

JULY 18, 1984

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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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>
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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
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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
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84-11	Apr 25	May 9	May 23	Jun 6	Jun 26
84-12	May 9	May 23	Jun 6	Jun 20	Jul 10
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84-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
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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 84-14-001
ADOPTED RULES
NUCLEAR WASTE BOARD

[Order 84-2, Resolution No. 84-12—Filed June 22, 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.

This action is taken pursuant to Notice No. WSR 84-11-073 filed with the code reviser on May 23, 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 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 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 June 18, 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 and shall provide the justification for the deletion in writing.

(4) The board shall, upon request for identifiable public records, make them promptly available to any person. 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 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 5:00 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;

(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 should 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 actual costs incident to such copying.

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. Upon denial of a request for inspection of a public record, in whole or in part, the public records officer or other staff member denying the request shall refer the denial to the program director or his designee for review. The program director or designee shall immediately review the denial and either affirm or reverse the denial. Such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of review. The final decision shall be sent to the person requesting inspection promptly following the decision.

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 84-14-002
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed June 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning:

New WAC 326-30-036 Goals for 1984-85.
 Amd WAC 326-30-100 Agency/educational institution reporting of MWBE participation;

that the agency will at 1:00 p.m., Tuesday, August 7, 1984, in the Office Building 2 Auditorium, 12th and Franklin Streets, 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 August 13, 1984.

The authority under which these rules are proposed is chapter 39.19 RCW.

The specific statute these rules are intended to implement is chapter 39.19 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 31, 1984.

Dated: June 22, 1984
 By: Carolyn V. Patton
 Director

STATEMENT OF PURPOSE

Titles: WAC 326-30-036 Goals for 1984-85; and 326-30-100 Agency/educational institution reporting of MWBE participation.

Description of Purpose: To set overall annual goals for state agencies and educational institutions for the period from July 1, 1984, through June 30, 1985, and to clarify when MWBE participation should be reported by state agencies and educational institutions.

Statutory Authority for Adopting Rule: Chapter 39.19 RCW.

Specific Statute Rule is Intended to Implement: Chapter 39.19 RCW.

Summary of Rules: WAC 326-30-036, to set overall annual goals for state agencies and educational institutions for the period from July 1, 1984, through June 30, 1985; and WAC 326-30-100, to clarify when MWBE participation should be reported by state agencies and educational institutions.

Agency Personnel Responsible for Drafting: Carolyn V. Patton, Director, Office of Minority and Women's Business Enterprises; Implementation: State agencies and educational institutions; and Enforcement: Carolyn V. Patton, Office of Minority and Women's Business Enterprises and staff.

Person or Organization Proposing Rule: The Washington State Office of Minority and Women's Business Enterprises.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

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

Small Business Economic Impact Statement: WAC 326-30-036, the rules encourage 9.1% minority business enterprise participation in state contracting and 3.0% women's business enterprise participation in state contracting. The rule will increase MWBE participation in the bidding process, and increase the types of goods and services supplied by MWBEs to the state.

NEW SECTION

WAC 326-30-036 GOALS FOR 1983-84. The annual overall goals for each state agency and educational institution for the period July 1, 1984 through June 30, 1985, shall be 9.1 percent MBE and 3.0 percent WBE participation, based on the agency's or educational institutions' total contracts subject to this chapter, less excluded contracts.

AMENDATORY SECTION (Amending Order 84-5, filed April 5, 1984)

WAC 326-30-100 AGENCY/EDUCATIONAL INSTITUTION REPORTING OF MWBE PARTICIPATION. (1) Form. Each state agency and educational institution shall report the participation of MBEs and WBEs in the public works, personal service, and procurement contracts executed by the agency or educational institution. The reports shall be made on a quarterly basis and an annual basis. The reports should designate contracts individually or by class according to the agency's designation in its annual plan. The reports shall also describe the agency's or educational institution's monitoring activity pursuant to sections 8 and 9, Chapter 120, laws of 1983.

(2) When participation should be reported. ((Participation by MBEs and WBEs should be reported both when the contract is awarded and when the money is disbursed. For contracts for procurement of goods and services, and personal services, the disbursement should be reported in the quarter in which it is made. For public works contracts, disbursement of funds under all contracts completed in the quarter should be reported, and the reports shall be accompanied by the affidavits of payment executed by the prime contractors for those contracts.)) Participation by MBEs and WBEs in procurement of goods, services, and personal services shall be reported when money is disbursed. Participation by MBEs and WBEs in public works contracts should be reported both when the contract is awarded and when the money is disbursed.

(a) For contracts for procurement of goods, services, and personal services, the disbursement should be reported for the quarter in which it is made.

(b) For public works contracts, MBE and WBE participation shall be first reported by the agency or educational institution for the quarter that the contract is awarded. Reports on actual payments to MBEs and WBEs on a contract shall be accompanied by affidavits of payment to MBEs and/or WBEs executed by the prime contractors for those contracts. Where the performance under a contract extends beyond the fiscal year in which it is awarded, all payments made on the contract will be counted toward the agency's or educational institution's annual overall goal attainment for the year in which ((it is awarded)) the payments are made. Where a contract is awarded to an approved joint venture, an affidavit of the actual disbursement of the funds to the joint venturers, signed by all of the joint venturers, shall accompany the report of disbursement.

(3) Counting MWBE participation toward meeting goals.

(a) Award to MBE or WBE. When a contract is awarded, in its entirety, to an MBE or WBE, one hundred percent of the payments on the contract can be counted toward annual, overall goal attainment in the category in which the prime belongs.

(b) Award to MBE or WBE prime contractor with non-MWBE subcontractor. When a contract is awarded to an MBE or WBE prime contractor with a non-MWBE subcontractor, one hundred percent of

the total contract value can be counted toward annual, overall goal attainment.

(c) Award to non-MWBE prime contractor with MWBE subcontractor. When only a part of the contract is performed by an MBE or WBE, subcontractor, the dollar value of only that percentage of the total contract performed by the MBE or WBE can be counted toward annual overall goal attainment.

(d) Award to MBE prime contractor with WBE subcontractor. When a contract is awarded to an MBE prime contractor with a WBE subcontractor, the dollar value of the percentage of the total contract performed by the WBE can be counted toward the agency's/educational institution's WBE goal attainment. The dollar value of the remainder of the contract can be counted toward attainment of the MBE goal.

(e) Award to WBE prime contractor with MBE subcontractor. When a contract is awarded to a WBE prime contractor with a MBE subcontractor, the dollar value of the percentage of the total contract performed by the MBE can be counted toward the agency's/educational institution's MBE goal attainment. The dollar value of the remainder of the contract can be counted toward attainment of the WBE goal.

(f) Joint venture. Where a contract is awarded to a joint venture that includes an MWBE that is responsible for performance of a clearly defined portion of the work, the dollar value, on a percentage basis, of the MWBE's portion of the work may be counted toward annual, overall goal attainment.

(g) Combination MWBE. Contracts performed totally by a combination MWBE, or partially by a combination MWBE shall be counted by dividing the total dollar value of the contract or portion of contract performed by the combination MWBE by two. One-half of the dollar value will be counted toward the agency's/educational institution's attainment of the MBE goal and one-half will be counted toward the agency's/educational institution's attainment of the WBE goal when the contract contains both MBE and WBE requirements. When the contract contains only an MBE requirement or a WBE requirement, only one-half of the dollar value of the combination MWBE's participation shall be counted toward the agency's/educational institution's attainment of the goal.

(h) Counting participation by a minority WBE. The agency/institution must count participation by a minority female in only the category she designated in her bid. Her participation cannot be counted toward attainment of both overall annual goals.

(i) Substitution of MWBEs. When an MBE or WBE which has been awarded a contract is decertified after award or indicates after award that it is unable or unwilling to perform the contract, the agency/institution may not count the MWBE participation toward its overall annual goal attainment.

Where an MBE or WBE is decertified after it has begun to perform the work and the agency/institution determines substitution is impractical, only the percentage of the work performed by an MBE or WBE before the decertification can be counted toward the annual, overall goal attainment of the agency/institution.

Where a certified MBE or WBE is substituted for a decertified business or a business that indicates it is unwilling or unable to perform the work, the dollar value of the work performed by the certified business can be counted toward the agency/educational institution's goal attainment in that category.

(4) Counting Contract Awards. MWBE participation shall be counted toward meeting goals in accordance with the following criteria:

(a) Where only one state agency/educational institution is involved in setting goals and in the award of the contract, the total dollar value of the contract awarded to or that portion of the work performed by minority and women's business enterprises is counted toward the agency's/educational institution's applicable MBE/WBE goals.

(b) Where a contract is awarded by a state agency/educational institution acting as an agent for another state agency/educational institution, the goals set by the agent and the total dollar value of the contract awarded to or that portion of the contract work performed by minority and women's business enterprises is counted toward the agent's applicable MBE/WBE goals. This includes contracts awarded by agents in areas usually included under the agency's/educational institution's delegated authorities. Where agents set and count goals, the

total dollar value of the contract is excluded from the requesting agency's/educational institution's contracting base.

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.

WSR 84-14-003
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Order 84-6—Filed June 22, 1984]

I, Carolyn V. Patton, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA 98504, the annexed rules relating to:

New	WAC 326-30-036	Goals for 1984-85.
Amd	WAC 326-30-100	Agency/educational institution reporting of MWBE participation;

I, Carolyn V. Patton, 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 goals for 1984-85 must be transmitted to state agencies and educational institutions prior to June 30, 1984, in accord with WAC 326-30-030. The clarification of WAC 326-30-100 is necessary for state agencies/educational institutions in reporting WMBE participation.

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

This rule is promulgated pursuant to chapter 39.19 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 June 22, 1984.

By Carolyn V. Patton
Director

NEW SECTION

WAC 326-30-036 GOALS FOR 1983-84. The annual overall goals for each state agency and educational institution for the period July 1, 1984 through June 30, 1985, shall be 9.1 percent MBE and 3.0 percent WBE participation, based on the agency's or educational institutions' total contracts subject to this chapter, less excluded contracts.

AMENDATORY SECTION (Amending Order 84-5, filed April 5, 1984)

WAC 326-30-100 AGENCY/EDUCATIONAL INSTITUTION REPORTING OF MWBE PARTICIPATION. (1) Form. Each state agency and educational institution shall report the participation of MBEs and WBEs in the public works, personal service, and procurement contracts executed by the agency or educational institution. The reports shall be made on a quarterly basis and an annual basis. The reports should designate contracts individually or by class according to the agency's designation in its annual plan. The reports shall also describe the agency's or educational institution's monitoring activity pursuant to sections 8 and 9, Chapter 120, laws of 1983.

(2) When participation should be reported. ((Participation by MBEs and WBEs should be reported both when the contract is awarded and when the money is disbursed. For contracts for procurement of goods and services, and personal services, the disbursement should be reported in the quarter in which it is made. For public works contracts, disbursement of funds under all contracts completed in the quarter should be reported, and the reports shall be accompanied by the affidavits of payment executed by the prime contractors for those contracts.)) Participation by MBEs and WBEs in procurement of goods, services, and personal services shall be reported when money is disbursed. Participation by MBEs and WBEs in public works contracts should be reported both when the contract is awarded and when the money is disbursed.

(a) For contracts for procurement of goods, services, and personal services, the disbursement should be reported for the quarter in which it is made.

(b) For public works contracts, MBE and WBE participation shall be first reported by the agency or educational institution for the quarter that the contract is awarded. Reports on actual payments to MBEs and WBEs on a contract shall be accompanied by affidavits of payment to MBEs and/or WBEs executed by the prime contractors for those contracts. Where the performance under a contract extends beyond the fiscal year in which it is awarded, all payments made on the contract will be counted toward the agency's or educational institution's annual overall goal attainment for the year in which ((it is awarded)) the payments are made. Where a contract is awarded to an approved joint venture, an affidavit of the actual disbursement of the funds to the joint venturers, signed by all of the joint venturers, shall accompany the report of disbursement.

(3) Counting MWBE participation toward meeting goals.

(a) Award to MBE or WBE. When a contract is awarded, in its entirety, to an MBE or WBE, one hundred percent of the payments on the contract can be counted toward annual, overall goal attainment in the category in which the prime belongs.

(b) Award to MBE or WBE prime contractor with non-MWBE subcontractor. When a contract is awarded to an MBE or WBE prime contractor with a non-MWBE subcontractor, one hundred percent of the total

contract value can be counted toward annual, overall goal attainment.

(c) Award to non-MWBE prime contractor with MWBE subcontractor. When only a part of the contract is performed by an MBE or WBE, subcontractor, the dollar value of only that percentage of the total contract performed by the MBE or WBE can be counted toward annual overall goal attainment.

(d) Award to MBE prime contractor with WBE subcontractor. When a contract is awarded to an MBE prime contractor with a WBE subcontractor, the dollar value of the percentage of the total contract performed by the WBE can be counted toward the agency's/educational institution's WBE goal attainment. The dollar value of the remainder of the contract can be counted toward attainment of the MBE goal.

(e) Award to WBE prime contractor with MBE subcontractor. When a contract is awarded to a WBE prime contractor with a MBE subcontractor, the dollar value of the percentage of the total contract performed by the MBE can be counted toward the agency's/educational institution's MBE goal attainment. The dollar value of the remainder of the contract can be counted toward attainment of the WBE goal.

(f) Joint venture. Where a contract is awarded to a joint venture that includes an MWBE that is responsible for performance of a clearly defined portion of the work, the dollar value, on a percentage basis, of the MWBE's portion of the work may be counted toward annual, overall goal attainment.

(g) Combination MWBE. Contracts performed totally by a combination MWBE, or partially by a combination MWBE shall be counted by dividing the total dollar value of the contract or portion of contract performed by the combination MWBE by two. One-half of the dollar value will be counted toward the agency's/educational institution's attainment of the MBE goal and one-half will be counted toward the agency's/educational institution's attainment of the WBE goal when the contract contains both MBE and WBE requirements. When the contract contains only an MBE requirement or a WBE requirement, only one-half of the dollar value of the combination MWBE's participation shall be counted toward the agency's/educational institution's attainment of the goal.

(h) Counting participation by a minority WBE. The agency/institution must count participation by a minority female in only the category she designated in her bid. Her participation cannot be counted toward attainment of both overall annual goals.

(i) Substitution of MWBEs. When an MBE or WBE which has been awarded a contract is decertified after award or indicates after award that it is unable or unwilling to perform the contract, the agency/institution may not count the MWBE participation toward its overall annual goal attainment.

Where an MBE or WBE is decertified after it has begun to perform the work and the agency/institution determines substitution is impractical, only the percentage of the work performed by an MBE or WBE before the decertification can be counted toward the annual, overall goal attainment of the agency/institution.

Where a certified MBE or WBE is substituted for a decertified business or a business that indicates it is unwilling or unable to perform the work, the dollar value of the work performed by the certified business can be counted toward the agency/educational institution's goal attainment in that category.

(4) **Counting Contract Awards.** MWBE participation shall be counted toward meeting goals in accordance with the following criteria:

(a) Where only one state agency/educational institution is involved in setting goals and in the award of the contract, the total dollar value of the contract awarded to or that portion of the work performed by minority and women's business enterprises is counted toward the agency's/educational institution's applicable MBE/WBE goals.

(b) Where a contract is awarded by a state agency/educational institution acting as an agent for another state agency/educational institution, the goals set by the agent and the total dollar value of the contract awarded to or that portion of the contract work performed by minority and women's business enterprises is counted toward the agent's applicable MBE/WBE goals. This includes contracts awarded by agents in areas usually included under the agency's/educational institution's delegated authorities. Where agents set and count goals, the total dollar value of the contract is excluded from the requesting agency's/educational institution's contracting base.

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

Reviser's note: RCW 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 84-14-004
ADOPTED RULES
SEATTLE COMMUNITY
COLLEGE DISTRICT

[Order 43, Resolution No. 1984-5—Filed June 22, 1984]

Be it resolved by the board of trustees of Seattle Community College District, acting at Board Room BA 306, Seattle Central Community College, that it does adopt the annexed rules relating to:

Amd	WAC 132F-120-060	Student publications associated with a journalism course.
New	WAC 132F-120-061	Student publications not associated with a course of journalism for which academic credit is provided.

This action is taken pursuant to Notice No. WSR 84-09-061 filed with the code reviser on April 18, 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 pursuant to chapter 28B.50 RCW and is intended to administratively implement that statute.

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 June 4, 1984.

By Philip L. Burton
Chairman, Board of Trustees

AMENDATORY SECTION (Amending Order 37, filed 10/4/78)

WAC 132F-120-060 STUDENT PUBLICATIONS ASSOCIATED WITH A JOURNALISM COURSE. (1) Student newspapers are published by the designated student governing body for the purpose of promoting free and responsible discussion of campus and community issues. Guidelines for the publication of student newspapers shall be published college regulations and the code of newspaper ethics as adopted by the American Society of Newspaper Editors and state and federal laws regarding libel and obscenity.

(2) The designated student governing body shall establish a board of publications composed of student, faculty, and administration representatives who shall serve as publishers for all student publications.

(3) Student newspapers shall be free of censorship and advance approval of copy.

(4) Its editors shall be free to develop their own editorial policies within the guidelines established by the board of publications.

(5) The editors of student newspapers shall be protected from arbitrary suspension and removal because of student, faculty, administrative or community disapproval of editorial policy or content.

(6) The editors shall be subject to removal only upon violation of the code of newspaper ethics as interpreted by the guidelines as adopted by the board of publications or for violations of laws. The decision for removal is subject to review by the campus president.

NEW SECTION

WAC 132F-120-061 STUDENT PUBLICATIONS NOT ASSOCIATED WITH A COURSE OF JOURNALISM FOR WHICH ACADEMIC CREDIT IS PROVIDED. (1) A board of publications (the "board") shall be established, composed of two-thirds students, one-third faculty/staff/administrators who shall have the powers set forth in these regulations, and a non-voting faculty member.

(a) The designated dean coordinates the establishment of the board.

(b) The faculty, staff, and administration members shall be appointed to the board by the campus president.

(c) The student members shall be appointed by the recognized student government organization on each campus.

(d) The chair shall be elected annually by the board of publications from its own membership.

(2) The student newspaper exists for the purposes of providing free and responsible discussion of campus and

community issues, and of providing an educational experience for the newspaper's staff.

(3) The board of publications on each campus shall develop and adhere to its own organizational policies and procedures. The board shall further develop written guidelines for the publication of student newspapers consistent with limitations provided in District VI policies and procedures, and state and federal laws. Such organizational policies and procedures and newspaper guidelines shall be adopted by the board of publications after review by the designated student governmental organization and the designated dean. Those written documents adopted by the board of publications shall be filed with the student governmental organization, the designated dean, and the student newspaper on each campus.

(4) Student newspapers shall be free of censorship and advance approval of copy by the board, the college administration, the faculty advisor, or any other person or entity.

(5) The editor shall be subject to removal by the board before the end of his/her term of appointment only for the following grounds:

(a) Publishing unprivileged libel or obscenity as defined by the United States Supreme Court, or for publishing material that materially and substantially interferes with or disrupts school work or discipline. Interference and disruption are defined as student rioting; unlawful seizures of property; destruction of property; or widespread boisterous conduct.

(b) Work-related misconduct or neglect of duty. The exercise of constitutionally protected rights shall not constitute such work-related misconduct or neglect of duty. Without limitation, none of the following shall constitute such work-related misconduct or neglect of duty: expressions of editorial opinion or policy; the content or manner of presentation of published material; comments or responses to published material; or decisions whether or not to publish material. Work-related misconduct or neglect of duty may include, without limitation, the failure to publish in a timely manner or failure to attain a level of technical quality reasonably expected of a college newspaper.

(6) Failure to renew an editor's term cannot be based on the publication of constitutionally protected expression.

(7) Removal procedure

(a) An editor shall have twenty days advance notice of the effective date of his/her removal. The notice of dismissal shall contain a short and plain statement of the matters asserted concerning the removal of the editor, and reference to that portion of (5) which allegedly has been violated.

(b) The editor may request in writing within seven days of his/her receipt of the notice of removal that the board convene for a hearing to determine whether he/she has violated (5). The hearing, if requested, must be held not less than seven nor more than 10 days from the date of the request, and the editor shall receive seven days notice of the date of the hearing. Not less than three days before the date of the hearing, both parties shall exchange a list of the documents, witnesses and

other evidence to be presented at the hearing, along with a brief statement of the facts to which each witness is expected to testify. The decision of the board shall be rendered within three days of the conclusion of the hearing. The editor may be suspended with pay during the pendency of the hearing and issuance of the board's decision.

(c) The editor shall be entitled to present arguments, documents, and witnesses on his/her behalf, to confront and cross-examine the witnesses against him/her, to be represented by counsel, and to receive a written report of the results and findings of the hearing.

(d) If it is the decision of the board of publications that the editor should be removed, the editor may request within seven days of his/her receipt of that decision that the matter be reviewed by the college president. The scope of the review of the college president shall only include questions concerning the adherence by the board of publications to the dismissal procedure. The president's decision to affirm or reverse the board's decision to remove the editor shall be issued in writing within 30 days from the date of the request for his/her review.

(e) Service of any notice or request provided for in this section shall be effective the date of delivery, provided that no request for a hearing or appeal shall be deemed untimely if it is properly mailed and postmarked within the prescribed time.

(f) All hearings shall be held during the course of a regular academic quarter in which the editor is enrolled as a student, subject to the notice provisions provided above.

(g) Any deadline provided in this section may be changed or extended by mutual agreement of the editor and the board.

(8) These procedures shall not apply to student newspapers published as an integral part of a course of journalism instruction for which academic credit is provided.

WSR 84-14-005

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed June 22, 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 project employment, amending WAC 356-30-145;

that the agency will at 10:00 a.m., Thursday, August 9, 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.

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 August 7, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-12-026 filed with the code reviser's office on May 29, 1984.

Dated: June 22, 1984

By: Leonard Nord
Secretary

WSR 84-14-006
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 207—Filed June 22, 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 (exit leave).
Amd	WAC 356-15-060	Shift differential provisions and compensation.
Amd	WAC 356-18-070	Sick leave—Reporting—Payment.
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.

This action is taken pursuant to Notice Nos. WSR 84-10-038 and 84-12-026 filed with the code reviser on May 1, 1984, and May 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 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 June 14, 1984.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 203 [206], filed 5/4/84 [6/6/84])

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 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 appointment from a voluntary demotion register to a class which the employee has not previously held permanent status or from a 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.

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.

AMENDATORY SECTION (Amending Order 198, filed 2/10/84)

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 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 into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this section were applied. This option is granted to simplify book-keeping 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))~~
~~((Effective 7-1-84))~~ ((50¢ per hour))

SHIFT DIFFERENTIAL SCHEDULE
 (Effective 7-1-75)

<u>Code</u>	<u>Title</u>	<u>Hourly Premium</u>
<u>5630-5634</u>	<u>Registered Nurses</u>	<u>23¢</u>
<u>0628-0641</u>	<u>Liquor Store Personnel/ working in the stores</u>	<u>23¢</u>
	<u>All Other Classes</u>	<u>20¢</u>

AMENDATORY SECTION (Amending Order 140, filed 1/11/80)

WAC 356-18-070 SICK LEAVE—REPORTING—PAYMENT. (1) Sick leave shall be reported at the beginning of the absence and in accordance with agency procedure.

(2) Upon returning to work the employee shall report the general reason or circumstance for the sick leave as found in WAC 356-18-060 (1) through (6). A medical

certificate may be required ~~((for any length of sick leave taken, but))~~ when there is cause to suspect sick leave abuse; to assist agencies in protecting the employees from returning to work too soon following an illness or injury; or to protect fellow employees or clients from contagious illness. A medical certificate must be required if the reason was personal illness as cited in WAC 356-18-060 (1)(a), (b), or (c), and continued for more than ten continuous work days.

(3) Sick leave shall be charged on an hourly basis.

(4) The accounting procedures established by the office of financial management prescribe the payments of sick leave for the reasons found in WAC 356-18-060(1) so as to exclude the payments from the meaning of "wages" under the Federal Old Age and Survivors Insurance.

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 ~~((all))~~ 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 provided 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))~~ or 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(~~+/~~)/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 or who were released from active duty under honorable circumstances 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 204, filed 5/23/84, effective 9/1/84)

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 or in a position under the jurisdiction of the higher education personnel board 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 or in a position under the jurisdiction of the higher education personnel board 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) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees under the jurisdiction of the higher education personnel board who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(11) 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 84-14-007
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 22, 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 adult protective services, amending WAC 388-15-120;

that the agency will at 10:00 a.m., Wednesday, August 8, 1984, in the Third Floor Conference Room, H-19, 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 August 15, 1984.

The authority under which these rules are proposed is RCW 72.08.090.

The specific statute these rules are intended to implement is chapter 97, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 8, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by July 25, 1984. The meeting site is in a location which is barrier free.

Dated: June 21, 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 WAC 388-15-120.

The Purpose of the Rule Change: To amend rules related to the provision of protective services to dependent adults 18 years of age and older and vulnerable adults sixty years of age and older.

These Changes are Necessary Due to: Enactment of the elder abuse law revising chapter 26.44 RCW (chapter 97, Laws of 1984) to delete the term "developmentally disabled" and adding "dependent adult" and adding a new section extending adult protective services to "vulnerable adults" sixty years of age or older.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Extend adult protective services "dependent" and "vulnerable adults"; define "dependent" and "vulnerable adults"; require the department to respond to all APS reports; authorize the department to provide the client with, or refer the client

to needed services; authorize the department to bring action when the vulnerable adult lacks the ability or capacity to consent to services; and authorize the department to seek an injunction to prevent interference with an investigation.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Becky Martelli, Program Manager, Bureau of Aging and Adult Services, Mailstop: OB 43G, Telephone: 3-1245.

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

AMENDATORY SECTION (Amending Order 1562, filed 10/30/80)

WAC 388-15-120 ADULT PROTECTIVE SERVICES. (1) Adult protective services are those services provided to prevent, correct, improve, or remedy the situations of dependent adults eighteen years of age or older, vulnerable adults sixty years of age or older, ~~((who are))~~ or other adults unable to protect ~~((their own))~~ interests ~~((which are))~~ vital to ~~((their))~~ safety and well-being. Requests for protection may come from the person at risk or others ~~((who are))~~ concerned for ~~((his/her))~~ his or her welfare.

(2) To qualify for protective services, there must exist elements of abuse, neglect, exploitation, or living conditions or life style ~~((which constitute))~~ constituting a danger to mental or physical health or safety of the client or others, and there must be no one willing and able to assist the adult responsibly.

(3) Definitions.

(a) A "dependent adult" is a person over the age of eighteen years who has been found to be legally incompetent pursuant to chapter 11-.88 RCW or found so disabled under that chapter as to be unable to provide for his or her own protection through the criminal justice system.

(b) A "vulnerable adult" is a person sixty years of age or older ~~((who has))~~ having the functional, mental, or physical inability to care for himself or herself.

(c) "Abuse" is an act of physical or mental mistreatment or injury ~~((which harms))~~ harming or ~~((threatens))~~ threatening a person with harm through action or inaction by another individual.

~~((b))~~ (d) "Neglect" is an act or omission by another individual ~~((which constitutes))~~ constituting a clear and present danger to a person's physical or mental welfare and safety.

~~((c))~~ (e) "Exploitation" is an act of making illegal or improper use of another person's ~~((s))~~ or his or her resources for one's own advantage or profit, or in a fashion ~~((which does))~~ not ~~((benefit))~~ benefiting the client.

~~((d))~~ (f) "Living conditions or life style ~~((which constitutes))~~ constituting a danger to mental or physical health or safety of the client or others" means adults living in a condition or life style in which they are endangering their own physical or mental health or safety, or that of others ~~((or wasting their own resources)).~~

(4) The department shall respond to all reports, from any source, of abuse, neglect, exploitation, and abandonment of dependent or vulnerable adults. Responsibility for the adult protective service investigation lies with the CSO service worker who will determine if a valid adult protective situation exists.

(5) Adult protective service cases are normally of an emergency nature and remain adult protective cases only until the emergency situation is stabilized, usually ninety days or less.

(a) Any individual may receive adult protective services regardless of ~~((his/her))~~ his or her recipient status or level of gross income.

(b) Supportive services such as chore ~~((or homemaker))~~ may be provided without regard to income only when ~~((they))~~ the services are essential to, and a subordinate part of the adult protective services plan, and cannot be provided if the only basis of the care plan is prevention of future exploitation or danger.

(c) Authorization to extend adult protective services is required if, in the judgment of the service worker, it is essential to provide the service beyond ninety days. If supportive services are also necessary during the extended period, such services may be continued as long as ~~((they))~~ the services are an integral part of the adult protective services plan.

(d) If continuation of supportive services such as chore ~~((and homemaker are))~~ is needed after adult protective services are terminated, these services could be continued if the client qualifies under the usual eligibility requirements for the service.

- (6) Services may include but are not limited to the following:
- (a) Provision of counseling to the client or other individuals, and taking necessary actions to alleviate the immediate problem.
 - (b) Assisting in locating and obtaining medical care and mental health services.
 - (c) Assisting in locating necessary legal services.
 - (d) Arranging for support services to resolve the problem without relocating the client so the client is able to remain in (~~his/her own home~~) his or her present abode.
 - (e) Assisting with relocation, including help to locate suitable housing.
 - (f) Seeking help of law enforcement officials in situations of grave danger to the client.
 - (g) Acting as advocate for adults whose civil rights and financial entitlements are at risk.
- (7) A person may receive protective services, provided the person requests or affirmatively consents to receive the services. If the person withdraws or refuses consent, services shall not be provided. The department may bring an action under chapter 11.88 RCW if the department determines a vulnerable adult lacks the ability or capacity to consent.
- (8) The department may seek an injunction to prevent interference with an investigation concerning an allegation of abuse, neglect, exploitation, or abandonment of a vulnerable adult.
- (9) Goals for adult protective services shall be limited to those specified in WAC 388-15-010 (1)(c), (d) and (e). Also see WAC 388-15-010(2).

WSR 84-14-008
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 22, 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 Income—Eligibility standards—Food stamps, amending WAC 388-54-730.

It is the intention of the secretary to adopt these rules on an emergency basis effective July 1, 1984;

that the agency will at 10:00 a.m., Wednesday, August 8, 1984, in the Third Floor Conference Room, H-19, 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 August 15, 1984.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 8, 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 Office of Administrative Regulations, at State Office Building #2,

12th and Franklin, Olympia, Phone (206) 753-7015, by July 25, 1984. The meeting site is in a location which is barrier free.

Dated: June 20, 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 WAC 388-54-730.

The Purpose of the Rule Changes: To update income eligibility standards for the food stamp program.

These Rules are Necessary: To implement the increase in the income eligibility standards for the food stamp program published May 18, 1984.

Statutory Authority: RCW 74.04.510.

The changes require that income eligibility standards for the food stamp program be increased approximately two and one-half percent.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Sharon Covey, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-0477.

These rules are necessary as a result of federal law, WFN-100:FS-10-GEN.

AMENDATORY SECTION (Amending Order 2010, filed 8/19/83)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting the household to obtain a more nutritious diet.

(1) Eligibility shall be determined on the basis of gross income and net food stamp income, except those households containing a member sixty years of age or over, or a member receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665 (2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines.

Effective (July 1, 1983) July 1, 1984,	
Gross Monthly Income Eligibility Standards Table	
Household Size	Monthly Standards
1	\$ ((527)) 540
2	((709)) 728
3	((891)) 917
4	((1,073)) 1,105
5	((1,255)) 1,294
6	((1,437)) 1,482
7	((1,619)) 1,671
8	((1,801)) 1,859
((9	+903
+0	2,165))
Each additional person	+((102)) 189

Effective (July 1, 1983) July 1, 1984,	
Net Monthly Income Eligibility Standards Table	
Household Size	Maximum Allowable Net Income
1	\$ ((405)) 415
2	((545)) 560
3	((685)) 705
4	((825)) 850
5	((965)) 995
6	((1,105)) 1,140

Household Size	Maximum Allowable Net Income
7	((+245)) 1,285
8	((+385)) 1,430
(9	+525
+0	+665)
Each additional member	+((+40)) 145

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665 (1)(d).

Effective ((~~July 1, 1983~~)) July 1, 1984,
Elderly/Disabled Separate Household Income Eligibility Standards
Table

Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
1	\$ ((669)) 685
2	((900)) 924
3	((+131)) 1,164
4	((+362)) 1,403
5	((+593)) 1,642
6	((+824)) 1,881
7	((2,055)) 2,121
8	((2,286)) 2,360
(9	2,517
+0	2,748)
Each additional member	+((231)) 240

WSR 84-14-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-55—Filed June 22, 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 this regulation is necessary to monitor an experimental tanner crab fishery off the Washington coast.

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 June 22, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-12-02000A SHELLFISH—CLASSIFICATION. Notwithstanding the provisions of WAC 220-12-020, the following species is classified as shellfish under RCW 75.08.080, and is subject to be provisions of Title 220 WAC:

Tanner Crab *Chionoecetes tanneri*

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 220-52-04600M CRAB FISHERY—SEASONS AND AREAS. Notwithstanding the provisions of WAC 220-52-046, it is unlawful to possess or retain tanner crab taken from Marine Fish - Shellfish Management and Catch Reporting Areas 58B, 59 or 60A without having in possession a permit issued by the director authorizing fishing activity for tanner crab

WSR 84-14-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-56—Filed June 22, 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 this rule is made pursuant to the Columbia River compact.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 June 22, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-03000I GILL NET SEASON. (1) Notwithstanding the provisions of WAC 220-32-022, WAC 220-32-030 WAC 220-32-031, WAC 220-32-032, WAC 220-32-036, and WAC 220-31-041, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River

Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except in those areas, at those times and with the gear designated below:

Area 1A - 4:00 a.m. June 25 to 10:00 p.m.

June 25, 1984

Single wall floating gill net with 4 1/2 inch maximum mesh restriction.

Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore, and include those waters of the Columbia River downstream and westerly of a line projected across the Columbia River at a point 5-miles below Bonneville Dam; and exclude the waters of Camas Slough upstream from a line projected true north from the most western tip of Lady Island to the mainland - daily, 4:00 a.m. to 10:00 p.m. from June 27 to July 2, 1984. Single wall floating gill net with 4 1/2 inch maximum mesh restriction.

(2) Shad, sockeye salmon greater than 10 inches in length and chinook salmon greater than 10 inches in length and less than 24 inches in length may be retained and sold. Chinook salmon greater than 24 inches in length and sturgeon may not be retained.

WSR 84-14-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-57—Filed June 22, 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 harvestable numbers of sockeye salmon are available.

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 June 22, 1984.

By Russell W. Cahill
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-57-16000E COLUMBIA RIVER. *Notwithstanding the provisions of WAC 220-57-160, effective immediately until 11:59 p.m., July 25, 1984, it is lawful to retain up to six sockeye salmon not less than 10 inches in length nor more than 24 inches in length in the daily bag limit in those waters of the Columbia River downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge. All sockeye salmon less than 10 inches in length or more than 24 inches in length must be released immediately.*

WSR 84-14-012
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-58—Filed June 22, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial and 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 these rules are the result of the Columbia River compact and are to allow harvest by treaty Indian fishermen of available 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 75.08.070 and 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 June 22, 1984.

By Russell W. Cahill
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-32-05100C SEASONS—SALMON. *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from 12:00 noon June 25, to 12:00 noon June 30, 1984, and may sell sockeye salmon and chinook salmon less than 24 inches in length. It is unlawful to sell sturgeon taken incidental to this salmon fishery. 4 1/2 inch maximum mesh restriction.*

NEW SECTION

WAC 220-32-05500K OFF RESERVATION INDIAN SUBSISTENCE FISHING. Notwithstanding the provisions of WAC 220-32-055, it is unlawful for any Treaty Indian fisherman to fish for or possess salmon taken for ceremonial or subsistence purposes from the waters of the Columbia River or tributaries of the Columbia River except as provided for in this section:

(1) Effective 12:00 noon June 25, until 12:00 noon June 30, 1984, those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may retain chinook over 24 inches in length for ceremonial and subsistence purposes if such fish are taken in the fishery authorized by WAC 220-32-05100C.

(2) Effective immediately until further notice, those individuals possessing treaty fishing rights under the Yakima Treaty may fish for and possess salmon taken for subsistence purposes on odd numbered days with pond seine and dip net gear from 8:00 a.m. to 5:00 p.m. in the lower most end of the spawning channel, ladder and volunteer trap area of the Priest Rapids Salmon Hatchery.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:00 noon, June 25, 1984:

WAC 220-32-05100B SEASONS—SALMON. (84-09)

WAC 220-32-05500J OFF RESERVATION INDIAN SUBSISTENCE FISHING. (84-46)

WSR 84-14-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 25, 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:

Amd WAC 388-92-045 Excluded resources.
 Amd WAC 388-95-380 Excluded resources;

that the agency will at 10:00 a.m., Wednesday, August 8, 1984, in the Third Floor Conference Room, H-19, 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 August 15, 1984.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 8, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by July 25, 1984. The meeting site is in a location which is barrier free.

Dated: June 20, 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 WAC 388-92-045 and 388-95-380.

Purpose of the Rule or Rule Change: To modify what resources are excluded.

The Reason(s) These Rules are Necessary: To comply with SSI regulations.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Makes an automobile modified for operation by, or transportation of, a handicapped individual an excluded resource.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Medical Assistance, Phone: 3-7316, Mailstop: LK-11.

These rules are necessary as a result of federal law, Program Operations Manual System Part 05, Supplemental Security Income, sections 01130.600 through 01130.615.

