. \$ 5.00

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 1764, filed 5/5/82)

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)) ten cents per one hundred dollars gross annual dollar sales in excess of ((~~10,000~~)) ten-thousand dollars 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~~)) producer-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ((1981)) 1983 through June 30, ((1982)) 1984 shall be due August 1, ((1982)) 1984 and payable by February 1, ((1983)) 1985. The assessment fees for the period beginning July 1, ((1982)) 1984 through June 30, ((1983)) 1985 shall be due August 1, ((1983)) 1985 and payable by February 1, ((1984)) 1986.

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~~)) ten dollars, 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 1764, filed 5/5/82)

WAC 16-304-130 EFFECTIVE DATES. This ((~~regulation~~)) rule is effective through June 30, ((1984)) 1986. Between January 1, ((1984)) 1986 and March 1, ((1984)) 1986, 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 authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.04 RCW, the Administrative 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 84-10-080

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 2, 1984]

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 grass seed certification, chapter 16-316 WAC;

that the agency will at 1:15 p.m., Wednesday, June 6, 1984, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1984.

The authority under which these rules are proposed is chapter 15.49 RCW.

Dated: May 2, 1984

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-316 WAC: WAC 16-316-800, 16-316-815, 16-316-820, 16-316-830 and 16-316-833.

Description of Purpose: To consider increases in late penalty fees and add varieties to the varieties eligible list for certification.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules consist of certification standards and fees for certification of grass seed.

Reasons for Supporting Proposed Action: The increases in the late penalty fees are necessary to ensure certification applications are received by the department in time to make inspections at the appropriate stage of growth.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Seed Branch Supervisor, 2015 South 1st Street, Yakima, WA 98903, telephone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- | | |
|--|---|
| Bentgrass:
(subject to poa annua quarantine) | Astoria Colonial***
Bardot Colonial*
Highland Colonial**
Seaside Creeping***
Emerald Creeping** |
| Big Bluegrass: | Sherman** |
| Canada Bluegrass:
(subject to poa annua quarantine) | Reubens** |
| Canby Bluegrass: | Canbar** |
| Kentucky Bluegrass:
(subject to poa annua quarantine) | A-20-6*
A-34 (Bensun)**
Adelphi**
Argyle**
<u>Barblue*pvpV</u>
Baron**
Birka*
Bonnieblue (Pac)**
Bono (Birdie)*
Bristol* |

Cheri (Golf)*
 Cougar*
 Delta*
 Eclipse*
 Enmundi*pvpV
 Fylking**
 Georgetown**
 Geronimo*
 Glade**
Haga*
 Holiday*
 Kenblue*
 I-13**
 Majestic**
 Merion**
 Mystic*
Nassan**pvpV
Newport**
 Nugget*
 Pacific*pvpV
 Parade*
 Park**
 Pennstar*
 Plush*
 Ram I*pvpV
 Rugby*
 Swing
 Sydsport*
 S-21**
 Touchdown**
 Troy**
 Victa*
 Wabash*
 Meadow Brome: Regar**
 Mountain Brome: Bromar**
 Smooth Brome: Baylor*
 Blair*
 Bromex*
 Manchar**
 Sac**
 Saratoga*
 Deertongue: Tioga*
 Fescue: Cascade Chewings**
 (subject to poa annua Countess Chewings**pvpV
 quarantine – except tall Jamestown Chewings*pvpV
 fescue) Barcel Tail**pvpV
Durar Hard**
 Scaldis Hard*
 Dawson Red*
Nezpurs Idaho*pvpV
Novorubra Red*
Logro Slender
Creeping Red**pvpV
 Pennlawn Red*
 Ruby Red*
 Wintergreen Red*
 Covar Sheep**
 Alta Tall**
 Fawn Tall*
First Meadow**pvpV
 Forager Tall*
 Orchardgrass: Hay King*
 Latar**
Paiyte**
 Pennlate*
 Potomac*
 Redtop: Streaker
 Indian Ricegrass: Nezpar**

Perennial Ryegrass:
 (subject to poa annua quarantine)
 Puccinellia distans:
 Timothy:
 Wheatgrass:

Belle*
 Cropper*
 Diplomat*pvpV
 Elka*
Friend**pvpV
 Jackpot
 NK-100*
 Yorktown({*pvpV}) *pvpV
 Norlea*
 Pennfine*pvpV
 Pelo**
 Yorktown II*pvpV
 Manhattan*
 LP-20*
 Fults*
 Champlain*
 Climax*
 Clair*
 Mohawk**
 Pronto*
 Whitmar Beardless**
 Secar Bluebunch**
 Fairway Crested*
 Ruff Crested*
Nordan Crested**
Ephraim Rhizomatous Crested**
Amur Intermediate***
 Greenar
 Intermediate**
 Oahe Intermediate*
 Tegmar Intermediate*
 Siberian**
 Greenleaf Pubescent*
 Luna Pubescent**
 Topar Pubescent**
 Primar Slender**
 P-27 Siberian
 Sodar Streambank**
 Critana Thickspike**
 Alkar Tall**
 Basin Wild Rye: Magnar**

(2) (~~VARIETY RESTRICTIONS~~) Variety restrictions.

NO. OF SEED HARVESTS
 FOUNDATION REGISTERED CERTIFIED

	NO. OF SEED HARVESTS FOUNDATION REGISTERED	CERTIFIED
(a) Kentucky Bluegrass:		
Baron	5	5
Birka	2 + 3 Cert.	5
Bonnieblue	2 + 5 Cert.	5
Bristol	4	4
Cougar	3	6
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Pacific	5	5
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) Deertongue:		
Tioga		6
(c) Orchardgrass:		
Pennlate	3	6
(d) Perennial Ryegrass:		
Belle	4 + 2 Cert.	5
Diplomat	5 + 2 Cert.	5
Elka	4	4
Pennfine	2 + 2 Cert.	4
Yorktown II	4 + 3 Cert.	4
Manhattan	2 + 5 Cert.	5

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 1757, filed 3/31/82)

WAC 16-316-815 OTHER CLOVER VARIETIES.

White Clover: Sacramento Ladino*
Star*
Aran**pvpV

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

- A-24**
- A-59**
- Agate*
- Anchor*
- Answer*
- Apalachee*
- Aquarius*
- Apollo*
- Apollo II*
- Arc*
- Atlas*
- Atra-55*
- Baker*pvpV
- Big Ten*
- Blazer*
- Challenger*
- Cimarron*
- Citation*
- Classic*
- ~~((Conquest*))~~
- ~~((Dawson*))~~
- Defender*
- Delta**
- Drummor*
- Duke*
- Dupuits*
- Epic*
- Expo*
- G-777*
- G-7730*
- Gladiator*
- Hi-Phy*
- Honeoye*pvpV
- Iroquois*
- Ladak**
- Ladak 65*
- Liberty**
- Maverick*
- Marathon*
- Mesilla**
- Multileaf*pvpV
- Narragansett**
- Nomad**
- NS-79-P₂
- Nugget*
- Olympic*
- Oneida*pvpV
- Peak*
- Perry*
- Phytor*
- Polar II*
- Preserve
- Primal*
- Prowler*
- Raidor*
- Ramsey*
- Ranger**
- Saranac*
- Saranac AR*pvpV
- Spredor 2*
- Shenandoah*
- SX-10*
- SX-418*
- Team*
- Tempo*

- Thor*
- Titan*
- Trident*
- Trumpetor*
- Vernal*
- Vancor*
- Vanguard*
- Vernema*
- Vista*
- Voris A77*
- WL-220*
- Washoe*
- Weevichek*
- WL-215*
- WL-219*
- WL-221*
- WL-311*
- WL-312*
- WL-313*
- WL-315*
- WL-316*
- WL-318*
- 120*
- 123*
- 130*
- 521*
- 520*
- 526*
- 530*
- 531
- 532**

(2) ((VARIETY RESTRICTIONS)) Variety restrictions.

BREEDER	NO OF SEED HARVESTS		
	FOUNDATION	REGISTERED	CERTIFIED
Answer		2	5
Apollo II			3
Baker	2	3	6
Blazer		3	
<u>Challenger</u>	2	3	5
<u>Defender</u>	2	3	5
<u>Drummor</u>	2	3	5
Duke		3	5
Epic		4	6
Expo		3	5
G-7730		3	5
Honeoye		3	6
Iroquois		3	6
Maverick		3	5
Multileaf		3	6
Oneida		3	6
Peak		3	
Perry	2	3	6
Preserve	2	3	5
<u>Polar II</u>	2	3	5
Prowler	2	3	5
Raidor	2	3	5
((Ranger (Beginning with 1980 Plantings)))			6))
Saranac		3	6
Saranac AR		3	6
Spredor 2	2	3	5
Trident		2	5
Trumpetor	2	3	5
Vancor	2	3	5
Vernema		4	6
Voris A-77		2	5
WL-221		3	
WL-313		3	
WL-315		3	5
WL-316		3	5
<u>Wrangler</u>			6
120		3	
123		2	4
130		3	5
<u>526</u>		3	5
0			

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 1798, filed 5/16/83)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	Bigbend** NW-59** NW-63** Rufus**
Pinto:	NW-410 NW-590 Nodak** Olathe**pvpV
	Pindak** U of I 114*** Wyo 166**
Pink:	Gloria** Harold** Roza** Victor** Viva**
Small White:	Chief** Aurora** Bonus**
Kidney:	Royal Red**, Pilgrim*, Carmine*
Snap Bean:	Yakima** Apollo** Epoch**
Navy:	NW 395**, Duty*
Great Northern:	Harris**, Emerson*
Black Turtle:	Black Turtle Soup** #39
	Black Beauty** Ebony**pvpV
Large, Round White	Snowball*

NEW SECTION

WAC 16-316-833 MISCELLANEOUS CROP VARIETIES ELIGIBLE.

Burnett	Delar Small Burnett**
Flax	Appar Lewis Flax**

**WSR 84-10-081
PROPOSED RULES
DEPARTMENT OF LICENSING**
[Filed May 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning vessel registration and titling, amending WAC 308-93-010, 308-93-020, 308-93-030, 308-93-040, 308-93-050, 308-93-060, 308-93-070, 308-93-075, 308-93-080, 308-93-110, 308-93-140, 308-93-150, 308-93-160, 308-93-260, 308-93-270, 308-93-290, 308-93-310, 308-93-350, 308-93-360, 308-93-500, 308-93-560, 308-93-640, adopting WAC 308-93-085, 308-93-135, 308-93-145, 308-93-155, 308-93-165, 308-93-215, 308-93-225 and repealing WAC 308-93-610;

that the agency will at 10:00 a.m., Wednesday, June 6, 1984, in the Auditorium, Office Building II, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 88.02.070 and 88.02.100.

The specific statute these rules are intended to implement is: WAC 308-93-010, 308-93-020, 308-93-030, 308-93-040, 308-93-050, 308-93-060, 308-93-080, 308-93-260, 308-93-270 and 308-93-640 are to implement chapter 250, Laws of 1984, RCW 82.49.020 and 88.02.030. WAC 308-93-070, 308-93-085, 308-93-145, 308-93-155, 308-93-165, 308-93-215, 308-93-225, 308-93-290, 308-93-310, 308-93-350, 308-93-360, 308-93-500 and 308-93-560 are to implement section 3, chapter 250, Laws of 1984 and RCW 88.02.050. WAC 308-93-150 implements section 25, chapter 7, Laws of 1983. WAC 308-93-160 implements RCW 82.40.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1984.

Dated: May 2, 1984
By: Sandra L. Brooks
Administrator

STATEMENT OF PURPOSE

Title: Amending WAC 308-93-010, Definitions; amending WAC 308-93-020, Registration required; amending WAC 308-93-030, Vessels subject to excise tax, registration and titling; amending WAC 308-93-040, Vessels exempted from excise tax but required to be registered and titled; amending WAC 308-93-050, Vessels exempted from registration, excise tax and titling; amending WAC 308-93-060, Registration period; amending WAC 308-93-070, Application for title/registration; amending WAC 308-93-075, Inspection of certificate; amending WAC 308-93-080, Registration certificate; new WAC 308-93-085, Contests of a certificate of registration; amending WAC 308-93-110, Vessels previously registered or titled in another state; new WAC 308-93-135, Vessel number required; amending WAC 308-93-140, Decals—Placement; new WAC 308-93-145, Numbers; display; size; color; amending WAC 308-93-150, 1983 Property tax credit; new WAC 308-93-155, Form of number; amending WAC 308-93-160, Excise tax exemptions—Indians; new WAC 308-93-165, Other numbers prohibited; new WAC 308-93-215, Validity of certificate of registration; new WAC 308-93-225, Surrender of certificate of registration; amending WAC 308-93-260, State or director not liable for acts in administering chapter; amending WAC 308-93-270, Appeals to superior court from suspension, revocation, cancellation, or refusal of registration or certificate of title; amending WAC 308-93-290, Transfer of ownership, how perfected; amending WAC 308-93-310, Loss, defacement, or destruction of decals—Replacement fee; amending WAC 308-93-350, Incorrect endorsements or erasures; amending WAC 308-93-360, Application for title required; amending WAC 308-93-500, Name change; amending WAC 308-93-560, Owner deceased—Estate administered; amending WAC 308-93-640, Reciprocity; and repealing WAC 308-93-610, Security interest when perfected.

Statutory Authority: The specific statutes these rules are to implement are: WAC 308-93-010, 308-93-020, 308-93-030, 308-93-040, 308-93-050, 308-93-060, 308-93-080, 308-93-260, 308-93-270 and 308-93-640 are to implement chapter 250, Laws of 1984, RCW 82.49.020 and 88.02.030. WAC 308-93-070, 308-93-085, 308-93-145, 308-93-155, 308-93-165, 308-93-215, 308-93-225, 308-93-290, 308-93-310, 308-93-350, 308-93-360, 308-93-500 and 308-93-560 are to implement section 3, chapter 250, Laws of 1984 and RCW 88.02.050. WAC 308-93-150 implements section 25, chapter 7, Laws of 1983. WAC 308-93-160 implements RCW 82.49.020.

Description of Purpose, Summary of Proposed Rules, and Reasons Supporting Action: WAC 308-93-010, redefines "alien vessel" to include Canadian vessels within that definition in order to conform with statutory

changes. "Time share" charter is also defined for purposes of clarification for granting exemptions; WAC 308-93-020, excise tax language is removed from this section which requires when vessel registration is necessary. This is to conform to statutory changes wherein vessels under 16 feet in length are subject to registration but not to the tax; WAC 308-93-030, defines which vessels are subject to registration, titling and excise taxation. The change eliminates language regarding 16 feet and longer vessels when referring to ski vessels, in order to conform with statutory changes; WAC 308-93-040, redefines which vessels are subject to registration and titling but not the excise tax, eliminating government owned vessels to conform with the statutes, and adding vessels under 16 feet to conform with statutory changes; WAC 308-93-050, redefines which vessels are exempt from registration, titling and excise taxation to eliminate Canadian vessels and to add the requirement that vessels under 16 feet have no propulsion machinery, in order to conform with statutory changes. Types of charter vessels exempted were also specified for clarification purposes; WAC 308-93-060, session law references are changed and statutory references made in order to reflect changes in the laws; WAC 308-93-070, adds title and registration application input requirements in order to comply with federal standards in 33 CFR 174.19, to include identification of previously issued numbers, indication as to whether it is a first or subsequent registration, and data including the principal state in which the vessel will be used, and zip codes and type of vessel. This information will be used to help identify the vessel if necessary. Provision is also made for omitting some items from temporary permit applications from manufacturers and dealers for demonstration or test purposes, since requiring such items may be impractical in those cases; WAC 308-93-075, adds the requirement to present vessel documents to law enforcement officers upon request to comply with federal standards in 33 CFR §173.23; WAC 308-93-080, excise tax language is eliminated to conform with statutory changes and to reflect that in some instances registrations can be issued without excise tax payment; WAC 308-93-085, specifies content requirements for certificates of registration in order to comply with federal standards in 33 CFR §174.19; WAC 308-93-110, changed to reflect a requirement for both an affidavit of lost title and a release of interest in appropriate circumstances for Washington titling or registration of a vessel previously titled or registered in another state. The rule reflects the practical requirement that both documents may be necessary; WAC 308-93-135, requires appropriate display of numbers for registered vessels in accordance with federal requirements in 33 CFR §173.21; WAC 308-93-140, redefines decal requirements as to form and location in accordance with federal requirements in 33 CFR §174.11 and .15; WAC 308-93-145, specifies registration number requirements in accordance with federal rules in 33 CFR §173.27 and 174.11 and .23; WAC 308-93-150, redefines when the tax credit may be claimed for clarification purposes; WAC 308-93-155, specifies the form of registration numbers to comply with federal standards in 33 CFR §174.23; WAC 308-93-160, substitutes the codified law

for session law references to reflect statutory changes; WAC 308-93-165, restricts use of unauthorized numbers to comply with federal standards in 33 CFR §173.19; WAC 308-93-215, specifies vessel registration expiration times to comply with federal requirements in 33 CFR §173.77 and .79; WAC 308-93-225, specifies when vessel owners must surrender vessel registration certificates to comply with federal standards in 33 CFR §173.81; WAC 308-93-260, changed to reflect statutory codifications as opposed to only session laws, and new laws; WAC 308-93-270, changed to reflect statutory codifications as opposed to only session laws, and new laws; WAC 308-93-290, eliminates penalty assessments for late title and registration transfers; WAC 308-93-310, adds the word "free" to make a sensible sentence; WAC 308-93-350, adds language indicating that the requirement for signature of one whose name is erased from a title or application only applies if the identity of the person can be determined, for obvious practical reasons; WAC 308-93-360, redefines when applications for certificates of title are required for practical reasons; WAC 308-93-500, adds words "if applicable" to make the rule have more sensible application; WAC 308-93-560, changes title to "estate administered" from "will left" for more appropriate terminology; WAC 308-93-640, eliminates Canadian vessels from the reciprocity provision and reflects the period for honoring out-of-state numbers; and WAC 308-93-610, no longer applicable.

Personnel Responsible for Drafting and Implementing the Rules: Sandra Brooks, Administrator, Title and Registration Control Division, Second Floor, Highways-Licenses Building, Olympia, WA 98504, (206) 234-6920 scan, (206) 753-6920 comm.

Proponents: These rules are proposed by the Department of Licensing.

Agency Comments: These rules seek to bring the state vessel registration system into compliance with federal standards in Title 33 CFR.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-010 DEFINITIONS. Unless the context clearly provides otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States (~~or Canada~~).

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) (~~"Commerce"~~) means the transportation of goods, products, commodities, or passengers between specified points for which a fare or shipping cost is levied.

(~~4~~) "Commercial fishing" means operating under a currently valid commercial or charter fishing license issued by the department of fisheries.

(~~5~~) (4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, home-made or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(~~6~~) (5) "Director" means the director of the department of licensing.

((+7)) (6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

((+8)) (7) "Exclusively" means solely and without exception.

((+9)) (8) "Foreign vessel" means a vessel owned by a resident of another state ((or a Canadian province)) registered in accordance with the laws of the state ((or province)) in which the owner resides.

((+10)) (9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

((+11)) (10) "Lifeboat" means craft used exclusively for lifesaving purposes.

((+12)) (11) "Manufacturer's certificate of origin" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

((+13)) (12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

((+14)) (13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

((+15)) (14) "Previous ownership document" means the last issued certificate of title and/or registration.

((+16)) (15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

((+17)) (16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

((+18)) (17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

((+19)) (18) "Secured party" means a lender, seller, or other person in whose favor there is a security interest, including a person to whom accounts, contacts rights, or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

((+20)) (19) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

((+21)) (20) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters ((of this state)).

((+22)) (21) "Valid marine document" means a document issued by the United States federal government which declares a vessel ((of five net tons or larger)) to be a documented vessel of the United States.

((+23)) (22) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

((+24)) (23) "Waters of this state" means any waters within the territorial limits of this state.

(24) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-020 REGISTRATION REQUIRED. Vessel registration ((and payment of excise tax)) is required on any vessel placed upon the waters of this state unless specifically exempted by law.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-030 VESSELS SUBJECT TO EXCISE TAX, REGISTRATION AND TITLING. The following vessels must be registered and titled and pay the excise tax if they are on or using the waters of this state.

All vessels sixteen feet or longer equipped with propulsive machinery or sails, unless specifically exempted, and the following:

- (1) Amphibious vessels (vehicles);

- (2) Houseboats;
- (3) Inflatable vessels with motors;
- (4) Ski type vessels (jet ski, wet bike, etc.) ((if sixteen feet or longer));
- (5) Racing vessels.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-040 VESSELS EXEMPTED FROM EXCISE TAX BUT REQUIRED TO BE REGISTERED AND TITLED. The following vessels must be registered and titled but shall be exempt from the assessment of the excise tax:

(1) Undocumented vessels used exclusively for commercial fishing purposes;

(2) ((Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof;

(3)) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030;

((+4)) (3) Recreational type public vessels of the United States and state, or municipality or political subdivisions thereof;

(4) Vessels under sixteen feet in overall length with propulsion machinery.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-050 VESSELS EXEMPTED FROM REGISTRATION, ((TAXATION)) EXCISE TAX AND TITLING. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States ((or Canada)) if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state ((or a Canadian province)) if the vessel is registered in accordance with the laws of the state ((or province)) in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state ((or province)) for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state ((or a Canadian province)) and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels propelled solely by oars or paddles;

(6) A ship's lifeboat used solely for lifesaving purposes;

(7) All vessels under sixteen feet in overall length ((or whose primary propulsion is human power)) which have no propulsion machinery of any type;

(8) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(9) Vessels of any size powered only by human power;

(10) Vessels which are temporarily in this state undergoing repair or alteration;

(11) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels, including, but not limited to, bare boat and time share charters.

(12) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;

(13) A vessel not using the waters of this state.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-060 REGISTRATION PERIOD. The registration period will be July 1 of the current year through June 30 of the following year for purposes of implementing (~~chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.~~) chapter 88.02 RCW and chapter 250, Laws of 1984.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed by statute will be assessed for the period beginning July 1, 1983 through the current registration period in which the vessel is registered: PROVIDED, That if the owner can verify that the vessel was acquired or brought into Washington after July 31, 1983, the excise tax will be assessed from the date of acquisition or entry into the state.

Vessels being registered in Washington for the first time and assigned a registration period of eleven months or less shall have the annual excise tax reduced by one-twelfth for each full month of the registration period which has passed by the date when the vessel is registered in Washington. The registration (~~and the titling~~) fee will not be abated for the registration period in which the vessel is registered.

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there will be assessed a registration fee of six dollars for the current registration period and excise tax due from the expiration date of the previous registration: PROVIDED, That if the person seeking registration can verify that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-070 APPLICATION FOR TITLE/REGISTRATION. (1) An application for certificate of title or registration of a vessel shall be completed and shall include:

- (a) The names (~~and~~), addresses and ZIP codes of all owners of the vessel being registered including a lessor if applicable.
- (b) Make, model year and length of vessel.
- (c) Type of power (gasoline, diesel, propane, etc.).
- (d) Primary use.
- (e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, etc.).
- (f) (~~Hull type~~) Type of vessel (open, cabin, house, or other).
- (g) Primary vessel construction (fiberglass, wood, aluminum, etc.).
- (h) County of moorage.
- (i) Coast guard number, if any.
- (j) Purchase cost and purchase year of vessel or declared value and year of declaration.
- (k) Hull identification number.

(l) The number previously issued by an issuing authority for the vessel, if any.

(m) That the application is for a new number, renewal or transfer of ownership.

(n) State in which vessel is or will be principally used.

(2) Name and address of the legal owner or a statement of fact by the registered owner that the vessel is free of all liens other than those shown on the application.

(3) In the event a vessel is homemade, the owner must complete and sign a declaration of value form. The signature of the registered owner of a homemade vessel must be notarized by a notary public.

(4) The names of all owners will appear on the application for registration and title. The application must be signed by all owners. This signature must be notarized or certified by an authorized registration agent.

(5) The application for certificate of title or registration shall be accompanied by the following where applicable:

- (a) A copy of the bill of sale or sales agreement.
- (b) Vessel data form.
- (c) Declaration of value form.
- (d) All proper fees and excise tax.
- (e) Previous ownership document properly released.
- (f) Excise exemption affidavit.
- (g) Proof of sales tax paid.
- (h) Proof of personal property tax paid.

(i) Manufacturer's certificate of origin or original factory invoice.

(j) Copy of carpenter certificate.

(k) Copy of any filing pursuant to Article 62A.9 RCW, Uniform Commercial Code-Secured Transactions.

(l) Release of interest form.

(m) Verification of ownership.

(n) Copy of certificate of ownership of vessel issued by United States Coast Guard.

(6) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit subsection (1)(b), (c), (e), (f), (g), and (k) of this section.

(7) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit subsection (1)(c) and (e) of this section.

NEW SECTION

WAC 308-93-075 INSPECTION OF CERTIFICATE. Each person using a vessel required to be registered under chapter 88.02 RCW and chapter 250, Laws of 1984, shall present the certificate or lease or rental agreement required by WAC 308-93-080 and 308-93-100 to any federal, state, or local law enforcement officer for inspection at his request.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-080 REGISTRATION CERTIFICATE. Upon payment of proper fees (~~and excise tax~~), the department of licensing or its agents shall issue a certificate of registration. The registration document must be signed by at least one of the owner(s) and carried on board the vessel for which it is issued at all times when the vessel is physically located on the waters of the state of Washington except as provided under WAC 308-93-100.

NEW SECTION

WAC 308-93-085 CONTENTS OF A CERTIFICATE OF REGISTRATION. (1) Except as allowed in subsections (2), (3), and (4) of this section, each certificate of number must contain the following information:

- (a) Number issued to the vessel.
- (b) Expiration date of the certificate.
- (c) State of principal use.
- (d) Name of the owner.
- (e) Address of owner, including ZIP code.
- (f) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
- (g) Manufacturer's hull identification number (if any).
- (h) Make of vessel.
- (i) Year vessel was manufactured.
- (j) Overall length of vessel.
- (k) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.

(l) Hull material.

(m) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.

(n) Whether the fuel is gasoline, diesel, or other.

(2) A certificate of registration issued to a vessel that has a manufacturer's hull identification number assigned, may omit subsection (1)(h) through (n) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(3) A certificate of registration issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit subsection (1)(g) through (n) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(4) A certificate of registration issued to a vessel that is to be rented or leased without propulsion machinery may omit subsection (1)(m) and (n) of this section if the words "livery vessel" are plainly marked on the application.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-090 RENTED OR LEASED VESSELS. If the vessel is leased and operated in Washington (~~by a Washington resident~~), it must be titled and registered in Washington.

(1) Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.

(2) If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.

(3) If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the legal owner. If the vessel is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-110 VESSELS PREVIOUSLY REGISTERED OR TITLED IN ANOTHER STATE. If the application for certificate of title or registration is for a vessel previously registered or titled in another state, the application must be accompanied by:

(1) Either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state, or an affidavit of lost title ((or)) and a release of interest; provided that no release is required if there is no change in ownership, and

(2) An affidavit certifying when and where the vessel was acquired or brought into the state.

NEW SECTION

WAC 308-93-135 VESSEL NUMBER REQUIRED. Except as provided in chapter 88.02 RCW and chapter 250, Laws of 1984, no person may use a vessel on the waters of this state unless:

(1) It has a number issued on a certificate of registration by the issuing authority in the state in which the vessel is principally used; and

(2) The number is displayed as described in WAC 308-93-140.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-140 DECALS—PLACEMENT. Upon registration, the applicant will receive a registration document and two decals. ~~((One decal shall be affixed to the port side and one decal shall be affixed to the starboard side of the hull or bridge aft of the midship. The decals must be located on the outside of the vessel so that each decal is visible without obstruction from a sideview of the vessel while the vessel is in the water. PROVIDED, That vessels sixteen feet and over with propulsion machinery of less than ten horsepower qualifying as a ship's tender shall display the registration number issued by the coast guard for the registered vessel in block letters not less than three inches high followed by the number "1" of a color contrasting to the background, on the outside of the hull on both port and starboard sides of the forward half of the vessel. The number must be visible without obstruction from a sideview of the tender while the tender is in the water.))~~ The decals must be affixed to each side of the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145, within six inches of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section.

(1) Decals must be approximately three inches square.

(2) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1985.

NEW SECTION

WAC 308-93-145 NUMBERS—DISPLAY, SIZE, COLOR. (1) Each registration number issued must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by subsection (2) of this section or required by subsection (3) of this section;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "1" or a number other than "1" between the letter and number groupings (example: DC 5678 EF or DC-5678-EF); and

(e) Read from left to right.

(2) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(3) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(4) Each number displayed on a tender exempted under RCW 88-.02.030 must meet the requirements of subsection (1) of this section and have a space or hyphen that is equal to the width of a letter other than "1" or a number other than "1" between the suffix and the number.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-150 1983 PROPERTY TAX CREDIT. Property tax paid for a vessel for the 1983 tax year will be deducted from the ((1983)) excise tax amount due on an original registration when a receipt from the treasurer's office is presented at the time of registration, identifying the vessel and the amount paid. If a treasurer's receipt cannot be obtained, a cancelled check may be accepted, provided the cancelled check clearly and distinctly indicates that its purpose was for the payment of 1983 personal property tax for the vessel being registered. Proof of property tax paid must be attached to the application for certificate of title or registration if credit is given.

NEW SECTION

WAC 308-93-155 FORM OF NUMBER. (1) Each registration number must consist of two capital letters denoting the state of the issuing authority, followed by:

(a) Not more than four numerals followed by not more than two capital letters (example: NL 1234 BD); or

(b) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(2) A number suffix must not include the letters "I", "O", or "Q", which may be mistaken for numerals.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-160 EXCISE TAX EXEMPTIONS—INDIANS. (1) For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States department of the interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States department of the interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States department of the interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by ((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess)) chapter 82.49 RCW.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by ((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess)) chapter 82.49 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

NEW SECTION

WAC 308-93-165 OTHER NUMBERS PROHIBITED. No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority for that vessel on its forward half.

NEW SECTION

WAC 308-93-215 VALIDITY OF CERTIFICATE OF REGISTRATION. (1) Except as provided in subsections (2), (3), (4), and (5) of this section, and WAC 308-93-220, a certificate of registration is valid until the date of expiration prescribed by the issuing authority.

(2) A certificate of registration issued by an issuing authority is invalid after the date upon which:

(a) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations.

(b) The person whose name appears on the certificate of registration as owner of the vessel transfers all of his ownership in the vessel; or

(c) The vessel is destroyed or abandoned.

(3) A certificate of registration issued by an issuing authority is invalid if:

(a) The application for the certificate of registration contains a false or fraudulent statement; or

(b) The fees for the issuance of the certificate of registration are not paid.

(4) A certificate of registration is invalid sixty days after the day on which the vessel is no longer principally used in the state where the certificate was issued.

(5) The certificate of registration is invalid when the person whose name appears on the certificate involuntarily loses his interest in the registered vessel by legal process.

NEW SECTION

WAC 308-93-225 SURRENDER OF CERTIFICATE OF REGISTRATION. A person whose name appears as the owner of a vessel on a certificate of registration shall surrender the certificate to the department within fifteen days after it becomes invalid under WAC 308-93-215 (2), (3), (4), or (5), or WAC 308-93-220.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-260 STATE OR DIRECTOR NOT LIABLE FOR ACTS IN ADMINISTERING CHAPTER. No suit or action shall ever be commenced or prosecuted against the director of licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under chapters ~~((7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.))~~ 88.49 and 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-270 APPEALS TO SUPERIOR COURT FROM SUSPENSION, REVOCATION, CANCELLATION, OR REFUSAL OF REGISTRATION OR CERTIFICATE OF TITLE. The suspension, revocation, cancellation, or refusal by the director of any registration or certificate of title provided for in chapter ~~((7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.))~~ 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC shall be conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show

cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions.

Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-290 TRANSFER OF OWNERSHIP, HOW PERFECTED. A transfer of ownership in a vessel is perfected by compliance with the requirements of this section.

(1) If an owner transfers an interest in a vessel other than by the creation of a security interest, he shall, at the time of the delivery of the vessel, execute an assignment to the transferee and cause the certificate and assignment to be transmitted to the transferee, and shall within fifteen days notify the department.

(2) The transferee of ownership shall within fifteen days after delivery to him of the vessel, execute the application for a new certificate of title in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of title shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under the security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provision of WAC 308-93-230.

~~(5) ((If the purchaser or transferee of ownership fails or neglects to transfer such certificate of title and registration within fifteen days after date of delivery of the vessel to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars.~~

~~(6))~~ Upon receipt of an application for the reissue of a certificate of title and transfer of registration, accompanied by the endorsed certificate of title and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of title and registration have been complied with, issue new certificates of title and registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the general fund.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-310 LOSS, DEFAACEMENT, OR DESTRUCTION OF DECALS—REPLACEMENT FEE. Upon the loss, defacement, or destruction of one or both of the vessel decals issued for any vessel or where one or both have become so illegible or in such condition as to be difficult to distinguish, the owner of the vessel shall make application for new vessel decals upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original decal or decals, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vessel registration applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of registration of the vessel and a one dollar replacement decal fee.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-350 INCORRECT ENDORSEMENTS OR ERASURES. (1) If a certificate of title or application has been signed

in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a certificate of title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased if the identity of the person can be determined.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-360 APPLICATION FOR TITLE REQUIRED. An application for certificate of title is required:

- (1) Whenever the ownership of a vessel changes;
- (2) When there is a legal change of name of the registered or legal owner of a vessel;
- (3) When there is a change of name of a business entity owning a vessel;
- (4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;
- (5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;
- (6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;
- (7) ~~((Whenever a vessel has been reported destroyed and the owner wishes to operate it again on the waters of this state;~~
- ~~((8)))~~ Whenever the hull identification number is changed;
- ~~((9)))~~ (8) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-500 NAME CHANGE. On any application for re-issue of a certificate of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change, if applicable, shall be attached to the application.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-560 OWNER DECEASED—~~((WILL LEFT))~~ESTATE ADMINISTERED. If the prior owner of a vessel is deceased and a will was left, the following documents shall be attached to any application for transfer of title:

- (1) If the will is not a nonintervention will:
 - (a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved forms confirming the court action; or
 - (b) A certified copy of the decree of distribution.
- (2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-640 RECIPROCITY. (1) A vessel owned by a resident of another state ~~((or a Canadian province))~~ which is already covered by a number in full force and effect issued to it pursuant to federal laws or a numbering system of such state ~~((or province))~~ shall be exempt from registration requirements for a period of sixty consecutive days in any twelve month period but only to the extent a similar reciprocity is granted for vessels registered in the state of Washington.

(2) When a vessel is removed to the state of Washington as a new state of principal use, Washington shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in this state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-610 SECURITY INTEREST—WHEN PERFECTED.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- REP = Repeal of existing section
- READOPT = Readoption of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding 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 #
4-25-020	AMD	84-06-021	16-228-162	AMD	84-09-011	16-230-080	REP-P	84-05-066
16-86-005	AMD-P	84-04-083	16-228-165	AMD-P	84-05-014	16-230-080	REP	84-09-012
16-86-005	AMD	84-08-037	16-228-165	AMD	84-09-011	16-230-082	NEW-P	84-05-065
16-86-006	REP-P	84-04-083	16-228-168	AMD-P	84-05-014	16-230-082	NEW	84-09-013
16-86-006	REP	84-08-037	16-228-168	AMD	84-09-011	16-230-084	NEW-P	84-05-065
16-86-007	REP-P	84-04-083	16-228-170	AMD-P	84-05-014	16-230-084	NEW	84-09-013
16-86-007	REP	84-08-037	16-228-170	AMD	84-09-011	16-230-085	REP-P	84-05-066
16-86-009	REP-P	84-04-083	16-228-172	AMD-P	84-05-014	16-230-085	REP	84-09-012
16-86-009	REP	84-08-037	16-228-172	AMD	84-09-011	16-230-086	NEW-P	84-05-065
16-86-011	REP-P	84-04-083	16-228-174	REP-P	84-05-014	16-230-086	NEW	84-09-013
16-86-011	REP	84-08-037	16-228-174	REP	84-09-011	16-230-088	NEW-P	84-05-065
16-86-012	REP-P	84-04-083	16-228-176	REP-P	84-05-014	16-230-088	NEW	84-09-013
16-86-012	REP	84-08-037	16-228-176	REP	84-09-011	16-230-088	NEW	84-09-013
16-86-015	AMD-P	84-04-083	16-228-178	REP-P	84-05-014	16-230-090	REP-P	84-05-066
16-86-015	AMD	84-08-037	16-228-178	REP	84-09-011	16-230-090	REP	84-09-012
16-86-015	AMD-E	84-08-038	16-228-180	AMD-P	84-05-014	16-230-100	REP-P	84-05-065
16-86-095	AMD-P	84-04-083	16-228-180	AMD	84-09-011	16-230-100	REP	84-09-013
16-86-095	AMD	84-08-037	16-228-185	AMD-P	84-05-014	16-230-101	REP-P	84-05-065
16-108-001	REP-P	84-08-066	16-228-185	AMD	84-09-011	16-230-101	REP	84-09-013
16-108-002	REP-P	84-08-066	16-228-190	AMD-P	84-05-014	16-304-040	AMD-P	84-10-079
16-108-003	REP-P	84-08-066	16-228-190	AMD	84-09-011	16-304-110	AMD-P	84-10-079
16-108-010	AMD-P	84-08-066	16-228-190	AMD	84-09-011	16-304-130	AMD-P	84-10-079
16-212-084	NEW-E	84-09-003	16-228-210	AMD-P	84-05-014	16-316-0401	AMD-P	84-10-078
16-212-084	NEW-P	84-09-007	16-228-210	AMD	84-09-011	16-316-0601	AMD-P	84-10-078
16-212-087	NEW-E	84-10-037	16-228-220	AMD-P	84-05-014	16-316-230	AMD-P	84-10-078
16-213-200	NEW-P	84-03-045	16-228-220	AMD	84-09-011	16-316-270	AMD-P	84-10-078
16-213-200	NEW	84-06-036	16-228-225	AMD-P	84-05-014	16-316-350	AMD-P	84-10-078
16-213-210	NEW-P	84-03-045	16-228-225	AMD	84-09-011	16-316-440	AMD-P	84-10-078
16-213-210	NEW	84-06-036	16-228-230	AMD-P	84-05-014	16-316-660	AMD-P	84-10-078
16-213-220	NEW-P	84-03-045	16-228-230	AMD	84-09-011	16-316-715	AMD-P	84-10-078
16-213-220	NEW	84-06-036	16-228-340	NEW-E	84-05-009	16-316-800	REP-P	84-10-080
16-213-230	NEW-P	84-03-045	16-228-340	AMD-E	84-06-040	16-316-815	REP-P	84-10-080
16-213-230	NEW	84-06-036	16-228-340	NEW-P	84-09-059	16-316-820	REP-P	84-10-080
16-224-010	AMD-P	84-06-058	16-230-001	REP-P	84-05-066	16-316-830	REP-P	84-10-080
16-224-010	AMD-C	84-09-069	16-230-001	REP	84-09-012	16-316-833	NEW-P	84-10-080
16-224-010	AMD	84-10-021	16-230-010	AMD-P	84-05-066	16-316-901	NEW-P	84-10-078
16-224-030	AMD-P	84-06-058	16-230-010	AMD	84-09-012	16-316-906	NEW-P	84-10-078
16-224-030	AMD-C	84-09-069	16-230-015	AMD-P	84-05-066	16-316-911	NEW-P	84-10-078
16-224-030	AMD	84-10-021	16-230-015	AMD	84-09-012	16-316-916	NEW-P	84-10-078
16-228-010	AMD-P	84-05-014	16-230-020	REP-P	84-05-066	16-316-921	NEW-P	84-10-078
16-228-010	AMD	84-09-011	16-230-020	REP	84-09-012	16-319-020	AMD-P	84-10-077
16-228-115	AMD-P	84-05-014	16-230-030	AMD-P	84-05-066	16-319-041	AMD-P	84-10-077
16-228-115	AMD	84-09-011	16-230-030	AMD	84-09-012	16-319-061	AMD-P	84-10-077
16-228-125	AMD-P	84-05-014	16-230-040	REP-P	84-05-066	16-324-350	REP-P	84-08-067
16-228-125	AMD	84-09-011	16-230-040	REP	84-09-012	16-324-380	AMD-P	84-08-067
16-228-130	AMD-P	84-05-014	16-230-050	REP-P	84-05-066	16-470-010	NEW-P	84-06-054
16-228-130	AMD	84-09-011	16-230-050	REP	84-09-012	16-470-010	NEW	84-10-039
16-228-155	AMD-P	84-05-014	16-230-060	REP-P	84-05-066	16-470-015	NEW-P	84-06-054
16-228-155	AMD	84-09-011	16-230-060	REP	84-09-012	16-470-015	NEW	84-10-039
16-228-160	AMD-P	84-05-014	16-230-075	AMD-P	84-05-066	16-470-020	NEW-P	84-06-054
16-228-160	AMD	84-09-011	16-230-075	AMD	84-09-012	16-470-020	NEW	84-10-039
16-228-161	NEW-P	84-05-014	16-230-076	NEW-P	84-05-066	16-470-030	NEW-P	84-06-054
16-228-161	NEW	84-09-011	16-230-076	NEW	84-09-012	16-470-030	NEW	84-10-039
16-228-162	AMD-P	84-05-014	16-230-078	NEW-P	84-05-066	16-470-040	NEW-P	84-06-054
			16-230-078	NEW	84-09-012	16-470-040	NEW	84-10-039

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-470-050	NEW-P	84-06-054	106-116-501	AMD	84-08-044	132I-116-280	AMD-P	84-09-039
16-470-050	NEW	84-10-039	106-116-603	AMD	84-08-044	132I-116-300	AMD-P	84-09-039
16-470-060	NEW-P	84-06-054	106-124-700	NEW-P	84-09-040	132J-160-010	AMD-P	84-06-053
16-470-060	NEW	84-10-039	106-136-411	AMD-P	84-09-040	132J-160-020	AMD-P	84-06-053
16-470-100	NEW-P	84-06-054	118-04-010	NEW-P	84-08-074	132J-160-030	AMD-P	84-06-053
16-470-100	NEW	84-10-039	118-04-030	NEW-P	84-08-074	132J-160-040	REP-P	84-06-053
16-470-110	NEW-P	84-06-054	118-04-050	NEW-P	84-08-074	132J-160-045	NEW-P	84-06-053
16-470-110	NEW	84-10-039	118-04-070	NEW-P	84-08-074	132J-160-050	AMD-P	84-06-053
16-470-120	NEW-P	84-06-054	118-04-090	NEW-P	84-08-074	132S-285-010	NEW-C	84-06-033
16-470-120	NEW	84-10-039	118-04-110	NEW-P	84-08-074	132S-285-010	NEW	84-07-033
16-470-130	NEW-P	84-06-054	118-04-130	NEW-P	84-08-074	132S-285-015	NEW-C	84-06-033
16-470-130	NEW	84-10-039	118-04-150	NEW-P	84-08-074	132S-285-015	NEW	84-07-033
16-540-040	AMD-P	84-04-018	118-04-170	NEW-P	84-08-074	137-12-010	REP-P	84-03-014
16-540-040	AMD	84-10-046	118-04-190	NEW-P	84-08-074	137-12-010	REP	84-06-009
16-565-040	AMD-P	84-05-055	118-04-210	NEW-P	84-08-074	137-12-020	REP-P	84-03-014
16-657-040	NEW-P	84-07-026	118-04-230	NEW-P	84-08-074	137-12-020	REP	84-06-009
16-657-040	NEW-C	84-10-057	118-04-250	NEW-P	84-08-074	137-12-030	REP-P	84-03-014
16-750-010	AMD-P	84-03-020	118-04-270	NEW-P	84-08-074	137-12-030	REP	84-06-009
16-750-010	AMD	84-06-047	131-16-093	AMD-P	84-03-004	137-12-040	REP-P	84-03-014
44-06-020	AMD-P	84-07-035	131-16-093	AMD	84-06-052	137-12-040	REP	84-06-009
44-06-020	AMD	84-10-031	131-28-090	NEW-E	84-08-031	137-12-050	REP-P	84-03-014
44-06-030	AMD-P	84-07-035	132A-116-025	AMD-P	84-09-031	137-12-050	REP	84-06-009
44-06-030	AMD	84-10-031	132A-136-010	AMD-P	84-09-031	137-12-060	REP-P	84-03-014
44-06-050	AMD-P	84-07-035	132F-120-020	AMD	84-03-028	137-12-060	REP	84-06-009
44-06-050	AMD	84-10-031	132F-120-030	AMD	84-03-028	137-12-070	REP-P	84-03-014
44-06-060	AMD-P	84-07-035	132F-120-040	AMD	84-03-028	137-12-070	REP	84-06-009
44-06-060	AMD	84-10-031	132F-120-041	NEW	84-03-028	137-12-080	REP-P	84-03-014
44-06-120	AMD-P	84-07-035	132F-120-042	NEW	84-03-028	137-12-080	REP	84-06-009
44-06-120	AMD	84-10-031	132F-120-043	NEW	84-03-028	137-12-090	REP-P	84-03-014
44-06-140	AMD-P	84-07-035	132F-120-050	AMD	84-03-028	137-12-090	REP	84-06-009
44-06-140	AMD	84-10-031	132F-120-060	AMD-P	84-09-061	137-12A-010	NEW-P	84-03-014
50-12-050	AMD	84-03-036	132F-120-070	AMD	84-03-028	137-12A-010	NEW	84-06-009
50-20-050	AMD-P	84-03-009	132F-120-080	AMD	84-03-028	137-12A-020	NEW-P	84-03-014
50-20-050	AMD	84-06-001	132F-120-090	AMD	84-03-028	137-12A-020	NEW	84-06-009
67-35-020	AMD-P	84-06-055	132F-120-100	AMD	84-03-028	137-12A-030	NEW-P	84-03-014
67-35-020	AMD	84-09-048	132F-120-110	AMD	84-03-028	137-12A-030	NEW	84-06-009
67-35-030	AMD-P	84-06-055	132F-120-120	AMD	84-03-028	137-12A-040	NEW-P	84-03-014
67-35-030	AMD	84-09-048	132F-120-130	AMD	84-03-028	137-12A-040	NEW	84-06-009
67-35-040	AMD-P	84-06-055	132F-120-150	AMD	84-03-028	137-12A-050	NEW-P	84-03-014
67-35-040	AMD	84-09-048	132F-120-160	AMD	84-03-028	137-12A-050	NEW	84-06-009
67-35-045	REP-P	84-06-055	132F-120-170	AMD	84-03-028	137-12A-060	NEW-P	84-03-014
67-35-050	AMD-P	84-06-055	132F-120-180	AMD	84-03-028	137-12A-060	NEW	84-06-009
67-35-050	AMD	84-09-048	132F-120-190	AMD	84-03-028	137-12A-070	NEW-P	84-03-014
67-35-055	AMD-P	84-06-055	132F-120-200	AMD	84-03-028	137-12A-070	NEW	84-06-009
67-35-055	AMD	84-09-048	132F-120-210	NEW	84-03-028	137-12A-080	NEW-P	84-03-014
67-35-056	NEW-P	84-06-055	132F-120-510	REP	84-03-028	137-12A-080	NEW	84-06-009
67-35-056	NEW	84-09-048	132H-116-800	REP-P	84-04-062	137-12A-090	NEW-P	84-03-014
67-35-060	REP-P	84-06-055	132H-116-800	REP	84-07-040	137-12A-090	NEW	84-06-009
67-35-070	AMD-P	84-06-055	132H-160-180	AMD-P	84-09-050	137-48-020	AMD-P	84-04-045
67-35-070	AMD	84-09-048	132H-200-110	NEW-P	84-04-049	137-48-020	AMD-E	84-04-046
67-35-072	NEW-P	84-06-055	132H-200-110	NEW	84-07-039	137-48-020	AMD	84-08-011
67-35-072	NEW	84-09-048	132I-116-010	AMD-P	84-09-039	137-48-060	AMD-P	84-04-045
67-35-075	REP-P	84-06-055	132I-116-020	AMD-P	84-09-039	137-48-060	AMD-E	84-04-046
67-35-080	AMD-P	84-06-055	132I-116-030	AMD-P	84-09-039	137-48-060	AMD	84-08-011
67-35-080	AMD	84-09-048	132I-116-040	AMD-P	84-09-039	137-57	AMD-P	84-08-023
67-35-082	NEW-P	84-06-055	132I-116-050	AMD-P	84-09-039	137-57-005	AMD-P	84-08-023
67-35-082	NEW	84-09-048	132I-116-060	REP-P	84-09-039	137-57-010	AMD-P	84-08-023
67-35-090	REP-P	84-06-055	132I-116-070	AMD-P	84-09-039	137-57-020	AMD-P	84-08-023
67-40-010	REP-P	84-10-033	132I-116-080	REP-P	84-09-039	137-57-040	AMD-P	84-08-023
67-40-015	REP-P	84-10-033	132I-116-090	AMD-P	84-09-039	137-57-050	AMD-P	84-08-023
67-40-016	REP-P	84-10-033	132I-116-100	AMD-P	84-09-039	137-57-060	AMD-P	84-08-023
67-40-021	REP-P	84-10-033	132I-116-110	AMD-P	84-09-039	137-57-070	AMD-P	84-08-023
67-40-022	REP-P	84-10-033	132I-116-120	REP-P	84-09-039	137-70	AMD-P	84-08-060
67-40-026	REP-P	84-10-033	132I-116-140	AMD-P	84-09-039	137-70-010	AMD-P	84-08-060
67-40-051	REP-P	84-10-033	132I-116-150	AMD-P	84-09-039	137-70-020	AMD-P	84-08-060
67-40-061	REP-P	84-10-033	132I-116-160	AMD-P	84-09-039	137-70-030	AMD-P	84-08-060
67-40-090	REP-P	84-10-033	132I-116-170	AMD-P	84-09-039	137-70-040	AMD-P	84-08-060
67-45-010	NEW-P	84-10-033	132I-116-180	REP-P	84-09-039	137-70-050	AMD-P	84-08-060
67-45-020	NEW-P	84-10-033	132I-116-190	AMD-P	84-09-039	137-70-055	NEW-P	84-08-060
67-45-030	NEW-P	84-10-033	132I-116-210	AMD-P	84-09-039	137-70-057	NEW-P	84-08-060
67-45-040	NEW-P	84-10-033	132I-116-220	REP-P	84-09-039	137-70-060	AMD-P	84-08-060
67-45-045	NEW-P	84-10-033	132I-116-222	NEW-P	84-09-039	137-70-070	AMD-P	84-08-060
67-45-050	NEW-P	84-10-033	132I-116-230	AMD-P	84-09-039	137-70-080	AMD-P	84-08-060
67-45-060	NEW-P	84-10-033	132I-116-240	AMD-P	84-09-039	139-50-030	NEW-P	84-07-041
67-45-070	NEW-P	84-10-033	132I-116-250	AMD-P	84-09-039	172-148-010	REP-P	84-09-030
67-45-075	NEW-P	84-10-033	132I-116-260	AMD-P	84-09-039	172-148-020	REP-P	84-09-030
106-116-201	AMD	84-08-044	132I-116-270	AMD-P	84-09-039	172-148-030	REP-P	84-09-030