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-92-045 EXCLUDED RESOURCES. Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are reinvested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-83-140 (4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence may constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-92-043, transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile (~~will be~~):

(a) Is totally excluded regardless of its value if it is (~~used~~):

(i) Necessary for employment; or

(ii) Necessary for the individual's medical treatment; (~~otherwise, the~~) or
(iii) Modified for operation by, or transportation of, a handicapped person; or

(b) Is excluded to the extent its current (~~retail~~) market value (~~to~~) does not exceed \$4,500, any excess to be counted against the resource limit. An automobile may be excluded under this subsection only if no automobile is excluded under subsection (3)(a) of this section.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1,500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1,500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living-in-the-same-household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses.

(a) Funds specifically set aside for the burial arrangements of an individual or the individual's spouse not to exceed \$1,500 each.

(b) This exclusion applies if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-92-050.

(c) Funds set aside for burial expenses must be kept separate from other resources not set aside for burial. If such funds are mixed with other resources not intended for burial, the exclusion will not apply to any portion of the funds and will be treated as nonexcluded resources.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The \$1,500 exclusion must be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the cash surrender value of those policies has been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) Burial funds used for other purposes. Funds or interest earned on funds and appreciation in the value of burial arrangements which have been excluded from resources because they are burial funds must be used solely for that purpose. If any excluded funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) will be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purpose.

(13) Other resources excluded by federal statute.

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-95-380 EXCLUDED RESOURCES. Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are reinvested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-95-360 (4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence may constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-92-043, transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile (~~(will be)~~):

(a) Is totally excluded regardless of its value if it is (~~used~~):

(i) Necessary for employment; or

(ii) Necessary for the individual's medical treatment; (~~otherwise, the~~) or

(iii) Modified for operation by, or transportation of, a handicapped person; or

(b) Is excluded to the extent its current (~~retail~~) market value (~~top to~~) does not exceed \$4,500, any excess to be counted against the resource limit. An automobile may be excluded under this subsection only if no automobile is excluded under subsection (3)(a) of this section.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as in subsection (3) of this section.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-

children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living-in-the-same-household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses.

(a) Funds specifically set aside for the burial arrangements of an individual or the individual's spouse not to exceed \$1,500 each.

(b) This exclusion applies if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-95-390.

(c) Funds set aside for burial expenses must be kept separate from other resources not set aside for burial. If such funds are mixed with other resources not intended for burial, the exclusion will not apply to any portion of the funds and will be treated as nonexcluded resources.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The \$1,500 exclusion must be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the cash surrender value of those policies has been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) Burial funds used for other purposes. Funds or interest earned on funds and appreciation in the value of burial arrangements which have been excluded from resources because they are burial funds must be used solely for that purpose. If any excluded funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) will be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purposes.

(13) Other resources excluded by federal statute.

WSR 84-14-014
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed June 25, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning muzzle-loading rifles, amending WAC 232-12-051;

that the agency will at 9:00 a.m., Sunday - Monday, August 19-20, 1984, in the Ridpath Motor Inn, Sprague and First Avenue, at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19-20, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

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

Dated: June 25, 1984

By: Robert B. Rasmussen
Division Administrator, Wildlife Enforcement

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-051
Muzzle-loading rifles.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement:
RCW 77.12.040.

Summary of the Rule: Amendment will legalize the use of a musket and clarify the prohibition against the use of a black powder substitute during special primitive muzzle-loading seasons.

Reasons Supporting the Proposed Rule(s): To clarify the use of a musket and a black powder substitute.

The Agency Personnel Responsible for Drafting: David L. Schultz, Program Manager, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740; Implementation and Enforcement: Robert B. Rasmussen, Division Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary as a result of federal regulations or state court action.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 65 [165], filed 6/1/81)

WAC 232-12-051 MUZZLE-LOADING (~~(RIFLES)~~) FIRE-ARMS. (1) It is unlawful to carry or possess any firearm during special primitive muzzle-loading seasons which does not meet the following definition of muzzle-loader: Muzzle-loader means a single or double barrel wheel lock, matchlock, flintlock or percussion rifle or musket with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle. If the rifle has a removable breech plug, such removal must require the use of tools. Minimum barrel length is 20 inches and minimum caliber is 40(~~(-such measurement to be taken from land to land in the barrel)~~). Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be metal. Telescopic sights or sights containing glass are prohibited.

(2) This section shall not apply to the carrying of a (~~(muzzle-loading pistol)~~) handgun designed for black powder use only.

(3) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(4) Only one barrel of a double barrel muzzle-loader may be loaded at any one time while hunting in a special primitive muzzle-loading season.

(5) It is unlawful to use a black powder substitute in a muzzle-loading firearm during any special primitive muzzle-loading season.

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

WSR 84-14-015

ADOPTED RULES

FIRE MARSHAL

INSURANCE COMMISSIONER

[Order FM 84-02—Filed June 25, 1984]

I, Thomas R. Brace, director of the Division of State Fire Marshal, do promulgate and adopt at the Insurance Building, Room 140, Olympia, Washington 98504, the annexed rules relating to Group care facilities for severely and multiply-handicapped children—Standards for fire protection, chapter 212-70 WAC.

This action is taken pursuant to Notice No. WSR 84-09-038 filed with the code reviser on April 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 chapter 74.15 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 June 25, 1984.

By Thomas R. Brace
Director

Chapter 212-70 WAC

GROUP CARE FACILITIES FOR SEVERELY
AND MULTIPLY-HANDICAPPED CHILDREN—
STANDARDS FOR FIRE PROTECTIONNEW SECTION

WAC 212-70-010 PURPOSE. The purpose of these regulations is to identify the minimum standard fire and life safety requirements for buildings used as group care facilities for severely and multiply-handicapped children, which require state fire marshal approval in accordance with chapter 74.15 RCW.

NEW SECTION

WAC 212-70-020 DEFINITIONS. All terms not defined in this section, but which are defined in chapter 388-73 WAC, shall receive the definition and construction given them by chapter 388-73 WAC, unless the context clearly indicates otherwise.

(1) "Approved" as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(2) "Building official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW.

(3) "Exit" means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts and yards.

(4) "Fire official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW.

(5) "Heat detector" means an approved device which detects abnormally high temperatures or rate of temperature rise.

(6) "Licensing agency" means the Washington state department of social and health services.

(7) "Person, nonambulatory," is one who is incapable of leaving a fire area within a reasonable length of time without assistance in event of an emergency.

(8) "Smoke detector" means an approved device which senses visible or invisible particles of combustion.

NEW SECTION

WAC 212-70-030 INSPECTIONS AND APPROVAL. (1) Upon receipt of an application for a license to operate a group care facility for severely and multiply-handicapped children, or at least ninety days prior to the expiration date of a current license, the licensing agency shall submit a written request for inspection to the state fire marshal. The state fire marshal or his designated representative shall inspect the facility. If the facility fails to meet the requirements contained in this regulation, a written report shall be forwarded to the applicant or licensee, indicating the violations noted and corrective action required. Upon expiration of the time specified for corrective action, a reinspection shall be made to determine compliance.

(2) Upon completion of the inspection and the facility is found to be in compliance with this regulation, notification of approval shall be forwarded to the licensing agency, and a certificate of compliance shall be forwarded to the applicant or licensee.

NEW SECTION

WAC 212-70-040 RIGHT OF APPEAL. An owner or occupant aggrieved by any such order made by a deputy state fire marshal may within five days after the date of the order appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force and be complied with by the owner or occupant.

NEW SECTION

WAC 212-70-050 CONTACT WITH LOCAL BUILDING AND FIRE OFFICIALS. The applicant for a license to operate a group care facility for severely and multiply-handicapped children shall obtain the approval of the local building official and fire official of the city, town, or county where the facility is located, and verify that all local building code and fire code requirements have been met.

NEW SECTION

WAC 212-70-060 CONSTRUCTION REQUIREMENTS—NEW CONSTRUCTION. (1) Group care facilities serving severely or multiply-handicapped children, constructed or licensed after the effective date of these regulations, shall comply with the Group I, Division 1, occupancy requirements, Uniform Building Code, 1982 Edition. Compliance with the uniform building code requirements are the minimum construction standards necessary for ensuring state fire marshal approval of such group care facilities.

(2) No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction. Alterations or installations of new building services equipment shall be accomplished in conformance with the requirements for new construction.

NEW SECTION

WAC 212-70-070 CONSTRUCTION REQUIREMENTS—EXISTING FACILITIES. Group care facilities serving severely and multiply-handicapped children in existence prior to the effective date of these regulations, shall comply with all the fire and life safety requirements contained in WAC 212-70-080 through 212-70-260.

NEW SECTION

WAC 212-70-080 DESIGN, OPERATION. All facilities shall be so designed, constructed, maintained, and operated as to minimize the possibility of a fire emergency requiring the evacuation of residents. The protection of residents from fire shall be provided by appropriate arrangement of facilities, adequate staffing, and careful development of operating and maintenance procedures composed of the following:

(1) Proper design, construction, and compartmentation.

(2) Provision for detection, alarm, and fire extinguishment.

(3) Fire prevention and planning, training and drilling programs for the isolation of fire, transfer of residents to areas of refuge, or evacuation of the building.

NEW SECTION

WAC 212-70-090 ADDITIONS. Any addition shall be separated from any existing nonconforming structure by a fire wall having at least a two hour fire-resistive rating. Communicating openings in the fire wall shall occur only in corridors and shall be protected by approved self-closing fire doors.

NEW SECTION

WAC 212-70-100 MIXED OCCUPANCIES. Sections of the group care facility not providing customary services such as housing or treatment may be classified as a different occupancy if adequately separated by construction having a fire resistance rating of at least two hours.

NEW SECTION

WAC 212-70-110 INTERIOR STAIRWAY ENCLOSURE. Every interior stairway, including landings between flights, shall be enclosed with walls of at least one hour fire-resistive construction. Doors entering stairway enclosures shall be not less than one hour fire resistive assemblies, maintained self-closing and positive latching.

NEW SECTION

WAC 212-70-120 OTHER VERTICAL OPENINGS. Elevators, dumbwaiters, laundry and rubbish chutes, pipe chases and other openings between floors shall be enclosed in not less than one hour fire resistive continuous shafts, with all openings provided with one hour self-closing and positive latching fire assemblies.

NEW SECTION

WAC 212-70-130 FIRE ALARM. Every group home for severely and multiply-handicapped children shall have an approved, electrically supervised manual fire alarm system. Operation of any fire alarm initiating device shall automatically, without delay, activate a general alarm throughout the building. The fire alarm system shall automatically transmit a signal off the premises by the most direct and reliable method approved by the state fire marshal. These include, but are not limited to, in order of preference:

- (1) A direct connection of the building alarm to a municipal alarm system.
 - (2) A direct connection of the building alarm to an approved central station.
- Annunciators shall be provided where the system serves more than one floor, one building or one fire division.

NEW SECTION

WAC 212-70-140 SMOKE DETECTION SYSTEM. An approved, automatic smoke detection system shall be installed in all corridors and resident sleeping rooms. Detectors installed in corridors shall not be spaced further than thirty feet apart nor more than fifteen feet from any wall, and shall be electrically interconnected with the fire alarm system. Detectors in residents sleeping rooms shall be installed on the ceiling above the bed or on the sidewall in accordance with nationally recognized standards.

NEW SECTION

WAC 212-70-150 AUTOMATIC FIRE SPRINKLER SYSTEM. (1) Every group care facility for severely and multiply-handicapped children shall be equipped with an approved automatic fire sprinkler system.

(2) The sprinkler system shall be electrically supervised with flow and tamper switches monitored by an approved central station or the local fire jurisdiction responsible for fire protection.

(3) The required fire department connections shall be installed at a location specified by the fire chief.

NEW SECTION

WAC 212-70-160 WINDOWS IN SLEEPING ROOMS. Every sleeping room below the fourth floor shall have an outside window or outside door arranged and located so that it can be opened from the inside without the use of tools or keys to permit the venting of products of combustion and to permit any occupant to have direct access to fresh air in case of emergency.

NEW SECTION

WAC 212-70-170 INTERIOR FINISH. The flame spread rating of ceiling and wall finish materials shall not exceed the following:

- (1) Enclosed vertical exitways—75 or less.
- (2) Other exitways—200 or less.

NEW SECTION

WAC 212-70-180 EXITS. At least two remote exits shall be provided in accordance with the following guidelines:

- (1) On each floor occupied by residents;
- (2) Rooms or spaces having an occupant capacity of six or more residents;
- (3) Additional exits may be required by the state fire marshal to eliminate dead end corridors in excess of twenty feet, or where occupancy requirements dictate the need for additional exits.

NEW SECTION

WAC 212-70-190 EXIT IDENTIFICATION. Every required exit door shall be identified by an electrically operated internally illuminated exit sign of such size, color and dimension as to be readily visible. Where the exit is not readily visible from any point in the exit system, exit directional signs shall be provided to indicate the direction to the exit door. Exit signs shall be operational at all times the group care facility is occupied.

NEW SECTION

WAC 212-70-200 EMERGENCY LIGHTING. Every group care facility for severely and multiply-handicapped children shall be equipped with an emergency exit lighting system. The system shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as any failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities. The emergency lighting system shall include, as a minimum, the following provisions:

(1) Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is provided by an electric generator set, a delay of not more than ten seconds shall be permitted.

(2) Electric battery-operated emergency lights shall use only reliable types of storage batteries, provided with

suitable facilities for maintenance in properly charged conditions.

(3) Emergency lighting facilities shall be arranged to maintain illumination to values of not less than one footcandle measured at the floor for a period of one-half hour, or one hour in buildings of one hundred twenty feet or more in height.

(4) Emergency lighting shall be provided in, but not necessarily be limited to such locations as exit corridors, exit passageways, exit stairways, exit doorways, and staff nurse or supervisor's locations.

NEW SECTION

WAC 212-70-210 STAFF TRAINING. The staff of the group care facility shall maintain proficiency in their area of responsibility, with respect to the fire and evacuation plan. The licensee or administrator shall ensure that all employees are instructed and informed of their respective duties as defined in the plan. Special training classes shall be conducted to ensure that all the staff can react to fire emergencies.

NEW SECTION

WAC 212-70-220 FIRE AND EVACUATION PLAN. The licensee or administrator of every group care facility for severely and multiply-handicapped children shall have in effect, and available to all supervisory personnel, written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and, when necessary, evacuation from the building.

NEW SECTION

WAC 212-70-230 FIRE DRILLS. At least twelve fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a verbal or coded announcement may be used instead of audible alarm. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions.

NEW SECTION

WAC 212-70-240 MAINTENANCE. Fire protection systems, equipment and devices shall be properly maintained as follows:

(1) Manual fire alarm systems shall be operationally tested by the facility staff at least once each month. A record of the operational tests shall be maintained on the premises.

(2) Automatic fire detection systems shall be inspected at least annually. The inspection shall be conducted by a person or company with the required licenses, technical qualifications, and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(3) Sprinkler systems shall be inspected at least annually. The inspection shall be conducted by a person or company with the required licenses, technical qualifications, and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(4) Automatic smoke detection devices (single station) shall be operationally tested at monthly intervals by the facility staff, in accordance with the instructions supplied by the manufacturer. A record of the operational tests shall be maintained on the premises.

(5) At monthly intervals, the facility staff shall accomplish a visual inspection of fire extinguishers. The visual inspection must provide a reasonable assurance that the extinguisher is operational, and at its proper location. Monthly visual inspections shall be recorded, indicating the date inspected and initials of the inspector.

(6) Self-closing fire doors shall be maintained in the closed position, except where they are held open on approved door releases activated by products of combustion detectors other than heat. Under no conditions shall manually activated door stops be installed on a fire door. Use of wedges to block fire doors in the open position is prohibited.

(7) Fire door hardware, latches and closing devices shall be maintained in proper working condition.

(8) Corridor, stairway and exit lights shall be inspected daily. Burned-out bulbs shall be promptly replaced.

(9) Fire retardant paints or solutions shall be renewed at intervals necessary to maintain the fire retardant properties of the object or exposure to which it has been applied.

(10) "No smoking" signs shall be posted in rooms or areas where the state fire marshal determines smoking to be hazardous. Where smoking is permitted, suitable ash trays or receptacles shall be provided to deposit used smoking materials.

NEW SECTION

WAC 212-70-250 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of this regulation. The particulars of such modification may be granted or allowed: **PROVIDED**, That it does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

NEW SECTION

WAC 212-70-260 SEVERABILITY. If any provision of this regulation, or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions to other persons or circumstances is not affected.

WSR 84-14-016
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 26, 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 program—Remediation assistance, chapter 392-162 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 28, 1984.

The authority under which these rules are proposed is RCW 28A.41.408.

This notice is connected to and continues the matter in Notice No. WSR 84-13-016 filed with the code reviser's office on June 13, 1984.

Dated: June 26, 1984
 By: Frank B. Brouillet
 Superintendent of Public Instruction

WSR 84-14-017
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 26, 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.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 28, 1984.

The authority under which these rules are proposed is chapter 28A.16 RCW.

This notice is connected to and continues the matter in Notice No. WSR 84-13-017 filed with the code reviser's office on June 13, 1984.

Dated: June 26, 1984
 By: Frank B. Brouillet
 Superintendent of Public Instruction

WSR 84-14-018
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 26, 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.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 28, 1984.

The authority under which these rules are proposed is RCW 28A.13.070(7).

This notice is connected to and continues the matter in Notice No. WSR 84-13-018 filed with the code reviser's office on June 13, 1984.

Dated: June 26, 1984
 By: Frank B. Brouillet
 Superintendent of Public Instruction

WSR 84-14-019
ADOPTED RULES
PENINSULA COLLEGE

[Order 8, Resolution No. 84-09-031—Filed June 26, 1984]

Be it resolved by the board of trustees of Community College District No. 1, of the Peninsula College, acting at Peninsula College, Port Angeles, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 132A-136-010 College sponsored publications.
- Amd WAC 132A-116-025 Motor vehicle regulations—Enforcement.

This action is taken pursuant to Notice No. WSR 84-09-031 filed with the code reviser on April 13, 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 board of trustees of Community College District No. 1 as authorized in chapter 28B.50 RCW.

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 June 20, 1984.

By Paul G. Cornaby
 President of Peninsula College and
 Secretary to the Board of Trustees

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

~~WAC 132A-136-010 COLLEGE SPONSORED PUBLICATIONS: (1) The Publication Advisory Board shall be the central authority representing the publishers (Peninsula College) in the formulation and enactment of policy regarding the college publications including the BUCCANEER and TIDE POOL.~~

~~(a) The respective editors will be responsible to this advisory board and are charged with the day-to-day operation of the individual publications.~~

~~(b) The publication advisory board will consider nominations for the position of editor each year or quarter, according to the qualifications stated subsequently, and will appoint such personnel. If necessary, the board can censure, suspend, or replace any of its appointees.~~

~~(c) The publication advisory board can recommend the creation or dissolution of authorized student publications to the office of the president or his designated representative, the dean of students, and the Associated Student Council.~~

(d) The publication advisory board shall review any material the faculty publication advisor wishes to bring before the group. It will be its responsibility to advise the faculty publication advisor, in light of governing policies (Canons of Journalism, etc.) as to a course of action.

(2) The publication advisory board will have authority to conduct hearings, hold public meetings, conduct investigations, and make recommendations concerning all publications within its scope of authority, whether actually published or proposed for future publication, as long as the college shall be viewed as the publisher.

(f) The publication advisory board will have the authority to determine frequency and method of publication.

(3) The publication advisory board shall be made up of seven members:

(a) The president of the college shall appoint three faculty members and one administrator who act for the publisher and represent the college.

(b) The president of the Associated Student Council shall appoint three members of the student body who must meet the requirements for committee membership.

(c) The dean of students, president of the Associated Student Council, publication editor, and director of student activities may be seated as nonvoting members.

(d) The board shall select its own chairman.

(e) The board shall meet at the call of the chairman or any three of its members.

(4) Each student publication has a faculty or professional advisor who shall be appointed by the president. His primary duty will be to counsel the student editors regarding ethical responsibility, content and coverage, technical and managerial aspects of composition and publication. The publications advisor shall have the authority, after consultation with the concerned editor, to withhold from publication any material he believes should be reviewed by the publication advisory board.

(a) The advisor shall recommend to the publication advisory board students for position of editorship.

(b) The publications advisor as well as the editors are expected to cooperate fully with the publication advisory board.

(5) The student editor shall be responsible for the content and presentation of material in each of the publications authorized by the publication advisory board.

(a) The student editor shall appoint members to his staff and will assume responsibility for having members of his staff conform to the policies as stated by the publication advisory board.

(b) The student editor shall consult with the publications advisor at all times in matters of policy and management.

(6) The primary function of the BUCCANBER will be to provide a laboratory experience for those students involved in the news writing sequence of courses offered by Peninsula College. The opportunity for writing and related newspaper experience will not be exclusively for those who are enrolled in these journalism courses. However, all students will be urged to participate in newspaper reporting and similar assignments which will

be made available on a regular schedule arranged by the faculty advisor charged with the responsibility of the journalism laboratory.

(7) The purpose of TIDE POOL is to provide an opportunity for student writers to have their writing efforts published. This magazine is primarily a laboratory vehicle of the creative writing classes, but pictures, poems, and short stories from all students are considered in this publication.

(8) In keeping with the highest ideals of journalistic endeavor, Peninsula College and its related publications subscribe to the CANONS OF JOURNALISM as adopted by the American Society of Newspaper Editors, and hereinafter set forth. These canons have been excerpted and modified to apply more directly to a student newspaper and are listed as modified:

(a) The purpose of the student publications is to report the news and to provide an outlet for student opinion and student creative effort. The prime purpose of Peninsula College publications shall be to publicize and promote the activities and interests of the general college community of Peninsula College.

(b) It is the responsibility of student publications to maintain the highest standards of accuracy, truthfulness, fairness, and decency in fulfilling this goal.

(c) Student publications must maintain the utmost respect for the privacy and rights of the individual.

(d) Student publications must not impugn the character or motives of the individual or groups without substantial evidence, nor shall it ever knowingly violate a confidence.

(e) Student publications will adhere to the laws of libel of the State of Washington and the United States of America.

(f) Personal bias, vested interest, or editorial policy must not dictate or influence the writing, placement, or length of news stories. News value must be the only criterion.

(g) An article from another publication must not be reprinted in whole or part without due credit, and permission, if necessary.

(h) The editor must accept final responsibility for the contents of the publication.

(i) When an editor flagrantly or consistently violates the ethics of the student press as outlined in this code, he may be removed by the authority which appointed him; the publication advisory board, in accordance with well established criteria for due process in which the student editor is given full right of defense.

STUDENT PUBLICATIONS. Publications covered by this policy shall be those providing laboratory experiences for instructional programs. The purpose of such publications shall be consistent with the purposes of Peninsula College as stated in the Community College Act. The primary purpose of student publications shall be to provide a learning experience for students. In addition,

(1) the college newspaper shall

(a) provide a source of information about current events, people, and other subjects of interest to the campus community.

(b) provide a forum for the exchange of opinions through clearly identified editorial columns and letters to the editor.

(c) provide opportunities for journalism students to gain experience under instructional supervision in reporting, writing, editing, page design, photography, and other skills involved in newspaper operations.

(2) The literary magazine shall

(a) provide a forum for students of Peninsula College to publish their creative efforts, both verbal and visual.

(b) provide a magazine in which the school community and the public can read and view such creative efforts.

(c) provide opportunities for members of the magazine's staff in soliciting material, choosing material, and editing and assembling a magazine.

The Peninsula College Board of Trustees, represented by the president of Peninsula College, is the publisher of all college-sponsored student publications. The president may appoint a faculty member to serve as the publisher's representative and advisor for each student publication in order to assure that such publications function according to policy requirements. The advisor's primary duty will be to counsel the student editors regarding ethical responsibility, content, and coverage, and technical and managerial aspects of composition and publication. Publications shall contain a statement that editorial opinions are not necessarily those of the institution or its members.

Except for the position of editor, students will not be paid for work on the college newspaper or magazine.

The Trustees support the freedom of student publications to report news and to express opinion without fear of reprisal. At the same time, the Trustees reserve the right, as publishers, to require that student publications observe the restraints imposed by journalistic ethics and the responsibility to avoid the printing of libelous statements and materials. The Trustees, as publishers, also reserve the right to require that all publications include fair comment; observe high standards of writing, accuracy, and good taste; and that student publications avoid discrimination, obscenity, and invasion of privacy. Such rights shall be exercised by the Trustees through their designated representative.

Publications Committee membership: The college president shall appoint three faculty members and one administrator to the Committee. The president of the Associated Students shall be invited to appoint three students, each of whom must be enrolled in a minimum of ten credit hours. Committee members shall serve through one college year, with terms beginning at the start of the fall quarter. They may be reappointed. Preference for one position shall be given to a college newspaper or literary magazine staff member.

Duties of the Publications Committee: Duties shall be advising on recommendations from the Associated Students for establishing or disolving publications, reviewing decisions of the faculty advisors involving selection or dismissal of editors, and hearing disputes which require due process consideration.

Students who wish to edit the college newspaper or magazine will make written application through the advisor, preferably in the quarter before their duties begin.

The advisor shall bring the applications for editor to the Committee. Any applicant may attend in person. The advisor shall make a recommendation to the Committee. If the Committee agrees on that candidate, he/she will be appointed as editor. If the Committee selects another candidate, that person shall be editor unless the advisor wishes to appeal the decision through the president. In such instance, the decision of the president shall be final.

If the Committee receives a recommendation for the suspension or dismissal of an editor, the recommendation must be accompanied by written reasons. The Committee must conduct a hearing confined to the issues contained in the written reasons accompanying the recommendation. This hearing must take place within two weeks after the notice of intent to suspend or dismiss the editor has been presented to the editor by the advisor. The hearing will be open to the public unless the editor charged with suspension and/or dismissal requests a closed hearing. Within three days of the hearing, the Committee shall vote to determine whether the recommendation shall be followed. Appeals following such committee action shall be heard by the president. In such instances, the decision of the president shall be final.

Proposed name change of student publication: If the editor or staff of a college-sponsored publication wishes to change the name of the publication, he/she shall request a hearing from the Publications Committee. After the hearing is held, the Committee shall vote to approve or deny the name change request. If approval is granted, the staff or editor will inform the Associated Student Council and publicize the proposed titles in the college newspaper. One full week after publicizing, the Associated Student Council shall hold a referendum election to make or deny the necessary bylaw change. The referendum may include more than one proposed name. A referendum for a name change for the literary magazine must be held in the fall quarter of the year the magazine is published.

Meetings: The Committee shall elect a faculty or administrative representative to chair the Committee and another to serve as secretary. The Committee shall meet at least once during each quarter and additionally as deemed necessary by the chair.

Minutes: All minutes of publications committee sessions shall be provided to publications committee members, faculty advisors, and the college president, and shall be open to public inspection.

Grievance Procedures: When a student feels that his/her rights relating to student publications have been violated, he/she shall provide the advisor with a written copy of his/her complaint. If there is no resolution to the student's satisfaction, the student may file a grievance with the Publications Committee in writing through the chairperson. The Committee will meet within five school days and recommend a course of action. If there is no resolution to the student's satisfaction, the student may file his/her complaint with the president for a hearing. The complaint shall be filed within five days of the committee's decision. If there is still no resolution to the student's satisfaction, the student may appeal to the

Board of Trustees at its next regularly scheduled meeting. The decision of the Board is final.

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.

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

WAC 132A-116-025 ENFORCEMENT. (1) Campus motor vehicle regulations are enforced by the Peninsula College employees and merchant police operating under the supervision of the college parking officer. Citations will be issued for traffic violations which include: Parking in "No Parking" zones, parking in "Visitors" area, parking in assigned staff areas, parking in "Handicapped" areas without permission, parking in service areas, parking in the dormitory area, improper display of parking permit, back-in parking, violation of parking lanes.

(2) Citations issued for violations are payable at the business office. Penalty is \$1.00 per violation if paid within 48 hours and \$3.00 if paid after the first 48 hours.

(3) Failure by students to clear violation penalties may result in the withholding of transcripts, denial or cancellation of admission or registration, or withholding of degree awards.

(4) Vehicles repeatedly in violation of the campus parking regulations may be impounded at the expense of the operator until all charges are cleared.

(5) Appeals of citations may be made to the director of student activities. In the event that a vehicle is impounded for a violation of these regulations, the owner of the impounded vehicle shall have a right to a hearing within forty-eight (48) hours of his/her request for such a hearing. The appeal should be made to the director of student activities within seventy-two (72) hours of impoundment. Prior to the hearing, the owner of the vehicle shall be entitled to a release of his/her vehicle upon payment of the impoundment costs to the towing company. If, at the hearing, the owner shows that his/her vehicle was improperly impounded, he/she will be entitled to have the costs of towing expense refunded to him/her.

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 84-14-020

ADOPTED RULES

HIGHLINE COMMUNITY COLLEGE

[Order 020—Filed June 26, 1984]

I, Edward M. Command, vice president of Highline Community College, do promulgate and adopt at Highline Community College, the annexed rules relating to parking and traffic regulations, chapter 132I-116 WAC.

This action is taken pursuant to Notice No. WSR 84-09-039 filed with the code reviser on April 16, 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 Highline Community College as authorized in RCW 28B.50.140.

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 June 25, 1984.

By Edward M. Command
Vice President

**Chapter 132I-116 WAC
PARKING AND TRAFFIC REGULATIONS**

WAC

- 132I-116-010 Purpose.
- 132I-116-020 Definitions.
- 132I-116-030 Applicable parking and traffic rules and regulations—Areas affected.
- 132I-116-040 Parking and traffic responsibility.
- 132I-116-050 Permits required for vehicles on campus.
- 132I-116-070 Authorization for issuance of permits.
- 132I-116-090 Display of permit.
- 132I-116-100 Transfer of permits.
- 132I-116-110 Permit revocation.
- 132I-116-140 Designation of parking spaces.
- 132I-116-150 Parking within designated spaces.
- 132I-116-160 Day parking.
- 132I-116-170 Night parking.
- 132I-116-190 Regulatory signs and directions.
- 132I-116-210 Pedestrian's right of way.
- 132I-116-222 Impounding of vehicles.
- 132I-116-230 Report of accident.
- 132I-116-240 Specific traffic and parking regulations and restrictions authorized.
- 132I-116-250 Enforcement.
- 132I-116-260 Issuance of traffic citations.
- 132I-116-270 Fines and penalties.
- 132I-116-280 Parking fees.
- 132I-116-300 Appeal of fines and penalties.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-010 PURPOSE. Pursuant to ~~((the authority granted by the))~~ RCW 28B.50.140(10), the board of trustees of Highline Community College District 9 is granted authority to make rules and regulations for pedestrian and vehicular traffic over property owned, operated, or maintained by the college district. ~~((The rules and regulations contained herein are established for the following purposes:))~~ The purposes of parking and traffic rules and regulations are:

(1) To protect and control pedestrian and vehicular traffic.

(2) To assure access at all times for emergency equipment.

(3) To minimize traffic disturbances during class hours.

(4) To facilitate the operation of the community college of the district by assuring access for vehicles and to regulate the use of parking spaces.

AMENDATORY SECTION (Amending Order 015, filed 8/19/76)

WAC 132I-116-020 DEFINITIONS. As used in this document, the following words shall mean:

(1) College: Highline Community College, or any additional community college hereafter established with Community College District 9, state of Washington, and collectively, those responsible for its control and operations.

(2) College community: Trustees, students, employees, and guests on college owned or controlled facilities.

(3) College facilities: Includes any or all property controlled or operated by the college.

(4) Student: Includes all persons enrolled at the college, both full time and part time.

(5) Campus police chief (~~((of campus security))~~): An employee of Highline Community College District 9, state of Washington, who is responsible to the (~~(manager of business and finance))~~ vice president for campus security, safety, parking, and traffic control.

(6) Vehicle: An automobile, truck, motor-driven cycle, scooter, or any vehicle powered by an engine. Also included will be bicycles and other nonengine vehicles.

(7) Visitor: Any person(s) (~~((or persons,))~~) who comes (~~(upon))~~ on to the campus as guest(s) (~~((and person or persons who lawfully))~~) or to visit the campus for meetings and/or other purposes (~~((which are in keeping with the college's role as an institution of higher learning in the state of Washington))~~).

(8) (~~(Permanent permits: Permits which are valid for a school quarter, term, or portion thereof:~~

(9) ~~Temporary permits: Permits which are valid for a specific period designated on the permit or application.~~

(10) ~~School ((term)) year: Unless otherwise designated, the time period commencing with the summer quarter of ((a)) the community college calendar year and extending through the ((immediately)) subsequent fall, winter, and spring quarters. ((The summer school session shall be considered the first quarter of the college year for parking and traffic control purposes.~~

(11) ~~Car pool: Means two to five persons currently enrolled at Highline have decided to share a single parking permit subject to the restrictions set forth in WAC 132I-116-070.))~~

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-030 APPLICABLE PARKING AND TRAFFIC RULES AND REGULATIONS—AREAS AFFECTED. (~~((The other traffic rules and regulations which are also applicable upon the campus are as follows:))~~) The following rules and regulations apply

upon lands devoted to educational and recreational activities of Highline Community College.

(1) The motor vehicle and other traffic laws of the state of Washington. These shall be applicable upon all lands located within the state of Washington.

(2) The municipal traffic code of the ((county of King)) city of Des Moines, state of Washington. This code applies upon all lands located within the city of Des Moines.

(3) The Highline Community College parking and traffic regulations. These shall be applicable to all lands which are or may hereafter be devoted to the educational, recreational, or parking activities of Highline Community College. In case of conflict with the state or municipal motor vehicle laws, those laws shall govern and take precedence over the college rules.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-040 PARKING AND TRAFFIC RESPONSIBILITY. The (~~((manager of business and finance))~~) vice president is responsible for parking and traffic management on campus. In general, the responsibility is delegated to the campus police chief (~~((of campus security who is authorized to coordinate directly with the dean of student services and others on campus as required by his duties))~~) who is to coordinate with the dean of students. Likewise, duly appointed campus security officers and other security employees of Highline Community College shall be delegated the authority to enforce all college parking and traffic regulations.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-050 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. (~~((Students, faculty and staff))~~) No person shall ((not stop,)) park((:)) or leave ((a)) any vehicle, whether attended or unattended, upon the campus of Highline Community College without a ((parking)) permit issued ((pursuant to WAC 132I-116-020)) by the campus security office. All persons parking on the campus will be given a reasonable time to secure a temporary or permanent permit from the campus security office.

(1) A valid permit is:

(a) A current Highline Community College vehicle permit displayed in accordance with instructions.

(b) A temporary or guest permit authorized by the campus security office and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 132I-116-100.

(3) The college reserves the right to refuse the issuance of a parking permit.

AMENDATORY SECTION (Amending Order 015, filed 8/19/76)

WAC 132I-116-070 AUTHORIZATION FOR ISSUANCE OF PERMITS. The campus security office

is authorized to issue parking permits to students, faculty, and staff members of the college pursuant to the following regulations:

(1) Students may be issued a parking permit upon the registration of his vehicle with the campus security office at the beginning of each academic period.

(2) Faculty and staff members may be issued a parking permit upon the registration of their vehicles ~~((at the beginning of fall quarter, provided that new faculty and staff members employed during the regular academic year may be issued a parking permit upon the registration of their vehicles))~~ at the time they begin their employment at the college.

(3) Full-time faculty and staff personnel may be issued a second car permit for another personally owned vehicle. A condition of issuance is that at no time will more than one vehicle be parked on campus.

~~(4) ((A transferable car pool parking permit may be issued to each car pool and may be transferred among the registered members of the car pool only provided that at no time will more than one vehicle be parked on campus.))~~ Car pool permits may be purchased by faculty, staff, and students. A car pool is defined as being from two to five persons. One transferable permit will be issued by the campus security office for each car pool. This permit is transferable only among the registered members of the car pool. This permit will be displayed in accordance with the instructions provided with the permit. A condition of issuance is that at no time will more than one vehicle owned by members of the pool be parked on campus.

(5) Campus security may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.

(6) Any permit-holder may obtain temporary parking permits at the campus security office without charge for an unregistered vehicle when necessary due to the non-availability of his registered vehicle.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-090 DISPLAY OF PERMIT. ~~((All permanent parking permits))~~ The parking permit issued by the college shall be permanently affixed ((to the)) on the inside of the rear window on the lower left corner directly behind the driver. If the vehicle is a convertible or a truck camper, or has no permanently fixed rear window, the permit shall be ((permanently affixed to the top center of the windshield. Special and temporary parking permits shall be placed within the vehicle where it can be plainly observed)) displayed on the front windshield. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improper placed permit shall be subject to citation. Permits shall be displayed on the front fender of a motorcycle.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-100 TRANSFER OF PERMITS. Parking permits are not transferable. If a vehicle is sold

or traded, a new permit will be issued to the permit holder at no additional cost if the permit holder does the following:

(1) Records invalid permit number;

(2) Removes invalid permit;

(3) Brings invalid permit or remnant thereof and permit number to the campus security office. This office shall then issue the permit holder a new parking permit. Subject vehicle will then be registered under the new number.

(4) Permits may be reissued as authorized by the campus police chief ~~((of campus security))~~.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-110 PERMIT REVOCATION. Parking permits are licenses and the property of the college and may be recalled for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists; or

(2) When a permit is used for an unregistered vehicle or by an unauthorized individual; or

(3) Falsification of a parking permit application; or

(4) Continued violation of parking rules and regulations; or

(5) Counterfeiting or altering of a parking permit; or

(6) Failure to comply with a final decision of the citation review committee or institutional hearing officer.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-140 DESIGNATION OF PARKING SPACES. The parking spaces available on campus shall be designated and allocated in such a manner as will best achieve the objective of the rules and regulations contained in this document.

(1) Faculty and staff spaces shall be designated.

(2) Student spaces shall be designated for their use; provided physically handicapped students may be granted special permits to park in ~~((close))~~ proximity to the classrooms used by such students.

(3) Parking spaces shall be designated for use of visitors on campus.

(4) Parking spaces shall be designated for motorcycles, motorized bicycles, and scooters.

(5) Parking spaces may be designated for other purposes as deemed necessary.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-150 PARKING WITHIN DESIGNATED SPACES. (1) Any person parking a vehicle on Highline Community College property shall park his vehicle in designated parking areas only. These areas are marked by a curb, white lines ~~((s))~~, or signs. Parking on or over a line constitutes a violation.

(2) No vehicle may be parked any place where official signs prohibit parking, or within ten feet of a fire hydrant; on any area which has been landscaped or designed for landscaping; or any cement walkway or

unpaved pathway designated for pedestrian use, except for the purposes of maintenance by an appropriate Highline Community College employee or by an agent from an outside firm employed by Highline Community College, or in the case of emergency vehicles.

(3) ~~((No vehicle may be stopped, parked, or left on the Highline Community College campus without a valid parking permit, except trucks or cars making deliveries.))~~ No motorcycles, motorized bicycles, scooters, or bicycles shall be parked inside a building, near a building, or on a path or sidewalk. Bicycles must be secured to racks as provided.

(4) ~~((No disabled or inoperative vehicle shall be parked on campus for a period in excess of 72 hours.))~~ Vehicles which have been parked in excess of 72 hours and which appear to be inoperative or abandoned may be impounded and stored at the expense of either or both owner and operator thereof.

(5) Personnel who require parking longer than normal parking hours may apply through the security office for permission.

(6) All vehicles shall follow traffic arrows and other markings established for the purposes of directing traffic on campus.

(7) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion or more than one space or stall shall not constitute an excuse for a violation of this section.

(8) ~~((There are three))~~ Designated parking areas on campus for student use((They)) will be open from 6:30 a.m. to 10:45 p.m., Monday through Friday. In addition, the Midway Drive-in Theater parking lot (when designated), is available for student parking between 7:30 a.m. and 5:00 p.m., Monday through Friday.

(9) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to WAC 132I-116-140.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-160 DAY PARKING. The rules and regulations pertaining to the use of certain parking permits in specified areas as contained in WAC 132I-116-140 shall be in force during the hours of 7:00 a.m. to ~~((5:00))~~ 4:00 p.m.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-170 NIGHT PARKING. Students, faculty, and staff may park in any area A or B spaces ~~((of the east, north, or south parking lots.))~~ on a first-come first-serve basis between the hours of ~~((5:00))~~ 4:00 p.m. and 10:45 p.m.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-190 REGULATORY SIGNS AND DIRECTIONS. The campus police chief ~~((of~~

~~campus security and other campus authorities, are))~~ is authorized to erect signs, barricades, and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the college. Such signs, barricades, structures, markings, and directions~~((;))~~ shall be so made and placed as ~~((in the opinion of the manager of business and finance, or his designees, will))~~ to best effectuate the objectives ~~((stated in WAC 132I-116-010, and will best effectuate the))~~ of these rules and regulations ~~((contained herein))~~, in the opinion of the vice president or his designee. Drivers of vehicles shall observe and obey the signs, barricades, structures, markings, and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus ~~((patrolman))~~ security officer or other campus security personnel in the control and regulation of traffic.

AMENDATORY SECTION (Amending Order 003, filed 9/27/73)

WAC 132I-116-210 PEDESTRIAN'S RIGHT OF WAY. (1) The operator of a vehicle shall yield right of way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator ~~((or))~~ of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrian shall proceed upon such a sidewalk.

NEW SECTION

WAC 132I-116-222 IMPOUNDING OF VEHICLES. Any vehicle parked upon lands devoted to the educational, recreational, or parking activities of Highline Community College in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the city of Des Moines as incorporated in WAC 132I-116-030, may be impounded and taken to such place for storage as the campus police chief selects. The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding, and/or storage.

Impounding of vehicles shall include but not be limited to the following:

- (1) Blocking roadway which blocks the flow of traffic;
- (2) Blocking walkway which impedes the flow of pedestrian traffic;
- (3) Blocking a fire hydrant or fire-land;
- (4) Creating a safety hazard in the opinion of the campus police chief or his designee;
- (5) Blocking another legally parked car;
- (6) Parking in a marked "tow-away" zone;

(7) Having an accumulation of four outstanding parking/traffic violations.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-230 REPORT OF ACCIDENT. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of any amount, shall within 24 hours report such accident to the campus police chief (~~(of campus security)~~). This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-240 SPECIFIC TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions (~~(causing additional and/or heavy traffic and)~~) or during emergencies, the campus police chief (~~(of campus security)~~) is authorized to impose additional traffic and parking regulations and restrictions (~~(for the achievement of)~~) consistent with the objectives specified in WAC 132I-116-010.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-250 ENFORCEMENT. ~~((+))~~ Parking rules and regulations will be enforced throughout the calendar year. Parking and traffic rules and regulations are enforced on a 24 hour daily basis.

~~((2) The manager of business and finance and the dean of student services or their designees, shall be responsible for the enforcement of the rules and regulations contained in this document. Pursuant to the provisions of WAC 132I-116-040, the manager of business and finance and the dean of student services are authorized to delegate this responsibility to the chief of campus security or his designee.)~~

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-260 ISSUANCE OF TRAFFIC CITATIONS. Upon the ~~((violations))~~ violation(s) of any of the rules and regulations contained in this document the campus police chief (~~(of campus security)~~) or subordinates are authorized to issue traffic citations, setting forth the date, the approximate time, permit number, license number, name of permit holder, infraction, officer, and schedule of fines. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator. Violation(s) of the college parking and traffic rules and regulations refers to:

(1) No parking permit displayed. Highline Community College parking decal is necessary when parking in

any area on campus. The permit must be prominently displayed.

(2) Failure to stop at stop-sign/signals. The failure to bring a vehicle to a complete stop at properly erected and identified stop signs/signals.

(3) Failure to yield right of way. The fact of depriving another vehicle or pedestrian of the right of way at an intersection or crosswalk.

(4) Improper parking. Parking a vehicle in areas that are intended for purposes more than parking, i.e., fire-lanes, driveways, sidewalks, lawns, or taking more than one parking stall.

(5) Parking in the wrong area. Parking in faculty/staff areas, disabled persons area, or visitor area and/or any other area differing from the locations indicated on the issued permit.

(6) Negligent/reckless driving. The operation of a vehicle in such a manner as to place person(s) or property in danger of injury or grievous harm.

(7) Speeding. The operation of a vehicle in such a manner as to exceed the posted speed limits.

(8) Wrong way on one-way-roads. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(9) Permits not displayed pursuant to the provisions of this chapter shall not be valid.

(10) Other violations. Clearly indicated and an actual violation of the law or traffic ordinances. The violation must be recorded in the space provided on HCC parking/traffic citation.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-270 FINES AND PENALTIES. ~~((Dean of student services working with the chief of campus security is authorized to impose the following fines and penalties for the violations of the rules and regulations contained in this document.))~~

~~((1) ((Except as provided under subsection (2))) Fines ((with)) may be levied for all violations of the rules and regulations contained ((herein)) in WAC 132I-116-260.~~

~~((2) Such vehicles will be taken to a place for storage as the manager of business and finance, or his designee selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.)) In addition to a fine imposed under these regulations, illegally parked ~~((vehicles or those vehicles not displaying a valid parking permit may be impounded))~~ vehicle(s) may be taken to a place for storage as the campus police chief selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.~~

(2) Parking and traffic fines and penalties schedule shall be adopted by the board of trustees. This schedule shall be published and made available for public review in the campus security office.

(3) An accumulation of traffic violations by a student ~~((may))~~ shall be cause for disciplinary action, and the dean of students ~~((services))~~ may initiate disciplinary proceedings against such students.

(4) ~~((At the discretion of the manager of business and finance;))~~ An accumulation of traffic violations by faculty or staff members shall be turned over to the controller for the collection of fines not received by the ~~((manager of business and finance))~~ vice president, or his designee.

(5) ~~((Vehicles involved in violations of these rules and regulations may be impounded as provided for in sub-section (2) herein:))~~

(6)) Parking and traffic violations will be processed by the college. Parking and traffic fines are to be paid to the ~~((cashier in the administration building))~~ campus security office.

~~((7) A))~~ (6) The schedule of fines shall be ~~((set and))~~ reviewed ~~((annually))~~ by a parking advisory committee appointed by the ~~((dean of student services, or his designee))~~ student affairs council as requested by the dean of students or the vice president. ~~((This schedule shall be published in the summary of parking of traffic rules and regulations, and traffic violation form:))~~

(8) Offense and fine:

(a) Vehicle parked in a manner so as to obstruct traffic; \$3.00

(b) Occupying more than one space; \$2.00

(c) Occupying space not designated for parking; \$2.00

(d) Illegal parking (parked in area not authorized by permit); \$2.00

(e) Failure to yield right of way; \$3.00

(f) Parking in a fire lane; \$3.00

(g) Speeding; \$5.00

(h) Failure to stop for stop sign/signal; \$5.00

(i) Reckless/negligent driving; \$5.00

(j) No parking permit displayed; \$10.00))

(7) Parking and traffic fines shall be charged for offenses as indicated in a separate document.

~~((9) If the fine is paid within twenty-four hours of the issuance of the citation, the fine will be reduced to \$1.00:))~~

~~((10))~~ (8) In the event a student fails or refuses to pay a fine, the following may result:

(a) Student may not be eligible to register ~~((for any more courses));~~

(b) Student may not be able to obtain a transcript or his grades or credits;

(c) Student may not receive a degree until all fines are paid;

(d) Student may be denied future parking privileges;

(e) ~~((Impounding of))~~ Vehicle may be impounded.

AMENDATORY SECTION (Amending Order 015, filed 8/19/76)

WAC 132I-116-280 PARKING FEES. ~~((+))~~ Students registered for five or fewer credits will pay \$2.00 per quarter:

(2) Students registered for six or more credits will pay \$5.00 per quarter:

(3) Full-time faculty and staff will pay \$5.00 per quarter:

~~((4) Part-time faculty and staff will pay \$2.00 per quarter:))~~

~~((5) Motorcycles, motorbikes and scooters will pay \$2.00 per quarter:))~~

~~((6) Additional permits will cost \$2.00 each:))~~

~~((7) Members of a registered car pool will pay a total of \$5.00 per quarter:))~~

~~((8) Senior citizens registering under the reduced tuition as authorized by the Washington legislature under chapter 157, Laws of 1975 1st ex. sess., as now adopted or hereafter amended, will pay \$2.00 per quarter))~~ Parking fees shall be adopted by the board of trustees, specifying the charge per year and quarter. The fee schedule shall be published and made available for public review in the campus security office.

AMENDATORY SECTION (Amending Order 014, filed 1/6/76)

WAC 132I-116-300 APPEAL OF FINES AND PENALTIES. Any fines and penalties levied against a violator of the rules and regulations set forth herein, ~~((must))~~ may be appealed. The appeal must be made in writing, within five college days from the date of the citation, to the campus police chief ~~((of campus security))~~, who will:

(1) ~~((Cause a))~~ Review ~~((to be made of))~~ the appeal to determine whether a satisfactory solution, to all parties, can be reached without further administrative action.

(2) ~~((Failing a solution to the appeal, the chief of campus security will cause the creation of a citation review committee, meeting monthly, who will investigate and rule on all outstanding appeals. The citation review committee will be composed of four full-time members of the college and four matriculated students. The chief of campus security shall be a nonvoting member.))~~ If the appellant is not satisfied with the decision of the campus police chief, an appeal may be made, in writing, to the college's vice president within seven working days of the appellant's receipt of the decision. Within twenty working days from the receipt of any such appeal, the college's vice president shall render a written decision.

(3) If the appellant is not satisfied with the decision of the college's vice president, an appeal may be made to the college's president within seven days of the receipt of the vice president's decision.

(4) The final legal recourse for an appellant is to the Washington state superior court system.

(5) In the event that the appeal involves an impounded vehicle, the owner of such vehicle shall have the right to a hearing within 48 hours of a request for such. The owner of the vehicle shall also be entitled to a release of his vehicle upon payment of a bond in the amount of the sum of the impoundment costs and the total of all fines due and owing. If at the hearing it is shown that the vehicle was improperly impounded, the owner of the vehicle shall be entitled to a refund of the costs of impoundment.

(6) In all appeals under this section, the appellant carries the burden of proof, which shall be a preponderance of the evidence.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 132I-116-060 REGISTRATION OF STUDENT VEHICLES.
- (2) WAC 132I-116-080 VALID PERMIT.
- (3) WAC 132I-116-120 RIGHT TO REFUSE PERMIT.
- (4) WAC 132I-116-180 PARKING IN PROHIBITED PLACES.
- (5) WAC 132I-116-220 TWO-WHEELED MOTORBIKES OR BICYCLES.

WSR 84-14-021
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
MEXICAN-AMERICAN AFFAIRS
 [Memorandum—June 20, 1984]

The Commission on Mexican American Affairs is making the following changes in its 1984 meeting schedule: September 14th in Seattle changed to September 8, 1984, in Seattle; and November 2nd in Wenatchee changed to December 8, 1984, in Olympia.

Meeting places are to be arranged at a later date. All meetings are handicapped accessible, open to the public, and begin at 11:00 a.m.

Interested persons are invited to call or visit the commission office for details concerning location and agenda. Contact the Commission on Mexican American Affairs, 1515 South Cherry, Olympia, Washington 98504, Telephone (206) 753-3159 or scan 234-3159.

WSR 84-14-022
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGE
DISTRICT TWELVE
 [Memorandum—June 21, 1984]

The regularly scheduled July 12, 1984, meeting of the Community College District Twelve board of trustees, which was to be held at Olympia Technical Community College, Olympia, Washington, has been cancelled.

WSR 84-14-023
EMERGENCY RULES
COMMISSION ON EQUIPMENT
 [Order 84.06.01—Filed June 26, 1984]

Be it resolved by the State Commission on Equipment, acting at the General Administration Building, Olympia, that it does adopt the annexed rules relating to reflectorized warning devices.

We, the State Commission on Equipment, 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 statute goes into effect on June 7, 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 46.37.450 as amended by chapter 119, Laws of 1984, 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 June 26, 1984.

By N. W. Moloney
 Chief

WAC 204-94

Emergency Regulations for Reflectorized Warning Devices

NEW SECTION

WAC 204-94-010 AUTHORITY. By authority of chapter 119, Washington Session Laws of 1984, and RCW 46.37.005, the State Commission on Equipment hereby adopts the following regulations relating to reflectorized warning devices and their placement.

NEW SECTION

WAC 204-94-020 PURPOSE. To ensure the safety and protection of the motoring public by providing additional reflectorized warning devices on vehicles which are disabled upon the travelled portion of any highway or shoulder thereof outside any municipality at any time when lights are required on vehicles.

NEW SECTION

WAC 204-94-030 DEFINITION. "Reflectorized Warning Device" means any device defined in RCW 46.37.450 or any device composed of a reflective sheeting material which consists of spherical lens elements embedded with a transparent plastic having a smooth, flat outer surface.

NEW SECTION

WAC 204-94-040 STANDARDS FOR REFLECTORIZED WARNING DEVICES. Reflectorized warning devices used by law enforcement shall conform to those devices described in RCW 46.37.450 and WAC 204-94-030.

Reflective sheeting material shall have an average brightness value that ranges from 7 to 70 candlepower per foot-candle per square foot of material. Reflective sheeting material shall be weather resistant and have a protected pre-coated pressure sensitive adhesive. The reflective sheeting material should be easily removable.

NEW SECTION

WAC 204-94-050 **PLACEMENT OF REFLECTORIZED WARNING DEVICES.** Whenever any vehicle is disabled upon the travelled portion of any highway or shoulder thereof outside any municipality, at any time when lights are required by RCW 46.04.200, upon discovery of such disabled vehicle by law enforcement, a reflectORIZED device such as those defined in RCW 46.37.450 or WAC 204-94-030 shall be placed on or near the vehicle.

WSR 84-14-024**ADOPTED RULES
COUNCIL FOR****POSTSECONDARY EDUCATION**

[Order 3-84, Resolution No. 84-75—Filed June 26, 1984]

Be it resolved by the Council for Postsecondary Education, acting at the Western Washington University, Bellingham, Washington, that it does adopt the annexed rules relating to residency status for higher education.

This action is taken pursuant to Notice No. WSR 84-10-043 filed with the code reviser on May 2, 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 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 June 19, 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 288.15.014, 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 84-14-025**ADOPTED RULES****THE EVERGREEN STATE COLLEGE**

[Order 84-1, Resolution No. 84-20—Filed June 26, 1984]

Be it resolved by the board of trustees of The Evergreen State College, acting at Olympia, Washington, that it does adopt the annexed rules relating to regular meeting of the board of trustees, WAC 174-104-010.

This action is taken pursuant to Notice Nos. WSR 83-23-090, 84-04-017 and 84-09-051 filed with the code reviser on November 22, 1983, January 24, 1984, and April 16, 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 Evergreen State College as authorized in RCW 28B.40.120(11).

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 June 6, 1984.

By Richard N. Schwartz
Acting President

AMENDATORY SECTION (Amending Order 82-1, Motion No. 82-9, filed 4/30/82)

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

WSR 84-14-026
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—June 22, 1984]

The board of trustees of Community College District No. 1, Peninsula College, meeting in regular session on June 20, 1984, voted to change its summer meeting schedule. A board meeting will be held on Wednesday, August 1, 1984, at 9:00 a.m., in the board room at Peninsula College rather than at the scheduled August 15, 1984, 3:00 p.m., meeting.

WSR 84-14-027
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—June 25, 1984]

The State Human Rights Commission, at its regular commission meeting on June 21, 1984, voted to adjourn the meeting at 4:30 p.m. and to reconvene on July 13, 1984, at 9:30 a.m. This meeting will take the place of the regular commission meeting scheduled for July 19, 1984. It was necessary to change the date of the meeting in order to have a quorum for the meeting.

The meeting will be held at the Yakima City Council Chambers, City Hall, 129 North 2nd Street, Yakima, Washington 98901.

WSR 84-14-028
ADOPTED RULES
LIQUOR CONTROL BOARD
 [Order 145, Resolution No. 154—Filed June 27, 1984]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Permits—Fees established, WAC 314-38-020.

This action is taken pursuant to Notice No. WSR 84-11-039 filed with the code reviser on May 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 under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.20.010 and 66.98.070.

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 June 27, 1984.

By Robert D. Hannah
 Chairman

AMENDATORY SECTION (Amending Order 133, Resolution No. 142, filed 11/23/83)

WAC 314-38-020 PERMITS—FEES ESTABLISHED. The fees for permits authorized under RCW 66.20.010 are hereby established as follows:

(1) A fee of five dollars is established for a special permit as authorized by RCW 66.20.010(1).

(2) The fee for a special permit as authorized by RCW 66.20.010(2) for purchase of five gallons or less is established as five dollars and for purchase of over five gallons is established as ten dollars.

(3) A fee for a banquet permit, as authorized by RCW 66.20.010(3), is established in WAC 314-18-040.

(4) The fee for a special business permit, as authorized by RCW 66.20.010(4), is established in WAC 314-38-010(2).

(5) The fee of ten dollars is established for a special permit as authorized by RCW 66.20.010(5).

(6) A fee of five dollars is established for a special permit as authorized by RCW 66.20.010(6).

(7) A special permit as authorized by RCW 66.20.010(7) shall be issued without charge to those eligible ~~((entitles {entities}))~~ entities.

(8) The fee of twenty-five dollars is established for a special permit as authorized by RCW 66.20.010(8).

(9) The fee of twenty-five dollars is established for a special permit as authorized by RCW 66.20.010(9).

(10) The fee of thirty dollars is established for a special permit as authorized by RCW 66.20.010(10).

(11) The fee of seventy-five dollars is established for a special permit as authorized by RCW 66.20.010(11).

WSR 84-14-029
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed June 27, 1984]

The Department of Agriculture hereby gives notice of the withdrawal of the proposed rule, WAC 16-212-084, published in WSR 84-09-007 and continued in WSR 84-12-008, filed April 9, 1984, and May 25, 1984, respectively.

Revisions in the proposed rule language make this withdrawal necessary, and revised rules will be proposed at a later date.

By Norval G. Johanson
 Assistant Director

WSR 84-14-030
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed June 27, 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.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 19, 1984, Room 273, Mailstop PV-11, Olympia, Washington 98504, at 1:30 p.m.

The authority under which these rules are proposed is chapter 19.114 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 12, 1984.

This notice is connected to and continues the matter in Notice Nos. WSR 84-10-061 and 84-12-069 filed with the code reviser's office on May 2, 1984, and June 5, 1984.

Dated: June 20, 1984

By: Charles B. Roe
Senior Assistant Attorney General
for Donald W. Moos
Director

WSR 84-14-031
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 84-22—Filed June 27, 1984]

I, Donald W. Moos, director of the Washington Department of Ecology, do promulgate and adopt at Olympia, Washington, the annexed rules relating to state dangerous waste regulations, chapter 173-303 WAC.

This action is taken pursuant to Notice No. WSR 84-12-045 filed with the code reviser on May 31, 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 70.105 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 June 27, 1984.

By Glen H. Fiedler
Deputy Director

NEW SECTION

WAC 173-303-016 IDENTIFYING SOLID WASTE. (1) Purpose and applicability.

(a) The purpose of this section is to identify those substances (including materials, garbage, refuse, sludges, byproducts, and discarded commodities) that are and are not solid wastes.

(b) Subsection (2) of this section is applicable to all substances except:

(i) Those substances which are designated as hazardous wastes under 40 CFR Part 261 Subpart D, provided that, subsection (2) of this section is applicable to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5; and

(ii) Those substances which are sludges (as defined in WAC 173-303-040(81)) and are designated as hazardous wastes under 40 CFR Part 261, provided that, subsection (2) of this section is applicable to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5.

(c) All substances to which subsection (2) of this section is not applicable are solid wastes for the purposes of this chapter. Certain solid wastes are excluded from the requirements of this chapter by WAC 173-303-071. Unless excluded, all solid wastes are subject to the applicable designation, generator, transporter, and management standards of this chapter.

(2) Any substance which meets the definition for solid waste in WAC 173-303-040(82) and which is not specifically exempted by (a) of this subsection is solid waste for the purposes of this chapter.

(a) Except as provided in (b) of this subsection, the following substances are not solid waste:

(i) Substances used or reused as ingredients in industrial processes to make a product, provided that distinct components of the substance are not recovered as separate end products;

(ii) Substances used or reused as substitutes for raw materials in processes using raw materials as the principal feedstocks;

(iii) Substances used or reused in particular functions or applications as substitutes for commercial products; and

(iv) Substances used or reused within the original process from which they were generated (i.e., "closed loop" use or reuse).

(b) Any substance listed in (a) of this subsection, is a solid waste if the department determines, on a case-by-case basis, that:

(i) It is being accumulated without sufficient amounts being used or reused, (as this activity is described in WAC 173-303-121);

(ii) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment;

(iii) It is being used or reused in a manner which constitutes disposal and results in the substance being directly placed in or released to the environment; or

(iv) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such solid waste will be listed in this subsection.

(c) Certain solid wastes are excluded from the requirements of this chapter. They are listed in WAC 173-303-071.

(d) Any substance that is a solid waste and that is not excluded or exempted elsewhere in this regulation is subject to all applicable generator, transporter, and management requirements of this chapter.

(e) Some solid wastes identified in this subsection may be involved in exempted recycling processes. These exempted processes are specified in WAC 173-303-017.

NEW SECTION

WAC 173-303-017 RECYCLING PROCESSES INVOLVING SOLID WASTE. (1) This section is not

applicable to any solid wastes which are designated as hazardous waste under 40 CFR Part 261 Subpart D, or which are sludges designated as hazardous waste under 40 CFR Part 261, unless such hazardous wastes are subject only to the small quantity generator requirements of 40 CFR 261.5. This section is applicable only to processes which legitimately and beneficially recycle a substance identified as a solid waste in accordance with WAC 173-303-016(2). Certain recycling processes, as specified in this section, are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the requirements of this chapter including, but not limited to, the designation requirements of WAC 173-303-070 through 173-303-103 and, if designated as dangerous waste, the recycling requirements of WAC 173-303-120.

(2) Except as provided in subsection (3) of this section, the recycling processes listed in this subsection and the generation, transport, accumulation and storage prior to these recycling processes are exempt from the requirements of this chapter, except that this exemption does not apply to the use of piles or surface impoundments for the recycling processes listed in this subsection or for treatment, accumulation or storage in piles or surface impoundments prior to these recycling processes. The recycling processes are:

(a) Reclamation by the person who generates the solid waste, and reclamation by another person who subsequently uses the materials reclaimed from a solid waste in his own operation (except that if such operation involves only the sale or resale of the reclaimed materials, then the process is not exempt). This exemption does not apply to the reclamation of spent lead-acid batteries;

(b) Recovery of precious metals from solid waste. For the purposes of this exemption, precious metals are gold, silver, iridium, palladium, platinum, rhodium, ruthenium, or any combination of these;

(c) Recycling of oil, gasoline, jet fuel or diesel, and reclamation of oil, gasoline, jet fuel or diesel generated from the cleaning of tanks used only for storage, except that this exemption does not apply to oil, gasoline, jet fuel or diesel mixed with any dangerous waste, unless such dangerous waste is only oil, gasoline, jet fuel or diesel designated by the characteristics described in WAC 173-303-090;

(d) Regeneration of used batteries by a battery manufacturer (e.g., addition of new electrolyte, replacement of defective cells, etc.);

(e) Burning for energy recovery in an industrial furnace or a boiler (as defined in WAC 173-303-040(43) and (8)) by the person who generates the solid waste to be burned, except that this exemption does not apply to the accumulation, storage, or treatment of the solid waste prior to burning, nor to the use of a solid waste to produce a fuel; and

(f) Reclamation performed pursuant to batch tolling agreements. For the purposes of this exemption, a batch tolling agreement is a contractual arrangement, between a reclaimer and a person producing a solid waste, which contains the following conditions:

(i)(A) The person generating the solid waste retains ownership of it; or

(B) In cases where the person generating the solid waste only rents or leases, but does not buy, materials reclaimed from the solid waste, the reclaimer retains ownership;

(ii) Within a period of two hundred seventy days after the date on which the quantity of solid waste first exceeds four hundred pounds, the solid waste is transferred to the reclaimer, reclamation is conducted, and the reclaimed portion is returned to the user;

(iii) The solid waste is not commingled with any other person's solid waste or material prior to or during reclamation, except that commingling is allowed if such commingling involves only solid wastes or materials that have, or prior to becoming solid wastes had, the same chemical names or similar product specifications. For example, Stoddard solvent from several persons may be commingled, whereas waste acetone from one person and waste toluene from another person may not be commingled;

(iv) The reclaimer is paid according to the amount of the reclaimed portion returned to the user; and

(v) The reclaimer is paid more as the amount of the reclaimed portion returned to the user increases.

The person generating the solid waste must maintain and, at any reasonable place and time, provide to the department records that establish the date(s) on which his solid waste was first generated and which show that he meets the above batch-tolling conditions.

(3) Any recycling process listed in subsection (2) of this section is not exempt if the department determines, on a case-by-case basis, that:

(a) The solid waste used in the recycling process is being accumulated without sufficient amounts being recycled (as this activity is described in WAC 173-303-121);

(b) The solid waste used in the recycling process, or the recycling process itself, poses a threat to public health or the environment; or

(c) The recycling process constitutes disposal and results in directly releasing the solid waste to the environment.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-070 DESIGNATION OF DANGEROUS WASTE. (1) Purpose. This section describes the procedures for determining whether or not a solid waste is ~~((a dangerous waste))~~ DW or ~~((an extremely hazardous waste))~~ EHW.

(2) Applicability. The procedures in this section are applicable to any person who ~~((is required by))~~ generates a solid waste that is not exempted or excluded by this chapter ~~((173-303 WAC to determine whether or not his solid waste is designated as dangerous or extremely hazardous, or who desires an exemption for a designated dangerous waste))~~. This section does not apply to those persons who handle wastes that are excluded by WAC 173-303-071 or are exempted by the department. Any person who must determine whether or not his solid waste is designated ~~((under chapter 173-303~~

WAC)) shall perform such designation in the following general manner:

(a) List designation. He shall determine whether or not his waste is designated by the dangerous waste lists, ~~((which include))~~ WAC 173-303-080 through 173-303-084, ~~((or))~~ and, if not, shall then also determine whether or not his waste is designated by the dangerous waste characteristics, WAC 173-303-090; or

(b) ~~((In lieu of subsection (2)(a), above))~~ Criteria designation. Except as provided otherwise in subsection (3)(c) of this section, in lieu of (a) of this subsection, he shall determine whether or not his waste is designated by the dangerous waste criteria, ~~((which include))~~ WAC 173-303-100 through 173-303-103.

Any person who wishes to seek an exemption for a waste which has been designated ~~((dangerous or extremely hazardous))~~ DW or EHW shall comply with the requirements of ~~((subsection (6), below))~~ WAC 173-303-072.

(3) Designation procedures. To determine whether or not his waste is designated, a person must ~~((check))~~ use certain sections of this ~~((regulation. These sections are))~~ chapter in the manner set forth in ~~((subsection (3))~~(a) and (b) ~~((and the manner of their use is described))~~ of this subsection. Any person who determines by these procedures that his waste is designated ~~((as dangerous or extremely hazardous))~~ DW or EHW shall be subject to all applicable requirements of chapter 173-303 WAC. The dangerous waste designation procedures are also illustrated in WAC 173-303-9901, flowchart for designating dangerous wastes, and WAC 173-303-9902, narrative for designating dangerous wastes.

(a) List designation. Except as provided in ~~((subsection (3)(b), below))~~ (b) of this subsection, a person shall check his waste against the following sections, and in the following order:

(i) First, discarded chemical products, WAC 173-303-081;

(ii) Second, dangerous waste sources, WAC 173-303-082;

(iii) Third, infectious dangerous wastes, WAC 173-303-083;

(iv) Fourth, dangerous waste mixtures, WAC 173-303-084; and

(v) Last, dangerous waste characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated, he need not determine any other designations for his waste, except as required by subsection (5) ~~((, below))~~ of this section. If one section results in his waste being both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for EP toxicity), the waste must be designated EHW. If he has checked his waste against each section and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

(b) ~~((In lieu of subsection (3)(a), above,))~~ Criteria designation. Except as provided otherwise in (c) of this subsection, in lieu of (a) of this subsection (list designation) a person shall check his waste against the following sections, and in the following order:

(i) First, toxic dangerous wastes, WAC 173-303-101;

(ii) Second, persistent dangerous wastes, WAC 173-303-102;

(iii) Third, carcinogenic dangerous wastes, WAC 173-303-103; and

(iv) Last, dangerous waste characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. If he determines that his waste is designated ~~((as a dangerous waste (DW)))~~, then he must assure that it is not also ~~((an extremely hazardous waste (EHW)))~~ by checking it against the remaining sections. If he determines that his waste is designated ~~((as an))~~ EHW, then he need not check it against any remaining sections. If designation results in his waste being both EHW and DW (e.g., a waste might be EHW for toxicity and DW for persistence), the waste must be designated EHW. If he has checked his waste against all of the sections and it is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

(c) Designating certain listed wastes by the criteria. Any person who has chosen to designate his waste according to the procedures specified in (b) of this subsection (criteria designation) must, if his waste is listed in WAC 173-303-081 or 173-303-082, comply with the following requirements:

(i) If his waste is designated by the procedures of (b) of this subsection, then his waste will still be designated as a listed waste also, and will be subject to all requirements of this chapter applicable to listed dangerous wastes; and

(ii) If his waste is not designated by the procedures of (b) of this subsection, then:

(A) The person must notify the department of his determination under (b) of this subsection (criteria designation), and request a notice from the department indicating that it agrees with his decision that the waste should not be designated;

(B) Until the department issues a notice of agreement to the person, he must handle his waste in accordance with all requirements of this chapter applicable to listed dangerous wastes;

(C) The department will review the person's request and decide whether or not it agrees with the person's decision that his waste should not be designated. In deciding whether or not to agree, the department will consider:

(I) The person's determination under (b) of this subsection (criteria designation); and

(II) In addition, the factors specified under WAC 173-303-072(4).

The department will request, and the person shall provide, any information it deems necessary to make an accurate decision to agree or disagree. Failure by the person to provide all requested information will form a basis for the department to not issue a notice of agreement; and

(D) If the department agrees that the person's waste should not be designated, then it will issue a notice of agreement to the person and his waste will not be designated a dangerous waste for the purposes of this chapter.

If instead the department decides that the person's waste should be designated a dangerous waste, then the department will notify the person of its decision and the person's waste will be designated a listed dangerous waste. For the purposes of this chapter, the person's waste will then be subject to all requirements applicable to listed dangerous wastes.

(4) Criteria designation required. Notwithstanding any other provisions of this chapter, the department may ~~((order))~~ require any person to determine whether or not his waste is designated under the dangerous waste criteria, ~~((as set forth in))~~ WAC 173-303-100 through 173-303-103, if the department has reason to believe that his waste would be designated ~~((dangerous or extremely hazardous))~~ DW or EHW by the dangerous waste criteria, or if the department has reason to believe that his waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW by the criteria). If a person, pursuant to ~~((an order issued under))~~ the requirements of this subsection ~~((4))~~, determines that his waste is a dangerous waste or that its designation must be changed, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base ~~((its order))~~ a requirement to designate a waste by the dangerous waste criteria on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be ~~((dangerous or extremely hazardous))~~ DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated ~~((dangerous waste))~~ DW or EHW;

(c) Evidence that the persons' waste has historically been a ~~((dangerous waste))~~ DW or EHW; or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be ~~((dangerous or extremely hazardous))~~ DW or EHW.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, and has knowledge that his waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that his waste also meets any of the dangerous waste criteria ~~((set forth in))~~, WAC 173-303-100 through 173-303-103, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, ~~((a))~~ or criteria, or both.

(6) ~~((Waste exemption. A generator whose waste has been designated as a dangerous or extremely hazardous waste under the dangerous waste lists or the dangerous waste characteristics may, at any time, check his waste against the dangerous waste criteria, WAC 173-303-100, for the purposes of exempting or changing the designation of his waste. The generator shall then submit a petition to the department in accordance with WAC 173-303-910, petitions, including all relevant data. The department shall, by order, issue a final determination regarding the designation or exemption of the waste.~~

~~((7))~~ Dangerous waste numbers. When a ~~((generator))~~ person is reporting ~~((e.g., exception reports, annual reports, etc.))~~ or keeping records on a dangerous

waste, he shall use all the dangerous waste numbers ~~((DW#s))~~ which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria ~~((e.g.))~~. For example, if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the ~~((DW#s))~~ dangerous waste numbers of D001 and WP01~~((s))~~. This shall not be construed as requiring ~~((the generator))~~ a person to designate his waste beyond those designation requirements set forth in ~~((WAC 173-303-070))~~ subsections (2), (3), (4), and (5)~~((above))~~ of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to identify the amount of a dangerous waste that, when generated, causes such waste to be subject to the requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to certain requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating more than one kind of dangerous waste identified by this chapter. In such cases, the generator must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). Waste quantities must be aggregated for all wastes with common QEL'S. For example, if a person generates 300 pounds of an ignitable waste and 300 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (600 pounds) exceeds their common QEL of 400 pounds. On the other hand, if a person generates one pound of an EHW discarded chemical product and 300 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 400 pounds, respective QEL'S). Additional guidance on aggregating waste quantities is available from the department.

(8) Small quantity generators. A person is a small quantity generator and is subject to the requirements of this subsection if his waste is listed in WAC 173-303-9903 or 173-303-9904 or exhibits one or more of the characteristics described under WAC 173-303-090(5), (6), (7) and (8), and the quantity of waste that he generates (or the aggregated quantity if he generates more than one kind of waste) does not exceed the quantity exclusion limit for such waste (or wastes). If a person generates any dangerous wastes that exceed the QEL, then all dangerous waste generated by that person is subject to the requirements of this chapter, and such person cannot be a small quantity generator until after all dangerous waste on-site at the time the QEL was exceeded have been removed, treated, or disposed. For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 400 pounds), then both wastes are fully regulated, and the person is

not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic waste on-site, however when the quantity (or aggregate quantity) on-site at any time exceeds the quantity exclusion limit for such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter. A small quantity generator who generates or accumulates waste in excess of the quantity exclusion limit and becomes subject to the full requirements of this chapter cannot again be a small quantity generator until after all dangerous waste on-site at the time he became fully regulated have been removed, treated, or disposed. A small quantity generator will not be subject to the requirements of this chapter if he:

(a) Complies with subsections (1), (2), (3), and (4) of this section; and

(b) Either treats or disposes of his dangerous waste in an on-site facility, or ensures delivery to an off-site facility, either of which is:

(i) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(ii) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(iii) Permitted to manage municipal or industrial solid waste in accordance with chapter 70.95 RCW and chapter 173-301 WAC, or in accordance with another state's solid waste laws if the waste is sent out of state;
or

(iv) A facility that beneficially uses or reuses, or legitimately recycles or reclaims his dangerous waste, or that treats his waste prior to such recycling activities.