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
172-148-040	REP-P	84-09-030	173-216-020	AMD-P	84-02-070	173-303-275	REP-P	84-09-083
172-148-050	REP-P	84-09-030	173-216-020	AMD	84-06-023	173-303-280	AMD	84-09-088
172-148-060	REP-P	84-09-030	173-218-010	NEW-P	84-02-070	173-303-290	AMD	84-09-088
172-148-070	REP-P	84-09-030	173-218-010	NEW	84-06-023	173-303-300	AMD	84-09-088
172-148-080	REP-P	84-09-030	173-218-020	NEW-P	84-02-070	173-303-310	AMD	84-09-088
172-148-090	REP-P	84-09-030	173-218-020	NEW	84-06-023	173-303-320	AMD	84-09-088
172-148-100	REP-P	84-09-030	173-218-030	NEW-P	84-02-070	173-303-330	AMD	84-09-088
172-148-110	REP-P	84-09-030	173-218-030	NEW	84-06-023	173-303-340	AMD	84-09-088
172-148-120	REP-P	84-09-030	173-218-040	NEW-P	84-02-070	173-303-350	AMD	84-09-088
172-148-130	REP-P	84-09-030	173-218-040	NEW	84-06-023	173-303-360	AMD	84-09-088
172-148-140	REP-P	84-09-030	173-218-050	NEW-P	84-02-070	173-303-370	AMD	84-09-088
172-148-150	REP-P	84-09-030	173-218-050	NEW	84-06-023	173-303-380	AMD	84-09-088
172-148-160	REP-P	84-09-030	173-218-060	NEW-P	84-02-070	173-303-390	AMD	84-09-088
172-148-170	REP-P	84-09-030	173-218-060	NEW	84-06-023	173-303-395	AMD-P	84-09-083
172-148-180	REP-P	84-09-030	173-218-070	NEW-P	84-02-070	173-303-400	AMD	84-09-088
172-148-190	REP-P	84-09-030	173-218-070	NEW	84-06-023	173-303-420	NEW	84-09-088
172-148-200	REP-P	84-09-030	173-218-080	NEW-P	84-02-070	173-303-430	NEW	84-09-088
172-148-210	REP-P	84-09-030	173-218-080	NEW	84-06-023	173-303-440	NEW	84-09-088
172-148-220	REP-P	84-09-030	173-218-090	NEW-P	84-02-070	173-303-500	AMD-P	84-09-083
172-148-230	REP-P	84-09-030	173-218-090	NEW	84-06-023	173-303-505	NEW	84-09-088
172-148-240	REP-P	84-09-030	173-218-100	NEW-P	84-02-070	173-303-510	AMD-P	84-09-083
172-148-990	REP-P	84-09-030	173-218-100	NEW	84-06-023	173-303-515	NEW-P	84-09-083
172-150-010	AMD-P	84-09-030	173-218-110	NEW-P	84-02-070	173-303-520	AMD-P	84-09-083
172-150-020	AMD-P	84-09-030	173-218-110	NEW	84-06-023	173-303-550	NEW	84-09-088
172-150-035	AMD-P	84-09-030	173-220-030	AMD-E	84-07-058	173-303-560	NEW	84-09-088
172-150-040	AMD-P	84-09-030	173-220-030	AMD-P	84-08-078	173-303-575	AMD	84-09-088
172-150-050	AMD-P	84-09-030	173-220-130	AMD-E	84-07-058	173-303-600	AMD	84-09-088
172-150-060	AMD-P	84-09-030	173-220-130	AMD-P	84-08-078	173-303-610	AMD-P	84-09-083
172-150-070	AMD-P	84-09-030	173-220-150	AMD-E	84-07-058	173-303-620	AMD	84-09-088
172-150-080	AMD-P	84-09-030	173-220-150	AMD-P	84-08-078	173-303-630	AMD	84-09-088
172-150-090	AMD-P	84-09-030	173-220-210	AMD-E	84-07-058	173-303-640	AMD	84-09-088
172-150-100	AMD-P	84-09-030	173-220-210	AMD-P	84-08-078	173-303-645	NEW	84-09-088
172-150-110	AMD-P	84-09-030	173-220-220	AMD-E	84-07-058	173-303-650	AMD	84-09-088
172-150-120	AMD-P	84-09-030	173-220-220	AMD-P	84-08-078	173-303-655	NEW	84-09-088
172-150-130	AMD-P	84-09-030	173-303	AMD-C	84-04-075	173-303-660	AMD	84-09-088
172-150-140	AMD-P	84-09-030	173-303	AMD-C	84-07-057	173-303-665	NEW	84-09-088
172-150-145	AMD-P	84-09-030	173-303-010	AMD	84-09-088	173-303-670	AMD	84-09-088
172-150-150	AMD-P	84-09-030	173-303-016	NEW-P	84-09-083	173-303-700	AMD	84-09-088
172-150-160	AMD-P	84-09-030	173-303-017	NEW-P	84-09-083	173-303-800	AMD	84-09-088
172-150-170	AMD-P	84-09-030	173-303-020	AMD	84-09-088	173-303-801	AMD	84-09-088
172-150-180	AMD-P	84-09-030	173-303-030	AMD	84-09-088	173-303-802	NEW	84-09-088
172-150-190	AMD-P	84-09-030	173-303-040	AMD	84-09-088	173-303-804	NEW	84-09-088
173-19-1104	AMD	84-02-073	173-303-045	AMD	84-09-088	173-303-805	AMD	84-09-088
173-19-130	AMD-C	84-06-042	173-303-050	AMD	84-09-088	173-303-806	NEW	84-09-088
173-19-130	AMD	84-08-030	173-303-060	AMD	84-09-088	173-303-807	NEW	84-09-088
173-19-250	AMD-P	84-03-057	173-303-070	AMD-P	84-09-083	173-303-808	NEW	84-09-088
173-19-250	AMD	84-07-025	173-303-071	AMD	84-09-088	173-303-809	NEW-P	84-09-083
173-19-260	AMD-P	84-03-058	173-303-072	NEW-P	84-09-083	173-303-810	AMD	84-09-088
173-19-260	AMD	84-08-042	173-303-075	AMD	84-09-088	173-303-815	AMD	84-09-088
173-19-280	AMD	84-06-043	173-303-081	AMD	84-09-088	173-303-820	AMD	84-09-088
173-19-330	AMD-W	84-02-072	173-303-082	AMD	84-09-088	173-303-825	AMD	84-09-088
173-19-3514	AMD	84-06-043	173-303-084	AMD	84-09-088	173-303-830	AMD	84-09-088
173-19-3514	AMD-P	84-07-055	173-303-090	AMD-P	84-09-083	173-303-840	AMD-P	84-09-083
173-19-370	AMD-P	84-04-079	173-303-100	AMD	84-09-088	173-303-910	AMD-P	84-09-083
173-19-370	AMD	84-08-003	173-303-101	AMD	84-09-088	173-303-950	NEW	84-09-088
173-19-390	AMD	84-02-074	173-303-102	AMD	84-09-088	173-303-9901	AMD	84-09-088
173-19-3903	AMD-P	84-07-054	173-303-103	AMD-P	84-09-083	173-303-9903	AMD	84-09-088
173-19-3903	AMD-E	84-07-060	173-303-104	AMD-P	84-09-083	173-303-9904	AMD	84-09-088
173-19-3903	AMD	84-10-050	173-303-110	AMD-P	84-09-083	173-303-9905	AMD	84-09-088
173-19-3908	AMD	84-02-075	173-303-120	AMD-P	84-09-083	173-305-010	NEW	84-05-012
173-19-400	AMD-P	84-03-057	173-303-121	NEW	84-09-088	173-305-015	NEW	84-05-012
173-19-400	AMD	84-07-025	173-303-140	AMD	84-09-088	173-305-020	NEW	84-05-012
173-19-4203	AMD-P	84-04-078	173-303-141	AMD	84-09-088	173-305-030	NEW	84-05-012
173-19-4203	AMD-C	84-06-041	173-303-145	AMD	84-09-088	173-305-040	NEW	84-05-012
173-19-4203	AMD-P	84-07-059	173-303-160	AMD	84-09-088	173-305-050	NEW	84-05-012
173-19-4203	AMD	84-08-028	173-303-161	NEW	84-09-088	173-305-060	NEW	84-05-012
173-19-4203	AMD	84-10-051	173-303-170	AMD	84-09-088	173-305-070	NEW	84-05-012
173-19-450	AMD	84-06-043	173-303-180	AMD-P	84-09-083	173-305-080	NEW	84-05-012
173-19-4501	AMD-P	84-03-057	173-303-190	AMD	84-09-088	173-305-090	NEW	84-05-012
173-19-4501	AMD-W	84-04-074	173-303-200	AMD-P	84-09-083	173-330-010	NEW-P	84-10-061
173-19-4501	AMD-P	84-04-077	173-303-210	AMD	84-09-088	173-330-020	NEW-P	84-10-061
173-19-4501	AMD	84-08-029	173-303-220	AMD	84-09-088	173-330-030	NEW-P	84-10-061
173-19-4502	AMD-P	84-09-086	173-303-230	AMD	84-09-088	173-330-040	NEW-P	84-10-061
173-19-4704	AMD-P	84-04-079	173-303-240	AMD-P	84-09-083	173-330-050	NEW-P	84-10-061
173-19-4704	AMD	84-08-003	173-303-250	AMD	84-09-088	173-330-060	NEW-P	84-10-061
173-216-010	AMD-P	84-02-070	173-303-260	AMD	84-09-088	173-330-070	NEW-P	84-10-061
173-216-010	AMD	84-06-023	173-303-270	AMD	84-09-088	173-330-900	NEW-P	84-10-061

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-400-075	AMD-P	84-04-076	173-806-020	NEW-P	84-10-049	180-22-200	REP-W	84-08-058
173-400-075	AMD	84-10-019	173-806-030	NEW-P	84-10-049	180-22-250	REP-P	84-08-047
173-422-050	AMD-P	84-03-056	173-806-040	NEW-P	84-10-049	180-22-250	REP-W	84-08-058
173-422-050	AMD	84-09-087	173-806-045	NEW-P	84-10-049	180-22-250	REP-P	84-08-059
173-514-010	NEW	84-04-014	173-806-050	NEW-P	84-10-049	180-22-255	REP-P	84-08-047
173-514-020	NEW	84-04-014	173-806-060	NEW-P	84-10-049	180-22-255	REP-W	84-08-058
173-514-030	NEW	84-04-014	173-806-070	NEW-P	84-10-049	180-22-255	REP-P	84-08-059
173-514-040	NEW	84-04-014	173-806-080	NEW-P	84-10-049	180-22-260	REP-P	84-08-047
173-514-050	NEW	84-04-014	173-806-090	NEW-P	84-10-049	180-22-260	REP-W	84-08-058
173-514-060	NEW	84-04-014	173-806-100	NEW-P	84-10-049	180-22-260	REP-P	84-08-059
173-514-070	NEW	84-04-014	173-806-120	NEW-P	84-10-049	180-22-265	REP-P	84-08-047
173-514-080	NEW	84-04-014	173-806-125	NEW-P	84-10-049	180-22-265	REP-W	84-08-058
173-514-090	NEW	84-04-014	173-806-130	NEW-P	84-10-049	180-22-265	REP-P	84-08-059
173-549-010	AMD-P	84-07-056	173-806-140	NEW-P	84-10-049	180-22-270	REP-P	84-08-047
173-549-015	NEW-P	84-07-056	173-806-150	NEW-P	84-10-049	180-22-270	REP-W	84-08-058
173-549-020	AMD-P	84-07-056	173-806-160	NEW-P	84-10-049	180-22-270	REP-P	84-08-059
173-549-025	NEW-P	84-07-056	173-806-170	NEW-P	84-10-049	180-22-275	REP-P	84-08-047
173-549-027	NEW-P	84-07-056	173-806-180	NEW-P	84-10-049	180-22-275	REP-W	84-08-058
173-549-030	REP-P	84-07-056	173-806-190	NEW-P	84-10-049	180-22-275	REP-P	84-08-059
173-549-035	NEW-P	84-07-056	173-806-200	NEW-P	84-10-049	180-22-280	REP-P	84-08-047
173-549-040	REP-P	84-07-056	173-806-210	NEW-P	84-10-049	180-22-280	REP-W	84-08-058
173-549-050	REP-P	84-07-056	173-806-220	NEW-P	84-10-049	180-22-280	REP-P	84-08-059
173-549-060	AMD-P	84-07-056	174-104-010	AMD-C	84-04-017	180-22-285	REP-P	84-08-047
173-549-070	AMD-P	84-07-056	174-104-010	AMD-C	84-09-051	180-22-285	REP-W	84-08-058
173-549-080	NEW-P	84-07-056	174-109-010	NEW-P	84-08-064	180-22-285	REP-P	84-08-059
173-549-090	NEW-P	84-07-056	174-109-020	NEW-P	84-08-064	180-22-290	REP-P	84-08-047
173-549-100	NEW-P	84-07-056	174-109-030	NEW-P	84-08-064	180-22-290	REP-W	84-08-058
173-549-900	NEW-P	84-07-056	174-109-040	NEW-P	84-08-064	180-22-290	REP-P	84-08-059
173-801-010	REP-P	84-09-081	174-109-050	NEW-P	84-08-064	180-22-295	REP-P	84-08-047
173-801-020	REP-P	84-09-081	174-109-060	NEW-P	84-08-064	180-22-295	REP-W	84-08-058
173-801-030	REP-P	84-09-081	174-109-070	NEW-P	84-08-064	180-22-295	REP-P	84-08-059
173-801-040	REP-P	84-09-081	174-109-080	NEW-P	84-08-064	180-23-037	NEW-P	84-08-050
173-801-045	REP-P	84-09-081	174-109-090	NEW-P	84-08-064	180-23-040	NEW-P	84-08-050
173-801-050	REP-P	84-09-081	174-109-100	NEW-P	84-08-064	180-23-043	NEW-P	84-08-050
173-801-060	REP-P	84-09-081	174-109-200	NEW-P	84-08-064	180-23-047	NEW-P	84-08-050
173-801-070	REP-P	84-09-081	174-109-300	NEW-P	84-08-064	180-23-050	NEW-P	84-08-050
173-801-080	REP-P	84-09-081	174-109-400	NEW-P	84-08-064	180-23-055	NEW-P	84-08-050
173-801-090	REP-P	84-09-081	174-109-500	NEW-P	84-08-064	180-23-058	NEW-P	84-08-050
173-801-100	REP-P	84-09-081	174-116-011	AMD-P	84-10-047	180-23-060	NEW-P	84-08-050
173-801-110	REP-P	84-09-081	174-116-040	AMD-P	84-10-047	180-23-065	NEW-P	84-08-050
173-801-120	REP-P	84-09-081	174-116-044	AMD-P	84-10-047	180-23-070	NEW-P	84-08-050
173-801-130	REP-P	84-09-081	174-116-119	AMD-P	84-10-047	180-23-075	NEW-P	84-08-050
173-802-010	NEW-P	84-09-081	174-116-122	AMD-P	84-10-047	180-23-077	NEW-P	84-08-050
173-802-020	NEW-P	84-09-081	174-116-123	AMD-P	84-10-047	180-23-078	NEW-P	84-08-050
173-802-030	NEW-P	84-09-081	174-148-010	REP-P	84-08-064	180-23-080	NEW-P	84-08-050
173-802-040	NEW-P	84-09-081	174-148-015	REP-P	84-08-064	180-23-085	NEW-P	84-08-050
173-802-050	NEW-P	84-09-081	174-148-030	REP-P	84-08-064	180-23-090	NEW-P	84-08-050
173-802-060	NEW-P	84-09-081	174-148-040	REP-P	84-08-064	180-23-095	NEW-P	84-08-050
173-802-070	NEW-P	84-09-081	174-148-050	REP-P	84-08-064	180-23-100	NEW-P	84-08-050
173-802-080	NEW-P	84-09-081	174-148-060	REP-P	84-08-064	180-23-105	NEW-P	84-08-050
173-802-090	NEW-P	84-09-081	174-148-070	REP-P	84-08-064	180-23-110	NEW-P	84-08-050
173-802-100	NEW-P	84-09-081	174-148-080	REP-P	84-08-064	180-23-115	NEW-P	84-08-050
173-802-110	NEW-P	84-09-081	174-148-085	REP-P	84-08-064	180-23-120	NEW-P	84-08-050
173-802-120	NEW-P	84-09-081	174-148-090	REP-P	84-08-064	180-26-025	AMD-P	84-08-049
173-802-130	NEW-P	84-09-081	174-148-100	REP-P	84-08-064	180-27-035	AMD-P	84-08-048
173-802-140	NEW-P	84-09-081	174-148-110	REP-P	84-08-064	180-27-040	AMD-P	84-08-048
173-802-150	NEW-P	84-09-081	174-148-120	REP-P	84-08-064	180-27-053	NEW-P	84-08-048
173-802-190	NEW-P	84-09-081	180-16-002	NEW-P	84-08-051	180-27-054	NEW-P	84-08-048
173-805-010	REP-P	84-10-049	180-16-003	REP-P	84-08-051	180-27-060	AMD-P	84-08-048
173-805-020	REP-P	84-10-049	180-16-006	NEW-P	84-08-051	180-27-070	AMD-P	84-04-084
173-805-030	REP-P	84-10-049	180-16-191	AMD-P	84-08-051	180-27-070	AMD	84-07-036
173-805-040	REP-P	84-10-049	180-16-195	AMD-P	84-08-051	180-51-005	NEW-P	84-08-076
173-805-050	REP-P	84-10-049	180-16-200	AMD-P	84-08-051	180-51-010	NEW-P	84-08-076
173-805-060	REP-P	84-10-049	180-16-205	AMD-P	84-08-051	180-51-015	NEW-P	84-08-076
173-805-070	REP-P	84-10-049	180-16-210	AMD-P	84-08-051	180-51-020	NEW-P	84-08-076
173-805-080	REP-P	84-10-049	180-16-220	AMD-P	84-08-051	180-51-025	NEW-P	84-08-076
173-805-090	REP-P	84-10-049	180-16-225	AMD-P	84-08-051	180-51-030	NEW-P	84-08-076
173-805-100	REP-P	84-10-049	180-16-240	AMD-P	84-08-051	180-51-035	NEW-P	84-08-076
173-805-105	REP-P	84-10-049	180-22-100	NEW-P	84-08-047	180-51-040	NEW-P	84-08-076
173-805-110	REP-P	84-10-049	180-22-100	NEW-W	84-08-058	180-51-045	NEW-P	84-08-076
173-805-115	REP-P	84-10-049	180-22-105	NEW-P	84-08-047	180-51-050	NEW-P	84-08-076
173-805-120	REP-P	84-10-049	180-22-105	NEW-W	84-08-058	180-51-055	NEW-P	84-08-076
173-805-121	REP-P	84-10-049	180-22-140	NEW-P	84-08-047	180-51-060	NEW-P	84-08-076
173-805-130	REP-P	84-10-049	180-22-140	NEW-W	84-08-058	180-51-065	NEW-P	84-08-076
173-805-135	REP-P	84-10-049	180-22-150	AMD-P	84-08-047	180-51-070	NEW-P	84-08-076
173-805-140	REP-P	84-10-049	180-22-150	AMD-W	84-08-058	180-51-075	NEW-P	84-08-076
173-806-010	NEW-P	84-10-049	180-22-200	REP-P	84-08-047	180-51-080	NEW-P	84-08-076

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #	
180-51-085	NEW-P	84-08-076	192-23-800	NEW-P	84-10-022	
180-51-100	NEW-P	84-08-076	192-23-800	NEW-E	84-10-023	
180-51-105	NEW-P	84-08-076	192-23-810	NEW-P	84-10-022	
180-51-110	NEW-P	84-08-076	192-23-810	NEW-E	84-10-023	
180-51-115	NEW-P	84-08-076	192-23-820	NEW-P	84-10-022	
180-55-010	AMD-P	84-08-075	192-23-820	NEW-E	84-10-023	
180-55-015	AMD-P	84-08-075	192-23-900	NEW-P	84-10-022	
180-55-020	AMD-P	84-08-075	192-23-900	NEW-E	84-10-023	
180-55-050	AMD-P	84-08-075	192-24-001	NEW-P	84-10-022	
182-08-140	REP-E	84-04-063	192-24-010	NEW-P	84-10-022	
182-08-140	REP-P	84-05-029	192-24-020	NEW-P	84-10-022	
182-08-140	REP	84-09-043	192-24-030	NEW-P	84-10-022	
182-08-140	REP-E	84-09-060	196-08-085	AMD	84-04-027	
182-08-150	REP-E	84-04-063	196-12-010	AMD	84-04-027	
182-08-150	REP-P	84-05-029	196-12-020	AMD	84-04-027	
182-08-150	REP	84-09-043	196-12-030	AMD	84-04-027	
182-08-150	REP-E	84-09-060	196-12-050	AMD	84-04-027	
182-08-195	NEW-E	84-04-063	196-12-060	AMD	84-04-027	
182-08-195	NEW-P	84-05-029	196-12-085	AMD	84-04-027	
182-08-195	NEW	84-09-043	196-16-007	AMD	84-04-027	
182-08-195	NEW-E	84-09-060	196-16-010	AMD	84-04-027	
182-12-125	AMD-E	84-04-063	196-16-020	AMD	84-04-027	
182-12-125	AMD-P	84-05-029	196-16-031	AMD	84-04-027	
182-12-125	AMD	84-09-043	196-20-010	AMD	84-04-027	
182-12-125	REP-E	84-09-044	196-20-030	AMD	84-04-027	
182-12-125	REP-P	84-10-020	196-24-030	AMD	84-04-027	
192-12-131	NEW	84-02-061	196-24-040	AMD	84-04-027	
192-12-131	REP-E	84-09-033	196-24-050	AMD	84-04-027	
192-12-131	REP-P	84-09-034	196-24-080	AMD	84-04-027	
192-12-132	NEW	84-02-061	196-27-010	NEW	84-04-027	
192-12-132	REP-E	84-09-033	196-27-020	NEW	84-04-027	
192-12-132	REP-P	84-09-034	197-10-010	REP	84-05-021	
192-12-134	NEW	84-02-061	197-10-020	REP	84-05-021	
192-12-151	NEW-E	84-09-033	197-10-025	REP	84-05-021	
192-12-151	NEW-P	84-09-034	197-10-030	REP	84-05-021	
192-23-001	NEW-P	84-10-022	197-10-040	REP	84-05-021	
192-23-001	NEW-E	84-10-023	197-10-050	REP	84-05-021	
192-23-002	NEW-P	84-10-022	197-10-055	REP	84-05-021	
192-23-002	NEW-E	84-10-023	197-10-060	REP	84-05-021	
192-23-011	NEW-P	84-10-022	197-10-100	REP	84-05-021	
192-23-011	NEW-E	84-10-023	197-10-150	REP	84-05-021	
192-23-012	NEW-P	84-10-022	197-10-160	REP	84-05-021	
192-23-012	NEW-E	84-10-023	197-10-170	REP	84-05-021	
192-23-013	NEW-P	84-10-022	197-10-175	REP	84-05-021	
192-23-013	NEW-E	84-10-023	197-10-177	REP	84-05-021	
192-23-014	NEW-P	84-10-022	197-10-180	REP	84-05-021	
192-23-014	NEW-E	84-10-023	197-10-190	REP	84-05-021	
192-23-015	NEW-P	84-10-022	197-10-200	REP	84-05-021	
192-23-015	NEW-E	84-10-023	197-10-203	REP	84-05-021	
192-23-016	NEW-P	84-10-022	197-10-205	REP	84-05-021	
192-23-016	NEW-E	84-10-023	197-10-210	REP	84-05-021	
192-23-017	NEW-P	84-10-022	197-10-215	REP	84-05-021	
192-23-017	NEW-E	84-10-023	197-10-220	REP	84-05-021	
192-23-051	NEW-P	84-10-022	197-10-225	REP	84-05-021	
192-23-051	NEW-E	84-10-023	197-10-230	REP	84-05-021	
192-23-052	NEW-P	84-10-022	197-10-235	REP	84-05-021	
192-23-052	NEW-E	84-10-023	197-10-240	REP	84-05-021	
192-23-061	NEW-P	84-10-022	197-10-245	REP	84-05-021	
192-23-061	NEW-E	84-10-023	197-10-260	REP	84-05-021	
192-23-071	NEW-P	84-10-022	197-10-270	REP	84-05-021	
192-23-071	NEW-E	84-10-023	197-10-300	REP	84-05-021	
192-23-081	NEW-P	84-10-022	197-10-305	REP	84-05-021	
192-23-081	NEW-E	84-10-023	197-10-310	REP	84-05-021	
192-23-082	NEW-P	84-10-022	197-10-320	REP	84-05-021	
192-23-082	NEW-E	84-10-023	197-10-330	REP	84-05-021	
192-23-091	NEW-P	84-10-022	197-10-340	REP	84-05-021	
192-23-091	NEW-E	84-10-023	197-10-345	REP	84-05-021	
192-23-096	NEW-P	84-10-022	197-10-350	REP	84-05-021	
192-23-096	NEW-E	84-10-023	197-10-355	REP	84-05-021	
192-23-113	NEW-P	84-10-022	197-10-360	REP	84-05-021	
192-23-113	NEW-E	84-10-023	197-10-365	REP	84-05-021	
192-23-301	NEW-P	84-10-022	197-10-370	REP	84-05-021	
192-23-301	NEW-E	84-10-023	197-10-375	REP	84-05-021	
192-23-320	NEW-P	84-10-022	197-10-380	REP	84-05-021	
192-23-320	NEW-E	84-10-023	197-10-390	REP	84-05-021	
192-23-350	NEW-P	84-10-022	197-10-400	REP	84-05-021	
192-23-350	NEW-E	84-10-023	197-10-405	REP	84-05-021	
				197-10-410	REP	84-05-021
				197-10-420	REP	84-05-021
				197-10-425	REP	84-05-021
				197-10-440	REP	84-05-021
				197-10-442	REP	84-05-021
				197-10-444	REP	84-05-021
				197-10-446	REP	84-05-021
				197-10-450	REP	84-05-021
				197-10-455	REP	84-05-021
				197-10-460	REP	84-05-021
				197-10-465	REP	84-05-021
				197-10-470	REP	84-05-021
				197-10-480	REP	84-05-021
				197-10-485	REP	84-05-021
				197-10-490	REP	84-05-021
				197-10-495	REP	84-05-021
				197-10-500	REP	84-05-021
				197-10-510	REP	84-05-021
				197-10-520	REP	84-05-021
				197-10-530	REP	84-05-021
				197-10-535	REP	84-05-021
				197-10-540	REP	84-05-021
				197-10-545	REP	84-05-021
				197-10-550	REP	84-05-021
				197-10-570	REP	84-05-021
				197-10-580	REP	84-05-021
				197-10-600	REP	84-05-021
				197-10-650	REP	84-05-021
				197-10-652	REP	84-05-021
				197-10-660	REP	84-05-021
				197-10-690	REP	84-05-021
				197-10-695	REP	84-05-021
				197-10-700	REP	84-05-021
				197-10-710	REP	84-05-021
				197-10-800	REP	84-05-021
				197-10-805	REP	84-05-021
				197-10-810	REP	84-05-021
				197-10-820	REP	84-05-021
				197-10-825	REP	84-05-021
				197-10-831	REP	84-05-021
				197-10-840	REP	84-05-021
				197-10-860	REP	84-05-021
				197-10-900	REP	84-05-021
				197-10-910	REP	84-05-021
				197-11-010	NEW	84-05-020
				197-11-020	NEW	84-05-020
				197-11-030	NEW	84-05-020
				197-11-040	NEW	84-05-020
				197-11-050	NEW	84-05-020
				197-11-055	NEW	84-05-020
				197-11-060	NEW	84-05-020
				197-11-070	NEW	84-05-020
				197-11-080	NEW	84-05-020
				197-11-090	NEW	84-05-020
				197-11-100	NEW	84-05-020
				197-11-300	NEW	84-05-020
				197-11-305	NEW	84-05-020
				197-11-310	NEW	84-05-020
				197-11-315	NEW	84-05-020
				197-11-330	NEW	84-05-020
				197-11-335	NEW	84-05-020
				197-11-340	NEW	84-05-020
				197-11-350	NEW	84-05-020
				197-11-360	NEW	84-05-020
				197-11-390	NEW	84-05-020
				197-11-400	NEW	84-05-020
				197-11-402	NEW	84-05-020
				197-11-405	NEW	84-05-020
				197-11-406	NEW	84-05-020
				197-11-408	NEW	84-05-020
				197-11-410	NEW	84-05-020
				197-11-420	NEW	84-05-020
				197-11-425	NEW	84-05-020
				197-11-430	NEW	84-05-020
				197-11-435	NEW	84-05-020
				197-11-440	NEW	84-05-020
				197-11-442	NEW	84-05-020

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
220-47-267	REP-P 84-08-065	220-55-120	AMD-P 84-03-059	220-57-230	AMD 84-09-026
220-47-268	REP-P 84-08-065	220-55-120	AMD 84-05-046	220-57-270	AMD-P 84-03-060
220-47-307	AMD-P 84-08-065	220-55-130	AMD-P 84-03-059	220-57-270	AMD 84-09-026
220-47-311	AMD-P 84-08-065	220-55-130	AMD 84-05-046	220-57-280	AMD-P 84-03-060
220-47-312	AMD-P 84-08-065	220-56-105	AMD-P 84-03-060	220-57-280	AMD 84-09-026
220-47-313	AMD-P 84-08-065	220-56-105	AMD 84-09-026	220-57-285	AMD-P 84-03-060
220-47-314	REP-P 84-08-065	220-56-115	AMD-P 84-03-060	220-57-285	AMD 84-09-026
220-47-319	AMD-P 84-08-065	220-56-115	AMD 84-09-026	220-57-295	AMD-P 84-03-060
220-47-411	AMD-P 84-08-065	220-56-11500C	NEW-E 84-08-005	220-57-295	AMD 84-09-026
220-47-412	AMD-P 84-08-065	220-56-11600A	NEW-E 84-10-041	220-57-300	AMD-P 84-03-060
220-47-413	AMD-P 84-08-065	220-56-125	AMD-P 84-03-060	220-57-300	AMD 84-09-026
220-47-414	AMD-P 84-08-065	220-56-125	AMD 84-09-026	220-57-319	AMD-P 84-03-060
220-47-50101	AMD-P 84-08-065	220-56-12500A	NEW-E 84-08-005	220-57-319	AMD 84-09-026
220-47-50201	AMD-P 84-08-065	220-56-12800B	NEW-E 84-09-028	220-57-31900A	NEW-E 84-08-005
220-47-503	AMD-P 84-08-065	220-56-132	NEW-P 84-03-060	220-57-335	AMD-P 84-03-060
220-48-011	AMD-P 84-04-091	220-56-132	NEW 84-09-026	220-57-335	AMD 84-09-026
220-48-011	AMD 84-08-014	220-56-13200A	NEW-E 84-08-005	220-57-340	AMD-P 84-03-060
220-48-015	AMD-P 84-04-091	220-56-180	AMD-P 84-03-060	220-57-340	AMD 84-09-026
220-48-015	AMD 84-08-014	220-56-180	AMD 84-09-026	220-57-365	AMD-P 84-03-060
220-48-01500G	REP-E 84-05-025	220-56-18000L	NEW-E 84-07-029	220-57-365	AMD 84-09-026
220-48-01500H	NEW-E 84-05-025	220-56-18000M	NEW-E 84-08-005	220-57-385	AMD-P 84-03-060
220-48-01500H	REP-E 84-06-007	220-56-190	AMD-P 84-03-060	220-57-385	AMD 84-09-026
220-48-01500I	NEW-E 84-06-007	220-56-190	AMD 84-09-026	220-57-430	AMD-P 84-03-060
220-48-01500I	REP-E 84-07-002	220-56-19000D	NEW-E 84-10-041	220-57-430	AMD 84-09-026
220-48-01500J	NEW-E 84-07-002	220-56-196	AMD-P 84-03-060	220-57-440	AMD-P 84-03-060
220-48-01500J	REP-E 84-08-004	220-56-196	AMD 84-09-026	220-57-440	AMD 84-09-026
220-48-01500K	NEW-E 84-08-004	220-56-198	AMD-P 84-03-060	220-57-460	AMD-P 84-03-060
220-48-017	AMD-P 84-04-091	220-56-198	AMD 84-09-026	220-57-460	AMD 84-09-026
220-48-017	AMD 84-08-014	220-56-201	NEW-P 84-03-060	220-57-473	AMD-P 84-03-060
220-48-029	AMD-P 84-04-091	220-56-201	NEW 84-09-026	220-57-473	AMD 84-09-026
220-48-029	AMD 84-08-014	220-56-20100A	NEW-E 84-08-005	220-57-510	AMD-P 84-03-060
220-48-031	AMD-P 84-04-091	220-56-235	AMD-P 84-03-060	220-57-510	AMD 84-09-026
220-48-031	AMD 84-08-014	220-56-235	AMD 84-09-026	220-57-520	AMD-P 84-03-060
220-48-071	AMD-P 84-04-091	220-56-23500B	NEW-E 84-08-005	220-57-520	AMD 84-09-026
220-48-071	AMD 84-08-014	220-56-240	AMD-P 84-03-060	220-57-525	AMD-P 84-03-060
220-49-020	AMD-P 84-04-091	220-56-240	AMD 84-09-026	220-57-525	AMD 84-09-026
220-49-020	AMD 84-08-014	220-56-24000A	NEW-E 84-08-005	220-57A-00100A	NEW-E 84-08-005
220-49-02000Q	NEW-E 84-09-078	220-56-250	AMD-P 84-03-060	220-57A-010	AMD-P 84-03-060
220-52-001	NEW-P 84-04-091	220-56-250	AMD 84-09-026	220-57A-010	AMD 84-09-026
220-52-001	NEW 84-08-014	220-56-25000D	NEW-E 84-08-005	220-57A-01200A	NEW-E 84-09-028
220-52-010	AMD-P 84-04-091	220-56-295	AMD-P 84-03-060	220-57A-037	NEW-P 84-03-060
220-52-010	AMD 84-08-014	220-56-295	AMD 84-09-026	220-57A-037	NEW 84-09-026
220-52-015	REP-P 84-04-091	220-56-29500A	NEW-E 84-08-005	220-57A-040	AMD-P 84-03-060
220-52-015	REP 84-08-014	220-56-310	AMD-P 84-03-060	220-57A-040	AMD 84-09-026
220-52-018	AMD-P 84-04-091	220-56-310	AMD 84-09-026	220-57A-065	AMD-P 84-03-060
220-52-018	AMD 84-08-014	220-56-31000E	NEW-E 84-08-005	220-57A-065	AMD 84-09-026
220-52-019	AMD-P 84-04-091	220-56-320	AMD-P 84-03-060	220-57A-080	AMD-P 84-03-060
220-52-019	AMD 84-08-014	220-56-320	AMD 84-09-026	220-57A-080	AMD 84-09-026
220-52-01901	AMD-P 84-04-091	220-56-325	AMD-P 84-03-060	220-57A-082	AMD-P 84-03-060
220-52-01901	AMD 84-08-014	220-56-325	AMD 84-09-026	220-57A-082	AMD 84-09-026
220-52-020	AMD-P 84-04-091	220-56-330	AMD-P 84-03-060	220-57A-112	AMD-P 84-03-060
220-52-020	AMD 84-08-014	220-56-330	AMD 84-09-026	220-57A-112	AMD 84-09-026
220-52-030	AMD-P 84-04-091	220-56-33000B	NEW-E 84-08-005	220-57A-120	AMD-P 84-03-060
220-52-030	AMD 84-08-014	220-56-380	AMD-P 84-03-060	220-57A-120	AMD 84-09-026
220-52-03000B	NEW-E 84-07-023	220-56-380	AMD 84-09-026	220-57A-152	AMD-P 84-03-060
220-52-040	AMD-P 84-04-091	220-56-38000A	NEW-E 84-08-005	220-57A-152	AMD 84-09-026
220-52-040	AMD 84-08-014	220-57-120	AMD-P 84-03-060	220-57A-185	AMD-P 84-03-060
220-52-043	AMD-P 84-04-091	220-57-120	AMD 84-09-026	220-57A-185	AMD 84-09-026
220-52-043	AMD 84-08-014	220-57-130	AMD-P 84-03-060	220-57A-190	AMD-P 84-03-060
220-52-046	AMD-P 84-04-091	220-57-130	AMD 84-09-026	220-57A-190	AMD 84-09-026
220-52-046	AMD 84-08-014	220-57-135	AMD-P 84-03-060	220-69-230	AMD-P 84-04-091
220-52-050	AMD-P 84-04-091	220-57-135	AMD 84-09-026	220-69-230	AMD 84-08-014
220-52-050	AMD 84-08-014	220-57-140	AMD-P 84-05-042	220-69-237	AMD-P 84-03-060
220-52-053	AMD-P 84-04-091	220-57-140	AMD 84-08-024	220-69-237	AMD 84-09-026
220-52-053	AMD 84-08-014	220-57-150	AMD-P 84-03-060	220-69-247	NEW-P 84-03-060
220-52-063	AMD-P 84-04-091	220-57-150	AMD 84-09-026	220-69-247	NEW 84-09-026
220-52-063	AMD 84-08-014	220-57-155	AMD-P 84-03-060	220-69-24700A	NEW-E 84-08-005
220-52-066	AMD-P 84-04-091	220-57-155	AMD 84-09-026	220-69-250	AMD-P 84-04-091
220-52-066	AMD 84-08-014	220-57-160	AMD-P 84-03-060	220-69-250	AMD 84-08-014
220-52-06600D	NEW-E 84-04-044	220-57-160	AMD 84-09-026	220-69-25000A	NEW-E 84-08-007
220-52-06600E	NEW-E 84-10-010	220-57-16000D	NEW-E 84-07-022	220-74-022	AMD-P 84-03-059
220-52-069	AMD-P 84-04-091	220-57-175	AMD-P 84-03-060	220-74-022	AMD 84-05-046
220-52-069	AMD 84-08-014	220-57-175	AMD 84-09-026	220-76-010	AMD-P 84-03-059
220-52-075	AMD-P 84-04-091	220-57-17500M	NEW-E 84-08-005	220-76-010	AMD 84-05-046
220-52-075	AMD 84-08-014	220-57-200	AMD-P 84-03-060	220-85-015	AMD-P 84-03-059
220-52-07500H	NEW-E 84-04-044	220-57-200	AMD 84-09-026	220-85-015	AMD 84-05-046
220-52-07500I	NEW-E 84-10-010	220-57-230	AMD-P 84-03-060	220-85-050	AMD-P 84-03-059

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-85-050	AMD	84-05-046	232-12-157	AMD	84-03-021	251-10-045	AMD-E	84-04-071
220-85-070	AMD-P	84-03-059	232-14-010	AMD	84-05-003	251-10-045	AMD	84-08-032
220-85-070	AMD	84-05-046	232-28-207	REP-P	84-08-073	251-10-055	AMD-P	84-04-070
220-85-110	AMD-P	84-03-059	232-28-208	NEW-P	84-08-073	251-10-055	AMD-E	84-04-071
220-85-110	AMD	84-05-046	232-28-50601	NEW-E	84-05-061	251-10-055	AMD	84-08-032
220-95-021	AMD-P	84-03-059	232-28-60601	NEW-E	84-02-062	251-10-112	NEW-P	84-06-065
220-95-021	AMD	84-05-046	232-28-60602	NEW-E	84-04-001	251-10-112	NEW-C	84-10-055
220-95-026	AMD-P	84-03-059	232-28-60603	NEW-E	84-04-002	251-10-140	AMD-P	84-09-068
220-95-026	AMD	84-05-046	232-28-60604	NEW-E	84-05-002	251-10-140	AMD-E	84-10-018
220-110-010	AMD	84-04-047	232-28-60605	NEW-E	84-06-005	251-18-010	AMD-P	84-06-065
220-110-020	AMD	84-04-047	232-28-60606	NEW-E	84-07-031	251-18-010	AMD	84-10-056
220-110-030	AMD	84-04-047	232-28-60607	NEW-E	84-07-031	251-18-011	NEW-P	84-06-065
220-110-110	AMD	84-04-047	232-28-60701	NEW-P	84-08-069	251-18-011	NEW	84-10-056
220-110-190	AMD	84-04-047	232-28-61101	NEW-P	84-08-071	251-18-012	NEW-P	84-06-065
220-110-250	AMD	84-04-047	232-28-61301	NEW-P	84-08-070	251-18-012	NEW	84-10-056
220-110-260	AMD	84-04-047	232-28-705	REP	84-05-060	251-18-015	NEW-P	84-06-065
220-110-300	AMD	84-04-047	232-28-706	NEW	84-05-060	251-18-015	NEW	84-10-056
220-110-340	AMD	84-04-047	232-28-805	REP-P	84-05-059	251-18-020	AMD-P	84-06-065
220-110-350	AMD	84-04-047	232-28-806	NEW-P	84-05-059	251-18-020	AMD	84-10-056
230-04-065	AMD-P	84-09-064	232-32-155	NEW-E	84-02-063	251-18-025	REP-P	84-06-065
230-04-065	AMD-C	84-10-006	232-32-157	NEW-E	84-02-065	251-18-025	REP-C	84-10-055
230-04-125	AMD-P	84-09-064	232-32-158	NEW-E	84-03-023	251-18-030	REP-P	84-06-065
230-04-125	AMD-C	84-10-006	232-32-159	NEW-E	84-03-029	251-18-030	REP-C	84-10-055
230-04-193	AMD-P	84-09-064	232-32-160	NEW-E	84-03-022	251-18-050	AMD-P	84-06-065
230-04-193	AMD-C	84-10-006	232-32-161	NEW-E	84-03-030	251-18-050	AMD	84-10-056
230-04-197	AMD-P	84-09-064	232-32-162	NEW-E	84-03-031	251-18-060	AMD-P	84-06-065
230-04-197	AMD-C	84-10-006	232-32-163	NEW-E	84-05-001	251-18-060	AMD-C	84-10-055
230-04-201	AMD-P	84-09-064	232-32-164	NEW-E	84-07-044	251-18-070	AMD-P	84-06-065
230-04-201	AMD-C	84-10-006	232-32-165	NEW-E	84-09-004	251-18-070	AMD	84-10-056
230-04-290	AMD-P	84-09-064	236-47-001	NEW-P	84-07-024	251-18-080	REP-P	84-06-065
230-04-290	AMD-C	84-10-006	236-47-002	NEW-P	84-07-024	251-18-080	REP	84-10-056
230-04-300	AMD-P	84-09-064	236-47-003	NEW-P	84-07-024	251-18-100	REP-P	84-06-065
230-04-300	AMD-C	84-10-006	236-47-004	NEW-P	84-07-024	251-18-100	REP	84-10-056
230-04-310	AMD-P	84-09-064	236-47-005	NEW-P	84-07-024	251-18-110	AMD-P	84-06-065
230-04-310	AMD-C	84-10-006	236-47-006	NEW-P	84-07-024	251-18-110	AMD	84-10-056
230-04-320	AMD-P	84-09-064	236-47-007	NEW-P	84-07-024	251-18-115	REP-P	84-06-065
230-04-320	AMD-C	84-10-006	236-47-008	NEW-P	84-07-024	251-18-115	REP	84-10-056
230-04-325	AMD-P	84-09-064	236-47-009	NEW-P	84-07-024	251-18-120	AMD-P	84-06-065
230-04-325	AMD-C	84-10-006	236-47-010	NEW-P	84-07-024	251-18-120	AMD	84-10-056
230-04-340	AMD-P	84-09-064	236-47-011	NEW-P	84-07-024	251-18-130	AMD-P	84-06-065
230-04-340	AMD-C	84-10-006	236-47-012	NEW-P	84-07-024	251-18-130	AMD-C	84-10-055
230-04-350	AMD-P	84-09-064	236-47-013	NEW-P	84-07-024	251-18-140	AMD-P	84-06-065
230-04-350	AMD-C	84-10-006	236-47-014	NEW-P	84-07-024	251-18-140	AMD	84-10-056
230-08-170	AMD-P	84-10-040	236-47-015	NEW-P	84-07-024	251-18-145	NEW-P	84-06-065
230-25-030	AMD-P	84-09-064	236-47-016	NEW-P	84-07-024	251-18-145	NEW	84-10-056
230-25-030	AMD-C	84-10-006	236-47-017	NEW-P	84-07-024	251-18-150	REP-P	84-06-065
230-25-065	NEW-P	84-09-064	248-19-220	AMD-P	84-04-026	251-18-150	REP	84-10-056
230-25-065	NEW-C	84-10-006	248-19-220	AMD-E	84-04-057	251-18-155	REP-P	84-06-065
230-25-200	AMD-P	84-09-064	248-19-220	AMD	84-07-014	251-18-155	REP	84-10-056
230-25-200	AMD-C	84-10-006	248-19-230	AMD-P	84-04-026	251-18-160	AMD-P	84-06-065
230-25-260	AMD-P	84-09-064	248-19-230	AMD-E	84-04-057	251-18-160	AMD	84-10-056
230-25-260	AMD-C	84-10-006	248-19-230	AMD	84-07-014	251-18-170	REP-P	84-06-065
230-30-015	AMD-P	84-09-064	248-84-002	AMD-P	84-10-044	251-18-170	REP	84-10-056
230-30-015	AMD-C	84-10-006	248-84-030	AMD-P	84-10-044	251-18-175	REP-P	84-06-065
230-30-016	AMD-P	84-09-064	248-84-035	AMD-P	84-10-044	251-18-175	REP	84-10-056
230-30-016	AMD-C	84-10-006	248-84-062	NEW-P	84-10-044	251-18-180	AMD-P	84-04-070
230-30-018	AMD-P	84-10-040	250-18-060	AMD-E	84-10-027	251-18-180	AMD-E	84-04-071
230-30-030	AMD-P	84-09-064	250-18-060	AMD-P	84-10-043	251-18-180	AMD-P	84-06-065
230-30-030	AMD-C	84-10-006	250-44-050	AMD-P	84-10-048	251-18-180	AMD	84-08-032
230-30-060	AMD-P	84-09-064	250-44-060	AMD-P	84-10-048	251-18-180	AMD	84-10-056
230-30-060	AMD-C	84-10-006	250-44-070	AMD-P	84-10-048	251-18-181	REP-P	84-06-065
230-30-103	AMD-P	84-09-064	250-44-080	AMD-P	84-10-048	251-18-181	REP	84-10-056
230-30-103	AMD-C	84-10-006	250-44-090	AMD-P	84-10-048	251-18-190	AMD-P	84-06-065
230-30-103	AMD-P	84-10-040	250-44-110	AMD-P	84-10-048	251-18-190	AMD	84-10-056
230-40-331	AMD-P	84-09-064	250-44-130	AMD-P	84-10-048	251-18-200	AMD-P	84-06-065
230-40-331	AMD-C	84-10-006	251-04-020	AMD-P	84-02-067	251-18-200	AMD	84-10-056
230-42-010	REP-P	84-09-064	251-04-020	AMD-P	84-04-070	251-18-230	REP-P	84-06-065
230-42-010	REP-C	84-10-006	251-04-020	AMD-E	84-04-071	251-18-230	REP	84-10-056
232-12-025	NEW	84-04-015	251-04-020	AMD-C	84-06-004	251-18-240	AMD-P	84-06-065
232-12-04502	NEW-E	84-02-064	251-04-020	AMD	84-06-035	251-18-240	AMD	84-10-056
232-12-047	AMD-P	84-08-072	251-04-020	AMD-P	84-06-065	251-18-260	AMD-P	84-06-065
232-12-064	AMD-P	84-05-057	251-04-020	AMD	84-10-058	251-18-260	AMD	84-10-056
232-12-064	AMD	84-09-052	251-04-040	AMD-P	84-02-067	251-18-265	AMD-P	84-06-065
232-12-066	NEW-P	84-05-058	251-04-040	AMD-C	84-06-004	251-18-265	AMD	84-10-056
232-12-066	NEW	84-09-053	251-04-050	AMD-P	84-09-068	251-18-270	AMD-P	84-06-065
232-12-084	REP-P	84-08-068	251-09-040	AMD-P	84-09-068	251-18-270	AMD	84-10-056
232-12-085	NEW-P	84-08-068	251-10-045	AMD-P	84-04-070	251-18-315	NEW-P	84-02-067

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
251-18-315	NEW-C	84-06-004	275-33-010	NEW-E	84-06-016	296-17-35101	NEW	84-06-018
251-18-320	AMD-P	84-04-070	275-33-010	NEW-P	84-06-025	296-17-765	AMD-P	84-09-035
251-18-320	AMD-E	84-04-071	275-33-010	NEW	84-10-032	296-17-765	AMD-E	84-09-036
251-18-320	AMD	84-08-032	275-33-020	NEW-E	84-06-016	296-17-779	NEW-P	84-08-077
251-18-330	AMD-P	84-02-067	275-33-020	NEW-P	84-06-025	296-17-895	AMD-P	84-09-035
251-18-330	AMD-P	84-04-070	275-33-020	NEW	84-10-032	296-17-895	AMD-E	84-09-036
251-18-330	AMD-E	84-04-071	275-33-030	NEW-E	84-06-016	296-17-905	AMD-P	84-02-060
251-18-330	AMD	84-08-032	275-33-030	NEW-P	84-06-025	296-17-905	AMD	84-06-024
251-18-340	AMD-P	84-04-070	275-33-030	NEW	84-10-032	296-17-910	AMD-P	84-02-060
251-18-340	AMD-E	84-04-071	275-33-040	NEW-E	84-06-016	296-17-910	AMD	84-06-024
251-18-340	AMD	84-08-032	275-33-040	NEW-P	84-06-025	296-17-911	AMD-P	84-02-060
251-18-350	AMD-P	84-02-067	275-33-040	NEW	84-10-032	296-17-911	AMD	84-06-024
251-18-350	AMD-C	84-06-004	275-33-050	NEW-E	84-06-016	296-17-913	AMD-P	84-02-060
251-18-355	NEW-P	84-02-067	275-33-050	NEW-P	84-06-025	296-17-913	AMD	84-06-024
251-18-355	NEW-C	84-06-004	275-33-050	NEW	84-10-032	296-17-914	AMD-P	84-02-060
251-18-361	NEW-P	84-02-067	275-33-060	NEW-E	84-06-016	296-17-914	AMD	84-06-024
251-18-361	NEW-C	84-06-004	275-33-060	NEW-P	84-06-025	296-17-916	AMD-P	84-02-060
251-22-070	AMD-P	84-04-070	275-33-060	NEW	84-10-032	296-17-916	AMD	84-06-024
251-22-070	AMD-E	84-04-071	275-38-600	AMD-P	84-05-056	296-17-917	AMD-P	84-02-060
251-22-070	AMD	84-08-032	275-38-600	AMD	84-09-018	296-17-917	AMD	84-06-024
251-22-090	AMD-P	84-09-068	275-38-730	AMD-P	84-04-056	296-17-918	NEW-P	84-02-060
251-22-090	AMD-E	84-10-018	275-38-730	AMD	84-09-032	296-17-918	NEW	84-06-018
251-22-091	REP-P	84-09-068	275-55-020	AMD	84-03-035	296-17-919	AMD-P	84-02-060
251-22-091	REP-E	84-10-018	275-55-161	AMD	84-03-035	296-17-919	AMD	84-06-024
251-22-200	AMD-P	84-09-068	275-55-263	AMD	84-03-035	296-17-91901	AMD-P	84-02-060
260-70-010	AMD-P	84-04-061	275-55-271	AMD	84-03-035	296-17-91901	AMD	84-06-024
260-70-010	AMD	84-06-061	275-55-281	AMD	84-03-035	296-17-91902	AMD-P	84-02-060
260-70-021	AMD-P	84-04-061	275-55-291	AMD	84-03-035	296-17-91902	AMD	84-06-024
260-70-021	AMD	84-06-061	275-55-293	AMD	84-03-035	296-19-010	REP-P	84-02-059
260-70-025	NEW-P	84-04-061	275-55-297	AMD	84-03-035	296-19-010	REP	84-06-018
260-70-025	NEW	84-06-061	275-55-301	AMD	84-03-035	296-24-073	AMD-E	84-10-016
260-70-026	NEW-P	84-04-061	275-55-331	AMD	84-03-035	296-46-110	AMD-P	84-07-010
260-70-026	NEW	84-06-061	275-55-371	AMD	84-03-035	296-46-110	AMD-E	84-08-006
260-70-027	NEW-P	84-04-061	275-60-010	NEW-P	84-10-009	296-46-120	REP-P	84-07-010
260-70-027	NEW	84-06-061	275-60-020	NEW-P	84-10-009	296-46-130	AMD-P	84-07-010
260-70-028	NEW-P	84-04-061	275-60-030	NEW-P	84-10-009	296-46-140	AMD-P	84-07-010
260-70-028	NEW	84-06-061	275-60-040	NEW-P	84-10-009	296-46-150	AMD-P	84-07-010
260-70-029	NEW-P	84-04-061	275-60-050	NEW-P	84-10-009	296-46-160	AMD-P	84-07-010
260-70-029	NEW	84-06-061	275-60-060	NEW-P	84-10-009	296-46-170	REP-P	84-07-010
260-70-031	NEW-P	84-04-061	275-60-070	NEW-P	84-10-009	296-46-180	AMD-P	84-07-010
260-70-031	NEW	84-06-061	275-60-200	NEW-P	84-10-009	296-46-190	REP-P	84-07-010
260-70-032	NEW-P	84-04-061	275-60-300	NEW-P	84-10-009	296-46-200	AMD-P	84-07-010
260-70-032	NEW	84-06-061	275-60-400	NEW-P	84-10-009	296-46-210	REP-P	84-07-010
260-70-090	AMD-P	84-04-061	275-60-500	NEW-P	84-10-009	296-46-220	AMD-P	84-07-010
260-70-090	AMD	84-06-061	275-60-510	NEW-P	84-10-009	296-46-230	REP-P	84-07-010
260-70-100	AMD-P	84-04-061	275-60-520	NEW-P	84-10-009	296-46-240	AMD-P	84-07-010
260-70-100	AMD	84-06-061	284-44-020	REP-P	84-04-032	296-46-242	REP-P	84-07-010
261-20	AMD-P	84-09-021	284-44-020	REP	84-08-001	296-46-244	REP-P	84-07-010
261-20	AMD-C	84-10-013	284-44-400	NEW-P	84-04-032	296-46-270	REP-P	84-07-010
262-01-010	NEW	84-04-042	284-44-400	NEW	84-08-001	296-46-280	REP-P	84-07-010
262-01-020	NEW	84-04-042	284-44-410	NEW-P	84-04-032	296-46-290	REP-P	84-07-010
262-01-030	NEW	84-04-042	284-44-410	NEW	84-08-001	296-46-300	REP-P	84-07-010
262-01-040	NEW	84-04-042	284-46-010	NEW-P	84-04-033	296-46-335	REP-P	84-07-010
262-01-050	NEW	84-04-042	284-46-010	NEW	84-08-002	296-46-336	NEW-P	84-07-010
263-12-115	AMD-C	84-04-025	284-46-020	NEW-P	84-04-033	296-46-350	AMD-P	84-07-010
263-12-115	AMD-C	84-04-058	284-46-020	NEW	84-08-002	296-46-355	REP-P	84-07-010
263-12-115	AMD-E	84-04-059	289-02-020	AMD-P	84-09-065	296-46-360	AMD-P	84-07-010
263-12-115	AMD	84-08-036	289-15-130	AMD-P	84-09-066	296-46-370	AMD-P	84-07-010
275-27-500	AMD-P	84-08-015	289-15-225	AMD-P	84-09-067	296-46-380	REP-P	84-07-010
275-27-800	NEW-P	84-04-009	289-15-230	AMD-P	84-09-066	296-46-390	REP-P	84-07-010
275-27-800	NEW-E	84-04-010	289-16-100	AMD-P	84-09-065	296-46-420	AMD-P	84-07-010
275-27-800	NEW	84-07-018	289-16-200	AMD-P	84-09-065	296-46-424	REP-P	84-07-010
275-27-810	NEW-P	84-04-009	296-04-500	REP	84-04-024	296-46-426	REP-P	84-07-010
275-27-810	NEW-E	84-04-010	296-04-501	REP	84-04-024	296-46-480	AMD-P	84-07-010
275-27-810	NEW	84-07-018	296-04-502	REP	84-04-024	296-46-490	AMD-P	84-07-010
275-27-820	NEW-P	84-04-009	296-04-503	REP	84-04-024	296-46-495	REP-P	84-07-010
275-27-820	NEW-E	84-04-010	296-04-504	REP	84-04-024	296-46-500	REP-P	84-07-010
275-27-820	NEW	84-07-018	296-04-505	REP	84-04-024	296-46-501	REP-P	84-07-010
275-31-005	NEW	84-03-054	296-04-506	REP	84-04-024	296-46-535	REP-P	84-07-010
275-31-010	NEW	84-03-054	296-14-010	AMD-P	84-02-059	296-46-540	REP-P	84-07-010
275-31-020	NEW	84-03-054	296-14-010	AMD	84-06-018	296-46-545	REP-P	84-07-010
275-31-030	NEW	84-03-054	296-15-02601	AMD-P	84-02-078	296-46-550	REP-P	84-07-010
275-31-040	NEW	84-03-054	296-15-02601	AMD	84-06-031	296-46-555	REP-P	84-07-010
275-31-050	NEW	84-03-054	296-15-21001	REP-P	84-02-078	296-46-560	REP-P	84-07-010
275-31-070	NEW	84-03-054	296-15-21001	REP	84-06-031	296-46-565	REP-P	84-07-010
275-31-080	NEW	84-03-054	296-17-350	AMD-P	84-08-077	296-46-590	REP-P	84-07-010
275-31-090	NEW	84-03-054	296-17-35101	NEW-P	84-02-059	296-46-59005	REP-P	84-07-010