NEW SECTION

WAC 173-303-072 PROCEDURES AND BASES FOR EXEMPTING AND EXCLUDING WASTES.
(1) Purpose and applicability.

(a) The purpose of this section is to describe the procedures that will be followed by generators and the department when wastes are considered for exemption or exclusion from the requirements of this chapter. Any person(s) whose waste is exempted or excluded will not be subject to the requirements of this chapter unless the department revokes the exemption or exclusion.

(b) Any person seeking a waste exemption must submit a petition to the department according to the procedures of WAC 173-303-910(3). A petition for exemption will be assessed against the applicable bases for exemption described in subsections (3), (4), and (5) of this section.

(c) Any persons seeking to categorically exclude a class of wastes must submit a petition to the department according to the procedures of WAC 173-303-910(4). A petition for exclusion will be assessed against the applicable bases for exclusion described in subsection (6) of this section.

(2) Department procedures. When considering, granting, or denying a petition for exemption or exclusion, the department shall follow the appropriate procedures described in WAC 173-303-910(1).

(3) Bases for exempting wastes. To successfully petition the department to exempt a waste, the petitioner must demonstrate to the satisfaction of the department that:

(a) He has been able to accurately describe the variability or uniformity of his waste over time, and has been able to obtain demonstration samples which are representative of his waste's variability or uniformity; and, either

(b) The representative demonstration samples of his waste are not designated DW or EHW by the dangerous waste criteria, WAC 173-303-100 through 173-303-103; or

(c) It can be shown, from information developed by the petitioner through consultation with the department, that his waste does not otherwise pose a threat to public health or the environment, except that this basis for exemption is not applicable to wastes which exhibit any of the characteristics specified in WAC 173-303-090.

(4) Additional bases for exempting listed wastes. In addition to the demonstrations required by subsections (3) (a) and (b) of this section, for wastes listed in WAC 173-303-081 or 173-303-082 the petitioner must also demonstrate to the satisfaction of the department that his waste is not capable of posing a substantial present or potential threat to public health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The following factors will be considered by the department when assessing such a demonstration:

(a) Whether or not the listed waste contains the constituent or constituents which caused it to be listed. (For the purposes of this subsection, the constituents referred to will include any of the dangerous waste constituents listed in WAC 173-303-9905);

(b) The nature of the threat posed by the waste constituent(s);

(c) The concentration of the constituent(s) in the waste;

(d) The potential of the constituent(s) or any degradation product of the constituent(s) to migrate from the waste into the environment under the types of improper management considered in (h) of this subsection;

(e) The persistence of the constituent(s) or any degradation product of the constituent(s);

(f) The potential for the constituent(s) or any degradation product of the constituent(s) to degrade into nonharmful constituents and the rate of degradation;

(g) The degree to which the constituent(s) or degradation product of the constituent(s) bioaccumulates in ecosystems;

(h) The plausible types of improper management to which the waste could be subjected;

(i) The quantities of the waste generated at individual generation sites or on a state-wide basis. Under this factor, the department will also consider whether or not the waste is listed under WAC 173-303-081 as a discarded chemical product and occurs in a relatively pure form. Any waste discarded chemical product which exceeds the quantity exclusion limit specified in WAC 173-303-081(2) for that waste will not be exempted;

(j) The nature and severity of the public health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent(s);

(k) Actions taken by other governmental agencies or regulatory programs based on the health or environmental threat posed by the waste or waste constituent(s); and

(l) Such other factors as may be appropriate.

(5) Bases for exempting wastes designated solely for the presence of chromium. The department will exempt a waste which is designated because of the presence of chromium if the petitioner can demonstrate that:

(a) The waste is not designated for any other characteristic under WAC 173-303-090, or for any of the criteria specified in WAC 173-303-101, 173-303-102 or 173-303-103;

(b) The waste is not listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium;

(c) The waste is typically and frequently managed in nonoxidizing environments or under nonoxidizing conditions; and

(d) Either of the following demonstrations can be made:

(i) The waste is generated from a process which uses trivalent chromium exclusively (or nearly exclusively), the process does not generate hexavalent chromium, and the chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; or

(ii) Under test procedures approved by the department, the EP extract of the waste can be shown to contain less than five milligrams per liter (5 mg/L) of hexavalent chromium.

(6) Bases for categorically excluding classes of wastes. This subsection does not apply to any waste class that includes hazardous waste regulated under 40 CFR Part 261. To successfully petition the department to categorically exclude a class of wastes, petitioners must demonstrate to the satisfaction of the department that the petition or petitions for exclusion:

(a) Accurately describe the class of wastes for which categorical exclusion is sought and show that the class of wastes does not include any wastes which would be regulated as hazardous waste under 40 CFR Part 261;

(b) Describe the variability or uniformity of the class of wastes over time and in relation to the individual wastes that comprise the class of waste;

(c) Discuss the generators and their individual wastes that belong to the class of wastes and, to the extent practical, any generators or individual wastes that, although belonging to the class of wastes, are not represented by the petition or petitions; and

(d) For each individual waste within the class of wastes, provide the demonstration described by subsection (3) of this section, except that where it is determined by consultation with the department to be impractical to provide the demonstration for each individual waste, the petitioner or petitioners shall provide the demonstration for samples of the individual wastes determined by consultation with the department to be representative of the class of wastes.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-090 DANGEROUS WASTE CHARACTERISTICS. (1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section shall be the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(;~~petitions~~)(2).

(4) Quantity exclusion limit. A solid waste which (~~has been designated as a dangerous or extremely hazardous waste solely because it~~) exhibits one or more of the dangerous waste characteristics shall be subject to the requirements of this chapter (~~(173-303-WAC)~~) if its quantity exceeds 400 lbs. (181.8 kg.) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,

(iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability, but is not designated as a dangerous waste under any of the dangerous waste lists, (~~as set forth in~~) WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated ((as a dangerous waste (f))DW((?))), and shall be assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

(i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using (~~the testing methods specified~~) Method 5.2 in "Test Methods for the Evaluation of Solid Waste,

Physical/Chemical Methods," available from the department; ~~((or))~~

(ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods." The NACE Standard is available from the department; or

~~(iii) It is solid or semi-solid, and when mixed with an equal weight of water results in a solution, the liquid portion of which has the property specified in (a)(i) of this subsection. Procedures for preparing and extracting the solution and liquid are described in the test procedures of WAC 173-303-110(3)(a).~~

(b) A solid waste that exhibits the characteristic of corrosivity, but is not designated as a dangerous waste under any of the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated ~~((as a dangerous waste f))~~DW(f), and shall be assigned the dangerous waste number of D002.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity, but is not designated as a dangerous waste under any of the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated ~~((as a dangerous waste f))~~DW(f), and shall be assigned the dangerous waste number of D003.

(8) Characteristic of EP toxicity.

(a) A solid waste exhibits the characteristic of EP toxicity if, using "Extraction Procedure Test Methods - 1981" on file with the department, the extract from a representative sample of the waste contains any of the contaminants listed in the EP toxicity list ~~((below))~~ in (c) of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract for the purposes of this ~~((paragraph))~~ subsection.

(b) A solid waste that exhibits the characteristic of EP toxicity, but is not designated as a dangerous waste under any of the dangerous waste lists, ~~((as set forth in))~~ WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) EP toxicity list. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations in the ~~((extremely hazardous waste f))~~EHW(f) range shall cause that waste to be designated ~~((as extremely hazardous))~~ EHW. Any waste containing contaminants ~~((all or some of))~~ which occur at concentrations in the ~~((dangerous waste f))~~DW(f) range only (i.e., no EHW contaminants), shall be designated ~~((as dangerous waste))~~ DW.

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration In Extract (mg/L)	DW Maximum Concentration In Extract (mg/L)
D004	Arsenic	> 500	5 - 500
D005	Barium	> 10,000	100 - 10,000
D006	Cadmium	> 100	1 - 100
D007	Chromium ((V))	> 500	5 - 500
D008	Lead	> 500	5 - 500
D009	Mercury	> 20	0.2 - 20
D010	Selenium	> 100	1 - 100
D011	Silver	> 500	5 - 500
D012	Endrin	> 2	0.02 - 2
D013	Lindane	> 40	0.4 - 40
D014	Methoxychlor	> 1,000	10 - 1,000
D015	Toxaphene	> 50	0.5 - 50
D016	2,4-D	> 1,000	10 - 1,000
D017	2,4,5-TP Silvex	> 100	1 - 100

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-103 CARCINOGENIC DANGEROUS WASTES. (1) Criteria. A substance which is listed in the National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry), or any other scientific or technical documents, as an IARC (International Agency for Research on Cancer) human or animal, positive or suspected carcinogen, shall be a carcinogenic substance for the purposes of this section. Any IARC identified substance which is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a

waste which easily crumbles and forms dust which can be inhaled).

(2) Designation. Any person whose waste contains one or more IARC carcinogen(s) shall designate his waste ((as a dangerous waste (DW))) if:

(a) ~~((The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and~~

~~(b)) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg); and either~~

~~(b)(i) The concentration of any one IARC positive (human or animal) carcinogen exceeds 1.0% of the waste quantity. Such waste shall be designated EHW, and such designation shall take precedence over any DW designation determined by (b)(ii) or (iii) of this subsection; or~~

~~(ii) The concentration of any one IARC positive (human or animal) carcinogen exceeds 0.01% of the waste quantity. Such waste shall be designated DW; or~~

~~(iii) The total concentration summed for all IARC positive and suspected (human and animal) carcinogens exceeds 1.0% of the waste quantity. Such waste shall be designated DW.~~

~~(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.~~

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-104 **GENERIC DANGEROUS WASTE NUMBERS.** (1) Purpose. This section sets forth the dangerous waste number ((DW#)) for each of the dangerous waste criteria designations.

(2) Characteristics. A waste which exhibits any of the dangerous waste characteristics, WAC 173-303-090, shall be assigned the ((DW#)) dangerous waste number corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning ((DW#s)) dangerous waste numbers to wastes designated by the dangerous waste criteria or by WAC 173-303-084.

GENERIC DANGEROUS WASTE NUMBERS TABLE

((DW#)) Dangerous Waste#	Dangerous Waste Criteria and Designation
WT01 _____	Toxic Dangerous Wastes EHW
WT02 _____	DW
WP01 _____	Persistent Dangerous Wastes Halogenated Hydrocarbons EHW
WP02 _____	DW
WP03 _____	Polycyclic Aromatic Hydrocarbons EHW
WC01 _____	Carcinogenic Dangerous Wastes ((DW)) EHW
WC02 _____	DW

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-110 **SAMPLING AND TESTING METHODS.** (1) Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below, for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

(i) Crushed or powdered material - ASTM Standard D346-75;

(ii) Extremely viscous liquid - ASTM Standard D140-70;

(iii) Fly ash-like material - ASTM Standard D2234-76;

(iv) Soil-like material - ASTM Standard D1452-65;

(v) Soil or rock-like material - ASTM Standard D420-69;

(vi) Containerized liquid wastes - "COLIWASA" described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods(())" ((and also in "Samplers and Sampling Procedures for Hazardous Waste Streams," EPA 600/2-80-18, January 1980)), SW-846, revised July 1982; and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in ((the same documents referenced in WAC 173-303-110(2)(a)(vi), above)) "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", SW-846, revised July 1982.

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards which can be obtained by writing to:

ASTM
1916 Race Street
Philadelphia, PA 19103.

(3) Test procedures. ((The following test procedures are on file with the department, and shall be used when testing a waste for the indicated purposes:

(a) Determining EP toxicity - "Extraction Procedure Test Methods - 1981";

(b) Determining halogenated hydrocarbon concentrations - "Parr Bomb Test for Total Chlorine";

(c) Determining polycyclic aromatic hydrocarbon concentrations - "Analysis for Polynuclear Aromatic Hydrocarbons";

(d) Determining aquatic fish toxicity (TLM₉₆ or Aquatic LC₅₀) - "Static Acute Fish Toxicity Test" described in the document "Biological Testing Methods, Compliance with the Hazardous Waste Regulations," DOE 80-12, October, 1980; and,

(e) Determining oral rat toxicity (LD₅₀) - "Acute Oral Rat Toxicity Test" described in the document referenced in WAC 173-303-110(3)(d), above.) The test procedures listed in this subsection are available in two documents, copies of which can be obtained from the department by writing to:

Attn: Test Procedures
 Hazardous Waste Section, PV-11
 Department of Ecology
 Olympia, Washington 98504

The document titles and included test procedures are as follows:

(a) "Chemical Testing Methods for Complying with the Dangerous Waste Regulation", March 1982, revised July 1983, describing methods for testing:

(i) Ignitability;
 (ii) Corrosivity, including the addendum, "Test Method for Determining pH of Solutions in Contact with Solids", March 1984;

(iii) Reactivity;
 (iv) EP Toxicity;
 (v) Halogenated hydrocarbons; and
 (vi) Polycyclic aromatic hydrocarbons; and
 (b) "Biological testing methods", revised July 1981, describing procedures for:

(i) Static acute fish toxicity test; and
 (ii) Acute oral rat toxicity test.
 (4) Substantial changes to the testing methods described above shall be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910(2), ((petitions;)) to the department.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-120 RECYCLED, RECLAIMED, AND RECOVERED WASTES. (1) ~~((Purpose. It is the purpose of this section to set forth the conditions under which a dangerous waste shall be handled when it is being recycled, reclaimed, or recovered.~~

(2) Any dangerous waste which is designated only because it exhibits one or more of the dangerous waste characteristics set forth under WAC 173-303-090 shall not be subject to the regulations of chapter 173-303 WAC if:

(a) It is being beneficially used or reused, or legitimately recycled, reclaimed, or recovered; or
 (b) It is being accumulated, stored, or treated prior to beneficial use or reuse, or legitimate recycling, reclamation, or recovery.

(3) ~~Any dangerous waste which is listed, or contains one or more dangerous wastes designated in the dangerous waste lists set forth under WAC 173-303-080, and which is transported or stored prior to being used, reused, recycled, reclaimed, or recovered is subject to the following requirements:~~

(a) WAC 173-303-060, notification and identification numbers;
 (b) WAC 173-303-170 through 173-303-230 for generators;
 (c) WAC 173-303-240 through 173-303-270 for transporters;

(d) WAC 173-303-280 through 173-303-395 for facility owners/operators;

(e) The storage requirements of WAC 173-303-400 through 173-303-520 for interim status facilities;

(f) The storage requirements of WAC 173-303-500 through 173-303-670 for final status facilities; and

(g) WAC 173-303-800 through 173-303-840 with respect to storage facility permits.)) This section describes the requirements for persons who recycle solid wastes that are designated as dangerous waste by this chapter.

(2) Unless specified otherwise in WAC 173-303-500 through 173-303-520:

(a) Generators of recycled dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recycled dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270; and

(c) Managers of facilities that recycle dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-280 through 173-303-395, 173-303-420 through 173-303-440, and 173-303-800 through 173-303-840 for all recyclers, WAC 173-303-400 for recyclers with interim status permits, and WAC 173-303-600 through 173-303-670 for recyclers with final facility permits.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-180 MANIFEST. Before transporting dangerous waste or offering dangerous waste for transport off the site of generation, the generator shall prepare a ~~((typed or printed))~~ manifest ~~((containing the information required below;))~~ and shall follow all applicable procedures described ~~((below))~~ in this section.

(1) This subsection describes the form and contents of dangerous waste manifests. Until September 20, 1984, the manifest must meet the requirements of either (a) or (b) of this subsection. On September 20, 1984 and thereafter, all manifests must meet the requirements of (b) of this subsection, and (a) of this subsection will no longer be in effect.

(a) Required information for manifests. The manifest information requirements specified herein are only applicable until September 20, 1984. On September 20, 1984 and thereafter, manifests must be in the form and must contain the information required by (b) of this subsection. The manifest shall contain at least the following information:

~~((a))~~ (i) A manifest document number;
~~((b))~~ (ii) The generator's name, address, telephone number, and EPA/State identification number;
~~((c))~~ The name, address, telephone number, and EPA/State identification number of the origin of the dangerous waste, if the origin is different from the generator;
~~((d))~~ (iii) The ~~((transporter's))~~ name, address, telephone number, and EPA/State identification number of each transporter used;

~~((e))~~ (iv) The name, address, and EPA/State identification number of the designated receiving facility(~~;~~ ~~and of one alternate~~) (such facility must be permitted to handle the waste identified on the manifest) and, if the generator so chooses, of an alternate facility permitted to handle the waste in the event an emergency prevents delivery to the primary designated receiving facility;

~~((f))~~ (v) The total quantity of each dangerous waste, and the type and number of containers identified by units of weight or volume to be received by the transporter;

~~((g))~~ (vi) The description of the waste(s) as required by United States Department of Transportation (DOT) regulations, 49 CFR 172.101, 172.202, and 172.203, and, when such information would be useful in the event of a spill or discharge during transport, the approximate percentages of each waste component;

~~((h))~~ (vii) Measures to be taken in case of accident, the National Response Center phone number, 1-800-424-8802, and the CHEM-TREC phone number, 1-800-424-9300;

~~((i))~~ (viii) Such other information as required by the department to implement chapter 70.105 RCW; and

~~((j))~~ (ix) The following certification, or an equivalent certification, on the manifest:

"This is to certify that the above named materials are properly designated, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation, EPA, and the Washington State Department of Ecology."

(b) Uniform dangerous waste manifest. The requirements specified herein are applicable to all manifests used on and after September 20, 1984. 40 CFR Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is adopted by reference. The manifest shall be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 CFR Part 262, and in addition must contain the following information in the specified shaded items of the uniform manifest:

(i) Item D - The first transporter's telephone number must be provided in this space;

(ii) Item F - If a second transporter is used, then the second transporter's telephone number must be provided in this space;

(iii) Item H - The designated receiving facility's telephone number must be provided in this space; and

(iv) Item I - The dangerous waste number (e.g., F001, D006, WT02, P102) must be provided in this space for each corresponding waste entered and described under Item 11.

(2) The manifest shall consist of enough copies to provide the generator, transporter(s), and facility

owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) The generator shall:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(iii) Retain one copy in accordance with WAC 173-303-210, Generator recordkeeping.

(b) The generator shall give the remaining manifest copies to the transporter.

(c) If the transporter is unable to deliver the dangerous waste shipment to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste shipment.

(d) For shipments of dangerous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

~~((d))~~ (e) For rail shipments of dangerous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next nonrail transporter, if any; or

(ii) The designated facility if transported solely by rail; or

(iii) The last rail transporter to handle the waste in the United States if exported by rail.

(4) Special requirements for shipments to the Washington (~~extremely hazardous waste (E)EHW((H))~~) facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford shall notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator shall not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180(4)(a) and (b) where small quantities or multiple shipments of a previously approved waste are involved, or there exists an emergency and potential threat to public health and safety.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-200 ACCUMULATING DANGEROUS WASTE ON-SITE. (1) A generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

~~((H))~~ (a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if

dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances;

~~((2))~~ (b) The waste is placed in containers ~~((which meet the standards of WAC 173-303-190(1), packaging, and are managed in accordance with WAC 173-303-630 (6) and (8), use and management of containers;~~

or
(3) ~~In tanks, provided))~~ and the generator complies with WAC 173-303-630 (2), (4), (5), (6), (8), and (9), or the waste is placed in tanks and the generator complies with ~~((the requirements set forth in WAC 173-303-400 for tanks except for waste analysis and trial tests (i.e., comply with Subpart J of 40 CFR Part 265 except 265.193)))~~ WAC 173-303-640 (3), (4), (5), (6), and (7), except that in lieu of the "sufficient freeboard" requirement of WAC 173-303-640(3)(b)(ii) for uncovered tanks, the generator must maintain a minimum freeboard of two feet;

~~((4))~~ (c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

~~((5) Each container is properly labeled and marked according to WAC 173-303-190(2), labeling, and WAC 173-303-190(3), marking))~~ (d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "Dangerous Waste" or "Hazardous Waste". Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (Note--If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate); and

~~((6))~~ (e) The generator complies with the requirements for facility operators contained in WAC ~~((173-303-340))~~ 173-303-330 through 173-303-360 ~~(personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies):~~ PROVIDED, That if none of the dangerous wastes he generates are regulated as EHW under WAC 173-303-081 and no quantity of dangerous wastes he generates in one month or one batch ever exceeds 2200 pounds (1000 kilograms), then the generator need comply with the requirements of WAC 173-303-330 through 173-303-360 only if:

(i) He accumulates dangerous waste on-site for ten or more calendar days; or

(ii) He is directed by the department to so comply, due to potential threats to public health or the environment. In such case, the department may require that he comply with all of or only parts of WAC 173-303-330 through 173-303-360, as necessary to mitigate the potential threats to public health or the environment.

(2) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste;

or
(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the quantity exclusion limit for such waste (or wastes); or

(c) A container used for receiving and accumulating waste(s) is full, provided that:

(i) None of the wastes being accumulated on-site are regulated as EHW pursuant to WAC 173-303-081; and

(ii) The total quantity of all wastes being accumulated on-site does not exceed 2200 pounds prior to the date the container is full.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-240 REQUIREMENTS FOR TRANSPORTERS OF DANGEROUS WASTE. (1) Transporters shall comply with the requirements of WAC 173-303-060, notification and identification numbers. Transporters who are involved in interstate transport shall use the identification number assigned to their national headquarters office, unless the department requires, on a case-by-case basis, that a transporter obtain his own unique EPA/State ID#. Transporters who are involved only in intrastate transport shall use the identification number assigned to their headquarters office located within the state. Transporters who must comply with the generator requirements as a result of a spill at a terminal or during transport shall obtain a separate generator EPA/State ID# for such spill or terminal.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when~~((:))~~ such dangerous waste is required to be manifested by WAC 173-303-180.

~~((a) The dangerous waste has been manifested according to the requirements of WAC 173-303-180, and~~

~~(b) The dangerous waste is being delivered to the owner/operator of a transfer, storage, treatment or disposal facility, whether in-state or out-of-state.))~~ Any person who transports moderate risk waste shall, if the generator of the waste has implemented an alternative manifest mechanism approved by the department under WAC 173-303-170(2)(b)(i), comply with the terms and conditions specified by the generator and approved by the department for the alternative manifest mechanism.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States ~~((Department of Transportation))~~ DOT~~((:))~~ shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners/operators of permitted ~~((storage, treatment, or disposal))~~ TSD facilities.

(5) Transporters may store manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), and (3) for ten days or less. Transporters who do not comply with these conditions are subject to all applicable TSD facility requirements.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-395 OTHER GENERAL REQUIREMENTS. (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the facility or device containing the waste; or

(v) Through other like means, threaten human health or the environment.

(c) When required to comply with (~~WAC 173-303-395(t)~~)(a) and (b) of this subsection, the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator shall inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection shall be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator shall enter the following information in his inspection log or operating record as a result of this inspection:

(i) The date and time of the inspection;

(ii) The name of the professional inspector or fire marshal;

(iii) A notation of the observations made; and

(iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling,

treating, processing, or disposing of dangerous wastes, the owner/operator shall design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material shall be disposed of at waste disposal sites which are operated in accordance with 40 CFR ((61-25)) Part 61 Subpart M. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR ((61-25)) Part 61 Subpart M.

(4) Loading and unloading areas. TSD facilities which receive manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

(a) Contain spills and leaks that might occur during loading or unloading;

(b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;

(c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste shall not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

(i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;

(ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile shall be deemed the same age as the oldest waste in the impoundment or pile;

(iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;

(iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;

(v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and

(vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment process for the wastes stored in his impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to those dangerous wastes covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: PROVIDED, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to

occur and which might cause him to fail to comply with his recycling or treatment plan. The owner/operator must also describe what actions he would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan shall not be implemented until it is approved by the department including, if necessary, issuance or modification of a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or otherwise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through his permit, closure plan or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-500 ((SITING STANDARDS:)) SPECIAL REQUIREMENTS FOR RECYCLED DANGEROUS WASTE. ((†) Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-820 and 173-303-825, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria:

(a) For dangerous waste facilities, active portions of new treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. Where dangerous wastes are in solid or semisolid form, engineering efforts, as approved by the department, may be substituted for the 200-foot buffer zone.

(b) For extremely hazardous waste facilities, active portions of new or existing treatment, storage, transfer, or disposal facilities will not be located within 200 feet

of a fault which has had displacement in Holocene times. No engineering exceptions to this limit shall be permitted:

(c) As used in WAC 173-303-500(3)(a) and (b):

(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;

(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and

(iii) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

Facilities which are located in political jurisdictions other than those listed in Appendix VI of 40 CFR 264 are assumed to be in compliance with this requirement:

(4) Floodplain criteria:

(a) For dangerous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a 100-year flood, unless the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters.

(b) For extremely hazardous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any extremely hazardous waste by a 100-year flood. Contingency procedures for removal of extremely hazardous waste will not be deemed equivalent to engineered flood proofing.

(c) The location to which wastes are moved must be a facility which is permitted by this chapter 173-303 WAC.

As used in WAC 173-303-500(4)(a) and (b):

(i) "100-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source;

(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and

(iii) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW):

(a) Areas defined as "wetlands" under RCW 90.58.030(2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste:

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility:

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(c) of the Safe Drinking Water Act (Public Law 93-523): (1) Unless a recycled dangerous waste has less stringent operational requirements specified in WAC 173-303-505 through 173-303-520, all generation, transportation and recycling of dangerous waste is subject to the requirements specified in WAC 173-303-120.

(2) The department may, on a case-by-case basis, determine that generators, transporters and/or recyclers regulated by WAC 173-303-505 through 173-303-520 are overaccumulating the dangerous waste prior to recycling (as this practice is described in WAC 173-303-121), or otherwise pose a threat to public health or the environment and therefore should be subject to the requirements under WAC 173-303-120.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-510 ((PERFORMANCE STANDARDS:)) SPECIAL REQUIREMENTS FOR CERTAIN RECYCLED CHARACTERISTIC DANGEROUS WASTES. ((1) Purpose: This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities:

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-845. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280 through 173-303-400 and 173-303-600 through 173-303-670.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator shall design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

(a) Degradation of ground water quality;

(b) Degradation of air quality by open burning or other activities;

(c) Degradation of surface water quality;

(d) Destruction or impairment of flora and fauna outside the active portion of the facility;

(e) Excessive noise;

(f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;

(g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;

(h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible;

(i) Endangerment of the health of employees, or the public near the facility:)) (1) This section applies only to those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such

hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5. Generators, transporters and recycling facilities who handle dangerous waste in a manner described in this subsection, are subject to the requirements described in subsection (2) of this section:

(a) Wastes that are dangerous solely because they exhibit the ignitability characteristics of WAC 173-303-090(5), or the reactivity characteristics of WAC 173-303-090(7)(a)(i), (ii), (iii), (vi), (vii) or (viii) and that are either stored at facilities producing fuels for their own subsequent use or stored by facilities that ultimately burn these wastes or waste derived fuels containing these wastes;

(b) Byproducts designated by the ignitability characteristics of WAC 173-303-090(5), or the reactivity characteristics of WAC 173-303-090(7)(a)(i), (ii), (iii), (vi), (vii) or (viii) only that are burned for energy recovery or used to produce fuels; and

(c) Byproducts designated by one or more characteristics (WAC 173-303-090) only that are reclaimed.

(2) All generators, transporters, and recyclers who handle dangerous wastes that are recycled or held for recycling in a manner described in subsection (1) of this section, are subject to the following requirements:

(a) WAC 173-303-060, notification for all persons;

(b) WAC 173-303-145, spills and discharges for all persons;

(c) WAC 173-303-220(1), annual report for generators only; and

(d) WAC 173-303-390(2), annual report for facilities only.

NEW SECTION

WAC 173-303-515 SPECIAL REQUIREMENTS FOR RECYCLING OF DANGEROUS WASTE PURSUANT TO NONBATCH TOLLING AGREEMENTS. (1) This section applies only to those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5. The requirements listed in subsection (2) of this section apply to generators, and transporters of dangerous waste being reclaimed pursuant to nonbatch tolling agreements. The requirements listed in subsection (3) of this section apply to owners, or operators of facilities that store recycled dangerous waste pursuant to nonbatch tolling agreements. For the purposes of this section, "nonbatch tolling agreement" is a contractual agreement pursuant to which the person generating the dangerous waste transfers the waste to a reclaimer who returns material reclaimed from the waste to the person generating the dangerous waste.

(2) Generators and transporters of recycled dangerous waste reclaimed pursuant to nonbatch tolling agreements and who are not exempted by WAC 173-303-017 or regulated under WAC 173-303-120 are subject to the following requirements:

(a) Generators:

(i) WAC 173-303-060;

(ii) WAC 173-303-190;

(iii) WAC 173-303-200;

(iv) WAC 173-303-210 except for subsection (1);

(v) WAC 173-303-220 except for subsection (2); and

(vi) WAC 173-303-230; and

(b) Transporters:

(i) WAC 173-303-060;

(ii) WAC 173-303-240 (3) and (4); and

(iii) WAC 173-303-270.

(3) Facilities. Owners or operators of facilities that store dangerous waste being reclaimed pursuant to nonbatch tolling agreements are subject to the following requirements:

(a) Reclaiming facilities that have an interim status permit:

(i) 40 CFR Part 265 Subpart A;

(ii) 40 CFR Part 265 Subpart B except for 265.13;

(iii) 40 CFR Part 265 Subpart C;

(iv) 40 CFR Part 265 Subpart D;

(v) 40 CFR Part 265 Subpart E except for 265.71 and 265.72;

(vi) 40 CFR Part 265 Subparts F through L; and

(vii) All applicable requirements of WAC 173-303-800 through 173-303-840 that are applicable to interim status permits;

(b) Reclaiming facilities that have a final facility permit:

(i) WAC 173-303-280 (2) and (3);

(ii) WAC 173-303-290;

(iii) WAC 173-303-310 through 173-303-360;

(iv) WAC 173-303-380 except for subsection (1)(h);

(v) WAC 173-303-390 (2) and (3);

(vi) WAC 173-303-395;

(vii) WAC 173-303-610 through 173-303-650;

(viii) WAC 173-303-660; and

(ix) All applicable requirements of WAC 173-303-800 through 173-303-840 that are applicable to final facility permits.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-520 ((~~BUFFER MONITORING ZONES~~)) SPECIAL REQUIREMENTS FOR RECLAIMING SPENT LEAD ACID BATTERY WASTES. ((~~1~~)) Buffer zones:

(a) ~~The owner/operator of a dangerous waste facility which treats or stores ignitable waste in covered tanks must treat or store his ignitable waste in a manner equivalent with the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of "The Flammable and Combustible Liquids Code=1981."~~

(b) ~~The owner/operator of a dangerous waste facility which stores reactive waste must store his reactive waste in a manner equivalent with the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.~~

(c) ~~Within the practical limits of the best available management technology, the owner/operator of a new dangerous waste impoundment, landfarm, or landfill~~

should attempt to locate his facility so that the travel time (as defined in WAC 173-303-040) from the active portion of the facility to the nearest downstream well or surface water used for drinking purposes is at least:

- (i) Three years, for dangerous wastes; and
 - (ii) Ten years, for extremely hazardous waste.
- (2) Monitoring zones:

(a) The owner/operator of a new dangerous waste facility handling category X, A, B, C, or D dangerous waste, not designated as extremely hazardous waste, may provide a monitoring zone around lagoons, landfarms, and landfills as follows:

$$D = \frac{wv}{N} \text{ (ft)}$$

Where

D = the minimum width of the monitoring zone
 w = 3, a constant
 v = velocity of surface soil migration, ft/yr
 N = number of times the surface soil is sampled at one spot in a year.
 Samples shall be taken a distance of

$$S = \frac{D}{w} \text{ (ft) from the active portion of the facility}$$

Where

D = the monitoring zone width in feet and
 w = 3.

(b) The same monitoring zone determinations may be made for facilities handling extremely hazardous waste (category X, A, B, or C), except that the value $w = 10$ shall be used.

(c) Additional information and assistance on choosing monitoring zones is available from the department.) This section applies only to those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5.

(1) Persons who generate, transport, or who store spent batteries but do not reclaim them are not subject to the requirements of this chapter if such spent batteries are going to a battery reclaimer.

(2) Owners and operators of battery reclaiming facilities that store spent lead acid batteries prior to reclaiming them are subject to the following requirements:

(a) For reclaiming facilities with an interim status permit:

- (i) 40 CFR Part 265 Subpart A;
- (ii) 40 CFR Part 265 Subpart B except for 265.13;
- (iii) 40 CFR Part 265 Subpart C;
- (iv) 40 CFR Part 265 Subpart D;
- (v) 40 CFR Part 265 Subpart E except for 265.71 and 265.72;

(vi) 40 CFR Part 265 Subpart F through L; and
 (vii) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to interim status permits;

(b) For reclaiming facilities with a final facility permit:

- (i) WAC 173-303-280 (2) and (3);

- (ii) WAC 173-303-290;
- (iii) WAC 173-303-310 through 173-303-360;
- (iv) WAC 173-303-380 except for subsection (1)(h);
- (v) WAC 173-303-390 (2) and (3);
- (vi) WAC 173-303-395;
- (vii) WAC 173-303-610 through 173-303-650;
- (viii) WAC 173-303-660; and
- (ix) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to final facility permits.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-610 CLOSURE AND POST-CLOSURE. (1) Applicability.

(a) ((WAC 173-303-610)) Subsections (2) to (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities(;; and)).

(b) ((WAC 173-303-610)) Subsections (7) to (10) of this section, (which concern post-closure care), apply to the owners and operators of all ((dangerous waste disposal facilities)) regulated units (as defined in WAC 173-303-040(75)) at which dangerous waste will remain after closure, to surface impoundments and waste piles as specified in WAC 173-303-650(6) and 173-303-660(9), and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) For the purposes of the closure and post-closure requirements, any portion of a facility which closes is subject to the applicable closure and post-closure standards even if the rest of the facility does not close and continues to operate.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a)(i) Minimizes the need for further maintenance; ((and

(b)) (ii) Controls, minimizes or eliminates to the extent necessary to prevent threats to human health and the environment, post-closure escape of dangerous waste, dangerous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground, surface water, ground water, or the atmosphere((-)); and

((c)) (iii) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), or 173-303-670(8) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) Background environmental levels, for any dangerous waste, managed at the facility, which either is listed under WAC 173-303-081 or 173-303-082 or is designated by the characteristics of WAC 173-303-090; and

(ii) At least the designation limits of WAC 173-303-084, or 173-303-101 through 173-303-103 for any dangerous waste, managed at the facility, which is not listed under WAC 173-303-081 or 173-303-082 and is not designated by the characteristics of WAC 173-303-090. In addition to these limits, the department may specify in the closure plan for a facility any lower limits for removal or decontamination which the department deems appropriate.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with WAC ~~((173-303-815))~~ 173-303-806(4), and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with ~~((WAC 173-303-610))~~ subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650~~((7))~~(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8). A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with ~~((WAC 173-303-610(6))~~ subsection (6) of this section. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include at least:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility and how the requirements of ~~((WAC 173-303-610))~~ subsections (2) to (6) of this section, and the applicable closure requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650~~((7))~~(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8) will be met;

(ii) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iii) A description of the steps needed to decontaminate facility equipment during closure; and

(iv) An estimate of the expected year of closure and a schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)

(b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically managed on-site or received from off-site.) The owner or operator must

amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he must request a modification of the closure plan at the same time ~~((see WAC 173-303-840(10)))~~. If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within sixty days after the change in plans or design occurs.

(c) The owner or operator must notify the department at least one hundred eighty days prior to the date he expects to begin closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, the owner or operator must treat, remove from the site, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, and either:

~~((A))~~ (i) ~~((A))~~ The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

~~((B))~~ ~~((H))~~ (ii) (A) The facility has the capacity to receive additional wastes~~((:));~~

~~((H))~~ (B) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

~~((H))~~ (C) Closure of the facility would be incompatible with continued operation of the site~~((; and~~

~~((ii) He has taken and will continue to take all steps to prevent threats to human health and the environment)).~~

(b) The owner or operator must complete closure activities in accordance with the approved closure plan within one hundred eighty days after receiving the final volume of wastes. The department may approve a longer closure period if the owner or operator demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, and either:

(i) The closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii) (A) The facility has the capacity to receive additional wastes;

(B) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(C) Closure of the facility would be incompatible with continued operation of the site~~((;~~

~~((iii) And he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility)).~~

(5) Disposal or decontamination of equipment. When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all dangerous waste and residues.

(6) Certification of closure. When closure is completed, the owner or operator must submit to the department certification both by the owner or operator and by an

independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

(7) Post-closure care and use of property.

(a) Post-closure care must continue for thirty years after the date of completing closure and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance of monitoring and waste containment systems as applicable.

(b) During the one hundred eighty-day period preceding closure (see ~~((WAC 173-303-610(3)(c)))~~ subsection (3)(c) of this section) or at any time thereafter, the department may reduce the post-closure care period to less than thirty years if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the facility is secure).

Prior to the time that the post-closure care period is due to expire the department may extend the post-closure care period if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment).

(c) The department may require, at closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period after the date of completing closure when:

(i) Wastes may remain exposed after completion of closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health or may disturb the post-closure monitoring or waste containment systems.

(d) Post-closure use of property on or in which dangerous wastes remain after closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in ~~((WAC 173-303-610(8)))~~ subsection (8) of this section.