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-46-59010	REP-P	84-07-010	296-93-270	NEW	84-10-025	308-42-030	REP	84-03-055
296-46-900	REP-P	84-07-010	296-93-280	NEW-P	84-05-032	308-42-035	REP	84-03-055
296-46-905	REP-P	84-07-010	296-93-280	NEW	84-10-025	308-42-040	AMD	84-03-055
296-62-054	NEW-P	84-09-029	296-93-290	NEW-P	84-05-032	308-42-045	AMD-P	84-10-060
296-62-05403	NEW-P	84-09-029	296-93-290	NEW	84-10-025	308-42-050	REP	84-03-055
296-62-05405	NEW-P	84-09-029	296-93-300	NEW-P	84-05-032	308-42-055	REP	84-03-055
296-62-05407	NEW-P	84-09-029	296-93-300	NEW	84-10-025	308-42-060	AMD-P	84-10-060
296-62-05409	NEW-P	84-09-029	296-93-320	NEW-P	84-05-032	308-42-070	AMD	84-03-055
296-62-05411	NEW-P	84-09-029	296-93-320	NEW	84-10-025	308-42-120	AMD	84-03-055
296-62-05413	NEW-P	84-09-029	296-93-330	NEW-P	84-05-032	308-42-125	NEW-P	84-10-060
296-62-05415	NEW-P	84-09-029	296-93-330	NEW	84-10-025	308-42-130	AMD-P	84-10-060
296-62-05417	NEW-P	84-09-029	296-104-200	AMD-P	84-06-010	308-42-135	AMD-P	84-10-060
296-62-05419	NEW-P	84-09-029	296-104-700	AMD-P	84-06-010	308-42-140	AMD-P	84-10-060
296-62-05421	NEW-P	84-09-029	296-116-070	AMD-P	84-07-027	308-42-145	AMD-P	84-10-060
296-62-05423	NEW-P	84-09-029	296-116-300	AMD	84-04-006	308-42-150	AMD-P	84-10-060
296-62-05425	NEW-P	84-09-029	296-116-300	AMD-E	84-04-007	308-42-155	AMD-P	84-10-060
296-81-007	AMD-C	84-03-008	296-116-330	REP-P	84-07-028	308-42-160	AMD-P	84-10-060
296-81-007	AMD	84-05-005	296-116-330	REP-E	84-08-013	308-48-145	NEW-P	84-08-061
296-81-340	AMD-C	84-03-008	296-200-300	NEW-E	84-03-003	308-50-010	AMD-E	84-03-018
296-81-340	AMD	84-05-005	296-200-300	NEW-P	84-04-072	308-50-010	AMD-P	84-04-048
296-81-360	AMD-C	84-03-008	296-200-300	NEW-C	84-07-021	308-50-010	AMD	84-08-062
296-81-360	AMD	84-05-005	296-200-310	NEW-E	84-03-003	308-50-020	AMD-E	84-03-018
296-81-991	NEW-C	84-03-008	296-200-310	NEW-P	84-04-072	308-50-020	AMD-P	84-04-048
296-81-991	NEW	84-05-005	296-200-310	NEW-C	84-07-021	308-50-020	AMD-P	84-10-059
296-93-010	NEW-P	84-05-032	296-200-320	NEW-E	84-03-003	308-50-050	REP-P	84-04-048
296-93-010	NEW	84-10-025	296-200-320	NEW-P	84-04-072	308-50-050	REP	84-08-062
296-93-020	NEW-P	84-05-032	296-200-320	NEW-C	84-07-021	308-50-090	AMD-E	84-03-018
296-93-020	NEW	84-10-025	296-400-300	NEW-P	84-04-072	308-50-090	AMD-P	84-04-048
296-93-030	NEW-P	84-05-032	296-400-300	NEW-C	84-07-021	308-50-100	AMD-P	84-04-048
296-93-030	NEW	84-10-025	304-12-015	REP-P	84-04-089	308-50-100	AMD	84-08-062
296-93-040	NEW-P	84-05-032	304-12-015	REP	84-07-020	308-50-110	AMD-P	84-04-048
296-93-040	NEW	84-10-025	304-12-020	NEW-P	84-04-089	308-50-110	AMD-P	84-10-059
296-93-050	NEW-P	84-05-032	304-12-020	NEW	84-07-020	308-50-120	AMD-P	84-04-048
296-93-050	NEW	84-10-025	304-12-025	NEW-P	84-04-089	308-50-120	AMD	84-08-062
296-93-060	NEW-P	84-05-032	304-12-025	NEW	84-07-020	308-50-140	NEW	84-10-062
296-93-060	NEW	84-10-025	304-12-125	AMD-P	84-04-089	308-50-160		84-10-062
296-93-070	NEW-P	84-05-032	304-12-125	AMD	84-07-020	308-50-170		84-10-062
296-93-070	NEW	84-10-025	304-25-040	AMD-P	84-04-089	308-50-180		84-10-062
296-93-080	NEW-P	84-05-032	304-25-040	AMD	84-07-020	308-50-190		84-10-062
296-93-080	NEW	84-10-025	304-25-090	REP-P	84-04-089	308-50-200		84-10-062
296-93-090	NEW-P	84-05-032	304-25-090	REP	84-07-020	308-50-210		84-10-062
296-93-090	NEW	84-10-025	304-25-100	REP-P	84-04-089	308-50-220	AMD-P	84-10-062
296-93-100	NEW-P	84-05-032	304-25-100	REP	84-07-020	308-50-230		84-10-062
296-93-100	NEW	84-10-025	308-12-031	AMD	84-04-028	308-50-240		84-10-062
296-93-110	NEW-P	84-05-032	308-12-050	AMD	84-04-028	308-50-250		84-10-062
296-93-110	NEW	84-10-025	308-12-110	AMD	84-04-028	308-50-260		84-10-062
296-93-120	NEW-P	84-05-032	308-25-020	REP	84-04-088	308-50-270		84-10-062
296-93-120	NEW	84-10-025	308-25-025	NEW	84-04-088	308-50-280		84-10-062
296-93-130	NEW-P	84-05-032	308-25-025	AMD-P	84-07-049	308-50-290		84-10-062
296-93-130	NEW	84-10-025	308-25-025	AMD	84-10-063	308-50-295		84-10-062
296-93-140	NEW-P	84-05-032	308-25-030	AMD	84-04-088	308-53-030	AMD-P	84-05-069
296-93-140	NEW	84-10-025	308-25-040	REP	84-04-088	308-53-030	AMD	84-09-082
296-93-150	NEW-P	84-05-032	308-25-070	AMD	84-04-088	308-53-085	AMD-P	84-05-069
296-93-150	NEW	84-10-025	308-26-015	AMD-P	84-04-085	308-53-085	AMD	84-09-082
296-93-160	NEW-P	84-05-032	308-26-015	AMD	84-08-019	308-53-120	AMD-P	84-05-069
296-93-160	NEW	84-10-025	308-26-017	AMD-P	84-04-085	308-53-120	AMD	84-09-082
296-93-170	NEW-P	84-05-032	308-26-017	AMD	84-08-019	308-53-190	REP-P	84-05-069
296-93-170	NEW	84-10-025	308-31-015	NEW	84-02-077	308-53-190	REP	84-09-082
296-93-180	NEW-P	84-05-032	308-31-020	AMD	84-02-077	308-54-140	AMD-P	84-04-086
296-93-180	NEW	84-10-025	308-31-100	NEW	84-02-077	308-54-140	AMD	84-07-051
296-93-190	NEW-P	84-05-032	308-31-110	NEW	84-02-077	308-54-150	AMD-P	84-04-086
296-93-190	NEW	84-10-025	308-31-120	NEW	84-02-077	308-54-150	AMD	84-07-051
296-93-200	NEW-P	84-05-032	308-31-500	NEW	84-02-077	308-78-010	AMD-P	84-06-066
296-93-200	NEW	84-10-025	308-31-510	NEW	84-02-077	308-78-040	AMD-P	84-06-066
296-93-210	NEW-P	84-05-032	308-31-520	NEW	84-02-077	308-78-045	AMD-P	84-06-066
296-93-210	NEW	84-10-025	308-31-530	NEW	84-02-077	308-78-050	AMD-P	84-06-066
296-93-220	NEW-P	84-05-032	308-31-540	NEW	84-02-077	308-78-070	AMD-P	84-06-066
296-93-220	NEW	84-10-025	308-31-550	NEW	84-02-077	308-93-010	AMD-P	84-10-081
296-93-230	NEW-P	84-05-032	308-31-560	NEW	84-02-077	308-93-020	AMD-P	84-10-081
296-93-230	NEW	84-10-025	308-31-570	NEW	84-02-077	308-93-030	AMD-P	84-10-081
296-93-240	NEW-P	84-05-032	308-37-150	NEW-P	84-02-076	308-93-040	AMD-P	84-10-081
296-93-240	NEW	84-10-025	308-37-150	NEW	84-05-070	308-93-050	AMD-P	84-10-081
296-93-250	NEW-P	84-05-032	308-40-102	AMD-P	84-04-087	308-93-060	AMD-P	84-10-081
296-93-250	NEW	84-10-025	308-40-102	AMD	84-07-050	308-93-070	AMD-P	84-10-081
296-93-260	NEW-P	84-05-032	308-40-104	AMD-P	84-07-048	308-93-075	NEW-P	84-10-081
296-93-260	NEW	84-10-025	308-42-010	AMD-P	84-10-060	308-93-080	AMD-P	84-10-081
296-93-270	NEW-P	84-05-032	308-42-020	REP	84-03-055	308-93-085	NEW-P	84-10-081

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-93-090	AMD-P	84-10-081	315-11-120	NEW-P	84-09-085
308-93-110	AMD-P	84-10-081	315-11-121	NEW-P	84-07-053
308-93-135	NEW-P	84-10-081	315-11-121	NEW-E	84-09-009
308-93-140	AMD-P	84-10-081	315-11-121	NEW-P	84-09-085
308-93-145	NEW-P	84-10-081	315-11-122	NEW-P	84-07-053
308-93-150	AMD-P	84-10-081	315-11-122	NEW-E	84-09-009
308-93-155	NEW-P	84-10-081	315-11-122	NEW-P	84-09-085
308-93-160	AMD-P	84-10-081	315-12-030	AMD	84-05-008
308-93-165	NEW-P	84-10-081	315-30-080	NEW	84-05-008
308-93-215	NEW-P	84-10-081	315-30-090	NEW	84-05-008
308-93-225	NEW-P	84-10-081	315-32-010	NEW-P	84-09-084
308-93-260	AMD-P	84-10-081	315-32-020	NEW-P	84-09-084
308-93-270	AMD-P	84-10-081	315-32-030	NEW-P	84-09-084
308-93-290	AMD-P	84-10-081	315-32-040	NEW-P	84-09-084
308-93-310	AMD-P	84-10-081	315-32-050	NEW-P	84-09-084
308-93-350	AMD-P	84-10-081	315-32-060	NEW-P	84-09-084
308-93-360	AMD-P	84-10-081	316-02-001	NEW-P	84-04-081
308-93-500	AMD-P	84-10-081	316-02-001	NEW	84-07-037
308-93-560	AMD-P	84-10-081	316-02-003	NEW-P	84-04-081
308-93-610	REP-P	84-10-081	316-02-003	NEW	84-07-037
308-93-640	AMD-P	84-10-081	316-02-007	NEW-P	84-04-081
308-93-650	NEW-P	84-06-056	316-02-007	NEW	84-07-037
308-138-200	AMD	84-05-011	316-02-010	NEW-P	84-04-081
308-138A-025	AMD	84-05-011	316-02-010	NEW	84-07-037
308-138B-120	REP	84-05-011	316-02-020	NEW-P	84-04-081
308-138B-165	NEW	84-05-011	316-02-020	NEW	84-07-037
308-138B-170	AMD	84-05-011	316-02-030	NEW-P	84-04-081
314-12-160	REP-P	84-09-062	316-02-030	NEW	84-07-037
314-12-160	REP-E	84-09-063	316-02-040	NEW-P	84-04-081
314-16-040	AMD-P	84-09-022	316-02-040	NEW	84-07-037
314-16-110	AMD	84-02-066	316-02-040	NEW	84-07-037
314-16-200	AMD-W	84-03-019	316-02-100	NEW	84-07-037
314-16-200	AMD-P	84-07-052	316-02-103	NEW-P	84-04-081
314-16-200	AMD-W	84-09-077	316-02-103	NEW	84-07-037
314-16-205	NEW-P	84-06-063	316-02-105	NEW-P	84-04-081
314-16-205	NEW	84-09-024	316-02-105	NEW	84-07-037
314-18-040	AMD-P	84-06-064	316-02-110	NEW-P	84-04-081
314-18-040	AMD	84-09-025	316-02-110	NEW	84-07-037
314-20-010	AMD-P	84-06-062	316-02-120	NEW-P	84-04-081
314-20-010	AMD	84-09-023	316-02-120	NEW	84-07-037
314-24-110	AMD-P	84-06-062	316-02-130	NEW-P	84-04-081
314-24-110	AMD	84-09-023	316-02-130	NEW	84-07-037
315-04-070	AMD-E	84-06-045	316-02-140	NEW-P	84-04-081
315-04-070	AMD-E	84-09-009	316-02-140	NEW	84-07-037
315-04-070	AMD-P	84-09-085	316-02-150	NEW-P	84-04-081
315-04-120	AMD-P	84-05-050	316-02-150	NEW	84-07-037
315-04-120	AMD-E	84-06-045	316-02-160	NEW-P	84-04-081
315-04-120	AMD	84-09-008	316-02-160	NEW	84-07-037
315-04-120	AMD-P	84-09-085	316-02-170	NEW-P	84-04-081
315-04-132	NEW-E	84-06-045	316-02-170	NEW	84-07-037
315-04-132	NEW-P	84-09-085	316-02-180	NEW-P	84-04-081
315-04-133	NEW-E	84-06-045	316-02-180	NEW	84-07-037
315-04-133	NEW-P	84-09-085	316-02-200	NEW-P	84-04-081
315-04-134	NEW-P	84-09-085	316-02-200	NEW	84-07-037
315-04-180	AMD	84-05-008	316-02-210	NEW-P	84-04-081
315-06-120	AMD-P	84-05-050	316-02-210	NEW	84-07-037
315-06-120	AMD	84-09-008	316-02-220	NEW-P	84-04-081
315-06-130	AMD	84-05-008	316-02-220	NEW	84-07-037
315-10-020	AMD	84-05-008	316-02-230	NEW-P	84-04-081
315-10-030	AMD	84-05-008	316-02-230	NEW	84-07-037
315-10-060	AMD	84-05-008	316-02-300	NEW-P	84-04-081
315-11-071	AMD	84-05-008	316-02-300	NEW	84-07-037
315-11-081	AMD	84-05-008	316-02-310	NEW-P	84-04-081
315-11-101	AMD-E	84-03-026	316-02-310	NEW	84-07-037
315-11-101	AMD-P	84-05-051	316-02-320	NEW-P	84-04-081
315-11-101	AMD	84-09-008	316-02-320	NEW	84-07-037
315-11-110	NEW-P	84-05-052	316-02-330	NEW-P	84-04-081
315-11-110	NEW-E	84-05-053	316-02-330	NEW	84-07-037
315-11-110	NEW	84-09-008	316-02-340	NEW-P	84-04-081
315-11-111	NEW-P	84-05-052	316-02-340	NEW	84-07-037
315-11-111	NEW-E	84-05-053	316-02-350	NEW-P	84-04-081
315-11-111	NEW	84-09-008	316-02-350	NEW	84-07-037
315-11-112	NEW-P	84-05-052	316-02-360	NEW-P	84-04-081
315-11-112	NEW-E	84-05-053	316-02-360	NEW	84-07-037
315-11-112	NEW	84-09-008	316-02-370	NEW-P	84-04-081
315-11-120	NEW-P	84-07-053	316-02-370	NEW	84-07-037
315-11-120	NEW-E	84-09-009	316-02-400	NEW-P	84-04-081
316-02-400	NEW	84-07-037			
316-02-410	NEW-P	84-04-081			
316-02-410	NEW	84-07-037			
316-02-420	NEW-P	84-04-081			
316-02-420	NEW	84-07-037			
316-02-450	NEW-P	84-04-081			
316-02-450	NEW	84-07-037			
316-02-460	NEW-P	84-04-081			
316-02-460	NEW	84-07-037			
316-02-470	NEW-P	84-04-081			
316-02-470	NEW	84-07-037			
316-02-490	NEW-P	84-04-081			
316-02-490	NEW	84-07-037			
316-02-500	NEW-P	84-04-081			
316-02-500	NEW	84-07-037			
316-02-510	NEW-P	84-04-081			
316-02-510	NEW	84-07-037			
316-02-600	NEW-P	84-04-081			
316-02-600	NEW	84-07-037			
316-02-610	NEW-P	84-04-081			
316-02-610	NEW	84-07-037			
316-02-800	NEW-P	84-04-081			
316-02-800	NEW	84-07-037			
316-02-810	NEW-P	84-04-081			
316-02-810	NEW	84-07-037			
316-02-820	NEW-P	84-04-081			
316-02-820	NEW	84-07-037			
316-02-900	NEW-P	84-04-081			
316-02-900	NEW	84-07-037			
316-02-910	NEW-P	84-04-081			
316-02-910	NEW	84-07-037			
316-02-920	NEW-P	84-04-081			
316-02-920	NEW	84-07-037			
316-02-930	NEW-P	84-04-081			
316-02-930	NEW	84-07-037			
316-07-010	REP-P	84-04-081			
316-07-010	REP	84-07-038			
316-07-020	REP-P	84-04-081			
316-07-020	REP	84-07-038			
316-07-030	REP-P	84-04-081			
316-07-030	REP	84-07-038			
316-07-040	REP-P	84-04-081			
316-07-040	REP	84-07-038			
316-07-050	REP-P	84-04-081			
316-07-050	REP	84-07-038			
316-07-060	REP-P	84-04-081			
316-07-060	REP	84-07-038			
316-07-070	REP-P	84-04-081			
316-07-070	REP	84-07-038			
316-07-080	REP-P	84-04-081			
316-07-080	REP	84-07-038			
316-07-090	REP-P	84-04-081			
316-07-090	REP	84-07-038			
316-07-100	REP-P	84-04-081			
316-07-100	REP	84-07-038			
316-07-110	REP-P	84-04-081			
316-07-110	REP	84-07-038			
316-07-120	REP-P	84-04-081			
316-07-120	REP	84-07-038			
316-07-130	REP-P	84-04-081			
316-07-130	REP	84-07-038			
316-07-140	REP-P	84-04-081			
316-07-140	REP	84-07-038			
316-07-150	REP-P	84-04-081			
316-07-150	REP	84-07-038			
316-07-160	REP-P	84-04-081			
316-07-160	REP	84-07-038			
316-07-170	REP-P	84-04-081			
316-07-170	REP	84-07-038			
316-07-180	REP-P	84-04-081			
316-07-180	REP	84-07-038			
316-07-190	REP-P	84-04-081			
316-07-190	REP	84-07-038			
316-07-200	REP-P	84-04-081			
316-07-200	REP	84-07-038			
316-07-210	REP-P	84-04-081			
316-07-210	REP	84-07-038			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
316-65-540	NEW	84-07-037	326-06-110	NEW-E	84-05-034	326-30-100	AMD-E	84-03-049
316-65-545	NEW-P	84-04-081	326-06-110	NEW	84-09-002	326-30-100	AMD-P	84-05-033
316-65-545	NEW	84-07-037	326-06-120	NEW-P	84-05-033	326-30-100	AMD-E	84-05-034
316-65-550	NEW-P	84-04-081	326-06-120	NEW-E	84-05-034	326-30-100	AMD	84-06-017
316-65-550	NEW	84-07-037	326-06-120	NEW	84-09-002	326-30-100	AMD	84-09-002
316-65-555	NEW-P	84-04-081	326-06-130	NEW-P	84-05-033	326-30-110	NEW	84-03-005
316-65-555	NEW	84-07-037	326-06-130	NEW-E	84-05-034	326-40	NEW-C	84-03-002
316-65-560	NEW-P	84-04-081	326-06-130	NEW	84-09-002	326-40-010	NEW-E	84-05-034
316-65-560	NEW	84-07-037	326-06-140	NEW-P	84-05-033	326-40-010	NEW	84-05-054
316-75-001	NEW-P	84-04-081	326-06-140	NEW-E	84-05-034	326-40-020	NEW-E	84-05-034
316-75-001	NEW	84-07-037	326-06-140	NEW	84-09-002	326-40-020	NEW	84-05-054
316-75-010	NEW-P	84-04-081	326-06-160	NEW-P	84-05-033	326-40-100	NEW-P	84-05-033
316-75-010	NEW	84-07-037	326-06-160	NEW-E	84-05-034	326-40-100	NEW-E	84-05-034
316-75-030	NEW-P	84-04-081	326-06-160	NEW	84-09-002	326-40-100	NEW	84-09-002
316-75-030	NEW	84-07-037	326-08-010	NEW-P	84-05-033	330-01	NEW-C	84-07-008
316-75-050	NEW-P	84-04-081	326-08-010	NEW-E	84-05-034	330-01-010	NEW-P	84-03-041
316-75-050	NEW	84-07-037	326-08-010	NEW	84-09-002	330-01-010	NEW-E	84-03-042
316-75-070	NEW-P	84-04-081	326-08-020	NEW-P	84-05-033	330-01-010	NEW	84-07-034
316-75-070	NEW	84-07-037	326-08-020	NEW-E	84-05-034	330-01-020	NEW-P	84-03-041
316-75-090	NEW-P	84-04-081	326-08-020	NEW	84-09-002	330-01-020	NEW-E	84-03-042
316-75-090	NEW	84-07-037	326-08-030	NEW-P	84-05-033	330-01-020	NEW	84-07-034
316-75-110	NEW-P	84-04-081	326-08-030	NEW-E	84-05-034	330-01-030	NEW-P	84-03-041
316-75-110	NEW	84-07-037	326-08-030	NEW	84-09-002	330-01-030	NEW-E	84-03-042
316-75-130	NEW-P	84-04-081	326-08-040	NEW-P	84-05-033	330-01-030	NEW	84-07-034
316-75-130	NEW	84-07-037	326-08-040	NEW-E	84-05-034	330-01-040	NEW-P	84-03-041
316-75-150	NEW-P	84-04-081	326-08-040	NEW	84-09-002	330-01-040	NEW-E	84-03-042
316-75-150	NEW	84-07-037	326-08-050	NEW-P	84-05-033	330-01-040	NEW	84-07-034
316-75-170	NEW-P	84-04-081	326-08-050	NEW-E	84-05-034	330-01-050	NEW-P	84-03-041
316-75-170	NEW	84-07-037	326-08-050	NEW	84-09-002	330-01-050	NEW-E	84-03-042
316-75-190	NEW-P	84-04-081	326-08-060	NEW-P	84-05-033	330-01-050	NEW	84-07-034
316-75-190	NEW	84-07-037	326-08-060	NEW-E	84-05-034	330-01-060	NEW-P	84-03-041
316-75-210	NEW-P	84-04-081	326-08-060	NEW	84-09-002	330-01-060	NEW-E	84-03-042
316-75-210	NEW	84-07-037	326-08-070	NEW-P	84-05-033	330-01-060	NEW	84-07-034
316-75-230	NEW-P	84-04-081	326-08-070	NEW-E	84-05-034	330-01-070	NEW-P	84-03-041
316-75-230	NEW	84-07-037	326-08-070	NEW	84-09-002	330-01-070	NEW-E	84-03-042
316-75-250	NEW-P	84-04-081	326-08-080	NEW-P	84-05-033	330-01-070	NEW	84-07-034
316-75-250	NEW	84-07-037	326-08-080	NEW-E	84-05-034	330-01-080	NEW-P	84-03-041
316-75-270	NEW-P	84-04-081	326-08-080	NEW	84-09-002	330-01-080	NEW-E	84-03-042
316-75-270	NEW	84-07-037	326-08-090	NEW-P	84-05-033	330-01-080	NEW	84-07-034
316-75-290	NEW-P	84-04-081	326-08-090	NEW-E	84-05-034	330-01-090	NEW-P	84-03-041
316-75-290	NEW	84-07-037	326-08-090	NEW	84-09-002	330-01-090	NEW-E	84-03-042
316-75-310	NEW-P	84-04-081	326-08-100	NEW-P	84-05-033	330-01-090	NEW	84-07-034
316-75-310	NEW	84-07-037	326-08-100	NEW-E	84-05-034	332-26-010	NEW-E	84-09-014
326-02-030	AMD-P	84-05-033	326-08-100	NEW	84-09-002	332-30-108	NEW-P	84-06-068
326-02-030	AMD-E	84-05-034	326-08-110	NEW-P	84-05-033	335-06-010	NEW-P	84-10-035
326-02-030	AMD	84-09-002	326-08-110	NEW-E	84-05-034	335-06-010	NEW-E	84-10-036
326-06-010	NEW-P	84-05-033	326-08-110	NEW	84-09-002	335-06-020	NEW-P	84-10-035
326-06-010	NEW-E	84-05-034	326-08-120	NEW-P	84-05-033	335-06-020	NEW-E	84-10-036
326-06-010	NEW	84-09-002	326-08-120	NEW-E	84-05-034	335-06-030	NEW-P	84-10-035
326-06-020	NEW-P	84-05-033	326-08-120	NEW	84-09-002	335-06-030	NEW-E	84-10-036
326-06-020	NEW-E	84-05-034	326-08-130	NEW-P	84-05-033	335-06-040	NEW-P	84-10-035
326-06-020	NEW	84-09-002	326-08-130	NEW-E	84-05-034	335-06-040	NEW-E	84-10-036
326-06-030	NEW-P	84-05-033	326-08-130	NEW	84-09-002	335-06-050	NEW-P	84-10-035
326-06-030	NEW-E	84-05-034	326-20-050	AMD-P	84-05-033	335-06-050	NEW-E	84-10-036
326-06-030	NEW	84-09-002	326-20-050	AMD-E	84-05-034	335-06-060	NEW-P	84-10-035
326-06-040	NEW-P	84-05-033	326-20-050	AMD	84-09-002	335-06-060	NEW-E	84-10-036
326-06-040	NEW-E	84-05-034	326-20-060	AMD-P	84-05-033	335-06-070	NEW-P	84-10-035
326-06-040	NEW	84-09-002	326-20-060	AMD-E	84-05-034	335-06-070	NEW-E	84-10-036
326-06-050	NEW-P	84-05-033	326-20-060	AMD	84-09-002	335-06-080	NEW-P	84-10-035
326-06-050	NEW-E	84-05-034	326-20-180	AMD-P	84-05-033	335-06-080	NEW-E	84-10-036
326-06-050	NEW	84-09-002	326-20-180	AMD-E	84-05-034	335-06-090	NEW-P	84-10-035
326-06-060	NEW-P	84-05-033	326-20-180	AMD	84-09-002	335-06-090	NEW-E	84-10-036
326-06-060	NEW-E	84-05-034	326-20-210	AMD-P	84-05-033	335-06-100	NEW-P	84-10-035
326-06-060	NEW	84-09-002	326-20-210	AMD-E	84-05-034	335-06-100	NEW-E	84-10-036
326-06-070	NEW-P	84-05-033	326-20-210	AMD	84-09-002	352-04-010	AMD	84-04-035
326-06-070	NEW-E	84-05-034	326-30-010	NEW	84-03-005	352-12-020	AMD-P	84-04-082
326-06-070	NEW	84-09-002	326-30-020	NEW	84-03-005	352-12-020	AMD	84-09-045
326-06-080	NEW-P	84-05-033	326-30-030	NEW	84-03-005	352-16-020	AMD-C	84-04-036
326-06-080	NEW-E	84-05-034	326-30-035	NEW	84-03-005	352-16-020	AMD	84-08-016
326-06-080	NEW	84-09-002	326-30-040	NEW	84-03-005	352-28	AMD-C	84-04-037
326-06-090	NEW-P	84-05-033	326-30-050	NEW	84-03-005	352-28-005	NEW	84-08-017
326-06-090	NEW-E	84-05-034	326-30-060	NEW	84-03-005	352-28-010	AMD	84-08-017
326-06-090	NEW	84-09-002	326-30-070	NEW	84-03-005	352-28-020	AMD	84-08-017
326-06-100	NEW-P	84-05-033	326-30-080	NEW	84-03-005	352-32-035	AMD-P	84-04-082
326-06-100	NEW-E	84-05-034	326-30-090	NEW	84-03-005	352-32-035	AMD	84-09-045
326-06-100	NEW	84-09-002	326-30-100	NEW	84-03-005	352-32-250	AMD-P	84-04-082
326-06-110	NEW-P	84-05-033	326-30-100	AMD-P	84-03-048	352-32-250	AMD	84-09-045