(8) Post-closure plan; amendment of plan.

(a) The owner or operator of a disposal facility must have a written post-closure plan. In addition, certain piles and certain surface impoundments are required by WAC 173-303-650 and 173-303-660, respectively, to have written post-closure plans. The plan must be submitted with the permit application in accordance with WAC ~~((173-303-815))~~ 173-303-806(4), and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved post-

closure plan will become a condition of any permit issued. The department's decision must assure that the approved post-closure plan is consistent with subsections (7), (8), (9), and (10) of this section, and the applicable requirements of WAC 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6). A copy of the approved plan and all revisions to the plan must be kept at the facility until the post-closure care period begins. This plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the disposal facility during the post-closure period. This person or office must keep an updated post-closure plan during the post-closure period.

(b) The owner or operator may amend his post-closure plan at any time during the active life of the disposal facility or during the post-closure care period. The owner or operator must amend his plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the post-closure period, affect his post-closure plan. He must also amend his plan whenever there is a change in the expected year of closure.

(c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design which affects the post-closure plan, modification of the post-closure plan must be requested at the same time ~~((see WAC 173-303-840(10)))~~. In all other cases the request for modification of the post-closure plan must be made within sixty days after the change in operating plans or facility design or the events which affect his post-closure plan occur.

(9) Notice to local land authority. Within ninety days after closure is completed, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in ~~((WAC 173-303-610(7)(d)))~~ subsection (7)(d) of this section. In addition, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the

type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility. For wastes disposed of before ~~((these regulations were promulgated))~~ November 19, 1980 (March 12, 1982, for facilities subject to this chapter but not subject to 40 CFR Part 264), the owner or operator must identify the type, location, and quantity of the wastes to the best of his knowledge and in accordance with any records he has kept (including, but not limited to, records kept in compliance with 40 CFR Part 265). Any changes in the type, location, or quantity of dangerous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use and to the department.

(10) Notice in deed to property.

(a) The owner of the property on which a disposal facility is located must record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(i) The land has been used to manage dangerous wastes;

(ii) Its use is restricted under ~~((WAC 173-303-610(7)(d)))~~ subsection (7)(d) of this section; and

(iii) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility required in ~~((WAC 173-303-610(9)))~~ subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department.

(b) If at any time the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, he may remove the notation on the deed to the facility property or other instrument normally examined during title search, or he may add a notation to the deed or instrument indicating the removal of the waste.

NEW SECTION

WAC 173-303-809 DEMONSTRATION PERMIT FOR NEW CHEMICAL, PHYSICAL, OR BIOLOGICAL TREATMENT PROCESSES. (1) Purpose and applicability. This section applies to TSD facilities which will be chemically, physically, or biologically treating dangerous waste through new processes, and which are applying for a final facility permit. The purpose of this section is to provide permits which will allow new treatment processes (NTP) to operate and demonstrate the conditions of operation. The department will use the demonstration information developed under permits issued pursuant to this section to specify the final operating conditions in the final facility permit. Demonstration permits will not be issued under this section to applicants whose NTP will be treating dangerous waste which is also designated as hazardous waste under 40

CFR Part 261. Demonstration permits for trial burns or land treatment will not be issued under this section; they must be issued under WAC 173-303-807 and 173-303-808 respectively.

(2) Permit issuance. The department may issue a NTP demonstration permit either in advance of or as part of a final facility permit. The demonstration permit will include the demonstration and performance standards of subsection (3) of this section. If issued in lieu of the final facility permit, the NTP demonstration permit shall be issued as described in subsection (4) of this section. If issued as part of the final facility permit, the NTP demonstration permit and final facility permit shall be issued as described in subsection (5) of this section. The department will decide which permit issuance procedure will be followed based on information provided by the NTP applicant in Part B of the facility permit application.

(3) Demonstration and performance standards. This subsection describes the standards that will be included in a NTP demonstration permit to determine and establish the effectiveness of the NTP and the necessary final facility operating conditions. These standards will also assure that the NTP demonstration will be performed in a manner which will not pose a threat to public health and the environment.

(a) Demonstration. The NTP demonstration must be likely to show whether or not the NTP will effectively treat the dangerous waste. If the information provided by the applicant in his Part B application is determined by the department to be inadequate or to provide insufficient information regarding the likelihood of effective treatment, then a permit will not be issued under subsection (4) or (5) of this section. At a minimum, the NTP demonstration must:

(i) Accurately simulate the operating conditions of the NTP;

(ii) Specify the wastes and waste quantities to be treated and the duration of the demonstration;

(iii) Be likely to result in effective treatment; and

(iv) Obtain the following information during the demonstration:

(A) Data on the concentrations and quantities of dangerous and nondangerous wastes and constituents before and after treatment;

(B) Recommended changes in operating conditions that could provide for more effective treatment;

(C) Identification of situations which resulted in not meeting the operating conditions, or in releases of dangerous waste or constituents to the environment;

(D) Data from any required monitoring equipment and process control instruments, such as temperature or pressure gauges, level indicators, waste feed rate and flow meters, etc.;

(E) The effectiveness of any emergency control equipment or measures, when tested or implemented, such as shut off valves, spill containment systems, cleanup actions, etc.; and

(F) Such other information or data as required by the department.

(b) Performance. The NTP demonstration must be performed in a manner which will not pose a threat to

public health or the environment. If the department determines, from the information provided by the applicant in his Part B application, that the NTP demonstration would pose a threat to public health or the environment, then a permit will not be issued under subsection (4) or (5) of this section. The NTP demonstration will be considered to pose a threat if it cannot comply with the performance standards of WAC 173-303-430(3).

(4) Demonstration permit only. If the department finds that the Part B application does not contain enough information regarding the NTP to establish the full final facility operating conditions, then the department will issue a demonstration permit only. This permit will be issued in accordance with the decision-making procedures of WAC 173-303-840, and will cover only the NTP demonstration. The duration of the demonstration, and applicable operating conditions and performance standards will be specified in the permit. The department may extend the demonstration as a modification (or minor modification, if applicable) to the permit.

Within thirty days of the end of the demonstration, the owner/operator shall provide to the department the information obtained under subsection (2)(a)(iv) of this section, and a revised Part B application covering any necessary changes or new operating conditions. Based on the adequacy of the information and the revised Part B application, the department will either:

(a) Issue a final facility permit under WAC 173-303-806, if the available information is sufficient to establish all necessary operating conditions; or

(b) Issue a phased permit under subsection (5) of this section, if the available information is nearly sufficient to establish the necessary operating conditions; or

(c) Deny the final facility permit under WAC 173-303-840, if the available information indicates that the NTP cannot operate without posing a threat to public health or the environment.

(5) Phased permit. If the department finds that the Part B application contains substantial information regarding the NTP that would be sufficient to establish nearly all final operating conditions, then the department may issue a two-phase final facility permit. This phased permit will be issued in the same manner as a final facility permit under WAC 173-303-806, except that it shall contain a first phase for a NTP demonstration, and a second phase (to become effective as described in (b) of this subsection) for establishing the NTP facility operating conditions.

(a) First phase. The department will establish, as requirements in the first phase of the permit, conditions for conducting the NTP demonstration. The NTP demonstration may be conducted, if approved by the department, as an actual trial run of the NTP facility itself. The demonstration conditions will include design and operating parameters, demonstration duration, monitoring procedures, information to be collected pursuant to subsection (2)(a)(iv) of this section, performance standards, and such other conditions deemed appropriate by the department.

Upon completion of the first phase, the owner/operator must submit to the department a certification, signed by a person authorized to sign a permit application or

report under WAC 173-303-810(12), that the NTP demonstration has been carried out in accordance with the conditions specified in the first phase of the permit. The owner/operator must also submit a report containing all information and data collected and identifying any significant problems encountered during the demonstration. The owner/operator shall not implement the second phase of his permit until after the certification and report have been submitted to the department, and he has been notified by the department in accordance with (b) of this subsection that the second phase of his permit is effective.

(b) Second phase. The department will establish, as requirements in the second phase of the permit, final operating conditions for the NTP facility. These conditions will, to the maximum extent possible given the information available and provided in the Part B application, include all applicable requirements necessary to comply with the final facility standards of this chapter (including, but not limited to, WAC 173-303-600 through 173-303-670 and 173-303-806). The second phase shall also identify those operating conditions which are reasonably expected to change as a result of information developed during the first phase demonstration, and the maximum extent to which those conditions are expected to change. The second phase shall also specify what criteria, if met, will result in a need to terminate the permit or to make a major modification to the permit under WAC 173-303-830 because of new information developed during the first phase.

Upon completion of the first phase, the department will review the certification and report submitted pursuant to (a) of this subsection. Based on the new information provided in the certification and report, the department will either:

(i) Notify the owner/operator that the second phase of his permit is effective immediately, if the new information indicates that the second phase is adequate and no changes are necessary; or

(ii) Notify the owner/operator that the second phase of his permit will not be effective until changes to the second phase are made, if the new information indicates that the requirements of the second phase must be changed.

(A) If the necessary changes have already been identified in the second phase prior to permit issuance and the changes are no greater in extent than already identified in the second phase, then the department shall immediately make the appropriate changes to the requirements in the second phase of the permit. Upon completing the changes, the department shall notify the owner/operator of the changes and that, as soon as the owner/operator has included the new requirements into his facility operations, the second phase of his permit is effective.

(B) If the necessary changes are not already identified, or are greater than the extent specified in the second phase so that the changes cannot be included as provided in (b)(ii)(A) of this subsection, or if the necessary changes meet the criteria already specified in the second phase as being cause for major modification of the permit, then the department will proceed to modify

the permit in accordance with WAC 173-303-830(3). The second phase of the permit will be effective only after the permit modifications have been made and the department has notified the owner/operator that his permit is effective; or

(iii) Notify the owner/operator that the second phase will not be effective and that his permit will be terminated, if the new information indicates radical problems with the NTP that cannot be addressed through a permit modification, or if the new information meets the criteria already specified in the second phase as being cause for termination of the permit. Permit termination will proceed in accordance with WAC 173-303-830(5).

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-840 PROCEDURES FOR DECISION MAKING. (1) Application and completeness.

(a) The department will not begin the processing of a permit until the applicant has fully complied with the application requirements for the permit. Permit applications must comply with the signature and certification requirements of WAC 173-303-810 (12) and (13).

(b) The department shall review for completeness each application for a permit under this chapter. Each application for a permit should be reviewed for completeness within sixty days of its receipt. Upon completing the review, the department shall notify the applicant in writing whether or not the application is complete. If the application is incomplete, the department shall list the information necessary to make the application complete, and shall specify in the notice of deficiency a date for submitting the necessary information. After the application is completed, the department may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

(c) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under chapter 70.105 RCW.

(d) If the department decides that a site visit is necessary for any reason in conjunction with the processing of an application, then the department shall notify the applicant and a date shall be scheduled.

(e) The effective date of an application is the date on which the department notifies the applicant that the application is complete as provided in (b) of this subsection.

(2) Draft permits.

(a) A draft permit is a document prepared by the department indicating the tentative decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) When an application is completed, the department ~~((may))~~ shall tentatively decide whether to prepare a draft permit, or to deny the application.

(c) If the department tentatively decides to deny the permit application, then the department shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared

under this subsection. If the department's final decision is that the tentative decision to deny was incorrect, then the department shall withdraw the notice of intent to deny and proceed to prepare a draft permit under this subsection.

~~((d))~~ (d) If the department decides to prepare a draft permit, it shall contain the following information:

(i) All conditions applicable to permits under WAC 173-303-810;

(ii) Applicable conditions under WAC 173-303-830; and

~~((iii))~~ ~~((Other RCRA permits;))~~ All applicable standards for storage, treatment and disposal, and other permit conditions.

~~((d))~~ (e) All draft permits must be accompanied by a fact sheet that is supported by administrative record and made available for public comment.

~~((2))~~ (f) Fact sheet; statement of basis.

~~((a))~~ (i) A fact sheet shall be prepared for every draft permit for a major dangerous waste management facility, and for every draft permit which the department finds is the subject of wide-spread public interest or raises major issues.

~~((b))~~ (ii) The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department shall send this fact sheet to the applicant and, on request, to any other person.

~~((c))~~ (iii) The fact sheet shall include, when applicable:

~~((i))~~ (A) A brief description of the type of facility or activity which is the subject of the draft permit;

~~((ii))~~ (B) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed, injected, emitted, or discharged;

~~((iii))~~ (C) A brief summary of the basis for the draft permit conditions including supporting references;

~~((iv))~~ (D) Reasons why any requested variances or alternatives to required standards do or do not appear justified; and

~~((v))~~ (E) A description of the procedures for reaching a final decision on the draft permit including:

~~((A))~~ (I) The beginning and ending dates of the comment period and the address where comments will be received;

~~((B))~~ (II) Procedures for requesting a hearing and the nature of that hearing;

~~((C))~~ (III) Any other procedures by which the public may participate in the final decision; and

~~((D))~~ (IV) Name and telephone number of a person to contact for additional information.

(iv) The department shall prepare a statement of basis for every draft permit for which a fact sheet is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

(3) Public notice and involvement.

(a) The department shall give public notice that the following actions have occurred:

(i) A draft permit has been prepared or an application is tentatively being denied;

(ii) A hearing on a permit has been scheduled; or

(iii) An appeal on a permit has been filed with the pollution control hearings board.

(b) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. A written notice of the denial shall be given to the ~~((owner/operator))~~ person who requested the permit ~~((modification))~~ change and to the permittee.

(c) The public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application shall allow at least forty-five days for public comment. Public notice of a public hearing shall be given at least thirty days before the hearing.

(e) Public notice of activities described in this ~~((section))~~ subsection shall be given by the following methods:

(i) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

(A) The applicant;

(B) Any other agency which the department knows has issued or is required to issue a permit for the same activity or facility;

(C) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, and other appropriate government authorities, including any affected states;

(D) Persons on the mailing list developed by:

(I) Including those who request in writing to be on the list;

(II) Soliciting persons for an area list from participants in past permit proceedings in that area; and

(III) Notifying the public of the opportunity to be put on the mailing list through periodic publications in the public press and in appropriate publications of the department;

(E) Any unit of local government having jurisdiction over the area where the facility is proposed to be located, and each state agency having any authority under state law with respect to construction or operation of such facility;

(ii) For major permits, by publication of a notice in a daily or weekly newspaper within the area affected by the facility; ~~((or))~~

(iii) For ~~((major))~~ all permits, by publication of notice in a daily or weekly major local newspaper of general circulation, and local radio broadcast of the public notice; ~~((or))~~ and

(iv) By any other method reasonably calculated to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(4) Contents of the public notice.

(a) All public notices issued shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet or statement of basis, and the application;

(v) A brief description of the comment procedures ~~((required))~~ and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(vi) And any additional information considered necessary or proper.

(b) In addition to the general public notice described in (a) of this subsection, public notice of a hearing under subsection (5) of this section shall contain the following information:

(i) Date, time, and place of the hearing;

~~((vii))~~ (ii) Reference to the date of the previous public notice relating to the permit; and

~~((viii))~~ (iii) A brief description of the nature and purpose of the hearing including the applicable rules and procedures~~((and)).~~

~~((ix))~~ (c) In addition to the general public notice all persons identified in WAC 173-303-840 (3)(e)(i)(A), (B), and (C) shall be mailed a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

~~((tb))~~ (d) Public comments and request for public hearings. During the public comment period any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered according to WAC 173-303-840(9).

(5) Public hearings.

(a) The department shall hold a public hearing whenever, on the basis of requests, there is a significant degree of public interest in a draft permit or there is written notice of opposition and the director receives a request for a hearing during the forty-five day comment period. The department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in WAC 173-303-840(3). Whenever possible, the department shall schedule a public hearing under this subsection at a location convenient to the nearest population center to the proposed facility.

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under WAC 173-303-840(3) shall automatically be extended to the close of any public hearing under this ~~((section))~~ subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing ~~((may))~~ shall be made available to the public.

(6) Obligation to raise issues and provide information during the public comment period.

(a) All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under WAC 173-303-840(3).

(b) All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the department. A comment period longer than thirty days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this ~~((section))~~ subsection. Commenters may request a longer comment period.

(7) Reopening of the public comment period. If any data, information, or arguments submitted during the public comment period, including information or arguments required under subsection (6) of this section, appear to raise substantial new questions concerning a permit, the ~~((director))~~ department may take one or more of the following actions:

(a) Prepare a new draft permit, appropriately modified;

(b) Prepare a revised statement of basis, a fact sheet or revised fact sheet, and reopen the comment period; or

(c) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice shall define the scope of the reopening.

(8) Issuance and effective date of permit.

(a) After the close of the public comment period under WAC 173-303-840(5) on a draft permit, the department shall issue a final permit decision. The department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For purposes of this section,

a final permit means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision shall become effective thirty days after the service of notice of the decision, unless:

(i) A later effective date is specified in the decision; or

(ii) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

(9) Response to comments. ~~((a))~~ At the time that any final permit ~~((decision))~~ is issued, the department shall issue a response to comments. ~~((The department is required to issue a response to comments when a final permit is issued. (b)))~~ This response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reason for the change, and briefly describe and respond to all significant comments of the draft permit raised during the public comment period or during any hearing. ~~((c))~~ The response to comments shall be available to the public.

(10) Decision-making procedure for modification, revocation and reissuance, or termination of permits.

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the department's initiative. However, permits may only be modified or revoked and reissued for the reasons specified in WAC 173-303-830(3) and (4), or terminated for the reasons specified in WAC ~~((173-303-820(4) or 173-303-825(4)))~~ 173-303-805 or 173-303-806. All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the department tentatively decides to modify or revoke and reissue a permit under WAC 173-303-830(3), it shall prepare the draft permit under WAC 173-303-840~~((+))~~(2), incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the department shall require the submission of a new application.

(c) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(d) "Minor modifications" as defined in WAC 173-303-830(4) are not subject to the requirements of this section.

(e) If the department tentatively decides to terminate an interim status permit under WAC ~~((173-303-820(4)))~~ 173-303-805 or a final permit under WAC ~~((173-303-825(4)))~~ 173-303-806, it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures

as any draft permit prepared under WAC 173-303-840(~~(+)~~)(2).

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-910 PETITIONS. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. (~~WAC 173-303-910(+)~~) This subsection sets forth general requirements which apply to all such petitions. The remaining (~~paragraphs~~) subsections of this section describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

- (i) The petitioner's name and address;
- (ii) A statement of the petitioner's interest in the proposed action;
- (iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and
- (iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(d) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.04.025.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by (~~WAC 173-303-910(+), above~~) subsection (1) of this section:

- (i) A full description of the proposed method, including all procedural steps and equipment used in the method;
- (ii) A description of the types of wastes or waste matrices for which the proposed method may be used;
- (iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;
- (iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and

(v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through (~~(+)~~ ~~303-090~~) 173-303-103.

(b) To be successful, the generator must (~~demonstrate to the satisfaction of the department that either:~~

(i) ~~His waste would not be a designated dangerous waste under the dangerous waste criteria, WAC 173-303-100, by obtaining representative samples from his waste and checking his samples against the dangerous waste criteria; or~~

(ii) ~~His waste does not otherwise pose a threat to public health or the environment, as verified by data provided by the generator. Such data shall be developed through consultation with the department, and shall establish beyond a reasonable doubt that the waste does not pose a threat.~~

(c) ~~Representative samples must be taken over a period of time sufficient to reflect the variability (if any) or the uniformity of the waste)~~ make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4) and (5).

(~~(+)~~) (c) Each petition must include, in addition to the information required by (~~WAC 173-303-910(+), above~~) subsection (1) of this section:

- (i) The name and address of the laboratory facility performing the sampling or tests of the waste;
- (ii) The names and qualifications of the persons sampling and testing the waste;
- (iii) The dates of sampling and testing;
- (iv) The location of the generating facility;
- (v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- (vi) A description of the waste and an estimate of the average and maximum (~~weekly~~) monthly and annual quantities of waste covered by the demonstration;
- (vii) Pertinent data on and discussion of the factors delineated in (~~the respective dangerous waste criteria, WAC 173-303-100~~) WAC 173-303-072(3) and, where applicable, (4) and (5);
- (viii) A description of the methodologies and equipment used to obtain the representative samples;
- (ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative((-):

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

~~((e))~~ (d) After receiving a petition for a dangerous waste ~~((exclusion))~~ exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

~~((f))~~ (e) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

~~((g))~~ (f) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

~~((h))~~ (g) The department may (but shall not be required to) grant a temporary exemption before making a final decision under ~~((WAC 173-303-910(1), above))~~ subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must ~~((demonstrate to the satisfaction of the department that:~~

~~(i) The wastes would not pose a significant threat to public health or the environment as demonstrated by data provided by the generator;~~

~~(ii) The wastes are adequately regulated under other existing state or federal programs, and will not pose a significant threat to public health or the environment; or~~

~~(iii) The wastes are currently being recycled, reclaimed, or recovered in a manner which does not pose a significant threat to public health or the environment))~~

make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) ~~((In addition to the information required by WAC 173-303-910(1) and 173-303-910(3)(d), above, each petition must include:~~

~~(i) Data showing the results of testing the waste for which exclusion is sought against the dangerous waste criteria, WAC 173-303-100 through 173-303-103;~~

~~(ii) A description of the state or federal program which regulates the wastes and information supporting the claim that the program adequately protects public health and the environment, if applicable; or~~

~~(iii) A description of the current waste recycling, reclamation and recovery practices and information supporting the claim that the practices do not pose a significant threat to public health and the environment if applicable.))~~ Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-084 or 173-303-101 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-303-275 TRANSFER FACILITIES (OR COLLECTION FACILITIES).

WSR 84-14-032
ATTORNEY GENERAL OPINION
Cite as: AGO 1984 No. 16
[June 28, 1984]

OFFICES AND OFFICERS—COUNTY—SHERIFF—FUNDS—
RETENTION BY COUNTY SHERIFF OF LOST OR ABAN-
DONED MONEY

A county sheriff, who officially comes into possession of
"lost and found" money, may not keep and retain that
money for his office's own use under any of the applica-
ble provisions of chapter 63.40 RCW.

Requested by:

Honorable Arthur R. Eggers
Prosecuting Attorney
Walla Walla County
P.O. Box 834
Walla Walla, WA 99362

WSR 84-14-033
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1835—Filed June 28, 1984]

I, Michael V. Schwisow, deputy director of the De-
partment of Agriculture, do promulgate and adopt at
Olympia, Washington, the annexed rules relating to
WAC 16-212-084, miscellaneous services with regard to
grain inspection, amending Emergency Order 1816.

I, Michael V. Schwisow, find that an emergency exists
and that this order is necessary for the preservation of
the public health, safety, or general welfare and that ob-
servance of the requirements of notice and opportunity
to present views on the proposed action would be con-
trary to public interest. A statement of the facts consti-
tuting the emergency is grain inspection services are
based on a fee for service. A public hearing has been
held and a permanent order establishing fees dealing
with those specific services will become effective August
1, 1984. This emergency order will continue to provide
for fees for these services in that interim period.

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 Meet-
ings Act (chapter 42.30 RCW), the Administrative Pro-
cedure Act (chapter 34.04 RCW) and the State Register
Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 28, 1984.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Emergency
Order 1816, filed April 6, 1984)

WAC 16-212-084 MISCELLANEOUS SER-
VICES. The following fees are for services performed
under the federal Agricultural Marketing Act:

(1) Processed commodity and defense personnel sup-
port center (DPSC) inspection fees.

(a) Per man hour, ((four)) two hour minimum, rate
per hour \$20.80

(b) In addition to the charges, if any, for sampling
and other requested service, a fee will be assessed for
each laboratory analysis or test identical with the
amount charged by the federal grain inspection service
for laboratory tests performed under authority of the
Agricultural Marketing Act and for any postage or other
costs of mailing not included in these fees.

(2) Sanitation inspections.

(a) Initial inspections no charge

(b) Reinspections, four hour minimum, rate per
hour \$20.80

(3) Stowage examinations. Fees and charges for stow-
age examinations for commodities inspected under the
Agricultural Marketing Act are identical to fees and
charges assessed for stowage examinations performed
under the United States Grain Standards Act.

(a) Ships, barges or vessels.

(i) Per stowage space and/or tank \$21.00

(ii) Minimum charge \$108.00

(iii) Stowage space and/or tank condition inspections
will be made on ships or vessels at anchor in midstream
when requested.

(A) A minimum of two hours of regular time at
\$18.00 per hour (one inspector) for general cargo vessels
and a minimum of four hours of regular time at \$18.00
per hour (two inspectors) shall be charged for tankers in
addition to the established inspection fee.

(B) These inspections can only be made at the conve-
nience of the grain inspection office, during daylight
hours, under safe working conditions, when weather
conditions permit.

(C) These inspections can only be made within the
area of the designated tidewater grain inspection office.

(b) Sea van-type containers (when checkloading not
required), railcars, trucks, and other containers....per
container \$6.00

(4) Aflatoxin testing fees.

(a) Black light and/or minicolumn
determinations....per hour, per inspector \$20.80

(b) Minicolumn determination....per test . . . \$15.60

(c) Thin layer chromatography fees will be assessed
for each laboratory ((analysis)) analysis identical with
the amount charged by the federal grain inspection
service for that test.

(5) This emergency order will be in effect only until
August 1, 1984.

WSR 84-14-034
ADOPTED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Order 84-02—Filed June 28, 1984]

I, Paul Dzedzic, director of the Department of Services for the Blind, do promulgate and adopt at Room 202, 921 Lakeridge Drive, Olympia, WA 98504, the annexed rules relating to:

New ch. 67-45 WAC Prevention of blindness program.
 Rep ch. 67-40 WAC Prevention of blindness.

This action is taken pursuant to Notice No. WSR 84-10-033 filed with the code reviser on May 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 under the general rule-making authority of the Department of Services for the Blind as authorized in section 18, chapter 194, Laws of 1983.

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 June 27, 1984.

By Paul Dzedzic
 Director

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 84-14-035
PROPOSED RULES
GAMBLING COMMISSION
[Filed June 28, 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 the amending of WAC 230-04-201, 230-30-070, 230-30-102, 230-30-104 and new section WAC 230-30-999;

that the agency will at 10:00 a.m., Friday, August 10, 1984, in the Alderbrook Inn, Union, 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 August 10, 1984.

Dated: June 28, 1984

By: Ronald O. Bailey
Deputy Director

STATEMENT OF PURPOSE

Title: Amendments to WAC 230-04-201 Fees; 230-30-070 Control of prizes; 230-30-102 Pull tab series assembly and packaging; 230-30-104 Possession or sale of pull tab series in which winners or location of winners may be determined in advance—Prohibited; and new section WAC 230-30-999 Test of continuous play/open ended pull tab series.

Description of Purpose: Amend rules to correct a typographical error in the fee schedule; to restrict dissemination of personal information in recordkeeping and control of prizes; and to establish a distribution of winning pull tabs within a pull tab series.

Statutory Authority: RCW 9.46.070 (5), (8), (11) and (14).

Summary of Proposed Rules and Reasons Supporting Action: Amendment to WAC 230-04-201, proposed by staff to correct a typographical error in the fee schedule adopted June 15, 1984; amendment to WAC 230-30-070, proposed by Sam Sarama to restrict the public from viewing the personal information of recorded winners of prizes from punchboards and pull tabs. The staff concurs on the security of the personal information; amendment to WAC 230-30-102, clarifies the distribution of winning pull tabs within the pull tab series and instructions on identifying each pull tab series; amendment to WAC 230-30-104, a companion rule change to WAC 230-30-102 above; and new section WAC 230-

30-999, provides authority to conduct test for open end pull tab system.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm, and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments and new rules.

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 or new rules.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75
4. CARD GAMES		
Class A	General (Fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage - (Fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (No fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25
5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
LICENSE CLASS	(See WAC 230-04-260) New class fee less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
6. FUND RAISING EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300
Class B	One event not more than 72 consec. hrs.	500
Class C	Additional participant in joint event (not lead organization)	150
7. PERMITS		
Class A	Agricultural Fair/Special Property Bingo One location and event only (See WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	150
8. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
Class A	Up to \$50,000	\$ 450
Class B	\$50,001 to 100,000	950
Class C	\$100,001 to 200,000	1,350

Class D	\$200,001 to 300,000	1,750	
Class E	\$300,001 to 500,000	2,150	
Class F	Over \$500,000	3,000	
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9.	RAFFLES Class C Class D Class E Class F	(Fee based on annual net receipts) \$500 or less \$501 - 5,000 \$5,001 - 15,000 Over \$15,000	\$ 50 100 400 600
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10.	SEPARATE PREMISES BINGO RAFFLES	Occasion (See WAC 230-04-300) (See WAC 230-04-197)	\$ 25 25
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11.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and WAC 230-30-030)	

Table 2. (For commercial stimulant/profit seeking organizations)

LICENSE TYPE	DEFINITION	SEE
1. CARD GAMES Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (No fee to play charged)	((75)) 50
Class E	General (Fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
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2. CHANGES NAME LOCATION BUSINESS CLASSIF. LICENSE CLASS DUPLICATE LICENSE REPLACEMENT IDENTIFICATION STAMPS LICENSE TRANSFERS	(See WAC 230-04-310) (See WAC 230-04-320) (Same owners - See WAC 230-04-340(3)) (See WAC 230-04-260) New class fee, less previous fee paid, plus (See WAC 230-04-290) (See WAC 230-30-016) (See WAC 230-04-125, 230-04-340 and 230-04-350)	\$ 25 25 50 25 25 25 25 50
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3. DISTRIBUTOR	Original Renewal	\$2,500 1,250
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4. DISTRIBUTOR'S REPRESENT- ATIVE	Original Renewal	\$ 200 100
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5. MANUFACTURER	Original Renewal	\$3,000 1,500
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6. MANUFACTURER'S REPRESENT- ATIVE	Original Renewal	\$ 200 100
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7. PERMITS Class A Class B	Agriculture Fair/Special Property Bingo One location and event only (See WAC 230-04-191) Annual permit for specified different events and locations (See WAC 230-04-193)	\$ 25 150

8.	PUBLIC CARD ROOM EMPLOYEE	Original	\$ 150
		Renewal	75
9.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
	Class A	Up to \$50,000	\$ 450
	Class B	\$50,001 to 100,000	950
	Class C	\$100,001 to 200,000	1,350
	Class D	\$200,001 to 300,000	1,750
	Class E	\$300,001 to 500,000	2,150
	Class F	Over \$500,000	3,000
10.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and WAC 230-30-030)	
11.	SPECIAL LOCATION AMUSEMENT GAMES Class A	(Fee based on annual net receipts) One event per year lasting no longer than 12 consec. days	
	Class B	\$25,000 or less	\$ 500
	Class C	\$25,001 - 100,000	500
	Class D	\$100,001 - 500,000	1,500
	Class E	Over \$500,000	3,000
			5,000

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 116, filed 1/18/82)

WAC 230-30-070 CONTROL OF PRIZES. (1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2)(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

Immediately upon determining the winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players

from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. ((The record)) The record of the win ((shall be made)) shall be made in a standard format prescribed by the commission and shall disclose at minimum the following information:

(a) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(b) The series number of the pull tab series or punchboard from which the prize was won;

(c) The name of the punchboard or pull tab series;

(d) The date the pull tab series or punchboard was placed out for play;

(e) The date the pull tab series or punchboard was removed from play;

(f) The month, day and year of the win;

(g) If the prize is cash, the amount of the prize won;

(h) If the prize is merchandise, a description of the prize won and its retail value;

(i) The printed full name of the winner;

(j) The current address of the winner which will include the street address, the city and the state.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the ((licensee licensee's)) licensee record of the win.

(6) Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches of five dollars or more for a period of six months and shall display the

same to any (~~member of the public~~) representative of the commission or law enforcement officials upon demand.

(7) For the purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(8) Spindle-type pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

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 43 [78], filed 11/28/75 [11/17/77])

WAC 230-30-102 PULL TAB SERIES ASSEMBLY AND PACKAGING. (1) Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

(2) Winning pull tabs shall be (~~randomly~~) evenly distributed and mixed among all other pull tabs in the series. The series shall be assembled and packaged with special care so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined.

(3) When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered as to distinguish one from the other (~~and have no marking other than the series number~~). Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series: PROVIDED, That this information may be printed on the back of the flare or the outside of at least one of the packages, boxes or containers in which the pull tabs are packed.

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

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-30-104 POSSESSION OR SALE OF PULL TAB SERIES IN WHICH WINNERS OR LOCATION OF WINNERS MAY BE DETERMINED IN ADVANCE—PROHIBITED. (1) No operator, distributor or manufacturer, or representative thereof, with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any pull tab series or pull tab from any series:

(a) In which the winning tabs have not been (~~completely and randomly~~) evenly distributed and mixed among all other tabs in the series; or

(b) In which the location, or approximate location, of any of the winning tabs can be determined in advance of opening the tabs in any manner or by any device, including but not limited to, any pattern in the manufacture, assembly or packaging of the tabs by the manufacturer, by any markings on the tabs or container, or by the use of a light; or

(c) Which does not conform in any other respect to the requirements of these rules as to manufacture, assembly, or packaging of pull tabs.

(2) No manufacturer or distributor or representative thereof shall use as a sales promotion any statement, demonstration, or implication that any certain portion of a series of pull tabs contains more winners than other portions of the series or that any series of pull tabs may be sold by the operator in a particular manner that would give the operator any advantage in selling more of the pull tabs before having to pay out winners.

NEW SECTION

WAC 230-30-999 TEST OF CONTINUOUS PLAY/OPEN ENDED PULL TAB SERIES. (1) For purposes of regulating and establishing the type, scope, and manner of conducting gambling activities, the commission shall conduct a test of the operation of continuous play/open ended pull tab series.

During this test the following definitions shall apply:

(a) "Continuous play/open ended pull tab series" are those which:

(i) Are identical as to manufacturer, manufacturer form number, sales price per pull tab, winning symbols, prize amounts, and number of pull tabs; and

(ii) Do not award a prize for the purchase of the last tab.

(b) "Continuous play/open ended pull tab sets" are:

(i) Those pull tabs which are operated as a continuous set by adding "continuous play/open ended pull tab series" to the dispensing device without first closing out any previously added pull tab series; and

(ii) No winning pull tabs are marked off the flare.

(2) Participation in the test will be limited to those licensees who voluntarily agree to conduct the test and abide by criteria set by the commission, in cooperation with the participants. All approvals to participate will be in writing and will be revocable by either the commission or the licensee by giving three days written notice. A copy of the approval shall be maintained on the premises, any time the activity is operated, and be made available to representatives of the commission and law enforcement officers.

(3) For the purposes of this test all rules of the commission will apply: Provided, That participants in the test must comply with the following rules, as modified, for continuous play/open end pull tab operations only:

(a) WAC 230-08-010(5) - A substitute monthly record format, prescribed by the commission, will be used. Whenever any portion of a series is added to a dispensing device, the unused pull tabs from that series must be first added to that dispensing device before any other pull tab series. Each series shall be entered on the monthly record immediately after any pull tab from the series has been added to the dispensing device and will include the following information:

(i) The name of the pull tab series;

(ii) The Washington state identification stamp number issued by the commission;

(iii) The series number assigned by the manufacturer;

(iv) The date the first pull tab was added to the dispensing device;

(v) The color;

(vi) The total number of tabs in the pull tab series;

(vii) The manufacturer's name;

(viii) The manufacturer's assigned form number;

(ix) The cost to the players to purchase one pull tab; and

(x) The gross receipts.

Net cash and winning pull tabs from each dispensing device will be maintained separately. A form will be provided by the commission to reconcile winning tabs, prizes paid, cash receipts, and deposits. Licensees must complete this form at least weekly and charitable and non profit organizations will deposit receipts as required by WAC 230-12-020.

After the close of business on the last day of each month, a cut-off count and cash reconciliation will be made of each dispensing device. All unsold tabs from any series started in the device will be counted and recorded in the monthly record as one total.

At the end of the test or when a set is permanently removed from play, all remaining pull tabs shall be counted and a reconciliation of cash made. Each set of pull tabs permanently removed from play shall be maintained as a separate group and retained for at least six months. Each set permanently removed will be labeled with at least the date pulled; manufacturer's name; and manufacturer's form number.

(b) WAC 230-08-170 and 230-30-080(4) - Additional reasons pull tabs, temporarily removed, may be returned to play:

(i) Mixing with new pull tabs being added to the dispensing device;

(ii) Monthly reconciliation; and

(iii) Unsold pull tabs from alternate sales locations.

(c) WAC 230-08-170 and WAC 230-30-070(6) - All winning pull tabs must be retained, and within twenty four hours the licensee shall mark or perforate the winning pull tab in such a manner that the pull tab can not be presented again for payment. Winning tabs shall be retained for six months following the month the tabs were presented for payment.

(d) WAC 230-30-015(2) and WAC 230-30-130 - The substitute flare used for continuous play/open end pull tabs need not display the series number or the Washington state identification stamp for the series in play.

(e) WAC 230-30-050(3) - All receipts, records, and reports, including pull tab series flares with Washington state identification stamp affixed, must be retained on the premises at least nine months after the series is placed into play, and be made available on demand to law enforcement officers and representatives of the commission.

(f) WAC 230-30-070(3) - References to prizes entered on the flare shall not be deleted at any time.

(g) WAC 230-30-070 (5)(e) - The licensee's record of pull tab winners shall not contain the date an open end pull tab series was removed from play.

(h) WAC 230-30-080(3) - This section shall not apply. See (1)(b) and (3)(b) above.