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
352-44	REVIEW	84-09-046	356-30-305	AMD-P	84-06-049	388-08-414	REP	84-05-040
352-60-010	NEW-E	84-07-030	356-30-305	AMD-C	84-09-049	388-08-416	AMD	84-05-040
352-60-010	NEW-P	84-08-063	356-30-320	AMD-P	84-06-049	388-08-420	REP	84-05-040
352-60-020	NEW-E	84-07-030	356-30-320	AMD-C	84-09-049	388-08-430	REP	84-05-040
352-60-020	NEW-P	84-08-063	356-46-060	AMD	84-04-022	388-08-440	REP	84-05-040
352-60-030	NEW-E	84-07-030	356-46-130	AMD-P	84-06-049	388-08-450	REP	84-05-040
352-60-030	NEW-P	84-08-063	356-46-130	AMD	84-10-054	388-08-470	REP	84-05-040
352-60-040	NEW-E	84-07-030	356-49-010	NEW-P	84-06-049	388-08-480	REP	84-05-040
352-60-040	NEW-P	84-08-063	356-49-010	NEW-C	84-09-049	388-08-490	REP	84-05-040
352-60-050	NEW-E	84-07-030	356-49-020	NEW-P	84-06-049	388-08-500	REP	84-05-040
352-60-050	NEW-P	84-08-063	356-49-020	NEW-C	84-09-049	388-08-503	REP	84-05-040
352-60-060	NEW-E	84-07-030	356-49-030	NEW-P	84-06-049	388-08-510	REP	84-05-040
352-60-060	NEW-P	84-08-063	356-49-030	NEW-C	84-09-049	388-08-520	REP	84-05-040
352-60-070	NEW-E	84-07-030	356-49-040	NEW-P	84-06-049	388-08-600	REP	84-05-040
352-60-070	NEW-P	84-08-063	356-49-040	NEW-C	84-09-049	388-09-010	AMD	84-05-040
352-60-080	NEW-E	84-07-030	360-12-015	AMD	84-04-029	388-09-020	AMD	84-05-040
352-60-080	NEW-P	84-08-063	360-12-065	AMD	84-03-015	388-09-040	NEW	84-05-040
352-60-090	NEW-E	84-07-030	360-16-025	NEW-P	84-08-080	388-15-610	AMD-P	84-09-015
352-60-090	NEW-P	84-08-063	360-16-025	NEW-E	84-08-082	388-15-620	AMD-P	84-09-015
352-60-100	NEW-E	84-07-030	360-16-150	AMD-P	84-08-081	388-15-630	AMD-P	84-09-015
352-60-100	NEW-P	84-08-063	360-16-230	AMD	84-03-015	388-24-044	AMD-P	84-06-026
352-60-110	NEW-E	84-07-030	360-16-240	AMD-P	84-08-080	388-24-044	AMD	84-09-074
352-60-110	NEW-P	84-08-063	360-16-240	AMD-E	84-08-082	388-28-400	AMD-P	84-04-003
356-06-010	AMD-E	84-04-021	360-16-260	REP	84-03-016	388-28-400	AMD	84-07-019
356-06-010	AMD-P	84-04-073	360-18-020	AMD-E	84-03-017	388-28-410	AMD-P	84-04-003
356-06-010	AMD-P	84-06-049	360-18-020	AMD	84-04-030	388-28-410	AMD	84-07-019
356-06-010	AMD-C	84-07-003	360-19-010	NEW	84-03-016	388-28-415	AMD-P	84-04-003
356-06-010	AMD-C	84-09-049	360-19-020	NEW	84-03-016	388-28-415	AMD	84-07-019
356-06-010	AMD-E	84-10-007	360-19-030	NEW	84-03-016	388-28-420	AMD-P	84-04-003
356-06-010	AMD-P	84-10-038	360-19-040	NEW	84-03-016	388-28-420	AMD	84-07-019
356-06-050	AMD-P	84-06-049	360-19-050	NEW	84-03-016	388-28-430	AMD-P	84-04-003
356-06-050	AMD-C	84-09-049	360-19-060	NEW	84-03-016	388-28-430	AMD	84-07-019
356-06-055	AMD-P	84-06-049	360-19-070	NEW	84-03-016	388-28-435	NEW-P	84-04-003
356-06-055	AMD-C	84-09-049	360-19-080	NEW	84-03-016	388-28-435	NEW	84-07-019
356-07-020	AMD	84-04-022	360-19-090	NEW	84-03-016	388-28-438	NEW-P	84-04-003
356-10-040	AMD-P	84-08-035	360-19-100	NEW	84-03-016	388-28-438	NEW	84-07-019
356-15-060	AMD-E	84-04-020	360-36-400	NEW-P	84-06-067	388-28-440	AMD-P	84-04-003
356-15-060	AMD	84-05-024	360-36-400	NEW-C	84-10-064	388-28-440	AMD	84-07-019
356-15-060	AMD-P	84-10-038	360-36-410	NEW-P	84-06-067	388-28-450	AMD-P	84-04-003
356-15-100	AMD-P	84-08-035	360-36-410	NEW-C	84-10-064	388-28-450	AMD	84-07-019
356-15-110	AMD-P	84-08-035	360-36-420	NEW-P	84-06-067	388-28-455	REP-P	84-04-003
356-18-050	AMD	84-04-022	360-36-420	NEW-C	84-10-064	388-28-455	REP	84-07-019
356-18-070	AMD-C	84-04-019	360-36-430	NEW-P	84-06-067	388-28-473	AMD-P	84-04-003
356-18-070	AMD-C	84-07-003	360-36-430	NEW-C	84-10-064	388-28-473	AMD	84-07-019
356-18-070	AMD-C	84-09-049	360-36-440	NEW-P	84-06-067	388-28-484	AMD-P	84-04-003
356-18-090	AMD-P	84-04-073	360-36-440	NEW-C	84-10-064	388-28-484	AMD	84-07-019
356-18-090	AMD-C	84-07-003	360-36-450	NEW-P	84-06-067	388-28-530	AMD-P	84-09-079
356-18-090	AMD-C	84-09-049	388-08-00101	REP	84-05-040	388-29-080	AMD-P	84-09-079
356-18-100	AMD-E	84-10-008	388-08-002	REP	84-05-040	388-29-100	AMD-P	84-09-079
356-18-100	AMD-P	84-10-038	388-08-00201	NEW	84-05-040	388-29-110	AMD-P	84-09-079
356-18-105	REP-E	84-10-008	388-08-00401	AMD	84-05-040	388-29-112	AMD-P	84-09-079
356-18-105	REP-P	84-10-038	388-08-006	AMD	84-05-040	388-29-125	AMD-P	84-09-079
356-22-070	AMD-P	84-10-038	388-08-00601	AMD	84-05-040	388-29-130	AMD-P	84-09-079
356-22-070	AMD-E	84-10-053	388-08-010	AMD	84-05-040	388-29-135	AMD-P	84-09-079
356-22-220	AMD-P	84-10-038	388-08-050	REP	84-05-040	388-29-145	AMD-P	84-09-079
356-26-030	AMD-P	84-06-049	388-08-055	REP	84-05-040	388-29-146	NEW-P	84-09-079
356-26-030	AMD-C	84-09-049	388-08-080	REP	84-05-040	388-29-160	AMD-P	84-09-079
356-26-030	AMD-P	84-10-038	388-08-083	REP	84-05-040	388-29-200	AMD-P	84-09-079
356-26-030	AMD-E	84-10-053	388-08-150	REP	84-05-040	388-29-220	AMD-P	84-09-079
356-26-070	AMD-P	84-06-049	388-08-160	REP	84-05-040	388-29-260	AMD-P	84-09-079
356-26-070	AMD-C	84-09-049	388-08-170	REP	84-05-040	388-29-280	AMD-P	84-09-079
356-30-065	NEW-C	84-04-019	388-08-180	REP	84-05-040	388-29-290	AMD	84-02-050
356-30-065	NEW-C	84-07-003	388-08-190	REP	84-05-040	388-29-295	AMD-P	84-06-027
356-30-065	NEW-C	84-09-049	388-08-200	REP	84-05-040	388-29-295	AMD	84-09-073
356-30-080	AMD-P	84-04-073	388-08-210	REP	84-05-040	388-33-385	AMD-P	84-06-038
356-30-080	AMD-C	84-07-003	388-08-220	REP	84-05-040	388-33-385	AMD	84-09-071
356-30-080	AMD-C	84-09-049	388-08-230	REP	84-05-040	388-33-576	AMD-P	84-06-028
356-30-130	AMD-E	84-04-021	388-08-235	REP	84-05-040	388-33-576	AMD	84-09-072
356-30-130	AMD-P	84-04-073	388-08-375	REP	84-05-040	388-42	AMD-C	84-03-053
356-30-130	AMD-C	84-07-003	388-08-390	REP	84-05-040	388-42	AMD-C	84-06-039
356-30-130	AMD-E	84-10-007	388-08-400	REP	84-05-040	388-42	AMD-C	84-09-070
356-30-130	AMD	84-10-054	388-08-405	AMD	84-05-040	388-54-601	NEW	84-06-015
356-30-145	AMD-P	84-08-035	388-08-406	AMD	84-05-040	388-54-620	AMD	84-06-014
356-30-230	AMD-P	84-06-049	388-08-407	REP	84-05-040	388-54-676	AMD-P	84-03-012
356-30-230	AMD	84-10-054	388-08-408	REP	84-05-040	388-54-676	AMD	84-06-029
356-30-260	AMD-P	84-06-048	388-08-409	AMD	84-05-040	388-54-728	NEW	84-06-015
356-30-260	AMD-C	84-09-049	388-08-413	AMD	84-05-040	388-54-737	AMD	84-04-067

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-54-740	AMD	84-04-067	388-96-502	NEW-E	84-08-041	392-109-085	AMD-P	84-08-057
388-54-745	AMD	84-06-015	388-96-502	NEW-P	84-08-056	392-109-090	AMD-P	84-08-057
388-54-760	AMD	84-06-014	388-96-508	NEW-E	84-08-041	392-109-095	AMD-P	84-08-057
388-54-765	AMD	84-06-014	388-96-508	NEW-P	84-08-056	392-109-100	AMD-P	84-08-057
388-54-768	NEW	84-06-014	388-96-509	NEW-E	84-08-041	392-109-105	AMD-P	84-08-057
388-54-770	AMD	84-06-014	388-96-509	NEW-P	84-08-056	392-109-110	AMD-P	84-08-057
388-54-775	AMD	84-06-014	388-96-525	AMD-E	84-08-041	392-109-115	AMD-P	84-08-057
388-54-776	NEW	84-06-014	388-96-525	AMD-P	84-08-056	392-121-195	AMD-P	84-10-076
388-54-780	AMD	84-06-014	388-96-533	AMD-E	84-08-041	392-122-005	NEW-P	84-10-065
388-54-785	AMD	84-04-067	388-96-533	AMD-P	84-08-056	392-122-010	NEW-P	84-10-065
388-55-010	AMD-P	84-10-003	388-96-580	NEW-E	84-08-041	392-122-600	NEW-P	84-10-065
388-55-020	AMD-P	84-10-003	388-96-580	NEW-P	84-08-056	392-122-605	NEW-P	84-10-065
388-57-097	AMD-P	84-09-047	388-96-585	AMD-E	84-08-041	392-122-610	NEW-P	84-10-065
388-73-012	AMD	84-06-030	388-96-585	AMD-P	84-08-056	392-122-700	NEW-P	84-10-065
388-73-014	AMD	84-06-030	388-96-719	AMD-E	84-08-041	392-122-705	NEW-P	84-10-065
388-73-054	AMD	84-06-030	388-96-719	AMD-P	84-08-056	392-122-710	NEW-P	84-10-065
388-73-058	AMD	84-06-030	388-96-721	NEW-E	84-08-041	392-122-800	NEW-P	84-10-065
388-73-072	AMD	84-06-030	388-96-721	NEW-P	84-08-056	392-122-805	NEW-P	84-10-065
388-73-077	NEW	84-06-030	388-96-750	AMD-E	84-08-041	392-122-810	NEW-P	84-10-065
388-73-108	AMD	84-06-030	388-96-750	AMD-P	84-08-056	392-122-900	NEW-P	84-10-065
388-73-118	AMD	84-06-030	388-96-761	NEW-E	84-08-041	392-122-905	NEW-P	84-10-065
388-73-140	AMD	84-06-030	388-96-761	NEW-P	84-08-056	392-123-054	AMD-P	84-10-066
388-73-142	AMD	84-06-030	388-96-762	NEW-E	84-08-041	392-123-071	AMD-P	84-10-066
388-73-144	AMD	84-06-030	388-96-762	NEW-P	84-08-056	392-123-072	AMD-P	84-10-066
388-73-146	AMD	84-06-030	388-96-764	NEW-E	84-08-041	392-125-003	NEW-P	84-10-067
388-73-602	AMD	84-06-030	388-96-764	NEW-P	84-08-056	392-125-011	AMD-P	84-10-067
388-73-606	AMD	84-06-030	388-96-765	NEW-E	84-08-041	392-125-012	NEW-P	84-10-067
388-73-610	AMD	84-06-030	388-96-765	NEW-P	84-08-056	392-125-020	AMD-P	84-10-067
388-73-900	NEW	84-06-030	388-96-767	NEW-E	84-08-041	392-125-025	AMD-P	84-10-067
388-73-902	NEW	84-06-030	388-96-767	NEW-P	84-08-056	392-125-030	AMD-P	84-10-067
388-73-904	NEW	84-06-030	388-96-904	AMD	84-05-040	392-125-035	AMD-P	84-10-067
388-81-043	NEW	84-02-053	388-99-020	AMD	84-05-039	392-125-040	AMD-P	84-10-067
388-81-044	NEW	84-02-053	388-99-030	AMD-P	84-04-054	392-125-045	AMD-P	84-10-067
388-81-052	AMD	84-04-068	388-99-030	AMD	84-07-017	392-125-065	AMD-P	84-10-067
388-82-115	AMD	84-04-069	388-99-040	AMD	84-02-054	392-129-013	NEW-P	84-10-068
388-82-130	AMD	84-02-055	388-100-005	AMD	84-02-054	392-132-010	NEW-P	84-10-069
388-83-028	AMD	84-04-069	388-100-010	AMD	84-02-054	392-132-020	NEW-P	84-10-069
388-83-036	AMD-P	84-04-004	388-100-035	AMD	84-02-054	392-132-030	NEW-P	84-10-069
388-83-036	AMD-E	84-04-005	389-12-010	AMD	84-03-037	392-132-040	NEW-P	84-10-069
388-83-036	AMD	84-07-016	389-12-020	AMD	84-03-037	392-132-050	NEW-P	84-10-069
388-83-130	AMD	84-02-055	389-12-030	AMD	84-03-037	392-132-060	NEW-P	84-10-069
388-83-200	AMD-P	84-09-016	389-12-040	AMD	84-03-037	392-132-070	NEW-P	84-10-069
388-83-210	NEW	84-04-066	389-12-050	AMD	84-03-037	392-136-003	NEW	84-04-034
388-85-110	AMD	84-02-055	389-12-080	AMD	84-03-037	392-136-005	AMD	84-04-034
388-85-115	AMD	84-02-055	389-12-100	AMD	84-03-037	392-136-010	AMD	84-04-034
388-86-005	AMD	84-02-052	389-12-130	AMD	84-03-037	392-136-015	AMD	84-04-034
388-86-040	AMD	84-02-055	389-12-230	AMD	84-03-037	392-136-020	AMD	84-04-034
388-86-095	AMD	84-02-052	389-12-270	AMD	84-03-037	392-136-060	NEW	84-04-034
388-86-120	AMD-P	84-04-055	390-16-031	AMD	84-05-018	392-136-065	NEW	84-04-034
388-86-120	AMD-E	84-04-065	390-16-041	AMD	84-05-018	392-136-070	NEW	84-04-034
388-86-120	AMD	84-07-015	390-20-110	AMD	84-05-018	392-136-075	NEW	84-04-034
388-87-070	AMD-P	84-08-039	390-24-300	REP	84-05-018	392-136-085	NEW	84-04-034
388-87-070	AMD-E	84-08-040	390-37-020	AMD-P	84-09-027	392-138-003	NEW-P	84-10-070
388-87-095	AMD-P	84-04-054	390-37-030	AMD-P	84-09-027	392-138-010	AMD-P	84-10-070
388-87-095	AMD	84-07-017	390-37-040	AMD-P	84-09-027	392-138-012	NEW-P	84-10-070
388-91-010	AMD-P	84-05-038	390-37-060	AMD-P	84-09-027	392-138-015	REP-P	84-10-070
388-91-010	AMD	84-09-017	390-37-070	AMD-P	84-09-027	392-138-016	NEW-P	84-10-070
388-92-005	AMD	84-02-051	390-37-080	REP-P	84-09-027	392-138-020	REP-P	84-10-070
388-92-015	AMD	84-04-068	390-37-090	AMD-P	84-09-027	392-138-025	AMD-P	84-10-070
388-92-025	AMD	84-02-056	390-37-100	AMD-P	84-09-027	392-138-030	AMD-P	84-10-070
388-92-030	AMD	84-02-055	390-37-200	REP-P	84-09-027	392-138-035	AMD-P	84-10-070
388-92-043	AMD	84-04-068	390-37-205	REP-P	84-09-027	392-138-047	NEW-P	84-10-070
388-92-045	AMD	84-02-055	390-37-210	AMD-P	84-09-027	392-138-050	AMD-P	84-10-070
388-95-340	AMD	84-02-056	390-37-215	REP-P	84-09-027	392-138-071	NEW-P	84-10-070
388-95-360	AMD-P	84-04-054	390-37-220	REP-P	84-09-027	392-138-075	AMD-P	84-10-070
388-95-360	AMD-C	84-07-013	390-37-225	REP-P	84-09-027	392-138-100	NEW-P	84-10-070
388-95-380	AMD	84-02-055	390-37-230	REP-P	84-09-027	392-139-001	AMD	84-05-017
388-96-010	AMD-E	84-08-041	392-109-037	NEW-P	84-08-057	392-142-020	AMD-P	84-10-071
388-96-010	AMD-P	84-08-056	392-109-040	AMD-P	84-08-057	392-143-030	AMD	84-03-001
388-96-032	AMD-E	84-08-041	392-109-043	NEW-P	84-08-057	392-143-070	AMD	84-03-001
388-96-032	AMD-P	84-08-056	392-109-047	NEW-P	84-08-057	392-160	AMD-P	84-10-072
388-96-113	AMD-E	84-08-041	392-109-050	AMD-P	84-08-057	392-160-001	REP-P	84-10-072
388-96-113	AMD-P	84-08-056	392-109-058	NEW-P	84-08-057	392-160-003	NEW-P	84-10-072
388-96-122	AMD-E	84-08-041	392-109-060	AMD-P	84-08-057	392-160-004	NEW-P	84-10-072
388-96-122	AMD-P	84-08-056	392-109-075	AMD-P	84-08-057	392-160-005	AMD-P	84-10-072
388-96-204	AMD-E	84-08-041	392-109-078	NEW-P	84-08-057	392-160-010	AMD-P	84-10-072
388-96-204	AMD-P	84-08-056	392-109-080	AMD-P	84-08-057	392-160-015	AMD-P	84-10-072

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-160-020	AMD-P	84-10-072	392-170-025	NEW-P	84-10-074	419-14-075	NEW-P	84-09-056
392-160-026	NEW-P	84-10-072	392-170-030	NEW-P	84-10-074	419-14-085	NEW-P	84-03-043
392-160-027	NEW-P	84-10-072	392-170-035	NEW-P	84-10-074	419-14-085	NEW-E	84-03-044
392-160-028	NEW-P	84-10-072	392-170-040	NEW-P	84-10-074	419-14-085	NEW-E	84-09-057
392-160-029	NEW-P	84-10-072	392-170-045	NEW-P	84-10-074	419-14-085	NEW	84-09-058
392-160-035	AMD-P	84-10-072	392-170-050	NEW-P	84-10-074	419-14-120	NEW-E	84-08-009
392-160-040	AMD-P	84-10-072	392-170-055	NEW-P	84-10-074	419-14-120	NEW-P	84-09-055
392-162-005	NEW-P	84-10-073	392-170-060	NEW-P	84-10-074	440-44-030	AMD-P	84-09-080
392-162-010	NEW-P	84-10-073	392-170-065	NEW-P	84-10-074	440-44-040	AMD-P	84-09-080
392-162-015	NEW-P	84-10-073	392-170-070	NEW-P	84-10-074	440-44-045	AMD-P	84-09-080
392-162-020	NEW-P	84-10-073	392-170-075	NEW-P	84-10-074	440-44-048	AMD-P	84-09-080
392-162-025	NEW-P	84-10-073	392-170-080	NEW-P	84-10-074	440-44-050	AMD-P	84-09-080
392-162-030	NEW-P	84-10-073	392-170-085	NEW-P	84-10-074	440-44-057	AMD-P	84-09-080
392-162-035	NEW-P	84-10-073	392-170-090	NEW-P	84-10-074	440-44-065	AMD-P	84-09-080
392-162-040	NEW-P	84-10-073	392-170-095	NEW-P	84-10-074	440-44-070	AMD-P	84-09-080
392-162-045	NEW-P	84-10-073	392-171-295	NEW-P	84-03-013	446-50-080	AMD-P	84-02-069
392-162-050	NEW-P	84-10-073	392-171-295	NEW-W	84-09-001	446-50-080	AMD	84-05-010
392-162-055	NEW-P	84-10-073	392-171-295	NEW-P	84-10-075	458-14-040	AMD-E	84-10-026
392-162-060	NEW-P	84-10-073	392-171-325	AMD-P	84-10-075	458-20-114	AMD-P	84-02-045
392-162-065	NEW-P	84-10-073	392-171-331	AMD-P	84-03-013	458-20-114	AMD-C	84-05-027
392-162-070	NEW-P	84-10-073	392-171-331	AMD-W	84-09-001	458-20-114	AMD-C	84-05-067
392-162-075	NEW-P	84-10-073	392-171-331	AMD-P	84-10-075	458-20-114	AMD	84-08-012
392-162-080	NEW-P	84-10-073	392-171-351	AMD-P	84-03-013	458-20-183	AMD-P	84-05-068
392-162-085	NEW-P	84-10-073	392-171-351	AMD-W	84-09-001	458-20-183	AMD-C	84-08-033
392-162-090	NEW-P	84-10-073	392-171-351	AMD-P	84-10-075	458-20-238	OBJEC	84-08-043
392-162-095	NEW-P	84-10-073	392-171-366	AMD-P	84-03-013	458-40-18600	AMD-P	84-10-052
392-162-100	NEW-P	84-10-073	392-171-366	AMD-W	84-09-001	458-40-18700	AMD-P	84-10-052
392-162-105	NEW-P	84-10-073	392-171-366	AMD-P	84-10-075	458-40-18701	REP-P	84-10-052
392-162-110	NEW-P	84-10-073	392-171-381	AMD-P	84-10-075	458-40-18702	REP-P	84-10-052
392-162-115	NEW-P	84-10-073	392-171-382	NEW-P	84-10-075	458-40-18703	REP-P	84-10-052
392-165	NEW-C	84-05-015	392-171-383	NEW-P	84-10-075	458-40-18704	AMD-P	84-10-052
392-165	NEW-C	84-05-043	392-171-384	NEW-P	84-10-075	458-40-18705	AMD-P	84-10-052
392-165-100	NEW	84-06-019	392-171-386	AMD-P	84-10-075	458-40-18706	AMD-P	84-10-052
392-165-105	NEW	84-06-019	392-171-391	AMD-P	84-10-075	458-40-18711	AMD-P	84-05-022
392-165-110	NEW	84-06-019	392-171-401	AMD-P	84-10-075	458-40-18711	AMD-E	84-05-023
392-165-115	NEW	84-06-019	392-171-406	AMD-P	84-03-013	458-40-18711	AMD	84-08-020
392-165-120	NEW	84-06-019	392-171-406	AMD-W	84-09-001	458-40-18713	NEW-P	84-10-052
392-165-125	NEW	84-06-019	392-171-406	AMD-P	84-10-075	458-40-18714	NEW-P	84-10-052
392-165-130	NEW	84-06-019	392-171-411	AMD-P	84-03-013	458-40-19005	NEW-P	84-05-041
392-165-135	NEW	84-06-019	392-171-411	AMD-W	84-09-001	458-40-19005	NEW	84-08-021
392-165-140	NEW	84-06-019	392-171-411	AMD-P	84-10-075	460-16A-109	NEW-P	84-03-027
392-165-142	NEW	84-06-019	392-171-413	NEW-P	84-03-013	460-16A-109	NEW	84-07-043
392-165-145	NEW	84-06-019	392-171-413	NEW-P	84-10-075	463-06-040	AMD-P	84-03-046
392-165-170	NEW	84-06-019	392-171-416	AMD-P	84-03-013	463-06-040	AMD	84-07-042
392-165-180	NEW	84-06-019	392-171-416	AMD-W	84-09-001	468-38-135	NEW-P	84-03-033
392-165-210	NEW	84-06-019	392-171-416	REP-P	84-10-075	468-38-135	NEW-E	84-03-034
392-165-240	NEW	84-06-019	392-171-418	NEW-P	84-10-075	468-38-135	NEW	84-05-045
392-165-245	NEW	84-06-019	392-171-426	REP-P	84-10-075	468-38-235	AMD	84-04-011
392-165-260	NEW	84-06-019	392-171-431	AMD-P	84-10-075	468-58-110	REP-P	84-03-032
392-165-265	NEW	84-06-019	392-171-461	AMD-P	84-10-075	468-58-110	REP	84-05-044
392-165-302	NEW	84-06-019	392-171-516	AMD-P	84-03-013	468-300-010	AMD-P	84-06-050
392-165-304	NEW	84-06-019	392-171-516	AMD-W	84-09-001	468-300-010	AMD-C	84-10-001
392-165-310	NEW	84-06-019	392-171-516	AMD-P	84-10-075	468-300-010	AMD	84-10-002
392-165-315	NEW	84-06-019	392-171-566	AMD-P	84-03-038	468-300-020	AMD-P	84-06-050
392-165-320	NEW	84-06-019	392-171-721	AMD-P	84-10-075	468-300-020	AMD-C	84-10-001
392-165-322	NEW	84-06-019	392-171-731	AMD-P	84-03-013	468-300-020	AMD	84-10-002
392-165-325	NEW	84-06-019	392-171-731	AMD-W	84-09-001	468-300-030	AMD-P	84-06-050
392-165-327	NEW	84-06-019	392-171-731	AMD-P	84-10-075	468-300-030	AMD-C	84-10-001
392-165-330	NEW	84-06-019	392-184-003	NEW	84-05-026	468-300-030	AMD	84-10-002
392-165-332	NEW	84-06-019	392-184-005	NEW	84-05-026	468-300-040	AMD-P	84-06-050
392-165-340	NEW	84-06-019	392-184-010	NEW	84-05-026	468-300-040	AMD-C	84-10-001
392-165-345	NEW	84-06-019	392-184-015	NEW	84-05-026	468-300-070	AMD-P	84-06-050
392-165-350	NEW	84-06-019	392-184-020	NEW	84-05-026	468-300-070	AMD-C	84-10-001
392-165-360	NEW	84-06-019	392-184-025	NEW	84-05-026	478-116-010	AMD-P	84-06-046
392-165-365	NEW	84-06-019	392-185-003	NEW	84-05-016	478-116-010	AMD	84-10-030
392-165-425	NEW	84-06-019	392-185-005	AMD	84-05-016	478-116-240	AMD-P	84-06-046
392-165-430	NEW	84-06-019	392-185-140	REP	84-05-016	478-116-240	AMD	84-10-030
392-165-440	NEW	84-06-019	415-104-510	AMD	84-03-047	478-116-440	AMD-P	84-06-046
392-165-445	NEW	84-06-019	419-14-030	AMD-E	84-08-008	478-116-511	NEW-P	84-06-046
392-165-450	NEW	84-06-019	419-14-030	AMD-P	84-09-056	478-116-511	NEW	84-10-030
392-165-455	NEW	84-06-019	419-14-060	AMD-E	84-08-008	478-116-588	AMD-P	84-06-046
392-165-460	NEW	84-06-019	419-14-060	AMD-P	84-09-056	478-116-600	AMD-P	84-06-046
392-165-500	NEW	84-06-019	419-14-070	AMD-P	84-03-043	478-116-600	AMD-E	84-04-090
392-170-005	NEW-P	84-10-074	419-14-070	AMD-E	84-03-044	478-116-600	AMD-E	84-08-052
392-170-010	NEW-P	84-10-074	419-14-070	AMD-E	84-09-057	478-116-600	AMD	84-10-030
392-170-015	NEW-P	84-10-074	419-14-070	AMD	84-09-058	478-210-010	NEW	84-09-020
392-170-020	NEW-P	84-10-074	419-14-075	NEW-E	84-08-008	478-210-020	NEW	84-09-020

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #
479-13-010	AMD-P 84-06-032	490-300-085	NEW-E 84-03-024
479-13-060	AMD-P 84-06-032	490-300-085	NEW 84-07-006
480-95	NEW-C 84-04-012	490-300-090	NEW-E 84-03-024
480-95	RESCIND 84-07-046	490-300-090	NEW 84-07-006
480-95-010	NEW-E 84-04-013	490-300-100	NEW-E 84-03-024
480-95-010	NEW-C 84-07-045	490-300-100	NEW 84-07-006
480-95-010	NEW-E 84-07-047	490-300-110	NEW-E 84-03-024
480-95-010	NEW 84-10-017	490-300-110	NEW 84-07-006
480-95-020	NEW-E 84-04-013	490-300-120	NEW-E 84-03-024
480-95-020	NEW-C 84-07-045	490-300-120	NEW 84-07-006
480-95-020	NEW-E 84-07-047	490-500-055	AMD-P 84-07-005
480-95-020	NEW 84-10-017	490-500-055	AMD 84-10-045
480-95-030	NEW-E 84-04-013	490-500-420	AMD-P 84-07-005
480-95-030	NEW-C 84-07-045	490-500-420	AMD 84-10-045
480-95-030	NEW-E 84-07-047	490-600-045	AMD-E 84-03-025
480-95-030	NEW 84-10-017	490-600-045	AMD 84-07-007
480-95-040	NEW-E 84-04-013	490-600-071	AMD-E 84-03-025
480-95-040	NEW-C 84-07-045	490-600-071	AMD 84-07-007
480-95-040	NEW-E 84-07-047		
480-95-040	NEW 84-10-017		
480-95-050	NEW-E 84-04-013		
480-95-050	NEW-C 84-07-045		
480-95-050	NEW-E 84-07-047		
480-95-050	NEW 84-10-017		
480-95-060	NEW-E 84-04-013		
480-95-060	NEW-C 84-07-045		
480-95-060	NEW-E 84-07-047		
480-95-060	NEW 84-10-017		
480-95-070	NEW-E 84-04-013		
480-95-070	NEW-C 84-07-045		
480-95-070	NEW-E 84-07-047		
480-95-070	NEW 84-10-017		
480-95-080	NEW-E 84-04-013		
480-95-080	NEW-C 84-07-045		
480-95-080	NEW-E 84-07-047		
480-95-080	NEW 84-10-017		
480-95-090	NEW-E 84-04-013		
480-95-090	NEW-C 84-07-045		
480-95-090	NEW-E 84-07-047		
480-95-090	NEW 84-10-017		
480-95-100	NEW-E 84-04-013		
480-95-100	NEW-C 84-07-045		
480-95-100	NEW-E 84-07-047		
480-95-100	NEW 84-10-017		
480-95-110	NEW-E 84-04-013		
480-95-110	NEW-C 84-07-045		
480-95-110	NEW-E 84-07-047		
480-95-110	NEW 84-10-017		
480-95-120	NEW-E 84-04-013		
480-95-120	NEW-C 84-07-045		
480-95-120	NEW-E 84-07-047		
480-95-120	NEW 84-10-017		
480-95-125	NEW-C 84-07-045		
480-95-125	NEW-E 84-07-047		
480-95-125	NEW 84-10-017		
480-120-088	AMD-C 84-02-068		
480-120-088	AMD-C 84-03-051		
480-120-088	AMD-C 84-05-062		
480-120-088	AMD-P 84-06-057		
480-120-088	AMD 84-09-054		
480-125	REP-E 84-04-031		
490-300-010	NEW-E 84-03-024		
490-300-010	NEW 84-07-006		
490-300-020	NEW-E 84-03-024		
490-300-020	NEW 84-07-006		
490-300-030	NEW-E 84-03-024		
490-300-030	NEW 84-07-006		
490-300-040	NEW-E 84-03-024		
490-300-040	NEW 84-07-006		
490-300-050	NEW-E 84-03-024		
490-300-050	NEW 84-07-006		
490-300-060	NEW-E 84-03-024		
490-300-060	NEW 84-07-006		
490-300-070	NEW-E 84-03-024		
490-300-070	NEW 84-07-006		
490-300-080	NEW-E 84-03-024		
490-300-080	NEW 84-07-006		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF			
Definitions			
generally accepted auditing standards	84-06-021		
ADMINISTRATIVE RULES REVIEW COMMITTEE			
Boats, 5 tons and over, transfer	84-08-043		
AGRICULTURE			
Agricultural pests, quarantine	84-06-054		
Alcohol blend gasoline	84-07-026		
	84-10-057		
Apple maggot, quarantine	84-06-054		
Blossoming clover, alfalfa, and mint	84-05-066		
	84-09-012		
Bonding and storing of agricultural commodities	84-06-058		
Brucellosis	84-02-028		
	84-04-083		
	84-08-038		
Buckwheat	84-03-045		
Buckwheat and storage examinations	84-06-036		
Calftlood vaccination	84-08-037		
Cattle	84-02-028		
	84-04-083		
	84-08-037		
Contemporary grain storage	84-06-058		
	84-09-069		
	84-10-021		
Corn seed certification and fees	84-10-078		
Cranberries, marketing order	84-05-055		
Criminal justice training for agricultural officers	84-07-041		
EDB tolerance level established	84-05-009		
	84-06-040		
	84-09-059		
	84-08-066		
Egg assessment			
Forest reproductive material certification standards	84-10-077		
Gasoline, blended with alcohol	84-07-026		
Goats	84-02-028		
Grain storage, contemporary	84-06-058		
	84-09-069		
	84-10-021		
Grass seed certification	84-10-080		
Gypsy moth, quarantine	84-06-054		
Inspection fees	84-09-003		
	84-10-037		
Livestock, general	84-08-037		
Mint	84-04-018		
	84-10-046		
Miscellaneous commodities			
buckwheat	84-03-045		
Miscellaneous services	84-09-007		
Pesticide regulation	84-05-014		
	84-09-011		
Pollen shedding corn, insecticide use	84-05-065		
	84-09-013		
Potato certification	84-08-067		
Quarantine, agricultural pests, gypsy moth, apple maggot	84-06-054		
	84-10-039		
Seed certification fees and standards	84-10-078		
Seed testing lab fees	84-10-079		
Tuberculosis	84-02-028		
Weeds (See NOXIOUS WEED CONTROL BOARD)			
ARCHITECTS, BOARD OF REGISTRATION FOR			
Examination	84-04-028		
Reciprocity	84-04-028		
ASIAN-AMERICAN AFFAIRS, COMMISSION ON			
Meetings	84-04-023		
ATTORNEY GENERAL, OFFICE OF THE			
Consumer protection name change	84-07-035		
	84-10-031		
organization change	84-07-035		
	84-10-031		
ATTORNEY GENERAL, OFFICE OF THE—cont.			
Index		84-07-035	
		84-10-031	
Organization change		84-07-035	
		84-10-031	
Public records request		84-07-035	
		84-10-031	
ATTORNEY GENERAL OPINIONS			
Athletes, industrial insurance coverage		84-05-030	
Boundary review board jurisdiction over intercounty municipal annexation		84-06-044	
Corporation notices of delinquency		84-01-036	
Economic development councils		84-07-009	
First Avenue South Bridge, service district		84-06-034	
Hydraulic permit denial		84-05-019	
MWBE, application to public works		84-08-025	
Parks and recreation commission, boating rule authority		84-05-004	
Platting and subdivisions		84-01-055	
Port districts			
annexation of noncontiguous territory		84-10-012	
voter approval of tax levies		84-06-003	
School transportation contracts		84-04-053	
SEPA and boundary review boards		84-06-044	
Sheriffs, authority to fix salaries of deputies		84-06-060	
Surplus line broker		84-01-027	
Weed district assessments		84-03-039	
BANKS (See GENERAL ADMINISTRATION)			
BELLEVUE COMMUNITY COLLEGE (District 8)			
Admissions		84-09-050	
Financial aid		84-09-050	
General operating policies		84-04-049	
		84-07-039	
Meetings		84-01-075	
Parking fees		84-04-062	
		84-07-040	
Registration		84-09-050	
Residency classifications		84-09-050	
Schedule of fees		84-09-050	
Sexual harassment policy		84-04-049	
		84-07-039	
BELLINGHAM, CITY OF			
Shoreline management master program		84-03-057	
		84-04-074	
		84-04-077	
		84-08-029	
BLAINE, CITY OF			
Shoreline management master program		84-09-086	
BLIND, DEPARTMENT OF SERVICES FOR THE			
Child and family services		84-01-044	
Disclosure		84-01-040	
Independent living services		84-01-045	
Physical and informational accessibility		84-01-041	
Prevention of blindness program		84-10-033	
Public records		84-01-040	
Vending facility program		84-01-043	
		84-06-055	
		84-09-048	
Vocational rehabilitation and services		84-01-042	
BOARD OF PRACTICAL NURSING (See PRACTICAL NURSING, BOARD OF)			
BOATS (See LICENSING, DEPARTMENT OF; PARKS AND RECREATION)			
CENTRALIA COLLEGE, OTCC, and GHEC (District 12)			
Meeting schedule		84-03-010	
		84-05-028	
CENTRAL WASHINGTON UNIVERSITY			
Campaign purposes, use of facilities		84-09-040	

Subject/Agency Index
(Citations in bold type refer to material in this issue)

CENTRAL WASHINGTON UNIVERSITY—cont.		CORRECTIONS, DEPARTMENT OF—cont.	
Firearms, explosives, dangerous chemicals	84-09-040	Impact funds, political subdivisions	84-03-014
Parking and traffic	84-02-013		84-06-009
	84-02-014	Juvenile offenders, transfer	
	84-08-044	to correction system	84-06-016
CHILD CARE (See DAY CARE)			84-06-025
CHIROPRACTIC DISCIPLINARY BOARD		Letters per indigent inmates	84-04-045
Billing	84-01-054		84-04-046
Ethical standards	84-01-054	Maximum capacities	84-08-011
Excessive charges	84-01-054	Strip search and body cavity searches	84-09-067
Future care contracts	84-01-054	Use of force	84-09-066
Identification	84-01-054		
Pelvic or prostate exam	84-01-054	COUNCIL FOR POSTSECONDARY EDUCATION	
Telephone listings	84-01-054	Displaced homemaker program	84-10-048
CLALLAM COUNTY		Residency status for higher education	84-10-027
Shoreline management master program	84-01-084		84-10-043
	84-06-042	COUNTY ROAD ADMINISTRATION BOARD	
	84-08-030	Rural arterial program	
COLUMBIA BASIN COLLEGE		account funds apportionment	84-01-010
SEPA regulations	84-06-033	administration	84-01-009
	84-07-033	design standards	84-01-015
		eligibility	84-01-012
COMMUNITY COLLEGE DISTRICT 1		local matching requirements	84-01-016
(See PENINSULA COLLEGE)		project approval process	84-01-013
COMMUNITY COLLEGE DISTRICT 4		regional prioritization	84-01-011
(See SKAGIT VALLEY COLLEGE)		1984, trust account fund allocation	84-01-014
COMMUNITY COLLEGE DISTRICT 6		CRIMINAL JUSTICE TRAINING COMMISSION	
(See SEATTLE COMMUNITY COLLEGE)		Agricultural officer training	84-07-041
COMMUNITY COLLEGE DISTRICT 8		Meetings	84-01-074
(See BELLEVUE COMMUNITY COLLEGE)		DANGEROUS WASTE	
COMMUNITY COLLEGE DISTRICT 9		(See ECOLOGY, DEPARTMENT OF)	
(See HIGHLINE COMMUNITY COLLEGE)		DAY CARE	
COMMUNITY COLLEGE DISTRICT 10		Group homes, licensing	84-02-005
(See GREEN RIVER COMMUNITY COLLEGE)		Handicapped children	
COMMUNITY COLLEGE DISTRICT 11		licensing requirements	84-02-005
(See FORT STEILACOOM		Licensing requirements for	
COMMUNITY COLLEGE)		child care agencies	84-02-005
COMMUNITY COLLEGE DISTRICT 12			84-06-030
(See CENTRALIA COLLEGE, OTCC AND		DENTAL DISCIPLINARY BOARD	
GHEC)		Patient abandonment	84-02-076
COMMUNITY COLLEGE DISTRICT 17			84-05-070
(See SPOKANE COMMUNITY COLLEGES)		DENTAL EXAMINERS, BOARD OF	
COMMUNITY COLLEGE DISTRICT 19		Examination content	84-04-087
(See COLUMBIA BASIN COLLEGE)		Examination results	84-07-050
COMMUNITY COLLEGE DISTRICT 21			84-07-048
(See WHATCOM COMMUNITY COLLEGE)		DENTAL HYGIENE EXAMINING COMMITTEE	
COMMUNITY COLLEGE DISTRICT 23		Examination	84-04-088
(See EDMONDS AND EVERETT			84-07-049
COMMUNITY COLLEGES)			84-10-063
COMMUNITY COLLEGE EDUCATION,		DEVELOPMENTALLY DISABLED	
BOARD FOR		AND HANDICAPPED	
Instructor certification	84-01-038	Adult residential treatment facilities	
Meetings	84-08-054	monthly maintenance standard	84-04-004
Tuition and fee waiver,			84-04-005
low-income students	84-08-031	Barrier free participation	84-07-016
Vocational instructor certification	84-03-004	Community alternatives program	84-01-068
	84-06-052	(CAP) project	84-01-032
			84-01-033
			84-04-009
			84-04-010
CONSERVATION COMMISSION			84-04-066
Meetings	84-02-071		84-07-018
	84-09-019	Fair hearings, DSHS	84-08-015
CONVENTION AND TRADE CENTER		Fire protection standards	84-09-038
Meetings	84-02-015	Group homes, licensing	84-02-005
	84-05-064	IMR facilities	
	84-10-004	field audits	84-05-056
CORRECTIONS, DEPARTMENT OF			84-09-018
Community residential facilities,		maximum compensation of administrators	84-04-056
siting	84-08-023		84-09-032
Criminal justice reimbursement		Program option rules	84-03-054
costs - adult	84-08-060		

Subject/Agency Index
(Citations in bold type refer to material in this issue)

EASTERN WASHINGTON UNIVERSITY		ECOLOGY, DEPARTMENT OF—cont.	
Affirmative action policy	84-09-030	Underground inspection control program	84-06-023
ECOLOGY, DEPARTMENT OF		Waste discharge permit program	84-02-070
Air pollution, sources			84-06-023
arsenic standards	84-04-076	Water	84-08-078
Automotive oil recycling	84-10-019	underground injection control program	84-02-070
Dangerous waste regulation	84-10-061	EDMONDS AND EVERETT	
	84-09-083	COMMUNITY COLLEGES	
	84-09-088	(District 23)	
land disposal/groundwater		<u>Edmonds</u>	
monitoring standards	84-04-075	Student records	84-01-066
	84-07-057	<u>Everett</u>	
moderate risk waste standards	84-09-088	Meeting schedule	84-02-001
	84-04-075		84-03-011
	84-07-057		84-09-075
recycling standards	84-09-088		
	84-04-075	EDMONDS, CITY OF	
temporary exclusions extended	84-07-057	Shoreline management master program	84-07-054
Hazardous waste fee regulations	84-09-083		84-07-060
Instream resources protection program	84-02-027		84-10-050
Kennedy-Goldsborough WRIA	84-05-012		
Motor vehicle emission inspection		EDUCATIONAL SERVICES REGISTRATION	
Spokane start date	84-04-014	(See VOCATIONAL EDUCATION)	
		EDUCATION, STATE BOARD OF	
Municipal wastewater treatment		Educational service districts	84-08-047
construction grants priority list	84-10-011		84-08-058
NPDES permit program	84-07-058	election of board members	84-08-059
	84-08-078	High school graduation requirements	84-08-050
Oil or natural gas		Meetings	84-08-076
marine waters	84-01-028		84-01-053
Okanogan river basin water resources		School accreditation	84-08-046
management program	84-07-056	State assistance in providing	84-08-075
SEPA	84-05-020	school plant facilities	84-04-084
	84-05-021		84-07-036
	84-09-081		84-08-048
model ordinance for adoption	84-10-049	State support of public schools	84-08-049
Shoreline management master program			84-08-051
Bellingham, city of	84-03-057	EMERGENCY SERVICES, DEPARTMENT OF	
	84-04-074	Classes of emergency workers	84-08-074
	84-04-077	Emergency management assistance funds	
	84-08-029	criteria for allocation	84-01-022
Blaine, city of	84-09-086	Local emergency services organizations	84-01-023
Clallam county	84-01-084	Local emergency services plans	84-01-024
	84-06-042	Local emergency services program	84-01-025
	84-08-030		
Edmonds, city of	84-07-054	EMPLOYMENT SECURITY DEPARTMENT	
	84-07-060	Claimant information	84-10-022
	84-10-050	Conditional payment	84-10-022
			84-10-023
King county	84-03-057	Council meeting	84-09-005
	84-07-025	Overpayments, offsets	84-02-061
Kitsap county	84-03-058	Pending of benefit claims	
	84-08-042	notice	84-02-061
Klickitat county	84-01-085		84-09-033
	84-06-043		84-09-034
Lake Stevens, city of	84-02-075	ENERGY FACILITY SITE EVALUATION COUNCIL	
Olympia, city of	84-04-078	Bimonthly meetings	84-03-046
	84-06-041		84-07-042
	84-07-059		
	84-08-028	EXECUTIVE ORDERS	
	84-10-051	(See GOVERNOR, OFFICE OF THE)	
Pacific county	84-02-072	FERRY SYSTEM	
Richland, city of	84-02-073	(See TRANSPORTATION, DEPARTMENT OF)	
Selah, city of	84-04-079	FIRE MARSHAL	
	84-08-003	Guard animals, premises to be posted	84-05-013
Skagit county	84-04-079		84-08-018
	84-08-003	Group care facilities	
Snohomish county	84-02-074	severely and multiply-handicapped	84-09-038
Spokane county	84-03-057	FISHERIES, DEPARTMENT OF	
	84-07-025	(See also GAME, DEPARTMENT OF)	
	84-01-085	Agency procedures, etc.	
Tacoma	84-06-043	code recodification, WSR/WAC revisions	84-03-059
	84-07-055		84-05-046
Whatcom county	84-01-085	hydraulic permit denial, AGO	84-05-019
State/EPA agreement	84-06-043		
	84-08-079		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FISHERIES, DEPARTMENT OF

(See also **GAME, DEPARTMENT OF**)—cont.

hydraulic project approval	84-04-047
major revisions	84-04-091 84-08-014
Commercial	
agency procedures, major revisions, etc.	84-04-091
aquaculture permits	84-02-044
bottomfish	
herring	84-09-078
pacific hake	84-02-012 84-06-007 84-07-002
pacific ocean perch	84-02-011
pacific whiting	84-05-025 84-06-007 84-07-002 84-08-004
rockfish	84-02-011
sablefish	84-02-011
shortbelly rockfish	84-02-011
widow rockfish	84-02-011
gear identification,	
removes obsolete language	84-08-065
receiving tickets, nontreaty	84-08-007
salmon	
aquaculture exception,	
pen-raised fish	84-08-065
Chehalis river	84-06-022 84-06-051
Columbia river	84-05-036 84-05-037 84-06-008 84-06-022 84-02-044
egg sales	84-02-044
Grays Harbor and tributaries	84-06-051
off-reservation Indian	
subsistence fishing	84-03-059 84-05-046
Pacific Ocean troll fishery	84-10-042
Puget Sound restrictions	84-10-024 84-01-021 84-01-030 84-01-039 84-01-058 84-01-063 84-02-018 84-02-043 84-09-037 84-10-015 84-08-065
stock separations	
Yakima, Warm Springs,	
Umatilla, Nez Perce	84-05-036 84-10-042
razor clams	84-07-023
squid regulations	84-04-044 84-10-010
sturgeon	84-02-049 84-04-043 84-04-060 84-05-006 84-05-035
Personal use rules	
herring	84-08-005
lingcod	84-08-005
recreational fisheries, 1984-85 seasons	84-03-060 84-09-026
salmon	
Apple Cove Point to Edwards Point	84-07-029
barbed hooks	84-10-041
Chehalis river	84-05-042
Columbia river	84-07-022 84-08-024
Cowlitz river	84-08-005
Dungeness bay	84-09-028
lakes	
Armstrong	84-08-005

FISHERIES, DEPARTMENT OF

(See also **GAME, DEPARTMENT OF**)—cont.

Baker	84-09-028
Clear	84-08-005
Cushman	84-08-005
Goodwin	84-08-005
McMurray	84-08-005
Merwin	84-08-005
Shannon	84-08-005
Wilderness	84-08-005
Wynoochee	84-08-005
Les Davis pier	84-08-005
Lewis river	84-08-005
Pacific Ocean	84-10-041
Point Partridge	84-08-005
punchcard areas	84-08-005
area 5	84-08-005
area 6	84-08-005
area 8	84-08-005
area 9	84-08-005
area 12	84-08-005
Shilshole bay	84-08-005
sport salmon catch record	84-08-005
shellfish	
agency procedures, major revisions, etc.	84-04-091
bag limits	84-08-005
crab	84-08-005
English camp	84-08-005
oysters	84-08-005
razor clams	84-01-029
sturgeon	84-08-005
FOOD STAMPS	
(See SOCIAL AND HEALTH SERVICES,	
DEPARTMENT OF)	
FORECAST COUNCIL	
Created	84-03-061
FOREST PRACTICES BOARD	
Meetings	84-01-052 84-03-040 84-03-052 84-08-034
FOREST PRODUCTS	
Timber tax	
conversion definitions and factors	84-02-040 84-02-041
definitions	84-02-040 84-02-041 84-10-052
excise tax credit for personal	
property tax	84-05-041 84-08-021
harvester adjustments	84-02-040 84-02-041 84-10-052
hauling distance zones	84-02-040 84-02-041 84-10-052
small harvester option	84-02-040 84-02-041 84-10-052
stumpage values	84-02-040 84-02-041 84-05-022 84-05-023 84-08-020 84-10-052
stumpage value areas	84-02-040 84-02-041 84-10-052
timber pile volume	84-02-040 84-02-041
timber pole volume	84-02-040 84-02-041
timber quality code	84-02-040 84-02-041 84-10-052

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FORT STEILACOOM COMMUNITY COLLEGE

(District 11)

Meetings	84-01-020
	84-04-052
	84-05-047
	84-09-006
	84-09-041
Personnel guidelines	
administration	84-01-051
faculty	84-01-051
professional personnel	84-01-051
specialization areas	84-01-051
Student senate meeting	84-09-042

FUNERAL DIRECTORS AND EMBALMERS, BOARD OF

Accrediting approval	84-08-061
School approval	84-08-061

GAMBLING COMMISSION

(See also **LOTTERY COMMISSION**)

Bingo, agricultural fairs	84-09-064
	84-10-006
Bingo, change of premises	84-09-064
	84-10-006
Bingo equipment	84-01-026
Bona fide charitable and nonprofit organizations required information	84-01-026
Coin-operated gambling device	84-09-064
	84-10-006
Fees	84-01-026
	84-09-064
	84-10-006
change of location, date, name	84-09-064
	84-10-006
Fund raising events	
bingo	84-09-064
	84-10-006
bona fide member	84-09-064
	84-10-006
licensees may join together	84-09-064
	84-10-006
maximum amount raised	84-09-064
	84-10-006
Gross receipt limits	84-01-026
Income limits	84-01-026
Inspection services stamp	84-09-064
	84-10-006
Licenses	
death or incapacity	84-09-064
	84-10-006
distributor's representative	84-09-064
	84-10-006
lessor requirements removed	84-09-064
	84-10-006
transfer	84-09-064
	84-10-006
Pull tabs	84-09-064
	84-10-006
	84-10-040
Punchboards	84-10-040
Raffles	
separate premises	84-09-064
	84-10-006
Revenue understating	84-01-026
Stamp numbers on invoices	84-10-040

GAME, DEPARTMENT OF

Agency procedures	
director empowered to alter seasons	84-08-068
hydraulic code	84-05-003
hydraulic permit denial, AGO	84-05-019
wild animals in captivity	84-05-057
	84-05-058
	84-09-052
	84-09-053
Dogs, seize or destroy	84-02-064
Gill net	

GAME, DEPARTMENT OF—cont.

marine area 7B	84-03-022
marine areas 8A and 9	84-02-003
Nooksack river system	84-03-022
Quinault river system	84-03-031
Snohomish river	84-01-065
	84-02-003
Hunting	
black bear, director authorized	84-04-015
game management units	84-08-073
mountain goat, sheep, moose	84-05-059
spring bear and turkey	84-05-060
unlawful firearms	84-08-072
upland game, eastern Washington	84-02-002
1983 hunting seasons	
and game bag limits	84-08-073
Sport fishing	
Chehalis river system	84-04-002
Green and Duwamish rivers	84-01-064
	84-02-063
Nooksack river system	84-05-002
Puyallup river	84-02-062
Samish river system	84-04-001
Skagit river system	84-05-002
Snohomish river	84-01-064
Steelhead	
Chehalis river system	84-03-030
Columbia river	84-08-069
Elwha river system	84-05-001
fishing punchcard, catch and release	84-03-021
Green river	84-07-031
Hoh river system	84-06-005
marine area 5	84-05-001
marine area 8	84-03-023
marine areas 8A and 9	84-03-029
Nisqually river	84-07-044
Puyallup closed to gill nets and Indians	84-02-065
Pysht river system	84-05-001
Quillayute river system	84-06-005
	84-09-004
Quinault river system	84-08-070
Skagit river system	84-03-023
Snohomish river	84-07-031
Stillaguamish river system	84-03-029
	84-08-071
Trapping seasons and regulations	
muskrat damage	84-05-061
GASOLINE	
Alcohol blend	84-07-026
GENERAL ADMINISTRATION, DEPARTMENT OF	
Banks	
industrial loan companies	84-03-009
	84-06-001
limiting loans to officers	84-03-036
Federal surplus property	84-07-024
Savings and loans	
acquisition application fee	84-09-055
investigations, fees	84-08-008
	84-08-009
	84-09-056
loan limitations	84-03-043
	84-03-044
	84-09-057
	84-09-058
GOVERNOR, OFFICE OF THE	
Disabled citizens, participation free of mobility barriers	84-01-068
Emergencies	
local governments, flooding and freezing problems	84-03-006
local governments, power problems	84-02-010
McNeil emergency terminated	84-02-057
state emergency terminated	84-02-058
	84-04-038
western state power problems	84-02-009