(i) WAC 230-30-106(3) - The flare advertising prizes available from the operation of any sets of pull tabs shall display the numbers or symbols for winning prizes and the total number available of each class of prize, for each individual series added to the set.

(4) An information sign explaining the test, shall be provided by the commission, and posted for public view, in close proximity to the dispensing device.

(5) All other rules of the commission, unless exempted above, will apply.

WSR 84-14-036

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-19—Filed June 28, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Special education program—Education for all handicapped children, chapter 392-171 WAC.

This action is taken pursuant to Notice No. WSR 84-14-018 filed with the code reviser on June 26, 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 28A.13.070(7) 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 June 28, 1984.

By Frank B. Brouillet
Superintendent of Public Instruction

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. The date of eligibility to begin receiving such services shall be the child's birthdate: 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)) 1984, 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 special education 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 at least three members:

(a) The student's regular education teacher((:)) or, ((b)) if the student does not have a regular education teacher, a regular ((classroom)) education teacher qualified to teach a student of his or her age; ((or))

(b) A special education 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.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used((;)) and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials 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)). 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 shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

((4)) (6) 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 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)) (7) 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 previous screening and assessment((s)) results, health reports, ((and)) relevant cumulative records and recommendations of related service providers; 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))~~ verify the ((validity)) results of standardized ((measures)) testing, including but not limited to parent and/or teacher interviews and current classroom performance data.

~~((6))~~ (8) 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: PROVID-ED, That in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment was made.

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))~~ as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results((:)).

~~((f))~~ Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a child's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility.

~~(f)~~ Make recommendations to the individualized education program committee regarding placement, special education and related services needed (including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days), 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. If the multidisciplinary team at the time of the student's initial assessment by the district for professionally sound reasons is unable to make a recommendation regarding the need for an extended school year for a particular student, the multidisciplinary team shall make its recommendation regarding an extended school year prior to the May following initial assessment; and

(g) 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(s) 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))~~ 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) 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 ~~((PRESCHOOL 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" shall mean children under the age of eligibility to the first grade who meet the definition and eligibility criteria for one of the following:

(a) WAC 392-171-382, Developmentally delayed;

(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" does not include children under the age of eligibility for 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. Definition and eligibility criteria for developmentally delayed are as follows:

(1) Developmentally delayed, birth to three years. As used in this chapter, the term "developmentally delayed, 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)), fine motor (WAC 392-171-383(3)), gross motor (WAC 392-171-383(4)), or 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 norm referenced test, with a 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 392-171-383; or

(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.

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 AND COMMUNICATION DISORDER—REASSESSMENT OF DEVELOPMENTALLY DELAYED UPON ENTRY TO FIRST GRADE. (1) Except for

children who qualify solely for communications disorder services under WAC 392-171-391, children under the age of eligibility for 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 eligibility 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 CRITERIA 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. 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:

((A)) (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.

((c)) (d) A current vision and hearing screening report.

((EXCEPTION: Provided that)) (e) In the event that the required academic assessment and vision and hearing screening are ((concluded,)) completed and ((provided that)) there are documented and dated anecdotal records of behavioral observations showing that the student's disability is ((evidenced)) evident 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 disordered 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 existing or potential impact of the problem(s) on 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 include development acquisition of speech and language. 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 in comparison to developmental norms 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) age six through age ((eight)) seven, or one or more for students over age ((eight)) seven, 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, autism 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. Spelling 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 by 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—ASSESSMENT PROCEDURES AND 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 behavioral disability;)) eligibility for any other handicapping condition and to rule out 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 or 392-171-418, whichever is applicable.

(6) 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.

NEW SECTION

WAC 392-171-412 DISCREPANCY TABLES FOR DETERMINING SEVERE DISCREPANCY UNDER WAC 392-171-413. The superintendent of public instruction shall develop and publish discrepancy tables for the purpose of determining a severe discrepancy between intellectual ability and academic achievement pursuant to WAC 392-171-413. Such tables shall be developed on the basis of a regressed standard score discrepancy method which shall consider the following variables:

(1) The reliability coefficient of the intellectual ability test;

(2) The reliability coefficient of the academic achievement test; and

(3) An appropriate correlation between the intellectual ability and the academic achievement tests.

The regressed standard score discrepancy method shall be applied at a criterion level of 1.55.

NEW SECTION

WAC 392-171-413 METHOD FOR DOCUMENTING SEVERE DISCREPANCY—GRADES ONE AND ABOVE. (1) For students in grades one and above, a severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-171-412.

(2) For the purposes of applying the severe discrepancy tables, the following scores shall be used:

(a) A total or full scale intellectual ability score; 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.

(c) 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 ability and 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 392-171-412, the multidisciplinary team shall apply professional judgment in order to determine the presence of a severe discrepancy. In this event, the multidisciplinary team shall document in writing a narrative explanation as to why the student has a severe discrepancy. The multidisciplinary 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(4) shall preclude the use of any of the tests referenced above, the multidisciplinary team shall document in a written narrative the basis upon which the members decided that there exists a severe discrepancy between intellectual ability and achievement.

NEW SECTION

WAC 392-171-418 ADDITIONAL METHOD FOR DOCUMENTING SEVERE DISCREPANCY—GRADES SEVEN AND ABOVE. For a student in grades seven and above not found eligible under WAC 392-171-413 as a specific learning disabled student, the existence of a severe discrepancy between that student's intellectual ability and academic achievement shall be determined and documented as follows:

(1) An intellectual ability test shall be administered.

(2) An academic achievement test in one or more of the seven areas described in WAC 392-171-406 shall be administered.

(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 below 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 requires intensive programming cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. (See WAC 392-171-451.) Students who are classified as specific learning disability in combination with another handicapping condition shall not be eligible to be counted for state funding purposes as multihandicapped.

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) For each orthopedically impaired and health impaired student under the age of eligibility to first grade, current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstance and which provides any medical implications for educational planning;

(b) A statement of the student's present levels of educational performance;

~~((b))~~ (c) 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))~~ (d) 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~~((:));~~

(e) 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))~~ (f) 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: PROVIDED, That in the event the individualized educational program is the first in the district for such student and the multidisciplinary team has not made a determination as to the need for an extended school year for such child, the individualized educational program team shall make its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular one hundred eighty school days; and

~~((e))~~ (g) 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 392-171-731 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 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 84-14-037

ADOPTED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 84-20—Filed June 28, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Special service program—Highly capable students, chapter 392-170 WAC.

This action is taken pursuant to Notice No. WSR 84-14-017 filed with the code reviser on June 26, 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 28A.16 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 June 28, 1984.

By Frank B. Brouillet
Superintendent of Public Instruction

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 one or more of 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 an achievement test appropriate to discriminate academic performance at high levels of achievement in one or more of the following content areas:

- (a) Reading;
- (b) Mathematics;
- (c) Social studies;
- (d) Language arts; and
- (e) Science.

(3) "Exceptional creativity" which for the purpose of this chapter shall mean the demonstration of unique or outstanding creative products and/or the demonstration of unusual problem solving ability or other learning characteristics which indicate 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 shall adopt 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. All tests and other evaluation materials used in the assessment shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the test purport to measure. If properly validated tests are not available, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon other evidence of cognitive ability or academic achievement. This professional judgment shall be documented in 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 psychologist or other qualified practitioner with training to interpret cognitive and achievement tests. Where specific test results obtained in any assessment do not appear to the qualified district personnel to accurately reflect a student's cognitive ability or specific academic achievement, due to such reasons as test measurement error or environmental, cultural, or economic factor, the qualified district personnel shall apply professional judgment to a determination of cognitive ability or specific academic achievement. In such event, the qualified district personnel shall document in a written narrative the basis for such determination, the instruments used, if any, and the data collected for a determination of cognitive ability or specific academic achievement.

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. Each school district's board of directors 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 selection system that determines which students are the most highly capable and 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 84-14-038

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-21—Filed June 28, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Special service program—Remediation assistance, chapter 392-162 WAC.

This action is taken pursuant to Notice No. WSR 84-14-016 filed with the code reviser on June 26, 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 28A.41.408 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 June 28, 1984.

By Frank B. Brouillet
Superintendent of Public Instruction

Chapter 392-162 WAC
**SPECIAL SERVICE PROGRAM—REMEDICATION
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—REMEDICATION 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 if the student is receiving no other special education 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 attendance areas (i.e., eligible buildings) as defined in WAC 392-163-230;

(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 (i.e., headcount) served in the remediation assistance program in one or more of the basic skill areas 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 in attendance areas (i.e., eligible buildings) determined eligible to receive Chapter 1 Regular moneys pursuant to WAC 392-163-230. If a district incurs expenditures for more than fifty percent of such moneys in noneligible attendance areas (i.e., 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 84-14-039

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 84-2—Filed June 29, 1984]

I, Donald R. Burrows, director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	WAC 458-53-163	Mobile homes—Use in study.
Amd	WAC 458-53-030	Stratification of assessment rolls—Real property.
Amd	WAC 458-53-080	Sales samples.
Amd	WAC 458-53-090	Sales sample—Assessed valuation.
Amd	WAC 458-53-100	Use of county sales studies.
Amd	WAC 458-53-110	Property values used in the ratio study.
Amd	WAC 458-53-130	Real property appraisal studies.
Amd	WAC 458-53-140	Personal property audit studies.
Amd	WAC 458-53-141	Personal property audit selection.
Amd	WAC 458-53-150	Indicated real property ratio—Computation.

Amd	WAC 458-53-160	Indicated personal property ratio—Computation.
Amd	WAC 458-53-165	Property not properly valued—Use in study.
Amd	WAC 458-53-180	Use of indicated ratios.
Amd	WAC 458-53-200	Certification of county preliminary and indicated ratios—Review.
Amd	WAC 458-53-210	Appeals.
Rep	WAC 458-53-060	Stratification—Personal property.
Rep	WAC 458-53-170	Final indicated ratio—Computation.
Rep	WAC 458-53-190	County assessors review.

This action is taken pursuant to Notice No. WSR 84-11-065 filed with the code reviser on May 22, 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 84.48.075 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.48.075 which directs that the Department of Revenue has authority to implement the provisions of RCW 84.48.075.

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 June 29, 1984.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-030 STRATIFICATION OF ASSESSMENT ROLLS—REAL PROPERTY. (1) The stratification process is the grouping of data into meaningful classifications for informational or analytical purposes. Stratification is used in determining the number of appraisals or audits needed for ratio study purposes and also is used in actual ratio computation. The latest available official county assessment roll values are used in ratio study stratification procedures.

Assessed valuation presently forms the basis for stratification of assessment rolls and is used because the nature of most assessors' records provides a state-wide uniformity for this characteristic. Also, the values in this classification generally are indicative of property types. By not later than the 1982 assessment year a land use classification system will replace the value stratification as assessors' records uniformly reflect properties according to their use.

(2) The stratification of the real property assessment rolls will include a parcel count of the taxable real property parcels less forest lands (and)₂ current use properties, and state assessed properties. For the real property ratio study, the assessment roll will normally be stratified according to the following assessed value strata:

\$	0	–	\$ 9,999
	10,000	–	15,999
	16,000	–	29,999
	30,000	–	59,999
	60,000	–	99,999

- 100,000 – 199,999
- 200,000 – 399,999
- 400,000 – and over

Other higher strata than listed above may be used in counties having large numbers of high value properties.

(3) In counties for which real property high value strata, as listed in (2) above, do not number at least two hundred an appropriate upper limit (\$60,000 and over, \$100,000 and over) which will accommodate at least two hundred real property parcels, will be determined.

(4) The stratification process will be performed by the department or by the county with data processing capability adequate to meet the standards as provided by the department.

(5) A count of taxable real property parcels, less forest lands (~~and~~), current use properties, and state assessed properties, in each value stratification is necessary for computation of the county ratio. Multiplying an average sample sales value, an average sample appraisal value, or an average assessed value by the number of taxable parcels in the county produces an estimated total market value or total estimated assessed value used in ratio computation.

(6) In the stratification of county taxable real property parcels to be used in the ratio study, the count of these parcels (~~should~~) shall exclude designated and classified timber or forest lands (~~and~~), open space (current use) lands and improvements, and mobile homes as provided for in WAC 458-53-163(2). These (~~lands~~) are deleted from (~~properties used~~) use in the sales study and will be considered separately and included in ratio determinations after computations of sales data have been completed.

AMENDATORY SECTION (Amending Order PT 83-2, filed 8/1/83)

WAC 458-53-080 SALES SAMPLES. (1) The starting point for the sales studies will be a sampling of the real estate excise tax sales affidavits each month. Samples used in a current study will be sales during the last five months of the calendar year immediately preceding the current study assessment year and the first three months of the study assessment year.

A sampling plan will be developed by the department of revenue each year based on each county's previous year sales volume. The sampling will be conducted considering sales transferring via warranty deed or contract instruments as initially subject for inclusion in the study. All sales represented by other instruments such as tax deeds, quitclaim deeds, etc., will be excluded from consideration. (~~Timber sales also will be excluded as the valuation of this type of real property is dictated by state law.~~) Sales of timber and current use lands classified under chapters 84.28, 84.33 and 84.34 RCW will also be excluded from consideration. There are numerous reasons why a warranty deed or contract sale may also be excluded from the study. Conditions such as a sale between relatives, a forced sale or a sale to a nonprofit organization, for example, are sufficient to mark these transactions as being other than "arms-length" and

therefore, not a valid indicator of full "true and fair" value. A listing of such reasons and other conditions that will cause a sale to be excluded are shown on the deletion list contained in subsection (2) of this section.

(2) The following sales transactions are examples of sales to be excluded from the sales studies. Deviations from the numerical coding designations set forth in this example may be used as agreed to by individual counties and the department.

NUMERICAL

CODE TYPE OF TRANSACTION

- 1 Family – a sale between relatives.
- 2 Transfers within a corporation by its affiliates or subsidiaries.
- 3 Administrator, guardian or executor of an estate.
- 4 Receiver or trustee in bankruptcy or equity.
- 5 Sheriff or bailee.
- 6 Tax deed.
- 7 Properties exempt from taxation (nonprofit, government, etc.).
- 8 Individual sales with assessment-to-sales ratios of less than twenty-five percent or greater than one hundred seventy-five percent except as provided in WAC 458-53-100(4), 458-53-070(5) and 458-53-165.
- 9 Quitclaim deed.
- 10 Gift deed, love and affection deed.
- 11 Seller's or purchaser's assignment of contract or deed – transfer of interest.
- 12 Correction deed.
- 13 Trade – exchange of property between same parties.
- 14 Deeds involving partial interest in property, such as one-third or one-half interest. (If transfer involves total interest i.e., one hundred percent of the property, sale is valid.)
- 15 Forced sales – transfers in lieu of imminent foreclosure, condemnation or liquidation.
- 16 Easement or right of way.
- 17 Deed in fulfillment of contract (on a current transaction, a contract with a fulfillment deed is a valid sale).
- 18 Property physically improved after sale.
- 19 Timber or forest land.
- 20 Platted within last year, bare lots only – with less than twenty percent sold.
- 21 Plottage – where an adjoining property is sold at a price significantly different than for property of a similar type when a larger unit is being assembled.
- 22 \$1,000 sale or under.
- 23 Lease – assignment, option, leasehold.
- 24 Designated open space (as of date of sale).
- 25 Change of use where rezoning takes place.
- 26 Current year segregations that have not been appraised.

NUMERICAL
CODE TYPE OF TRANSACTION

27 Other - necessary to identify reason, i.e., inclusion of personal property not separately identified, liquor license, etc.

AMENDATORY SECTION (Amending Order PT 83-2, filed 8/1/83)

WAC 458-53-090 SALES SAMPLES—ASSESSED VALUATION. (1) After the sampling of sales has been completed in Olympia, the assessed valuations of the properties remaining in the sample will be obtained by the department's sales analysts from official records retained by county officials. The assessed valuation total recorded will be the official figure as of January 1, the current ratio year assessment date. At this point, attention also will be given to factors which would indicate that a particular transaction is not suitable for inclusion in the study and any other factors which can be ascertained at this time are used to analyze whether sales may be deleted from the study as not being an indicator of full "true and fair" value.

The relationship of the assessed value for a real property parcel to a corresponding valid sale of this property within the time period established for the annual ratio sales study indicates the individual ratio for the property. The stratum averages for all such valid sales values and related assessed values in a county, when multiplied by the number of listings in the strata, determine the established real property totals on which the indicated real property ratio is based.

(2) In counties for which the department conducts the sales analysis and ratio studies a sales prelist will be provided to each assessor. These prelists will identify valid sale properties to be used in computation of each county's real property ratio. Department personnel will review these prelists with assessors or their staffs to verify the validity of the sale properties identified and the values indicated.

Properties designated in the department-approved county revaluation plan relative to the current ratio study year, and properties on which new construction may be completed during a ratio study year, will be included in that year's ratio study. For these properties the available current county assessed valuation will be used. Assessors have until August 31st of each assessment year to place new construction values on such properties and these values in a corresponding ratio study are included after the close of the assessors' rolls on May 31st.

(3) Certain properties have limited exemptions in assessed value granted by law to persons owning those properties (senior citizens exemptions). In computing a ratio relative to the sale of such property, the full assessed value for the property, before exemption, must be used to determine a proper assessment-to-sales relationship.

(4) Average sample real property assessed values and true and fair values for each value or land use stratum in a county will be derived from sales and appraisal study results. These average values, as provided in WAC 458-

53-150, will aid in determining the county real property indicated ratio.

AMENDATORY SECTION (Amending Order PT 83-2, filed 8/1/83)

WAC 458-53-100 USE OF COUNTY SALES STUDIES. (1) If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in these rules. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data from sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. All such county studies shall be subject to department audit.

(2) The county-generated sales study will include the following:

(a) All agreed to real property transactions occurring in a county shall be used in the study and shall be for a period of eight consecutive months. Sales transactions used will include only those which occur between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(b) Sales of properties identified on the published department of revenue deletion list (WAC 458-53-080) will be removed from the sales analysis study and separately will be produced on a data processing machine listing. This listing will display for each deleted sale an appropriate parcel identification, the sales price, the assessed value, and a numerical code or narrative designation of the reason for deletion of the property from the study. The numerical code used (~~should~~) shall coincide with the department of revenue published deletion list (WAC 458-53-080) unless an agreement has been made with the department to use another code. Any numerical code 27 (miscellaneous) (~~should~~) shall be accompanied by a narrative reason for deletion.

(c) Sales remaining in the sales analysis study will be stratified and printed by assessed value strata. Necessary data for each sale property remaining in the study will be:

(i) Excise tax sales affidavit number, parcel number, or other file identification number.

(ii) The sales price of the transaction, lowered five percent to ninety-five percent of its original value. Further adjustment of any individual sale may be made only if personal property is identified and its value is in excess of five percent of the sale price.

(iii) The current assessed value on the assessors' rolls for the property described on the sales affidavit.

(iv) A computed ratio based on the percent that the assessed valuation is to the adjusted sales price figure.

(3) As soon as practicable following the close of the assessors' rolls on May 31st, and prior to July 1st, the county sales-assessment ratio study (~~should~~) shall be submitted to the department of revenue. Adjustments for new construction will be made following the August 31st deadline for adding new construction values to the assessment rolls. This will allow time for departmental analysis, field review, and insertion of appraisal data,

where appropriate, for ~~((final))~~ preliminary ratio determination by the ~~((last week of July, and ultimate ratio certification back to the assessor by August 1))~~ first Monday in August.

(4) Individual valid sales having a resultant assessment sales ratio under twenty-five percent or over one hundred seventy-five percent shall be excluded from consideration in the study: PROVIDED, That this subsection shall not apply if the number of sales meeting this criteria exceeds ten percent of the total number of sales that would be used in the study subject to the provisions of this subsection: PROVIDED FURTHER, That this subsection shall not apply to any type of property not properly valued and subject to the provisions of WAC 458-53-165.

AMENDATORY SECTION (Amending Order PT 81-15, filed 10/30/81)

WAC 458-53-110 PROPERTY VALUES USED IN THE RATIO STUDY. The following property values will be included in the ratio study as provided in these rules:

(1) Values established by law or required to be determined by the department by law, but excluding property valued under chapters 84.08, 84.12, and 84.16 RCW.

(2) Values determined by county assessors according to the provisions of chapter 84.41 RCW.

(3) Values of land classified under chapter ~~((s))~~ 84.33 ~~((and 84.34))~~ RCW.

(4) Values of land and improvements classified under chapter 84.34 RCW will be included in determination of the indicated real property ratios for counties whose current use land values are five percent or greater in proportion to the total county land value outside of cities and towns. Counties with less than five percent of total land value outside of cities and towns in current use property values may request inclusion of current use values in determination of their real property ratio: PROVIDED, That in order for current use values to be used, the request, in writing, must be submitted to the department prior to October 1 of each ratio study period for which current use consideration is desired.

(5) Advisory values supplied to the assessor by the department shall not be included in the ratio study unless the property falls within the sales study provided for in WAC 458-53-070 or 458-53-100 or is selected in the appraisal or audit study in accordance with WAC 458-53-130 and 458-53-140.

(6) Values of individual real properties which equal or exceed twenty percent of the total of all real property.

(7) Values of individual assessments of personal property which equal or exceed twenty percent of the total of all personal property.

(8) Values of mobile homes which are identified in WAC 458-53-163(2).

(9) Values of mobile homes which are identified in WAC 458-53-163(3).

(10) Before values in subsections (6) and (7) of this section can be included, a request in writing identifying the properties, must be submitted to the department prior to October 1st of each ratio study period.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-130 REAL PROPERTY APPRAISAL STUDIES. (1) The department will review a county's prior year's sales studies to determine which assessed value stratum or land use class may not have sufficient sales to produce a valid measurement of the level of assessment of the properties in that stratum or use class. Department appraisers then will appraise selected properties in those strata. The selection of properties to be appraised will be on a random basis. Random selection will use accepted statistical methods such as stated numerical sequence or random number tables to provide each parcel of real property in a universe of real property parcels an equal opportunity to be selected as a representative sample of that universe. The appraisal date will coincide with the assessment date of the ratio study.

(2) ~~((The starting point of the appraisal study is a stratified random sample of the real property listings, with the controlling factor being the assessed valuation of each parcel as of the current January 1 assessment date. Assessed valuation is used as the basis for stratification because the nature of the most assessors' records presently precludes the use of any other characteristic on a state-wide basis. The sample selection process is initiated by "stratification" of the real property roll.))~~ The appraisal study is started with a stratified sample of real property parcels. The stratification process will be done using either the assessed value of the real property roll or land use codes broken into assessed value strata's as of the current January 1 assessment date. Land use stratification will be used exclusively in those counties possessing the necessary data processing capabilities. For counties not possessing data processing capabilities manual stratification by department of revenue staff involves the following: (a) Examination of each property listing and tallying it (by placing a mark in the appropriate value class or stratum) according to the magnitude of its assessed valuation, (b) random selection of properties from each class to be placed in a pool from which the ultimate selection of properties for appraisal will be made, and (c) recording on a take-off sheet, the assessed value and identification (account number, page, and line number, etc.) for the selected samples. The completed stratification provides a count of the listings on the roll by valuation class.

(3) The number of appraisals deemed necessary for each county value or land use stratum will be determined by application of statistical determination to the previous year county ratio study results.

Once the number of appraisals to be conducted in each value classification has been determined, the identification of each of the randomly selected appraisal samples to be used in the study will be obtained from county records. When the names, addresses, legal descriptions and other information necessary to conduct the appraisals are known, letters will be forwarded to the taxpayers involved. These letters will notify them of the impending visit by an appraiser from the department of revenue property tax division.

(4) The actual physical appraisals conducted by department personnel use the same tools that are available to the county assessors (state manuals, private((;)) publications, etc.). The department's appraisers do not, however, use the so-called "mass appraisal" technique which is, of necessity, practiced by the various counties; but perform complete appraisals regardless of the amount of time required in order to assure that the most valid estimate of market value is reached.

Three approaches to value are considered; namely, cost, market and income. The cost approach utilizes an approved cost manual. When properly used, this manual gives an estimation of reproduction cost of the improvements to the property. The reproduction cost then is depreciated, taking into consideration all physical depreciation, functional and economic obsolescence. The end result is the depreciated value of the improvements. To this value is added the value of the land, resulting in the market value of the real property. The market approach uses sales of comparable properties for an indication of value. The income approach uses a capitalization rate developed from a comparison of typical income and the sale price of comparable properties.

This capitalization rate then is divided into the net income of the subject properties for a value indication of that property.

(5) When the appraisals in a county have been completed and reviewed by the supervisory staff of the department, they are reviewed individually with the assessor and his staff. At this time, changes may be made stemming from such factors as errors in the mathematical calculations, changes in use from the date of assessment to the date of the appraisal, the inclusion of items in the appraisal that are not included in the assessment (mainly personal property), etc. When the review process is completed and changes, if any are made, the appraisal data are considered as completely valid and ready for inclusion in the computation of the total real property ratio.

(6) When the department's sample appraisals fall within a county's current revaluation area and the assessor's appraisals, upon audit, are found to be a supportable estimate of market value, the department will accept the county's appraised values on those properties randomly selected for appraisal in the county.

(7) Department appraisals, required for assessment ratio determination, will be performed as indicated by department statistical determinations. Appraisals will complement sales to provide an adequate number of samples on which to base a ratio computation.

(8) When properties, classified by the department as industrial properties, are selected for inclusion in real or personal property ratio studies, the department's property audits and appraisals will be made on the total property, using department valuation procedures. Allocation of total industrial value for ratio purposes will be determined using each assessor's method of classifying real and personal property. Audit determinations for personal property will not include properties classified as real property by the assessor. Appraisal determinations for real property will not include properties classified as personal property by the assessor.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-140 PERSONAL PROPERTY AUDIT STUDIES. (1) Personal property audits will be performed on those accounts selected at random within each use class or assessed value stratum used in the ratio study for each county. These audits will be the basis of the county's personal property ratio as provided in WAC 458-53-160.

The department may use county audit results as ratio study audits when department accepted audit procedures are used on accounts selected as sample audits and audited by the county audit staff as of the assessment date used in the department's ratio study.

(2) The general procedures for audits are similar to those followed in the appraisal-assessment study in that sample audits of personal property accounts will be used as the basis for determining total assessed value and estimated total true and fair value of personal property. The relationship of the total estimated assessed value to the total estimated true and fair value of personal property will indicate the personal property ratio.

(a) Stratification of rolls - the program is initiated by stratification of the personal property roll in the counties being audited. From this process is obtained: A count of the number of listings in each use class or assessed valuation class, an estimation of the total assessed value in each class, and a pool of samples in each class from which the ultimate listings to be audited are selected. The strata or assessed valuation classes have different limits than those used in the appraisal-assessment study. A listing of assessed value strata normally used ((WAC 458-53-060)) is as follows:

\$	0 -	\$	9,999
	10,000 -		39,999
	40,000 -		79,999
	80,000 -		199,999
	200,000 -		499,999
	500,000 -		999,999
	1,000,000 -		1,999,999
	2,000,000 -		and over

The largest valuation stratum designated for each county will depend on the number of large value accounts in the county.

In counties for which personal property high value strata, as listed above, do not number at least two hundred, an appropriate upper limit (\$40,000 and over, \$80,000 and over) which will accommodate at least two hundred personal property accounts, will be determined.

The stratification process will be performed by the department or by the county according to the standards as provided in this section.

(b) Personal property sample audit selection - the number of audits to be performed is derived in the same general manner as in the appraisal-assessment procedure in that statistical determination is applied to county previous year's ratio study results to obtain a representative number of samples on which to base a county ratio.

Stratification procedures which determine the number of personal property audits needed for the current ratio

study begin in the summer months of the calendar year immediately preceding the currently designated ratio study year.

The audits are conducted through ~~((June))~~ July of the designated ratio study year.

(3) The sample accounts to be audited in each use or valuation classification are randomly chosen using accepted statistical methods such as stated numerical sequence or random number tables to provide each personal property account in a universe of personal property accounts an equal opportunity to be selected as a representative sample of that universe. Names and addresses of taxpayers for these accounts and copies of assessment detail sheets are obtained from county records.

Letters of intent to audit are mailed to each taxpayer selected.

(4) The personal property audits which are conducted to derive the true and fair value figures are made from an examination of the taxpayer's books and records. In valuation procedures, the department's auditors utilize the manuals and schedules which the department prepares and distributes to all assessors. The technique is generally one of trending forward historical cost data and the application of depreciation percentages to arrive at current worth or value.

(5) When the audits have been completed in a county, they are reviewed with the assessor and his staff. The primary emphasis at this meeting is to make sure that the property covered by the audit is comparable to the property covered by the assessment. The completion of the review and adjustments, if any, mark the audit data as valid for use in the computation of the personal property portion of the total indicated ratio.

(6) In a manner similar to that used for real property, sample personal property assessed values and true and fair values for each stratum are derived from audit results, the weighted sums of which are the basis for determining the personal property indicated ratio.

(7) If omitted property is discovered in a county, the results of the department's audit shall be placed in the strata indicated by the audit.

AMENDATORY SECTION (Amending Order PT 81-15, filed 10/30/81)

WAC 458-53-141 PERSONAL PROPERTY AUDIT SELECTION. (1) Beginning with 1982 assessments and thereafter, each county shall classify and code every personal property account based upon the following classification codes:

- (a) Agriculture, fishing, and forestry (not logging)
- (b) Mining, quarrying, and contract construction
- (c) Manufacturing
- (d) Retail - wholesale
- (e) Finance, insurance, real estate and services
- (f) Transportation, communication, utilities, improvements on exempt land, and all other not classified
- (g) Mobile homes
- ~~((h) Boats))~~

(2) Those accounts which contain property of more than one classification shall be coded based upon which class has the greatest value.

(3) ~~((The number selected for audit in each value stratum shall be based upon the classification code so that no one property class shall outweigh any others.))~~ For those counties with the ability to perform the stratification process by use classification, subject to department approval, use classes of property will be used for the purpose of determining the indicated personal property ratio. The classes of property shall follow the guidelines outlined in subsection (1) of this section and will be separated into value strata for the individual classification codes. The value strata may be subject to different parameters than normally used.

(4) ~~((Any county not conforming to the foregoing shall have the accounts selected on a random basis within each value stratum as provided for in WAC 458-53-140.))~~ Those counties who do not have the ability to prepare a ratio study by use classification shall use value strata as shown in WAC 458-53-140.

AMENDATORY SECTION (Amending Order PT 82-3, filed 4/6/82)

WAC 458-53-150 INDICATED REAL PROPERTY RATIO—COMPUTATION. (1) For each real property value or land use stratum within a county average sample assessed value and average sample true and fair value will be determined from the results of selected sales and appraisal studies. Average sample assessed value and average sample true and fair value for each stratum will be multiplied by the total number of real property parcels in each corresponding stratum to derive an estimated total assessed value and a total estimated true and fair value for each stratum. Stratum estimated totals will be added to derive county estimated total assessed value and county estimated total true and fair value. When the ratio relationship between these two estimated values is applied to the actual county assessed value, as provided by the assessor in his current assessors' certificate of assessment rolls to the county board of equalization, and forest land and current use values are added to the actual assessed value and ratio-related market value, the totals will represent the county real property indicated ratio.

(2) Valid arms-length sales occurring in each county will be the basis for determining individual stratum ratios unless a representative number of samples for any one stratum requires the addition of department appraisals. In all strata where both sales and appraisal samples are present, assessment and market values for all valid appraisal samples will be combined with assessment and market values for all valid sales samples to derive a stratum ratio.

(3) ~~((Present county forest land assessed values (chapter 84.33 RCW) will be included in determination of the indicated real property ratios for each county. Current use assessed values (chapter 84.34 RCW) will be included in determination of the indicated real property ratios for counties whose current use land values are five percent or greater in proportion to the total county land value outside of cities and towns. Counties with less than five percent of total land value outside of cities and towns in current use property values may request inclusion of current use values in determination of their real property ratio. PROVIDED, That in order for current use values to be used, the request, in writing, must be submitted to the department prior to October 1 of each ratio study period for which current use consideration is desired.))~~ Department current use appraisals will be the basis for the assessment-to-appraisal values from which current use ratios are determined.

(4) Values from each county's assessor's certificate of assessment rolls to county board of equalization will be used in the computation of each county's indicated real property ratio except as provided in subsection (6) of this section.

(a) The county preliminary real property ratio, calculated from estimated totals of county sales and appraisal study results, will be applied to each county's certificate listing of total real property assessed value (excluding ~~((forest land and current use assessed values))~~ those properties identified in WAC 458-53-110 (1), (3), (4), (6), and (8) and WAC 458-53-165) to determine an estimated true and fair value which relates to the actual assessed real property value of a county.

(b) To the actual real property assessed value and ratio-related true and fair value totals for a county ((a) of this subsection) are added certificate ~~((forest land and current use))~~ assessed values ~~((as provided in subsection (2) of this section))~~ of those properties identified in WAC 458-53-110 (1), (3), (4), (6), and (8) and WAC 458-53-165, and related true and fair values calculated by the ratio relationships determined for ~~((forest lands and current use))~~ those same properties.

(c) The sum of the total real property assessed and true and fair values, ~~((forest land assessed and true and fair values, and current use assessed and true and fair values (as provided in subsection (2) of this section))~~ as determined by (a) and (b) of this subsection shall be the basis for a county's indicated real property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio.

(5) The following illustration, using simulated values and ratios, indicates simplified ratio study computation procedures for real property.

Step 1 - Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
	Number of Samples	Total Assessed Value of Samples	Average Assessed of Samples (Col. 2 ÷ Col. 1)	Total Market Value of Samples	Average Market Value of Samples (Col. 4 ÷ Col. 1)
\$ 0 - 9,999	10	\$ 60,000	\$ 6,000	\$ 80,000	\$ 8,000
10,000 - 15,999	20	260,000	13,000	300,000	15,000
Over 15,999	5	200,000	40,000	250,000	50,000

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are determined in the same manner.

Step 2 – Weighting of Average Sample Values

Stratum	(1) Total Property Listings	(2) Average Sample Assessed Value	(3) Total Estimated Assessed Value (Col. 2 × Col. 1)	(4) Average Sample Market Value	(5) Total Estimated Market Value (Col. 4 × Col. 1)	(6) Ratio (Col. 3 ÷ Col. 5)
\$ 0 – 9,999	105	\$ 6,000	\$ 630,000	\$ 8,000	\$ 840,000	.7500
10,000 –15,999	211	13,000	2,743,000	15,000	3,165,000	.8667
Over 15,999	51	40,000	2,040,000	50,000	2,550,000	.8000
<u>Outriders</u>	<u>2</u>		<u>1,000,000</u>		<u>1,201,800</u>	<u>.8321</u>
		((5,413,000))	<u>6,413,000</u>	((6,555,000))	((8258)) <u>7,765,800</u>	<u>.8258</u>

Sample study weighted ratio (82.58%)

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are weighted in the same manner.

Step 3

Application of Sample Weighted Relationship to Actual Real Property Assessed Value and ~~((addition of timber and forest land values and open space))~~ Additional Values as Indicated.

	(1) Actual County Real Property Assessed Value (From Assessor's Certificate)	(2) Determined Assessment to Market Ratio	(3) County Real Property Market Value Related to Actual Assessed Value (Col. 1 ÷ Col. 2)
Add:	\$ 6,544,000 ((Simulated Value))	.8258 <u>(from Step 2)</u> ((82.58%))	\$ 7,924,437
Timber and Forest Land	1,520,000 ((Simulated Value))	<u>1.0000</u> ((100.00%))	1,520,000
Open Space ((Where Applicable) Open Space Ratios Determined By Open Space Appraisals))	400,000 ((Simulated Value))	.9000 ((90.00%)) ((Simulated Ratio))	444,444
<u>Open Space Improvements</u>	<u>100,000</u>	<u>.9500</u>	<u>105,263</u>
<u>Mobile Homes</u>	<u>50,000</u>	<u>.9900</u>	<u>50,505</u>
<u>Other (WAC 458-53-110(6) or WAC 458-53-165 Properties)</u>	<u>100,000</u>	<u>1.0000</u>	<u>100,000</u>
<u>Totals</u>	<u>\$ ((8,464,000))</u> <u>8,714,000</u>	<u>((+))</u> <u>÷</u>	<u>\$ ((9,888,881)) = ((.8559))</u> <u>10,144,649</u> <u>.8590</u>
County Indicated Real Property Ratio			<u>((.8559))%</u> <u>85.9</u>

(6) If a copy of the certification of current values is not received from an assessor in a timely manner for inclusion in ratio computation, the assessors abstract of assessed values from the previous year will be used as the information source for ratio computation.

(7) A copy of each county's certification of values to the county board of equalization (FORM REV 64-0051) will be filed with the department on or before the second Monday in July. The certification (~~((will show the total taxable assessed value of the real property roll (indicating separately the total value of forest land assessed pursuant to chapter 84.33 RCW and land classified under chapter 84.34 RCW - current use) and the total taxable assessed value of the personal property roll))~~) form will be properly completed with all required information.

(8) Valid ratio study individual assessed or true and fair values which either exceed or fall below the mean assessed or true and fair value by more than three times the average deviation of other values in a stratum, will be classified as "outriders" and shall be considered separately in average sample computation. Outriders are so treated to prevent the application of excess weight by nontypical sample values in determining average sample values and resulting total estimated assessed and total estimated true and fair values.

(9) The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study in any county where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to true and fair value such that a significant variation results from the rates of the previous year not deemed by the director comparable with general trends in property values. Such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-160 INDICATED PERSONAL PROPERTY RATIO—COMPUTATION. (1) For each personal property assessed value stratum ~~((in a county)), excluding properties identified in WAC 458-53-110 (7) and (9) and 458-53-165~~ and average sample assessed value and an average sample true and fair value will be determined from the results of selected audit studies. These average stratum sample values will be multiplied by the corresponding number of personal property accounts in each stratum to derive a stratum estimated total assessed value and a stratum estimated total true and fair value. These estimated stratum total estimated assessed and true and fair values will be added to provide a county total estimated assessed value and a county total estimated true and fair value. ~~((When these two total values are equated to the county actual assessed value, as provided on the Assessors' Certificate of Assessment Rolls to County Board of Equalization, their relationship will form the basis for the county indicated personal property ratio.))~~

(2) ~~((If reported to the department prior to July 15th of the study year, values added to the assessment roll resulting from the disclosure of unreported or under-reported personal property due to audits may be included, but only to the extent the department is satisfied the assessor is correcting omissions of a similar nature in personal property assessments generally.))~~ To the actual personal property assessed value and ratio-related true and fair value totals for a county (subsection (1) of this section) are added assessed values of those properties identified in WAC 458-53-110 (7) and (9) and 458-53-165 and related true and fair values calculated by the ratio relationships determined for those same properties.

(3) The sum of the total personal property assessed and true and fair values as determined by subsections (1) and (2) of this section shall be the basis for the county's indicated personal property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio. Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated personal property ratio except as provided in WAC 458-53-150(6).

(4) The following illustration, using simulated values and ratios, indicates simplified ratio study computation procedures for personal property.

Step 1 – Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
Stratum	Number of Samples	Total Assessed Value of Samples	Average Assessed Value of Samples (Col. 2 ÷ Col. 1)	Total Market Value of Samples	Average Market Value of Samples (Col. 4 ÷ Col. 1)
\$ 0 – 9,999	15	\$ 75,000	\$ 5,000	\$100,000	\$ 6,667
10,000 – 39,999	20	400,000	20,000	500,000	25,000
Over 39,999	10	500,000	50,000	750,000	75,000

Step 2 – Weighting of Average Sample Values

	(1)	(2)	(3)	(4)	(5)	(6)
Stratum	Total Property Listings	Average Sample Assessed Value	Total Estimated Assessed Value (Col. 2 × Col. 1)	Average Sample Market Value	Total Estimated Market Value (Col. 4 × Col. 1)	Ratio (Col. 3 ÷ Col. 5)
\$ 0 – 9,999	125	\$ 5,000	\$ 625,000	\$ 6,667	\$ 833,375	.7500
10,000 – 39,999	216	20,000	4,320,000	25,000	5,400,000	.8000
Over 39,999	79	50,000	3,950,000	75,000	5,925,000	.6667
<u>Outriders</u>	<u>2</u>		<u>1,000,000</u>		<u>1,366,775</u>	<u>.7316</u>
			\$(8,895,000)		\$(12,158,375)	
			<u>9,895,000</u>		<u>13,525,150</u>	

Sample study weighted ratio.

(73.16%)

Step 3 - Application of Sample Weighted Relationship to Actual Assessed Value.

	(1)	(2)	(3)
	Actual County Assessed Value Personal Property (From Assessor's Certificate)	Determined Assessment(=) to(=)Market Ratio	County Market Value Related to Actual Assessed Value (Col. 1 ÷ Col. 2)
	\$ 9,100,000	.7316	\$12,438,491
<u>Add</u>	((Simulated Value))	(from Step 2)	
<u>Mobile Homes</u>	50,000	.9900	50,505
<u>Other</u>	100,000	1.000	100,000
<u>(WAC 458-53-110 (7) or 458-53-165 properties)</u>	((County indicated personal property ratio))	((73.16%))	
<u>Totals</u>	<u>\$ 9,250,000</u>	<u>÷</u>	<u>\$12,588,996 = .7348</u> <u>73.48%</u>
	<u>County indicated personal property ratio</u>		

(5) Individual assessed or true and fair personal property values, classified as "outriders" according to WAC 458-53-150(8), will be used in personal property ratio computation in a manner similar to that used for real property outriders in real property ratio computation.

NEW SECTION

WAC 458-53-163 MOBILE HOMES—USE IN STUDY. Sales and appraisals of mobile homes, properly stratified, shall be included in the ratio study in the following manner:

(1) Mobile homes which are assessed as other real property and are intermixed with other real property on the real property rolls shall be included with all other real property in the study;

(2) Mobile homes which are considered real property and are assessed upon a separate real property mobile home roll shall be included in the real property study as provided in WAC 458-53-150(4)(b);

(3) Mobile homes which are assessed as personal property shall be included in the personal property ratio study as provided in WAC 458-53-160(2);

(4) Sales of mobile homes which meet the criteria of the sales exclusion list contained in WAC 458-53-080(2) shall be excluded from the mobile home study.

AMENDATORY SECTION (Amending Order PT 83-2, filed 8/1/83)

WAC 458-53-165 PROPERTY NOT PROPERLY VALUED—USE IN STUDY. The department shall examine the procedures used by the assessor to assess real and personal property. If any examination by the department discloses other than market value is being listed on the assessment rolls of the county for a particular type of property and, after due notification by the department, is not corrected, the department shall adjust the ratio of that type of property, which adjustment shall be used in determining the counties indicated personal or real property ratios.

When a particular type of property is found to be at other than market value, that type property shall be

separated from the other properties in the computation of the ratio. The department shall develop the total assessed value and total market value for that type of property, and it shall be ~~((added in at the end of))~~ included in the ratio ~~((computation in the same manner as open space and forest land per WAC 458-53-150))~~ as provided in WAC 458-53-150(4)(b) and 458-53-160(2).

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-180 USE OF INDICATED RATIOS. The indicated ratios will be used by the department as follows:

~~((+))~~ The value of properties assessed by the state under chapters 84.08, 84.12, and 84.16 RCW, will be certified to the county assessor using:

~~((a))~~ (1) The indicated personal property ratio for personal property; and

~~((b))~~ (2) The indicated real property ratio for real property.

~~((2) The final indicated ratio will be used for state levy purposes as required by RCW 84.52.065.)~~

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-200 CERTIFICATION OF COUNTY PRELIMINARY AND INDICATED RATIOS—REVIEW. (1) The department will annually determine the real property and personal property ~~((indicated))~~ preliminary ratios for each county and will certify these ratios to the county assessor on or before the first Monday in August ~~((+ and revisions or corrections thereof may be made by the department after consideration of~~

recommendations received from an assessor prior to the first Monday in August)).

(2) The department shall review the county's preliminary ratio with the assessor, a landowner, or an inter-county public utility or private car company, if requested to do so by said county, person, or company, between the first and third Mondays of August, and may make any changes indicated by such review: PROVIDED, That if the department does not certify the preliminary ratios as required by subsection (1) of this section, the review period shall extend for two weeks from the date of certification.

(3) Prior to equalization of assessments pursuant to RCW 84.48.080 and after the third Monday of August, the department shall certify to each county assessor the indicated real and personal property ratios for that county.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-210 ((ASSESSOR'S)) APPEALS. If an assessor, landowner, or owner of an intercounty utility or private car company has reviewed the ratio study as provided in WAC ((458-53-190)) 458-53-200, ((the assessor)) that person or company may appeal the department's indicated ratio determination, as certified for that county, to the state board of tax appeals pursuant to RCW 82.03.130 (5)(a). The appeal to the state board of tax appeals must be filed ((on or before August 1)) not later than fifteen days after the date of certification.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 458-53-060 STRATIFICATION—PERSONAL PROPERTY.
- (2) WAC 458-53-170 FINAL INDICATED RATIO—COMPUTATION.
- (3) WAC 458-53-190 COUNTY ASSESSOR'S REVIEW.

**WSR 84-14-040
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)**

[Order 2108—Filed June 29, 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 fees, amending chapter 440-44 WAC.

I, David A. Hogan, 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 a public hearing relating to these rules was held on May 23. Adoption was scheduled for May 30 with the intent of having them become effective on this date. Extensive consideration of public comment on a portion of the proposed rules (not included here) caused a delay in filing with the code reviser. The purpose of this emergency filing is to restore the original proposed effective date.

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

This rule is promulgated pursuant to RCW 43.20A-.055 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 June 29, 1984.

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

AMENDATORY SECTION (Amending Order 2037, filed 10/6/83)

WAC 440-44-030 HEALTH FACILITY CERTIFICATE OF NEED REVIEW FEES. (1) An application for a certificate of need under chapter 248-19 WAC shall be accompanied by payment of a fee consisting of the following:

- (a) An application processing fee in the amount of five hundred dollars which shall not be refundable, and
- (b) A review fee, based on the total capital expenditure associated with the undertaking or project, as follows:

Proposed Capital Expenditure	Review Fee
\$ 0 to \$ ((3,499))	((0))
69,999	1,000
((3,500 to 4,999	35
5,000 to 9,999	100
10,000 to 14,999	170
15,000 to 19,999	245
20,000 to 24,999	330
25,000 to 29,999	425
30,000 to 34,999	530
35,000 to 39,999	645
40,000 to 54,999	770
55,000 to 69,999	910))
70,000 to 84,999	((1,065))
	1,670
85,000 to 99,999	((1,230))
	1,930
100,000 to 129,999	((1,410))
	2,215
130,000 to 159,999	((1,610))
	2,525
160,000 to 204,999	((1,830))
	2,875
205,000 to 249,999	((2,075))

Proposed Capital Expenditure	Review Fee
	<u>3,255</u>
250,000 to 399,999	((2,345))
	<u>3,680</u>
400,000 to 549,999	((2,640))
	<u>4,145</u>
550,000 to 699,999	((2,965))
	<u>4,655</u>
700,000 to 849,999	((3,320))
	<u>5,210</u>
850,000 to 999,999	((3,715))
	<u>5,830</u>
1,000,000 to 1,299,999	((4,150))
	<u>6,515</u>
1,300,000 to 1,599,999	((4,625))
	<u>7,260</u>
1,600,000 to 1,999,999	((5,150))
	<u>8,085</u>
2,000,000 to 2,499,999	((5,725))
	<u>8,990</u>
2,500,000 to 2,999,999	((6,355))
	<u>9,975</u>
3,000,000 to 3,999,999	((7,045))
	<u>11,060</u>
4,000,000 to 4,999,999	((7,805))
	<u>12,255</u>
5,000,000 to 7,499,999	((8,645))
	<u>13,570</u>
7,500,000 to 9,999,999	((9,565))
	<u>15,015</u>
10,000,000 to 14,999,999	((10,605))
	<u>16,650</u>
15,000,000 to 19,999,999	((12,269))
	<u>19,260</u>
20,000,000 to 29,999,999	((13,085))
	<u>20,545</u>
30,000,000 to 39,999,999	((14,565))
	<u>22,865</u>
40,000,000 to 49,999,999	((16,105))
	<u>25,285</u>
50,000,000 to 64,999,999	((17,845))
	<u>28,015</u>
65,000,000 to 79,999,999	((19,785))
	<u>31,060</u>
80,000,000 to 99,999,999	((21,965))
	<u>34,485</u>
100,000,000 and over	((24,385))
	<u>38,285</u>

(2) A request for an amendment to a certificate of need application shall be accepted by the department only when accompanied by a nonrefundable processing fee of two hundred fifty dollars.

(a) When an amendment results in a capital expenditure exceeding the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the amendment shall be accompanied by payment of an additional fee representing the difference between the review fee paid when the

application was first submitted and the review fee applicable to the increased capital expenditure.

(b) When an amendment results in a capital expenditure less than the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the department shall refund the difference to the applicant.

(3) When an application for an amended or extended certificate of need is submitted to the department subsequent to the issuance of a certificate of need, in accordance with the provisions of WAC 248-19-450 or 248-19-460, such application shall be accompanied by payment of a nonrefundable processing fee in the amount of five hundred dollars and, if the amendment represents an increase in the capital expenditure associated with the project, a review fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure associated with the application for amendment.

(4) When an application is returned to an applicant in accordance with the provisions of WAC 248-19-280 (2)(b) or (e), any review fees paid by the applicant shall be refunded, in full, by the department.

(5) Each notice of intent to acquire a health care facility submitted to the department under the provisions of WAC 248-19-230(2) shall include a nonrefundable processing fee of one hundred dollars.

(6) Each notice of intent to acquire major medical equipment submitted to the department under the provisions of WAC 248-19-403 shall include a nonrefundable processing fee of one hundred dollars.

(7) Each request for an exemption from certificate of need review submitted to the department under the provisions of WAC 248-19-405 (which pertains to health maintenance organizations) shall include a nonrefundable processing fee of one hundred dollars.

(8) Each request for an exemption from certificate of need review submitted to the department under the provisions of RCW 70.38.105(4)(d) (which pertains to certain capital expenditure projects which do not substantially affect patient changes) shall include a nonrefundable processing fee of one hundred dollars.

AMENDATORY SECTION (Amending Order 1965, filed 6/1/83)

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING FEES. (1) Hospitals: The annual fee shall be ~~((fourteen))~~ sixteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms including neonatal intensive care bassinet spaces. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The

licensed bed capacity shall exclude all normal (~~and in-tensive care~~) infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be (~~sixteen~~) twenty-seven dollars for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be (~~nine~~) sixteen dollars for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be eleven dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be eight dollars times the licensed resident capacity of the boarding home. The licensed resident capacity is the capacity determined by the boarding home and approved by the department. The licensed resident capacity shall be consistent with the physical plant and movable equipment

requirements of chapter 248-16 WAC for resident sleeping rooms. The number of residents in a boarding home shall not exceed the licensed resident capacity of the boarding home. The term "resident" as used herein is defined in WAC 248-16-001.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be forty-seven dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) (~~Nonhospital~~) Pregnancy termination facilities: The annual fee for licensing and certification of facilities for induction of termination of pregnancy in the second trimester shall be (~~four hundred sixty-five~~) five hundred dollars.

(8) Child birth centers: The annual fee shall be three hundred ninety dollars: PROVIDED, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be (~~twenty-three~~) thirty dollars (~~and fifty cents~~) for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

(10) Hospice care centers: Each application for a license shall be accompanied by a license fee of fifteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospice care center. The licensed bed capacity shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-21 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in a hospice care center shall not exceed the hospice care center's licensed bed capacity.

(11) Hospice agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be two hundred fifty dollars.

(12) Home health agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be two hundred fifty dollars.

AMENDATORY SECTION (Amending Order 1991, filed 7/14/83)

WAC 440-44-065 SHELLFISH PROGRAM CERTIFICATION FEES. (1) Annual certificate fees shall be:

Type of Operation	Annual Fee
Reshipper	\$ ((75)) 80
Repacker	\$((200)) 215
Shellstock Shipper	
0 - 10 Acres	\$ ((75)) 80
11 - 49 Acres	\$((100)) 110
50 - 99 Acres	\$((125)) 135
100 + Acres	\$((175)) 190
Shucker-Packer	
1 - 5 Shuckers	\$((125)) 135
6 - 10 Shuckers	\$((150)) 165
11 - 15 Shuckers	\$((175)) 190
16 + Shuckers	\$((200)) 215

(2) Type of operations are defined as follows:

(a) "Reshipper" shall mean shippers transshipping shucked stock in original containers, or shellstock from certified shellfish shippers to other dealers or to final consumers. (Reshippers are not authorized to shuck or repack shellfish.)

(b) "Repacker" shall mean shippers, other than the original shucker, packing shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish or act as a shellstock shipper if the repacker has the necessary facilities.

(c) "Shellstock shipper" shall mean shippers growing, harvesting, buying, or selling shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

(d) "Shucker-packer" shall mean shippers shucking and packing shellfish. A shucker-packer may act as a shellstock dealer.

WSR 84-14-041
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2110—Filed June 29, 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 Eligibility determination—Medically needy in own home, amending WAC 388-99-020.

I, David A. Hogan, 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 rules are necessary to be consistent with grant standards in WAC 388-29-100 which go into effect on July 1.

These rules are therefore adopted as emergency rules to take effect on July 1, 1984.

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

The undersigned hereby declares that 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 June 29, 1984.

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

AMENDATORY SECTION (Amending Order 2075, filed 2/17/84)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ 353	
(b) Two persons	\$ 509	
(c) Three persons	\$ ((527))	535
(d) Four persons	\$ ((544))	561
(e) Five persons	\$ ((627))	646
(f) Six persons	\$ ((710))	731
(g) Seven persons	\$ ((822))	847
(h) Eight persons	\$ ((909))	936
(i) Nine persons	\$ ((998))	1,028
(j) Ten persons	\$((1,084))	1,117
	and above	

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) *Financial responsibility of relatives.*

(a) *For families and children,*

(i) *Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.*

(ii) *Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.*

(b) *For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.*

(7) *In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.*

WSR 84-14-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2113—Filed June 29, 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:

Amd WAC 388-28-530 Net cash income—Board, room rental, board and room.

Amd ch. 388-29 WAC Standards—Eligibility.

I, David A. Hogan, 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 rules are necessary to implement chapter 285, Laws of 1984, (the supplemental budget).

These rules are therefore adopted as emergency rules to take effect July 1, 1984.

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

The undersigned hereby declares that 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 June 29, 1984.

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

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-28-530 NET CASH INCOME—BOARD, ROOM RENTAL, BOARD AND ROOM.

(1) *The net income from operating a rooming, boarding, or boarding and rooming home shall be computed as follows effective ((July 1, 1983)) July 1, 1984.*

(a) *Boarder – The board payment received minus \$ ((75)) 76,*

(b) *Roomer – The room rental received minus \$ ((7-25)) 7.50,*

(c) *Boarder and roomer – The board and room payment received minus \$ ((82-25)) 83.50.*

(2) *If a recipient is engaged in the management and operation of a rooming, boarding, or boarding and rooming home, the net income as computed in accordance with subsection (1) of this section is considered earned income to that recipient.*

AMENDATORY SECTION (Amending Order 1961, filed 5/9/83)

WAC 388-29-080 MONTHLY COST OF BASIC REQUIREMENTS—MAXIMUMS—PERSON IN OWN HOME—PERSON IN MEDICAL INSTITUTION. (1) *The standards for basic requirements in WAC 388-29-100 apply to a person in his or her own home. The standards in WAC 388-29-150 through 388-29-230 are additional requirements for persons with circumstances as specified.*

(2) *Individuals in an AFDC or continuing GA assistance unit shall be provided the basic requirements.*

(3) *Basic requirements for a person in his or her own home are food, clothing, personal maintenance and necessary incidentals, shelter, household maintenance, and energy. The monthly payment ((levels)) standard and maximums thereto, if in effect, are based upon the number of recipients in the assistance unit.*

(4) *When a person is in a medical institution, basic requirements of food, shelter, and household maintenance are not computed in the grant but are paid as a medical care cost.*

(5) *The monetary allowance for the basic requirements, as determined by the standards in WAC 388-29-100, shall be reduced to the amounts in WAC 388-29-110 when maximum amounts are in effect.*

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-100 MONTHLY STANDARDS—AFDC AND CONTINUING GENERAL ASSISTANCE.

(1) *Effective ((July 1, 1982)) July 1, 1984, the state-wide monthly need standards for food, clothing, personal maintenance, and necessary incidentals, household maintenance, shelter, and transportation for those owning (including life estate), buying, or renting an apartment or house are:*

(a) Recipients in Household	((State)) <u>Need</u> Standard
1	\$ ((465)) 491
2	((588)) 621
3	((728)) 768
4	((856)) 904
5	((986)) 1,008
6	((1,119)) 1,182
7	((1,293)) 1,365
8	((1,436)) 1,511
9	((1,571)) 1,659
10 or more	((1,707)) 1,803

(b) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	((All Counties)) Need Standard
1	\$ ((176)) 181
2	((255)) 263
3	((338)) 348
4	((421)) 433
5	((504)) 518
6	((586)) 603
7	((669)) 688
8	((752)) 773
9	((835)) 858
10 or more	((918)) 943

(2) Effective ((July 1, 1983)) July 1, 1984, the state-wide monthly payment ((levels)) standard reflecting ((63.6)) a rateable reduction of 37.9 percent of the need standards shall be:

(a) Recipients in Household Standard	((State)) Payment ((Levels))
1	\$ ((295)) 304
2	((374)) 385
3	((462)) 476
4	((544)) 561
5	((627)) 646
6	((710)) 731
7	((822)) 847
8	((909)) 936
9	((998)) 1,028
10 or more	((1,084)) 1,117

(b) Household with supplied shelter.

The monthly payment ((levels)) standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	((All Counties)) Payment Standard
1	\$ ((176)) 181
2	((255)) 263
3	((338)) 348
4	((421)) 433
5	((504)) 518
6	((586)) 603
7	((669)) 688
8	((752)) 773
9	((835)) 858
10 or more	((918)) 943

(3) In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment ((levels)) standard specified in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS. (1) Grants to families of eight or more shall not exceed the following maximums. In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment ((levels)) standard specified in WAC 388-29-100.

	Number ((of recipients)) in household
Maximums	\$((909) — \$909 — \$909) 936
	8 ((9 — 10)) or more

(2) This rule is effective ((July 1, 1983)) July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-112 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—STANDARDS OF ASSISTANCE. The state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment level. Following are payment maximums:

(1) Number in household

	((One-month)) Maximum((?)) Grant
1	\$ ((295)) 304
2	((374)) 385
3	((462)) 476
4	((544)) 561
5	((627)) 646
6	((710)) 731
7	((822)) 847
8	((909) 909
9	909
+0)) or more	((909)) 936

(2) The following are payment maximums for individual emergent need items payable under consolidated emergency assistance program (CEAP).

	1	2	3	4	5	6	7	8 (or more)	
Food	((156 — 198 — 245 — 288 — 333 — 376 — 435 — 482))	\$166	\$210	\$260	\$306	\$352	\$400	\$462	\$511
Shelter	((180 — 228 — 281 — 331 — 382 — 433 — 501 — 555))	186	235	291	342	394	447	516	571
((Basic))									
Clothing	22	27	34	((39 — 45 — 51))			60	((66))	
				40	46	52		67	
Minor									
Medical	((55 — 69 — 82 — 102 — 123 — 142 — 161 — 178))	128	162	201	236	272	308	356	394
Utilities	((40 — 50 — 63 — 74 — 85 — 97 — 110 — 123))	43	55	68	80	92	105	121	134

							8
	1	2	3	4	5	6	7 (or more)
Household							
Maint.	(30)	38	47	55	63	72	83
	54	69	85	100	115	131	151
							167

Job-related (~~clothing and~~) transportation - as needed not to exceed the grant maximum. Transportation of a child to home - as needed not to exceed the grant maximum.

(3) These standards are effective July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-125 COST STANDARDS FOR REQUIREMENTS—PERSONS IN MEDICAL INSTITUTION. (1) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person eligible for AFDC, Supplemental Security Income, or the "H" medical care program who is in a skilled nursing home, a public nursing home, a general or tuberculosis hospital, or an intermediate care facility shall be (~~thirty-three~~) thirty-five dollars and fifty-five cents.

(2) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person eligible for continuing general assistance who is in an institution specified in subsection (1) of this section shall be (~~thirty-four~~) thirty-five dollars and fifty-five cents.

(3) These standards are effective (~~July 1, 1983~~) July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-130 COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE CARE FACILITY. (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Regular rates

(a) 1-15 beds, existing facilities..... \$19.09/day

(b) 1-15 beds, new facilities..... 16.80/day

(c) 16 or more beds..... 16.80/day

(3) Mental health

(a) 1-15 beds..... \$21.99/day

(b) 16 or more beds..... 19.70/day

(c) New small facilities..... 19.70/day

(4) Intensive alcohol treatment

(a) Board and room..... \$16.80/day

(b) Treatment, 1-15 beds..... 28.42/day

(c) Treatment, 16 or more beds..... 21.31/day

(5) Long-term inpatient alcohol

treatment..... \$19.70/day

(6) Alcohol recovery house

(a) 1-15 beds..... \$24.65/day

(b) 16 or more beds..... 19.70/day

(7) Residential drug treatment

(a) 1-15 beds..... \$21.75/day

(b) 16 or more beds..... 16.80/day

(8) COPES add-ons

(a) Three hours..... \$ 3.61/day

(b) Four hours..... 4.41/day

(c) Five hours..... 5.20/day

(9) Congregate care facility residents receiving SSI or GA-U benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance, and necessary incidentals, and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

(~~(3)~~) (10) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be (~~thirty-four~~) thirty-five dollars and fifty-five cents.

(~~(4)~~) (11) These standards are effective (~~July 1, 1983~~) July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-145 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING. (1) A child attending school under temporary absence provisions according to WAC 388-24-125(3)(b) is eligible for clothing, personal maintenance, and necessary incidentals only. The monthly standard shall be (~~thirty-four~~) thirty-five dollars and fifty-five cents. The child shall not be included as a member of the household in computing the requirements for the household.

(2) These standards are effective (~~July 1, 1983~~) July 1, 1984.

NEW SECTION

WAC 388-29-146 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—FOSTER CARE.

(1) The monthly standard for foster care children under twelve is thirty-nine dollars and five cents.

(2) The monthly standard for foster care children twelve and over is forty-two dollars and ninety cents.

(3) Those standards are effective July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be (~~ninety-six~~) one hundred sixty-two dollars and (~~ten~~) fifty cents, or five dollars and (~~twenty~~) thirty-five cents per day.

(3) These standards are effective (~~(July 1, 1983)~~) July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him or her by an accredited guide dog organization. The (~~(cost)~~) monthly standard for food for a guide dog shall be thirty-one dollars and (~~(ninety)~~) eighty-five cents.

(2) These standards are effective (~~(July 1, 1983)~~) July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his or her laundry, and

(b) He or she has no one able to perform this service for him or her.

(2) The monthly cost standard for laundry shall be eight dollars and (~~(fifty-five)~~) eighty cents.

(3) These standards are effective (~~(July 1, 1983)~~) July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE. (1) The monthly standard for board and room shall be two hundred (~~(twelve)~~) eighteen dollars and (~~(thirty-five)~~) fifty cents (~~(per month)~~) or seven dollars and twenty cents per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be (~~(thirty-four)~~) thirty-five dollars and fifty-five cents.

(3) These standards are effective (~~(July 1, 1983)~~) July 1, 1984.

AMENDATORY SECTION (Amending Order 2008, filed 8/19/83)

WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS. (1) The (~~(cost)~~) basic monthly standard for adult family home care shall be (~~(the rate established by the department for payment to the adult family home sponsor)~~) three hundred fifty-four dollars and fifty-five cents.

(2) The monthly (~~(cost)~~) standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be (~~(thirty-four)~~) thirty-five dollars and fifty-five cents.

(3) These standards are effective (~~(July 1, 1983)~~) July 1, 1984.

Activities of Daily Living Add-Ons

(a) 1-3	activities.....	\$36.58
(b) 4-7	activities.....	\$54.85
(c) 8-12	activities.....	\$79.23
(4)	Health-related services, maximum of nine.....each.....	\$24.38
(5)	Respite care.....	\$11.57.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE.

**WSR 84-14-043
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Order 2114—Filed June 29, 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 schedule of charges, amending WAC 275-16-030.

I, David A. Hogan, 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 rules are necessary to implement RCW 71.02.410.

These rules are therefore adopted as emergency rules to take effect on July 1, 1984.

This rule is promulgated pursuant to RCW 74.02.412 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 74.02.410.

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 June 29, 1984.

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

AMENDATORY SECTION (Amending Order 2019, filed 8/31/83)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Per diem			
Hospital Costs	(\$107.61) \$112.99	\$156.90 \$166.68	\$127.15) \$131.81
Physician Costs	((4.09) 4.42	9.46) 8.51	(6.36)) 5.98
Total	((+11.70) 117.41	166.36) 175.19	(133.51)) 137.79
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient Day Care	—	((41.59)) 43.80	—
(c) ANCILLARY SERVICES -			
Per Relative Value Unit ¹			
Radiology	((6.92) 7.47	6.92) 7.47	(7.89)) 6.33
Pathology	((.51) .55	.51) .55	(.49)) .46
Medical Clinics	((1.85) 1.94	1.85) 1.94	(1.00)) 1.00
Electroencephalogram	((2.22) —	2.22) —	(7.40)) 1.00
Electrocardiogram	—	—	((.42)) .38
Inhalation Therapy	—	—	((7.37)) —
Physical Therapy	((1.94) 2.02	1.94) 2.02	(1.03)) 1.70
Occupational Therapy	—	—	((22.87)) 8.86
Speech Therapy	—	—	((10.91)) 9.25
Dental	—	—	((44.96)) 51.44
Podiatry	((1.09) 1.18	1.09) 1.18	(1.38)) 1.00
Optometry	—	—	1.00

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹/California Medical Association. "Relative Value Studies." Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 84-14-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2116—Filed June 29, 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 Income—Eligibility standards—Food stamps, amending WAC 388-54-730.

I, David A. Hogan, 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 rules are necessary to comply with federal requirements.

These rules are therefore adopted as emergency rules to take effect on July 1, 1984.

This rule is promulgated pursuant to RCW 74.04.510 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 June 29, 1984.

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

AMENDATORY SECTION (Amending Order 2010, filed 8/19/83)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting the household to obtain a more nutritious diet.

(1) Eligibility shall be determined on the basis of gross income and net food stamp income, except those households containing a member sixty years of age or over, or a member receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665 (2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines.

Effective ~~((July 1, 1983))~~ July 1, 1984,
 Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((527)) 540
2	((709)) 728
3	((891)) 917
4	((1,073)) 1,105
5	((1,255)) 1,294
6	((1,437)) 1,482
7	((1,619)) 1,671
8	((1,801)) 1,859
((9	1,983
10	2,165))
Each additional person	+(182)) 189

Effective (~~July 1, 1983~~) July 1, 1984,
 Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((405)) 415
2	((545)) 560
3	((685)) 705
4	((825)) 850
5	((965)) 995
6	((1,105)) 1,140
7	((1,245)) 1,285
8	((1,385)) 1,430
((9	1,525
+0	1,665))
Each additional member	+((140)) 145

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665 (1)(d).

Effective (~~July 1, 1983~~) July 1, 1984,
 Elderly/Disabled Separate Household Income Eligibility
 Standards Table

Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
1	\$ ((669)) 685
2	((900)) 924
3	((1,131)) 1,164
4	((1,362)) 1,403
5	((1,593)) 1,642
6	((1,824)) 1,881
7	((2,055)) 2,121
8	((2,286)) 2,360
((9	2,517
+0	2,748))
Each additional member	+((231)) 240

WSR 84-14-045
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—June 28, 1984]

Notice is hereby given to correct the August meeting schedule of the Forest Practices Board appearing in WSR 84-08-034. The board will hold its meeting at 8:00 a.m., August 8, 1984, at the National Guard Armory in Colville, Washington. This meeting will continue at 8:30 a.m., August 9, 1984, with board members leaving from the National Guard Armory for a field trip in the Colville vicinity.

Additional information is available at the Division of Private Forestry and Recreation, 120 East Union Avenue Building, Room 109, Olympia, Washington 98504, (206) 753-5315.


WSR 84-14-046
ADOPTED RULES
OFFICE OF
FINANCIAL MANAGEMENT
 [Order 84-61—Filed June 29, 1984]

I, Joe Taller, director of the Office of Financial Management, do promulgate and adopt at Room 300A, Insurance Building, Olympia, Washington 98504, the annexed rules relating to official lagged, semimonthly paydates established, amending WAC 82-50-021. The amendment adds to the section the official semimonthly paydates for use in calendar year 1985.

This action is taken pursuant to Notice No. WSR 84-11-090 filed with the code reviser on May 23, 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 42.16.010(1) and 42.16.017 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 June 29, 1984.

By Don Meyer
 for Joe Taller
 Director

AMENDATORY SECTION (Amending Order 83-59, filed 8/24/83)

WAC 82-50-021 OFFICIAL LAGGED, SEMI-MONTHLY PAY DATES ESTABLISHED. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees shall be paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1) that begin January 1, 1984. The following are the official lagged, semimonthly pay dates for calendar years 1984 and 1985:

CALENDAR YEAR 1984

- Wednesday, January 25, 1984
- Friday, February 10, 1984
- Friday, February 24, 1984
- Friday, March 9, 1984
- Monday, March 26, 1984
- Tuesday, April 10, 1984
- Wednesday, April 25, 1984
- Thursday, May 10, 1984
- Friday, May 25, 1984
- Monday, June 11, 1984
- Monday, June 25, 1984
- Tuesday, July 10, 1984
- Wednesday, July 25, 1984
- Friday, August 10, 1984
- Friday, August 24, 1984
- Monday, September 10, 1984
- Tuesday, September 25, 1984
- Wednesday, October 10, 1984
- Thursday, October 25, 1984
- Friday, November 9, 1984
- Monday, November 26, 1984
- Monday, December 10, 1984
- Monday, December 24, 1984

CALENDAR YEAR 1985

- Thursday, January 10, 1985
- Friday, January 25, 1985
- Monday, February 11, 1985
- Monday, February 25, 1985
- Monday, March 11, 1985
- Monday, March 25, 1985
- Wednesday, April 10, 1985
- Thursday, April 25, 1985
- Friday, May 10, 1985
- Friday, May 24, 1985
- Monday, June 10, 1985
- Tuesday, June 25, 1985
- Wednesday, July 10, 1985
- Thursday, July 25, 1985
- Friday, August 9, 1985
- Monday, August 26, 1985
- Tuesday, September 10, 1985
- Wednesday, September 25, 1985
- Thursday, October 10, 1985
- Friday, October 25, 1985
- Friday, November 8, 1985
- Monday, November 25, 1985
- Tuesday, December 10, 1985
- Tuesday, December 24, 1985

WSR 84-14-047
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Memorandum—June 29, 1984]

The regularly scheduled meeting of the Washington State Personnel Board for the month of July 1984, has been cancelled. This meeting was scheduled for July 12, 1984.

The next meeting of the State Personnel Board will be on August 9, 1984.

WSR 84-14-048
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Order FT-84-3—Filed June 29, 1984]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

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.

I, Don 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 chapter 204, Laws of 1984 requires stumpage value for timber be shown on tables to be prepared by the Department of Revenue each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, which stumpage tables shall in accordance with the policy of the Department of Revenue reflect the most recent sales from which data is available.

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

This rule is promulgated pursuant to RCW 82.01.060 and chapter 204, Laws of 1984, 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 June 29, 1984.

By John B. Conklin
 Forest Tax Supervisor

Reviser's note: The rules relating to stumpage values, chapter 458-40 WAC, were adopted both as emergency and permanent rules by the Department of Revenue in Administrative Order Numbers FT-84-3 and FT-84-4, respectively. Due to length of the rules, and the fact that they are identical in both their emergency and permanent versions, they are displayed in the Register only once, under WSR 84-14-049.

WSR 84-14-049
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order FT-84-4—Filed June 29, 1984]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

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.

This action is taken pursuant to Notice No. WSR 84-10-052 filed with the code reviser May 2, 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 82.01.060 and chapter 204, Laws of 1984, 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 June 29, 1984.

By John B. Conklin
 Forest Tax Supervisor

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.

~~((3))~~ (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.

~~((4))~~ (6) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

~~((5))~~ (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 84.33.071))~~ 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 ~~((A))~~ merchantable sawtimber, all ages, ~~((A))~~ 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.

~~((+9))~~ (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.~~

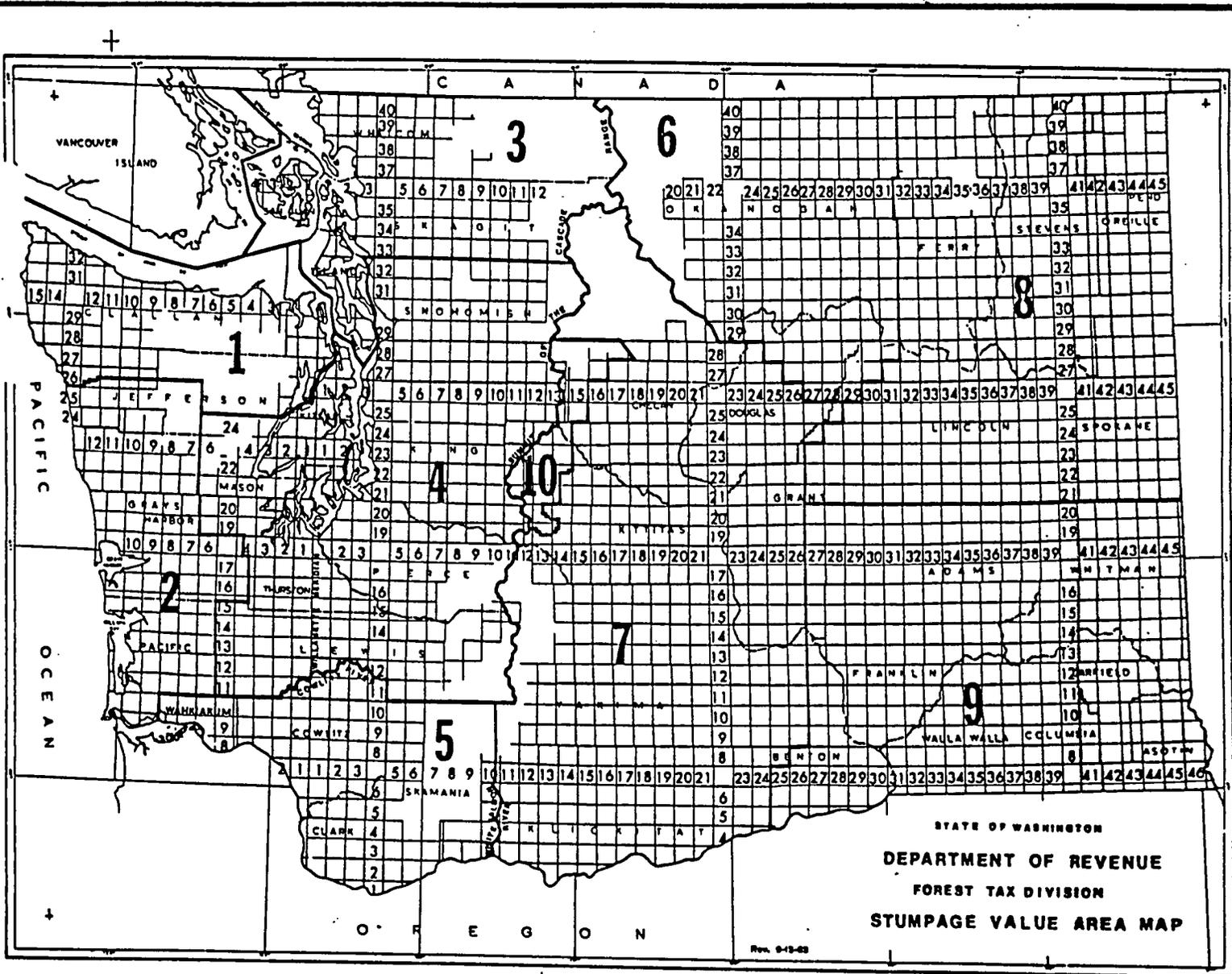
AMENDATORY SECTION (Amending Order FT-83-7, filed 12/30/83)

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:

MAC 458-40-18704



[114]

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.