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

GOVERNOR, OFFICE OF THE—cont.		HIGHER EDUCATION PERSONNEL BOARD—cont.	
Executive orders, currently effective	84-01-069	probationary period	84-04-070
Financial advisors council established	84-04-039		84-04-071
Forecast council established	84-03-061	reversion	84-02-067
International trade and development, state advisory council	84-07-004		84-04-070
Mt. St. Helens		student employment	84-04-071
zones, etc.	84-10-034		84-02-067
Telephone systems acquisition freeze	84-09-010	temporary appointment	84-06-004
Tourism, development			84-02-067
commission established	84-06-059	temporary assignment	84-06-004
Veterans' business and employment, council on	84-01-062		84-02-067
		temporary duties	84-06-004
			84-02-067
GREEN RIVER COMMUNITY COLLEGE		temporary employee	84-06-004
(District 10)			84-02-067
Meetings	84-02-007	temporary employment	84-06-004
Tuition and fees, refund	84-06-053		84-02-067
		temporary position	84-06-004
HANDICAPPED (See DEVELOPMENTALLY DISABLED AND HANDICAPPED)			84-02-067
HARBOR LINE COMMISSION		transfer	84-06-004
(See NATURAL RESOURCES, DEPARTMENT OF)		trial service	84-02-042
		Eligible lists	
HEALTH, BOARD OF		definition	
Bulk food storage and display	84-10-044	composition	84-02-042
U.S. standard certificates	84-02-004		84-04-070
			84-04-071
HEARING AIDS, COUNCIL ON			84-06-065
Bait advertising	84-10-062	related list	84-08-032
Equipment standards	84-04-048		84-06-065
	84-08-062	Examination, requirement, definition, etc.	84-10-056
	84-10-059		84-06-065
Examinations	84-03-018	Exemptions	84-02-067
	84-04-048		84-06-004
	84-08-062	Immediate dismissal	84-10-018
	84-08-062	Lay off	
Failure to renew license	84-08-062	lists—institution wide	84-04-070
Reexaminations	84-04-048		84-04-071
	84-10-059		84-08-032
Trainees	84-03-018		84-04-070
Trainee sponsors	84-04-048		84-04-071
	84-08-062		84-08-032
Unethical conduct	84-10-062		84-04-070
Unfair or deceptive practices	84-10-062		84-04-071
			84-08-032
HIGHER EDUCATION PERSONNEL BOARD			84-06-065
Application	84-06-065	Medical examination, current employee	84-10-055
	84-10-056		
Appointment		Movement between	
interim	84-02-067	institutions/related boards	84-02-042
	84-06-004	Noncompetitive service	84-06-065
leave of absence	84-02-067		84-10-056
	84-06-004	Organizational unit, establishment	84-06-065
permanent status	84-04-070	establishment	
	84-04-071	Recruitment notice	84-10-056
	84-08-032		84-06-065
probationary	84-04-070		84-10-055
	84-04-071		84-10-056
	84-08-032	Shift differential	84-09-068
temporary	84-02-067	Veterans preference	84-10-055
	84-06-004	Trial service period	84-02-067
Assignment			84-04-070
temporary	84-02-067		84-04-071
	84-06-004		84-08-032
Board member confirmation	84-09-068	Vacation leave – cash payment	84-09-068
Certification	84-06-065		84-10-018
Definitions		Vacation leave – separation	84-10-018
examinations	84-06-065	Vacation leave – use	84-04-070
	84-10-058		84-04-071
final examinations	84-06-065		84-08-032
final examination score	84-10-058		84-06-065
lay off	84-06-035		
lay off seniority	84-02-042	Veterans' preference	
	84-02-067		
	84-04-070	HIGHLINE COMMUNITY COLLEGE	
	84-04-071	(District 9)	
part-time employment	84-02-067	Meetings	84-10-005
	84-06-004	Parking and traffic regulations	84-09-039
permanent employee	84-02-042	HORSE RACING COMMISSION	
		Bleeder list	84-04-061
			84-06-061

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HORSE RACING COMMISSION—cont.		INSURANCE BOARD, STATE EMPLOYEES—cont.	
Medication	84-04-061	Employee or dependents become ineligible	84-04-063
	84-06-061		84-05-029
Stalls, barns, etc.	84-04-061		84-09-043
	84-06-061		84-09-044
HOSPITALS			84-10-020
Certificate of need	84-07-014	New dependents life coverage	84-04-063
Hospice defined	84-04-026		84-05-029
	84-04-057		84-09-043
	84-07-014		84-09-060
Payment, hospital care	84-08-039	Optional coverages, reduction or cancellation	84-04-063
	84-08-040		84-05-029
			84-09-043
HOSPITAL COMMISSION			84-09-060
Accounting and reporting manual	84-10-013	Retroactive employer contributions restricted	84-09-043
Budget and rate requests	84-02-031		84-09-060
	84-09-021		
HOUSING AUTHORITIES		INDUSTRIAL INSURANCE APPEALS, BOARD OF	
Sunnyside meetings	84-05-031	Practice and procedure	84-02-024
			84-04-025
HOUSING FINANCE COMMISSION			84-04-058
Organization and procedures	84-01-076		84-04-059
	84-04-042		84-08-036
HUMAN RIGHTS COMMISSION		INSURANCE COMMISSIONER	
Meetings	84-01-059	(See also FIRE MARSHAL)	
	84-04-016	Group care facilities - fire standards severely and multiply-handicapped	84-09-038
	84-05-063	Health care service contractors, agent licensing	84-08-001
	84-06-037	Health care service contractors assessment for exam costs	84-04-032
			84-08-001
HUNTING (See GAME, DEPARTMENT OF)		Health care services, forms	84-08-001
INDIANS (See also FISHERIES; GAME, DEPARTMENT OF)		Health maintenance organizations assessment for exam costs	84-04-033
Salmon and steelhead areas, seasons, etc.			84-08-002
Chehalis river system	84-03-030	INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	
	84-06-022	Meetings	84-01-001
	84-06-051		
Columbia river	84-05-036	INVESTMENT BOARD	
Elwha river system	84-05-001	Meetings	84-01-067
Grays Harbor and tributaries	84-06-022		
	84-06-051	JOB SKILLS PROGRAM (See VOCATIONAL EDUCATION)	
marine area 5	84-05-001		
marine area 7B	84-03-022	JUDICIAL QUALIFICATIONS COMMISSION	
marine area 8	84-03-023	Proposed revised rules	84-07-001
marine area 8A	84-03-029		
Nisqually river	84-07-044	KING COUNTY	
Nooksack river system	84-03-022	Metro mass transit hearing	84-03-041
Pysht river system	84-05-001		84-03-042
Quillayute river system	84-09-004	Shoreline management master program	84-03-057
Quinault river system	84-03-031		84-07-025
Skagit river system	84-03-023	KITSAP COUNTY	
Snomish river	84-01-065	Shoreline management master program	84-03-058
Stillaguamish river system	84-03-029		84-08-042
off-reservation subsistence fishing	84-02-044	KLUCKITAT COUNTY	
	84-03-059	Shoreline management master program	84-01-085
	84-05-046		84-06-043
	84-10-042	LABOR AND INDUSTRIES, DEPARTMENT OF	
Puget Sound	84-01-058	Athletes, industrial insurance coverage, AGO	84-05-030
	84-01-063	Apprenticeship	
	84-02-018	apprenticeship agreements	84-04-024
	84-02-043	registrations fees	84-04-024
	84-09-037	training agreements	84-04-024
	84-10-015	Apprenticeship training council meetings	84-02-016
Puyallup	84-02-065	Boiler rules	84-06-010
Snomish river	84-01-065	Contractors	
Yakima, Warm Springs, Umatilla, Nez Perce	84-05-036	mailing copy of infraction	84-03-003
			84-04-072
INSURANCE BOARD, STATE EMPLOYEES		procedures for notice of infraction	84-03-003
Employee contributions restricted	84-04-063		84-04-072
	84-05-029		84-07-021
	84-09-043		
	84-09-060		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LABOR AND INDUSTRIES, DEPARTMENT OF

—cont.
 service on employee of a contractor 84-03-003
 84-04-072
 traffic infraction form clarification 84-03-003
 84-04-072
 Electrical wires and equipment 84-07-010
 84-08-006
 Elevators, etc. 84-03-008
 84-05-005
 84-05-032
 84-10-025
 Group self-insurance 84-02-078
 84-06-031
 Hazard communication in the general occupational
 and health standard 84-09-029
 Industrial insurance accident fund
 base rates 84-09-035
 84-09-036
 84-09-035
 84-09-036
 Medical aid rates
 Safe place standard,
 alcohol or narcotics 84-10-016
 Workers' compensation
 athletes, AGO 84-05-030
 developmentally disabled workers 84-08-077
 extra-territorial reciprocal agreement 84-02-059
 84-06-018
 retrospective rating plans 84-02-060
 84-06-024
 risk classification, developmentally
 disabled workers 84-08-077

LAKE STEVENS, CITY OF

Shoreline management master program 84-02-075

LIBRARIES

Library commission
 meetings 84-04-080
 84-10-029
 Library network computer service council
 meetings 84-04-080
 84-07-020
 Library network executive council 84-04-089
 Library planning and development committee 84-07-020
 Planning and development committee 84-07-020
 Services to the public, adequacy criteria 84-07-020

LICENSING, DEPARTMENT OF

Aircraft fuel tax 84-06-066
 Boats (See also **PARKS AND RECREATION**)
 certificates of title 84-06-056
 84-10-081
 84-10-081
 tax 84-06-056
 vessel registration 84-10-081
 Dispensing opticians 84-04-085
 84-08-019
 Motor vehicles
 proration and reciprocity 84-02-019
 Real estate commission
 meetings 84-02-047
 84-06-002
 Securities
 cheap stock rule, hi-tech exemption 84-02-008
 84-03-027
 84-07-043

LIQUOR CONTROL BOARD

Banquet permits 84-06-064
 84-09-025
 Brewers, importers, wholesalers,
 monthly reports, tax refund 84-06-062
 84-09-023
 Class E 84-07-052
 84-09-077
 Class F 84-07-052
 84-09-077
 Class EF 84-07-052
 84-09-077
 Class H licenses, liquor purchases by 84-02-066

LIQUOR CONTROL BOARD—cont.

Class P license 84-06-063
 84-09-024
 84-09-062
 84-09-063
 84-09-022
 Open containers, room service
 Wineries, importers, wholesalers,
 monthly reports, tax payment 84-06-062
 84-09-023
 84-03-019
 Withdrawal of WSR 83-23-121

LOTTERY COMMISSION

(See also **GAMBLING COMMISSION**)

Agency procedures
 description of central and
 field organization 84-05-008
 Agents
 change of business structure 84-06-045
 84-09-085
 change of corporate officers 84-09-085
 change of location 84-01-002
 change of ownership 84-06-045
 84-09-085
 compensation 84-01-004
 license fees 84-01-002
 84-06-045
 84-09-008
 84-09-085
 license not a vested right 84-01-002
 license ownership transfer prohibited 84-01-002
 84-05-050
 84-06-045
 84-09-008
 84-09-085
 license renewal 84-01-002
 obligations of licensed agents 84-01-002
 84-01-007
 84-01-071
 84-05-008
 84-05-008
 on-line agent credit 84-05-008
 on-line agent selection 84-05-008
 Definitions 84-01-007
 84-01-071
 84-05-008
 Disclosure of probability 84-01-004
 Evergreen Lotto rules 84-09-084
 Instant game criteria 84-01-007
 84-01-071
 84-05-008

Instant game number 5
 criteria 84-01-008
 84-01-072
 84-05-008

Instant game number 6
 criteria 84-01-006
 84-01-071
 84-05-008

Instant game number 7
 criteria 84-01-004
 definitions 84-01-004
 ticket validation requirements 84-01-004

Instant game number 8
 criteria 84-01-003
 84-03-026
 84-05-051
 84-09-008

definitions 84-01-003
 ticket validation requirements 84-01-003

Instant game number 9
 criteria 84-05-052
 84-05-053
 84-09-008

definitions 84-05-052
 84-05-053
 84-09-008

ticket validation requirements 84-05-052
 84-05-053
 84-09-008

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LOTTERY COMMISSION		MINORITY AND WOMEN'S BUSINESS	
(See also GAMBLING COMMISSION)—cont.		ENTERPRISES, OFFICE OF —cont.	
Instant game number 10 criteria	84-07-053 84-09-009 84-09-085	Goal setting rules	84-03-005 84-05-033 84-05-034
definitions	84-07-053 84-09-009 84-09-085	Hearing procedures	84-09-002 84-05-033 84-05-034
ticket validation requirements	84-07-053 84-09-009 84-09-085	Joint venture approval	84-09-002 84-05-033 84-09-002
Meeting schedule	84-02-025	Proof of ownership of business	84-05-033 84-05-034 84-09-002
Official end of game	84-01-004 84-01-071 84-05-008	Public records	84-05-033 84-05-034 84-09-002
On-line games	84-01-005 84-01-031 84-01-071	Reconsideration of decision	84-05-033 84-05-034 84-09-002
agent credit criteria	84-01-071		
agent selection criteria	84-01-071 84-01-073		
Organization		MOTOR VEHICLE EMISSION INSPECTIONS	
central and field offices	84-01-008 84-01-071	(See ECOLOGY, DEPARTMENT OF)	
Prizes		MT. ST. HELENS	
death or disability of owner	84-01-007 84-01-071 84-05-008	(See GOVERNOR, OFFICE OF THE)	
payment, generally	84-01-002 84-05-050 84-09-008	NATURAL RESOURCES, DEPARTMENT OF	
Triple choice rules	84-01-005 84-01-031	Board meetings	84-02-026
		Harbor line commission	
		new harbor areas	
		policy and standards	84-06-068
		Industrial fire tool requirements	84-09-014
		NOXIOUS WEED CONTROL BOARD	
		List enlarged	84-03-020 84-06-047
		NUCLEAR WASTE BOARDS	
		Public records	84-10-035 84-10-036
MARINE EMPLOYEES' COMMISSION		NURSING (See PRACTICAL NURSING, BOARD OF)	
Labor relations		NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR	
practice and procedure	84-04-081 84-07-037 84-07-038	Approval of courses of study	84-04-086 84-07-051 84-04-086 84-07-051
		Continuing education	
MENTAL HEALTH		NURSING HOMES	
Involuntary commitment, evaluation, treatment	84-03-035	Accounting and reimbursement system	84-08-041 84-08-056
Voluntary admission	84-03-035		
Workshops	84-10-009	OIL OR GAS	
METRO		Marine exploration	84-01-028
Public hearings		OLYMPIA, CITY OF	
mass rapid transit system	84-03-041 84-07-008 84-07-034	Shoreline management master program	84-04-078 84-06-041 84-07-059 84-08-028 84-10-051
MEXICAN-AMERICAN AFFAIRS, COMMISSION ON			
Meetings	84-01-083	OPTOMETRY BOARD	
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF		Continuing education	84-05-069 84-09-082 84-05-069 84-09-082 84-05-069 84-09-082 84-05-069 84-09-082
Agency/educational institution reporting of MWBE participation	84-05-033 84-05-034 84-09-002	Courses, credit	
AGO, public works application	84-08-025	Exams	
Bid evaluation procedure	84-03-002	Temporary permit	
Bid specifications	84-05-033 84-05-034 84-05-054 84-05-033 84-05-034 84-09-002		
Certification effect	84-05-033 84-05-034 84-09-002	OUTDOOR RECREATION	
Community ownership	84-09-002	(See INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION)	
Contract awarding procedure	84-03-002	OSTEOPATHIC MEDICINE AND SURGERY, BOARD OF	
Counting community property	84-05-033 84-05-034 84-03-048 84-03-049 84-06-017	Acupuncture	
Counting contract awards	84-05-033 84-05-034 84-09-002	definition	84-05-011
Definitions		Continuing education	84-05-011
		Physician's assistant prescriptions	84-05-011

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

OSTEOPATHIC MEDICINE AND SURGERY, BOARD OF—cont.		PERSONNEL, DEPARTMENT OF—cont.	
prohibited activities	84-05-011	Probationary period	84-06-048 84-09-049 84-04-022
PACIFIC COUNTY		Public records, defined	84-09-049
Shoreline management master program	84-02-072	Register designation	84-10-038 84-10-053
PARKS AND RECREATION		Rules, application	84-06-049 84-09-049
Boats (See also LICENSING, DEPARTMENT OF)		Seasonal career employment	84-04-021 84-04-073 84-07-003 84-10-007 84-10-054
accident and casualty reports	84-01-060	Shift differential provisions and compensation	84-02-029 84-04-020 84-05-024 84-10-038
rule making authority, AGO	84-05-004 84-07-030 84-08-063	Sick leave	
safety	84-04-082 84-09-045	credit, accrual, conversion payment	84-04-022 84-01-050 84-04-019 84-09-049 84-01-050 84-04-019 84-07-003 84-09-049 84-06-049 84-10-054
Campsite reservation	84-04-035 84-04-082 84-09-045	reporting	
Conduct of meetings	84-04-036 84-08-016	State housing committee	84-09-049 84-06-049 84-10-054
Fees	84-01-078 84-09-046 84-04-037 84-08-017	Temporary appointments classified service exempt service	84-09-049 84-07-003 84-09-049 84-06-049 84-09-049 84-04-073 84-07-003 84-09-049 84-10-008 84-10-038 84-10-038
Land classification		Trial service	84-09-049
Meetings		Vacation leave, accrual	84-04-073 84-07-003 84-09-049 84-10-008 84-10-038 84-10-038
Recreation conveyances		Veterans preference	
Timber cutting and sales		PHARMACY BOARD	
PENINSULA COLLEGE		Controlled substances	84-06-067 84-10-064
(District 1)		Examination	84-04-029
College sponsored publications	84-09-031	Foreign-trained applicants	84-03-015
Enforcement		Grading	84-08-080 84-08-082 84-03-017 84-04-030 84-08-080 84-08-082
impounded vehicles	84-09-031	License fees	
Meeting schedule	84-05-049	License renewal	84-03-016 84-03-015 84-08-081
PERSONNEL, DEPARTMENT OF		PHYSICAL THERAPY BOARD	
Agencies, personnel records	84-01-050 84-04-022	Examinations	84-03-055 84-10-060
Applications		Fees	84-10-060
disqualifications	84-10-038 84-10-053	Physical therapist assistant	84-10-060
Appointments		Professional conduct principals	84-10-060
temporary	84-04-019 84-04-073 84-07-003	Recordkeeping	84-10-060
Call-back provisions and compensation, workshifts	84-08-035	Reinstatement of license	84-03-055
Career employment	84-02-030	Renewal of license	84-03-055
Certification, registers order or rank	84-09-049 84-01-050 84-02-030 84-04-021 84-04-073 84-06-049 84-07-003 84-09-049 84-10-007 84-10-038	Supportive personnel	84-10-060
Definitions	84-06-049 84-09-049 84-10-054	PILOTAGE COMMISSIONERS	
Demotion, voluntary	84-06-049	Fee collection	84-07-027
Eligibility	84-06-049 84-09-049	Marine pilot liability, trip insurance	84-07-028 84-08-013
Exempt service	84-06-049 84-09-049	Pilotage rates	
movement between classified and exempt	84-06-049 84-09-049	Puget Sound district	84-04-006 84-04-007
Exit leave	84-09-049 84-10-008 84-10-038	PLANNING AND COMMUNITY AFFAIRS AGENCY	
Inter-system employment	84-06-049 84-09-049	Meetings	84-10-028
Inter-system movement	84-06-049 84-09-049		
Meetings	84-01-048 84-06-013		
Overtime provisions and compensation	84-01-049 84-02-030		
Personnel records			
agencies	84-01-050		
Positions			
downward or lateral reallocation	84-08-035		
Project employment	84-08-035		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

PODIATRY BOARD		SECURITIES (See LICENSING, DEPARTMENT OF)	
Definitions	84-02-077	SELAH, CITY OF	
Delegation	84-02-077	Shoreline management master program	84-04-079 84-08-003
Ethics	84-02-077		
Examinations	84-02-077	SKAGIT COUNTY	
Fees	84-02-077	Shoreline management master program	84-04-079 84-08-003
Licensure	84-02-077		
Patient abandonment	84-02-077	SKAGIT VALLEY COLLEGE	
Records	84-02-077	(District 4)	
Soliciting	84-02-077	Meetings	84-01-077
PRACTICAL NURSING, BOARD OF		SNOHOMISH COUNTY	
Licensure	84-01-061	Shoreline management master program	84-02-074
PROFESSIONAL ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR		SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	
Application	84-04-027	Administrative rules	
Disciplinary matters	84-04-027	administrative hearing	
Examinations	84-04-027	child	84-05-040
Reciprocity	84-04-027	administrative review	84-05-040
PUBLIC DEPOSIT PROTECTION COMMISSION		fair hearing	84-05-040
Public depositaries		AFDC and general assistance	
practice and procedures	84-01-070 84-03-037	adult residential treatment facility	
PUBLIC DISCLOSURE COMMISSION		monthly maintenance standard	84-04-004 84-04-005 84-07-016
Enforcement procedures	84-09-027	computation of available income	
Forms		and resources	84-02-056
conflict of interest statement	84-01-017	eligibility - need	84-07-019
lobbyist employer's report	84-05-018	eligibility - standards	84-09-079
public treasurer's report	84-05-018	drugs, eligibility	84-05-038
statement of contributions deposit	84-05-018		84-09-017
summary of total contributions		loss, theft, or destruction of warrant	84-06-028
and expenditures	84-05-018		84-09-072
REAL ESTATE COMMISSION		mandatory monthly reporting	84-06-026 84-09-074
(See LICENSING, DEPARTMENT OF)			
REFUGEE ASSISTANCE		net cash income - board, room,	
(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)		rental, board and room	84-09-079
RETIREMENT SYSTEMS, DEPARTMENT OF		notification of suspension or termination	
LEOFF plan I		or reduction of grant	84-06-038 84-09-071
45 years, maximum initial eligibility	84-03-047	refugee assistance	84-10-003
REVENUE, DEPARTMENT OF		resource eligibility criteria	84-04-003
Amusement and recreation activities			84-07-019
and businesses	84-05-068 84-08-033	SSI, standards of assistance	84-06-027 84-09-073
		Certificate of need, health care facilities	
Business and occupation tax		(See HOSPITALS)	
excise tax deduction		Community alternatives program (CAP) project	
nonbusiness income, clarified	84-02-045 84-05-027 84-05-067 84-08-012 84-10-026	(See DEVELOPMENTALLY DISABLED AND HANDICAPPED)	
		Community options program entry system	84-09-015 84-09-016 84-09-047
County boards of equalization		Community work experience program	
Forest products (See FOREST PRODUCTS)		Day care (See DAY CARE)	
Timber tax (See FOREST PRODUCTS)		Developmental disabilities (See DEVELOPMENTALLY DISABLED AND HANDICAPPED)	
RICHLAND, CITY OF		Food stamps	84-01-079 84-01-082
Shoreline management master program	84-02-073	income deductions	84-04-067
SAVINGS AND LOANS		income, energy allowance	84-04-067
(See GENERAL ADMINISTRATION)		insurance, monthly allotments	84-04-067
SEATTLE, CITY OF		mandatory monthly reporting	84-02-035 84-02-039 84-06-014 84-02-034 84-02-038 84-06-015
Corridor and design hearings		retrospective budgeting	
procedures	84-03-042		
Metro public hearings,		workfare	
mass rapid transit system	84-03-041 84-07-008 84-07-034	WIN participants, certain eligible	84-03-012 84-06-029
SEATTLE COMMUNITY COLLEGE		Food, WIC program	84-08-022
(District 6)		Funeral expense	84-03-053
Meetings	84-01-019 84-05-048 84-07-011 84-10-014 84-03-028 84-09-061	Health care facilities (See HOSPITALS)	84-06-039 84-09-070
Student policies and procedures		Juvenile offenders	
Student publications			

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

transfer to corrections	84-06-016 84-06-025 84-10-032
Licensing fees	
boarding homes	84-09-080
home health agencies	84-09-080
hospice care	84-09-080
medical care	84-09-080
radiation machine	84-09-080
sewage disposal system	84-09-080
water system	84-09-080
Limited casualty program	84-02-054
Low-income home energy assistance allowance	84-02-050
Medical assistance	84-01-080
bordering cities	84-02-055
definitions	
compensation	84-04-068
couple	84-02-051
dispute conference	84-02-053
eligibility	
medically needy in own home	84-02-017 84-02-037 84-05-039
SSI	84-04-068
hearing aids allowed	84-04-055 84-04-065 84-07-015
income allocation, institutionalized recipient	84-04-054 84-07-013
income, excess, spenddown	84-04-054 84-07-017
interest penalties	84-02-053
physician's services payment	84-02-052 84-04-054 84-07-017
special categories	84-01-081
eligibility	84-01-081 84-04-069 84-04-068
transfer of resources	
Mental health (See MENTAL HEALTH)	
Sewage disposal project fees	84-09-080
Vocational rehabilitation maintenance	84-07-005 84-10-045
notice to applicant	84-07-005 84-10-045
Water systems	
conditioned and abbreviated	84-09-080
WIC program	84-08-022
Workfare (See Food stamps, this topic)	
SPOKANE COUNTY	
Motor vehicle emission inspection	84-03-056
Shoreline management master program	84-03-057 84-07-025
SPOKANE COMMUNITY COLLEGES (District 17)	
Meetings	84-01-057
STATE BOARD OF EDUCATION (See EDUCATION, STATE BOARD OF)	
STATE PATROL	
Hazardous materials, waste, and radioactive materials transport	84-02-069 84-05-010
SUPERINTENDENT OF PUBLIC INSTRUCTION	
Certified educational clinics	84-02-020 84-05-016 84-05-026
Finance	
associated student body monies	84-10-070
categorical apportionment	84-10-065

**SUPERINTENDENT OF PUBLIC INSTRUCTION
—cont.**

conversion of accumulated sick leave	84-01-034 84-01-035 84-04-034
educational services district budgeting	84-10-067
emergency school closure	84-10-068
general apportionment	84-10-076
maintenance and operation levy limits	84-02-021 84-05-017
nonhigh participating finance	84-10-069
school district budgeting	84-10-066
transportation, replacement and depreciation	84-10-071
Reentry to common schools	84-02-023 84-05-026
Sick leave conversion	84-01-034 84-01-035
Special education programs	
appeals	84-03-038
education for all handicapped children	84-03-013 84-09-001 84-10-075
Special service programs	84-02-022 84-05-015 84-05-043 84-06-019 84-10-073 84-10-074
State board of education, members	84-08-057
Transitional bilingual instruction program	84-10-072
Transportation specifications for school buses	84-03-001
SUPREME COURT	
CrR 6.2	84-08-026
JCrR 3.08 amendments	84-08-055
MAR 1.2	84-08-026
SAR-4 amendments	84-03-007
TACOMA	
Shoreline management master program	84-01-085 84-06-047 84-07-055
THE EVERGREEN STATE COLLEGE	
Affirmative action policy	84-08-064
Meetings	84-04-017 84-09-051 84-10-047
Parking policy	
TIMBER TAX (See FOREST PRODUCTS)	
TRAFFIC SAFETY COMMISSION	
Meetings	84-01-046 84-06-011
TRANSPORTATION, DEPARTMENT OF	
Commuter traffic restrictions	84-04-011
Dearborn exit right turn	84-03-032 84-05-044
Ferry system	
refund of ferry commuter tickets	84-10-002
toll schedule	84-06-050 84-10-001
Meetings	84-04-064
Radioactive or hazardous materials	84-03-033 84-03-034 84-05-045
UNIVERSITY OF WASHINGTON	
Burke museum, permanent acquisition of materials by UW	84-01-037 84-09-020
Meeting schedules	
east wing expansion	84-02-006
regular meeting schedule	84-04-041
visitor information center	84-01-047
Parking and traffic regulations	84-06-046 84-10-030

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

UNIVERSITY OF WASHINGTON—cont.	
Parking fees	84-04-090 84-08-052
URBAN ARTERIAL BOARD	
Meetings	
minutes 12/1/83	84-02-033
minutes 1/20/84	84-04-050
schedule	84-05-007 84-08-045
Six year construction programs for urban areas supplemental section	84-06-032
UTILITIES AND TRANSPORTATION COMMISSION	
Automatic dialing-announcing devices	84-02-068 84-03-052 84-05-062 84-06-057 84-09-054
Heat suppliers	84-04-012 84-04-013 84-07-045 84-07-046 84-07-047 84-10-017
Meetings	84-03-051
Telephone company access charges	84-04-031
VETERANS'	
Business and employment, governor's council on	84-01-062
VOCATIONAL EDUCATION (See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
Educational services registration	84-03-025 84-07-007
Job skills program	84-03-024 84-07-006
Meetings	84-02-032 84-06-020
VOLUNTEER FIREMEN, BOARD FOR	
Meetings	84-07-012
WASHINGTON STATE UNIVERSITY	
ASB etc. meetings	84-06-012 84-07-032
Meetings	84-02-046 84-04-008 84-08-010
WEEDS (See NOXIOUS WEED CONTROL BOARD)	
WESTERN WASHINGTON UNIVERSITY	
Meetings	84-01-018 84-04-040 84-06-006 84-08-027
WHATCOM COMMUNITY COLLEGE (District 21)	
Meetings	84-01-056 84-02-048 84-09-076
WHATCOM COUNTY	
Shoreline management master program	84-01-085 84-06-043
WORKFARE (See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	