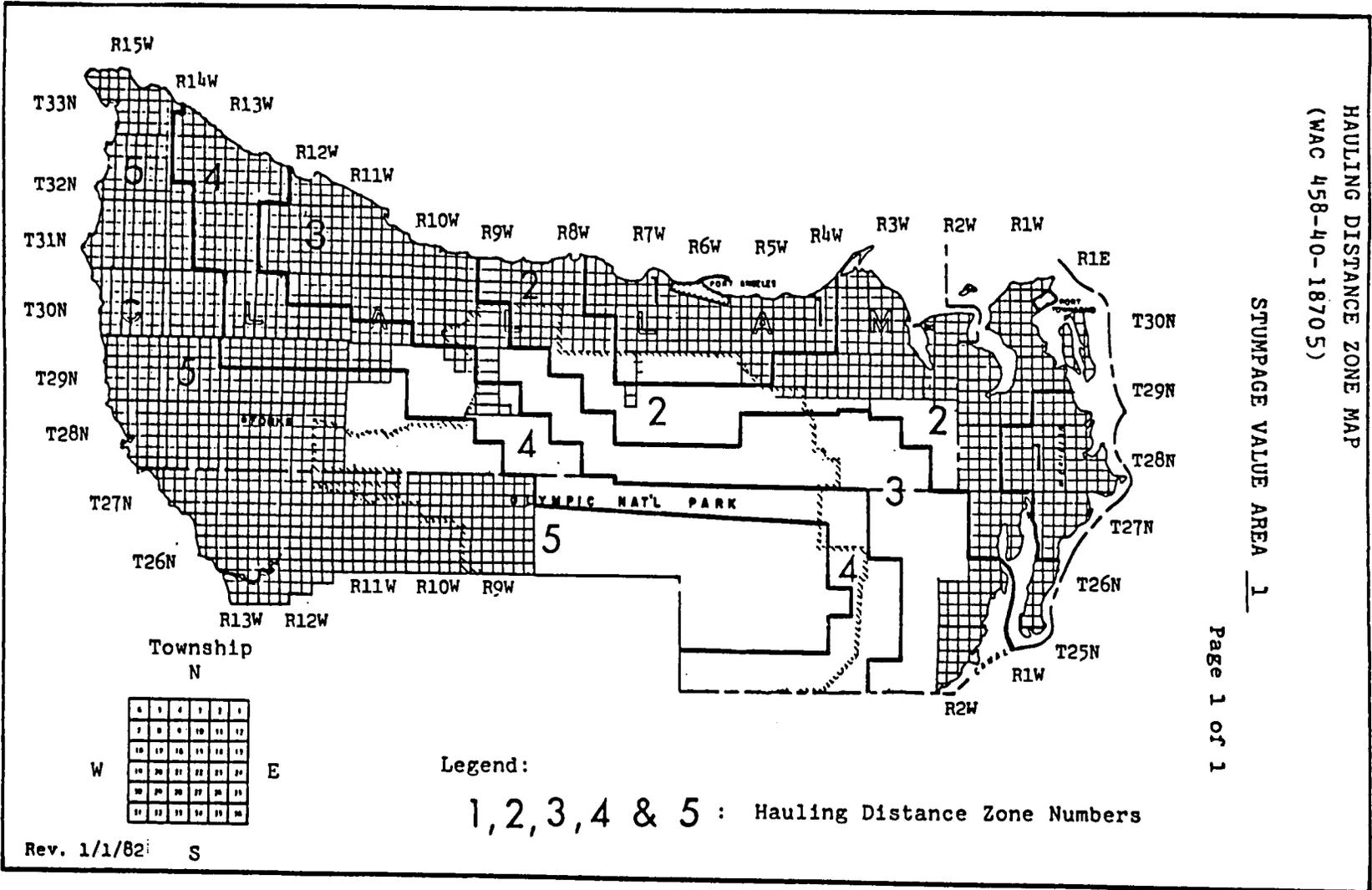
The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables.

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
(WAC 458-40-18705)

STUMPAGE VALUE AREA 1

Page 1 of 1



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

Legend:
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

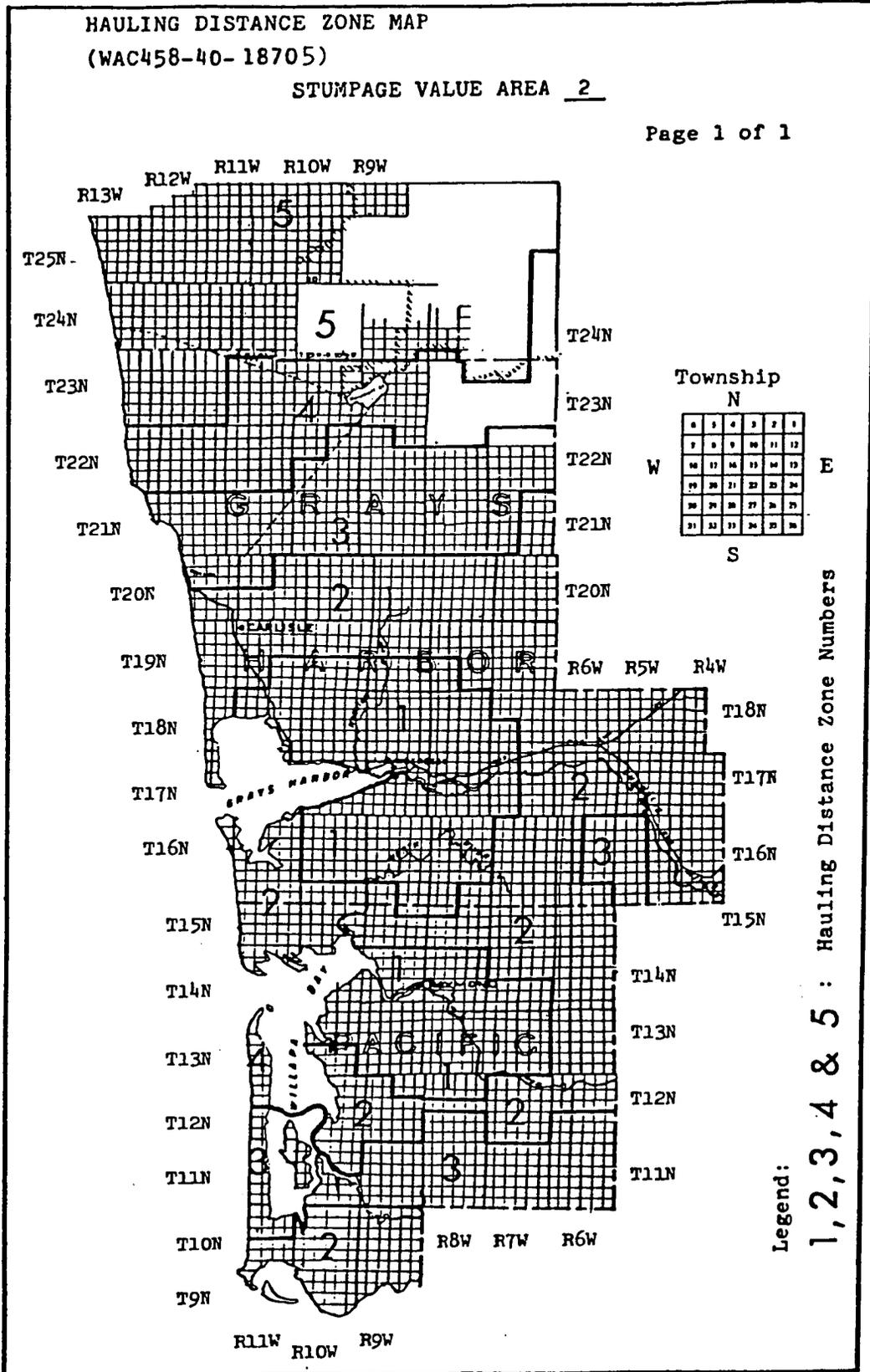
Rev. 1/1/82 S

[116]

HAULING DISTANCE ZONE MAP
(WAC458-40-18705)

STUMPAGE VALUE AREA 2

Page 1 of 1

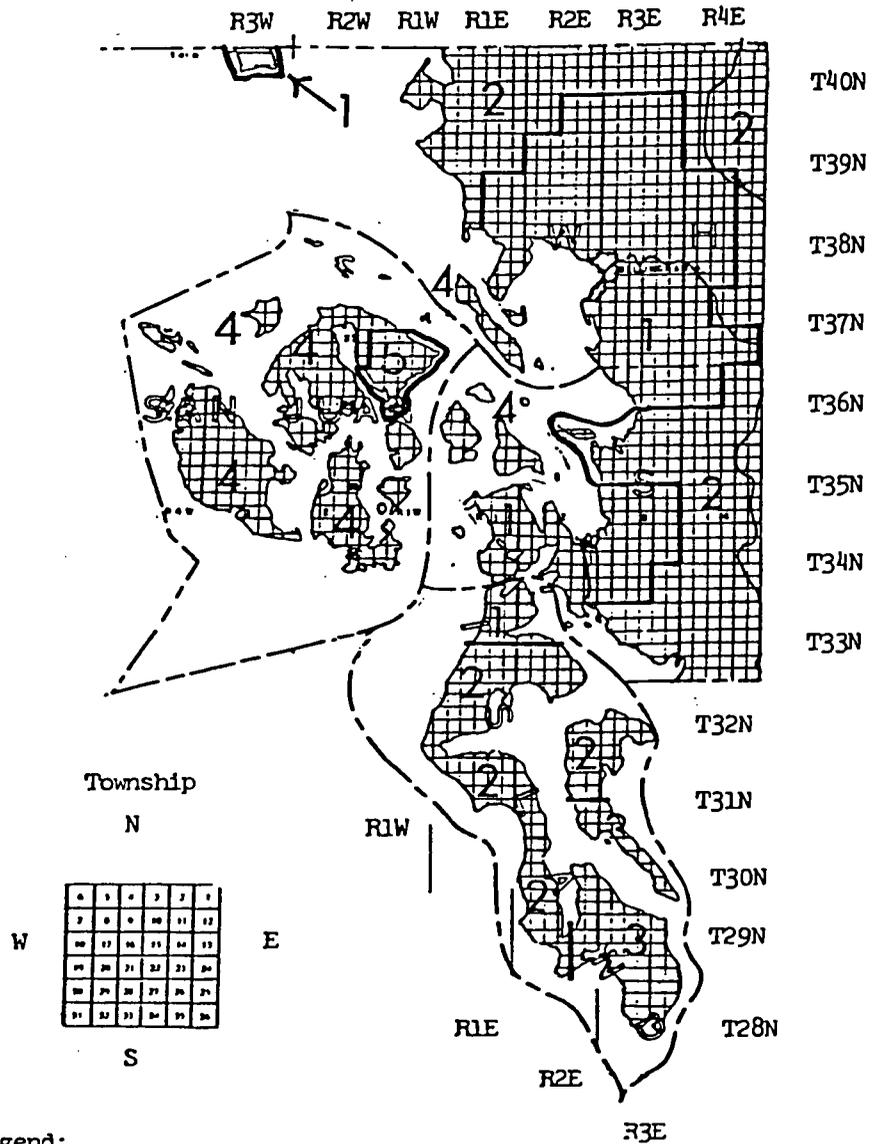


Legend:
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC458-40-18705)

STUMPAGE VALUE AREA 3

Page 1 of 2



Legend:

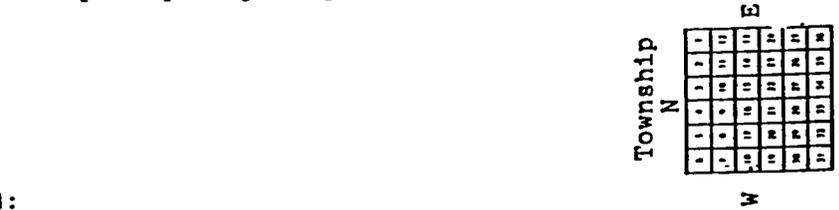
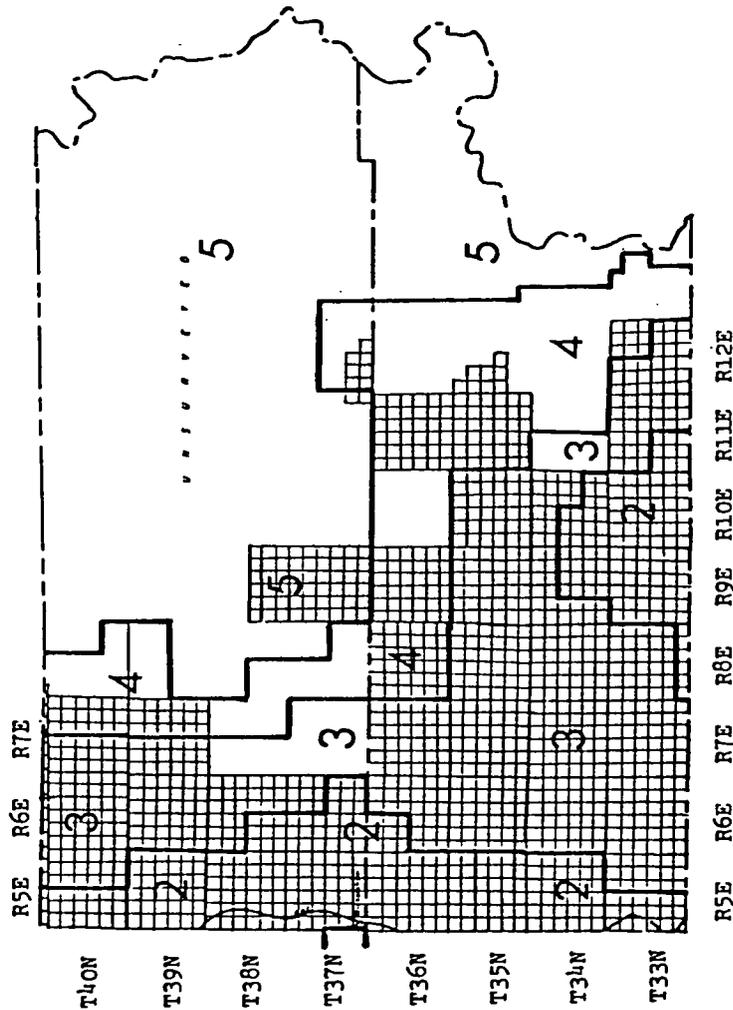
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

(1-1-84)

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 3

Page 2 of 2



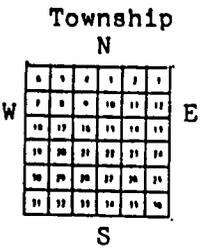
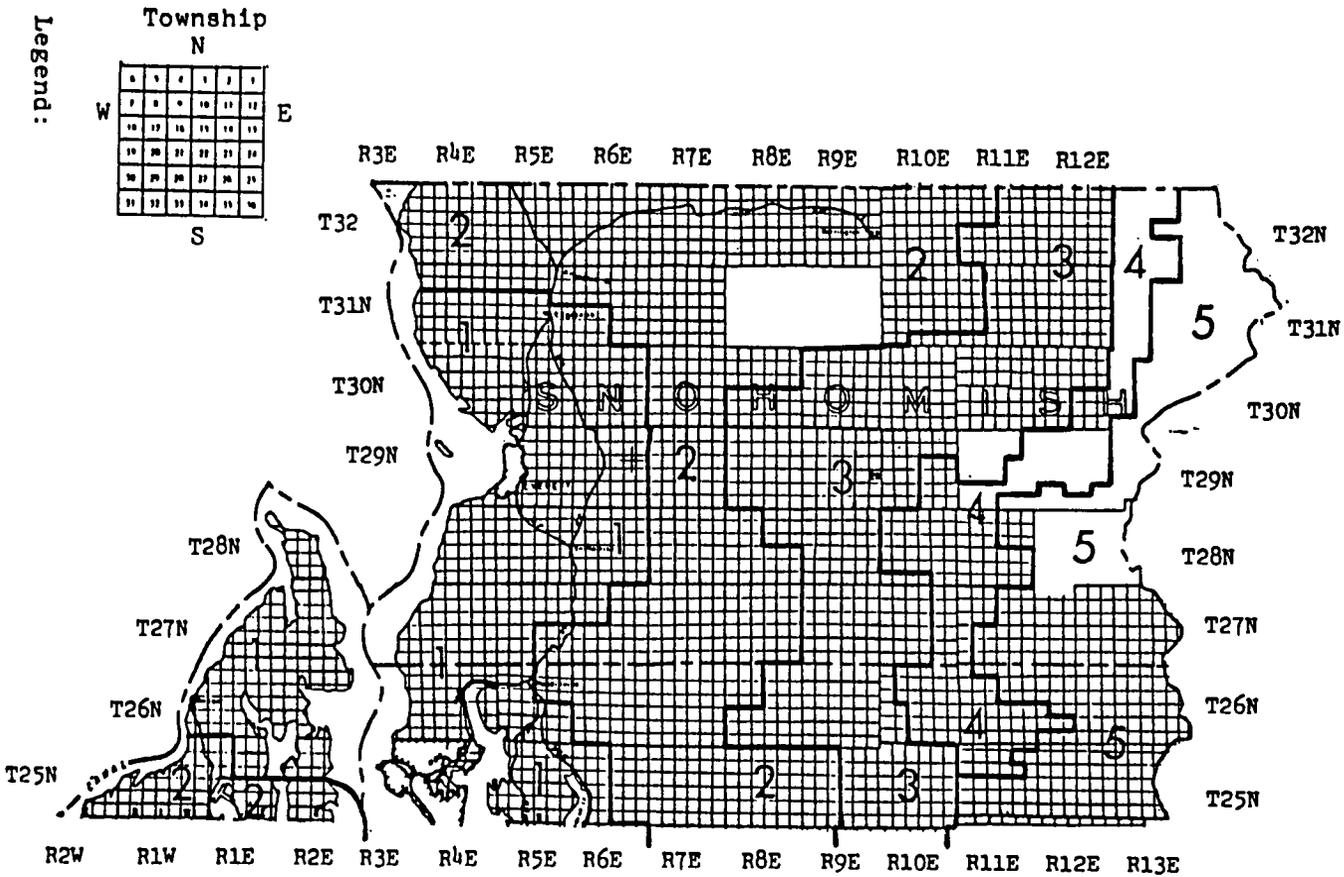
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 4

Page 1 of 3



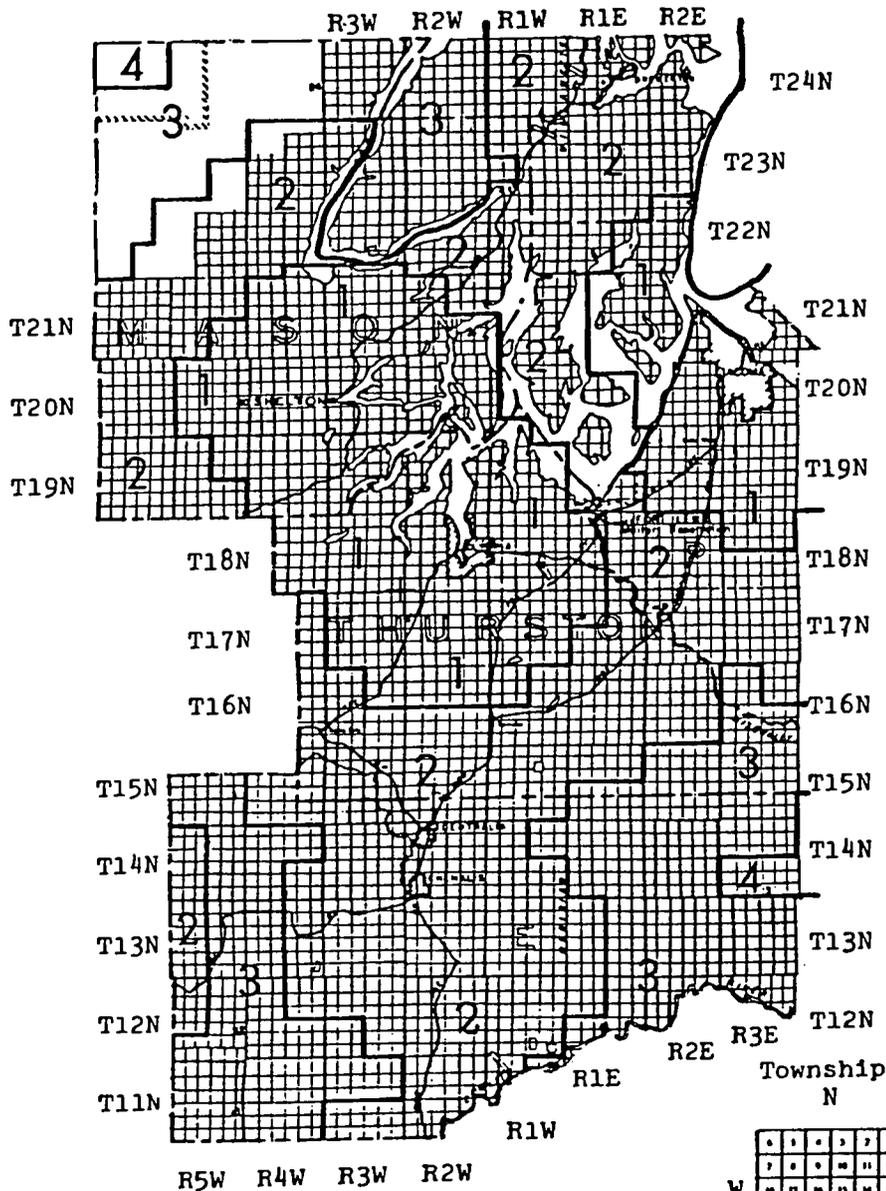
Legend:

1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 4

Page 2 of 3

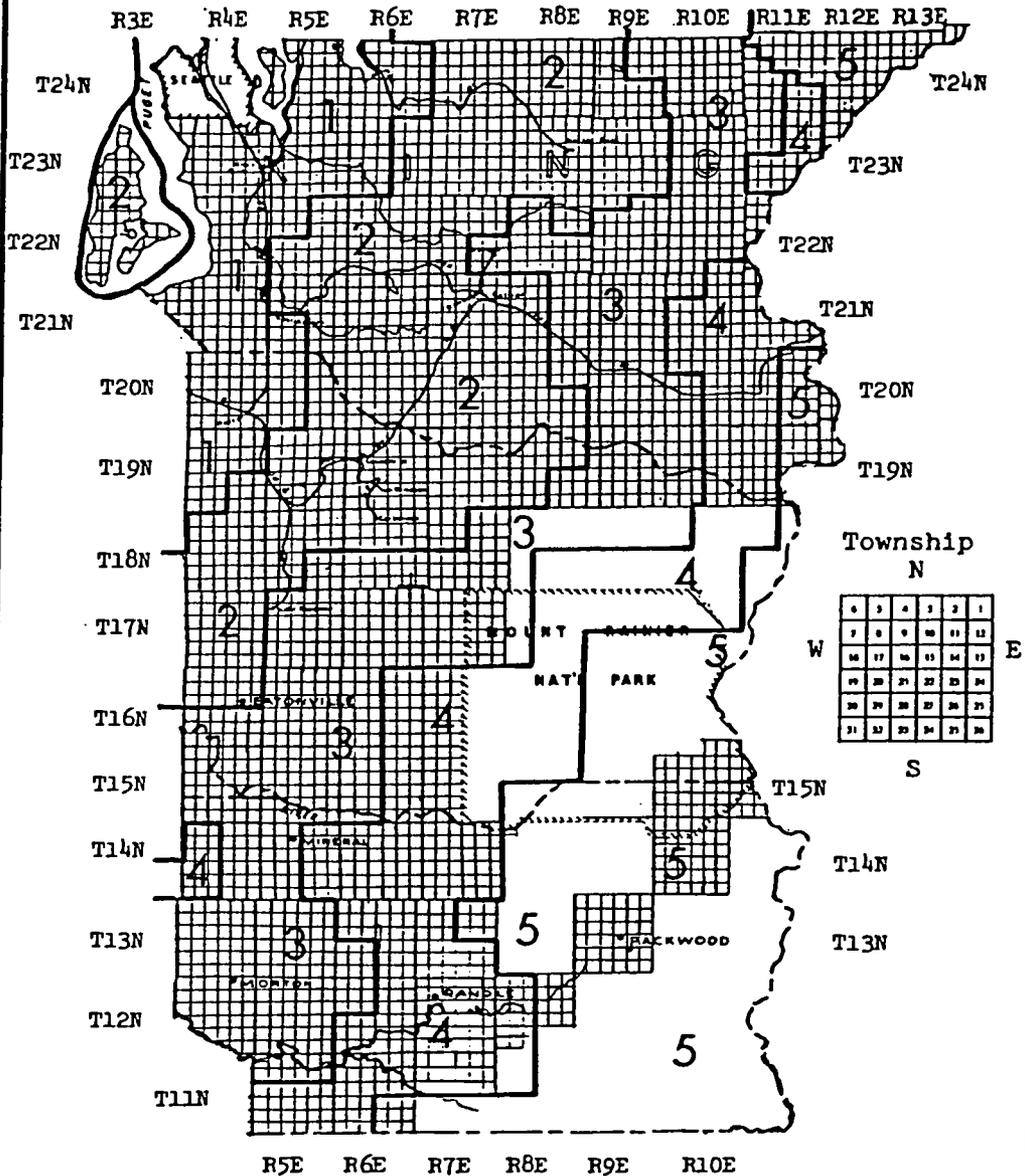


Legend:

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



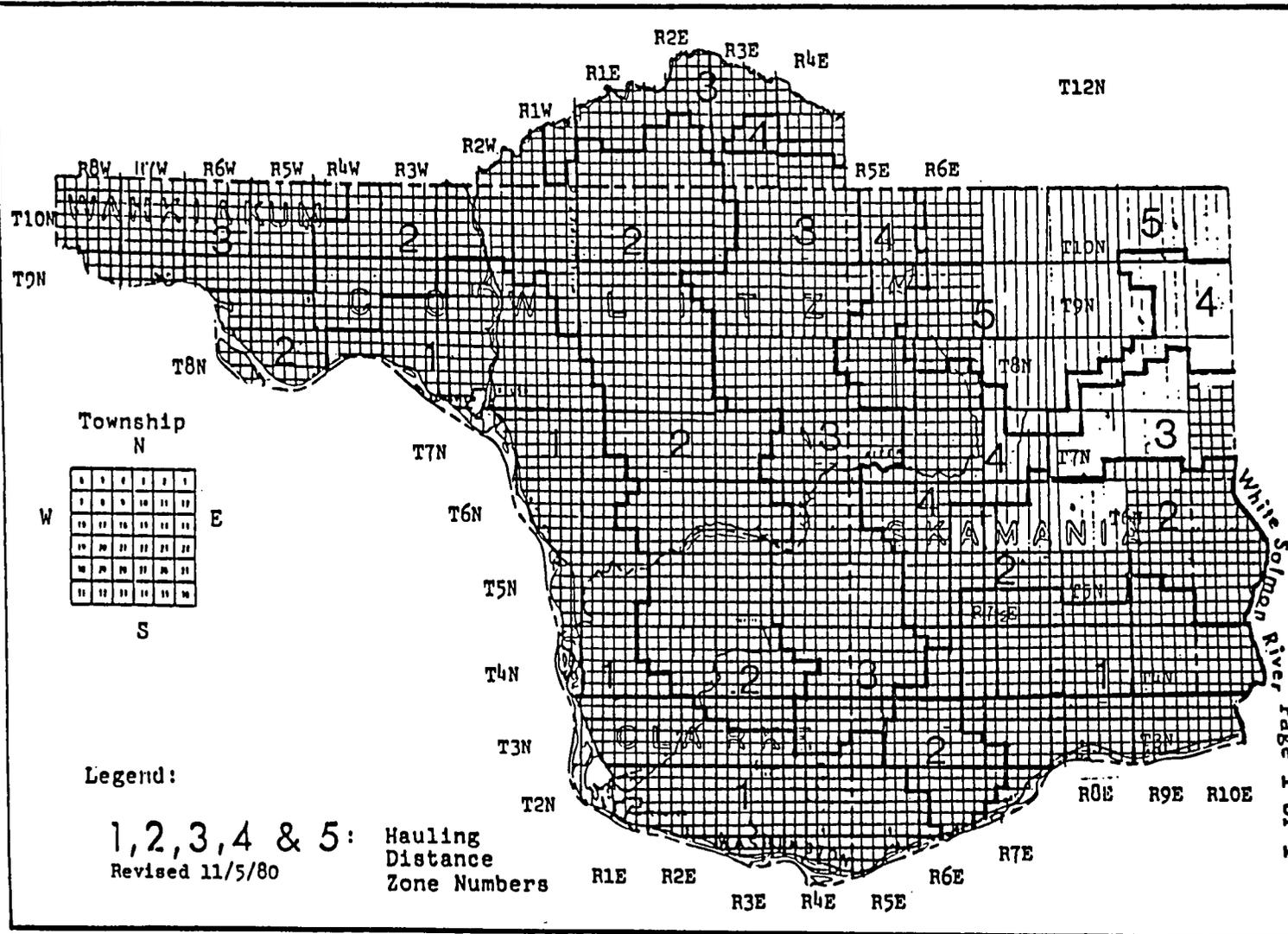
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 5

Page 1 of 1



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

W E S

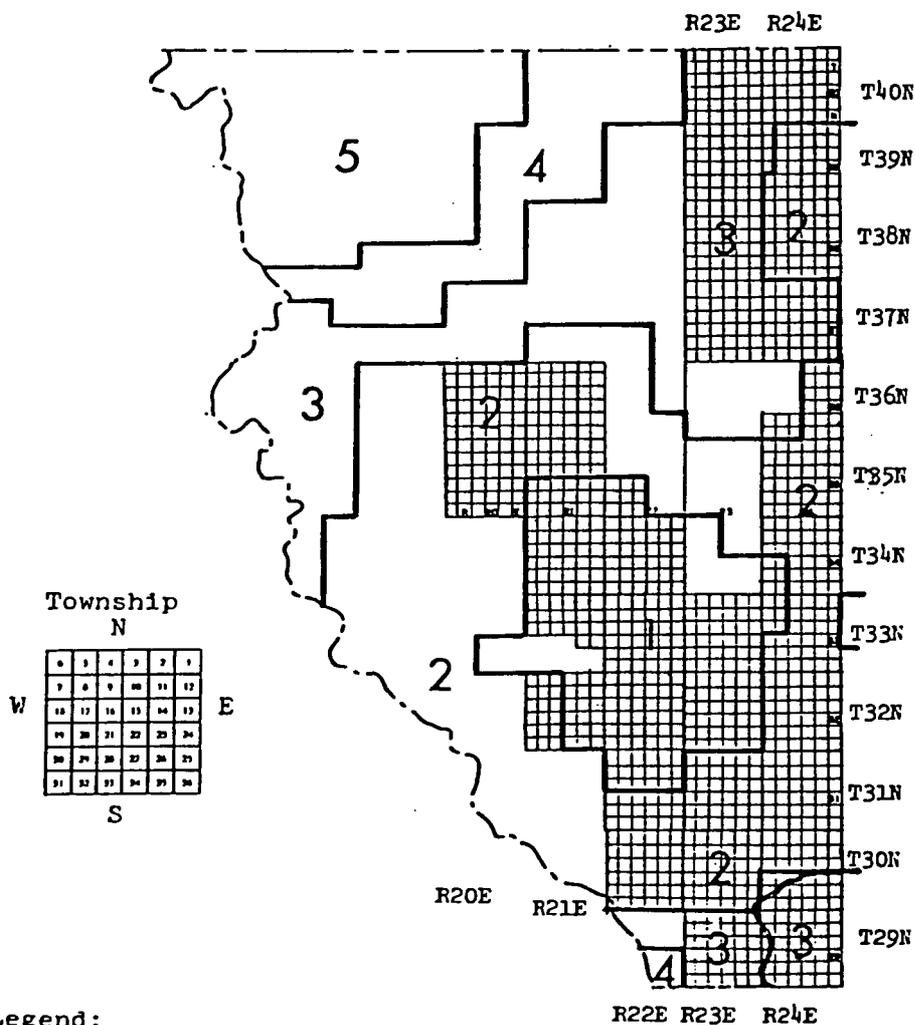
Legend:

1, 2, 3, 4 & 5: Hauling
Distance
Zone Numbers
Revised 11/5/80

[123]

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 6



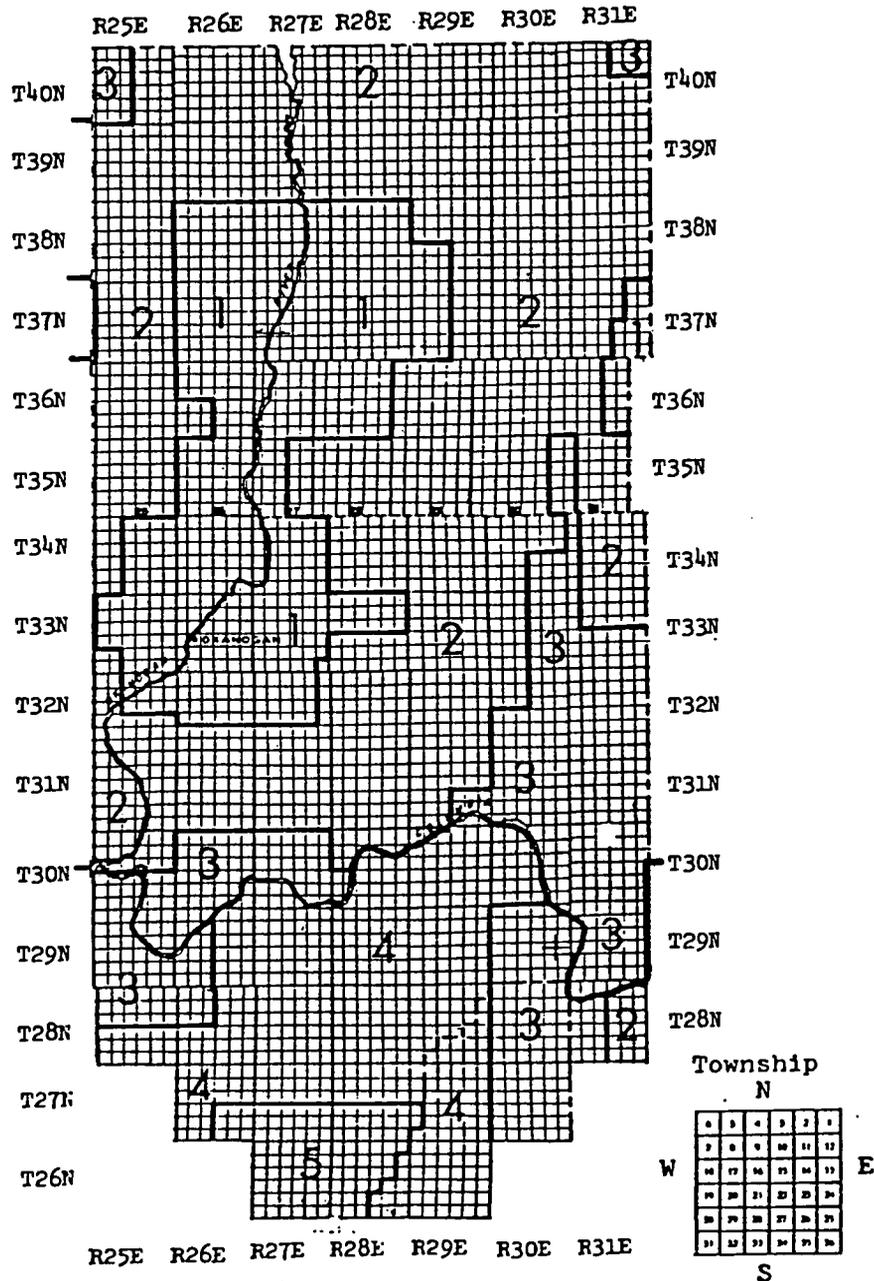
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 6

Page 2 of 2



Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

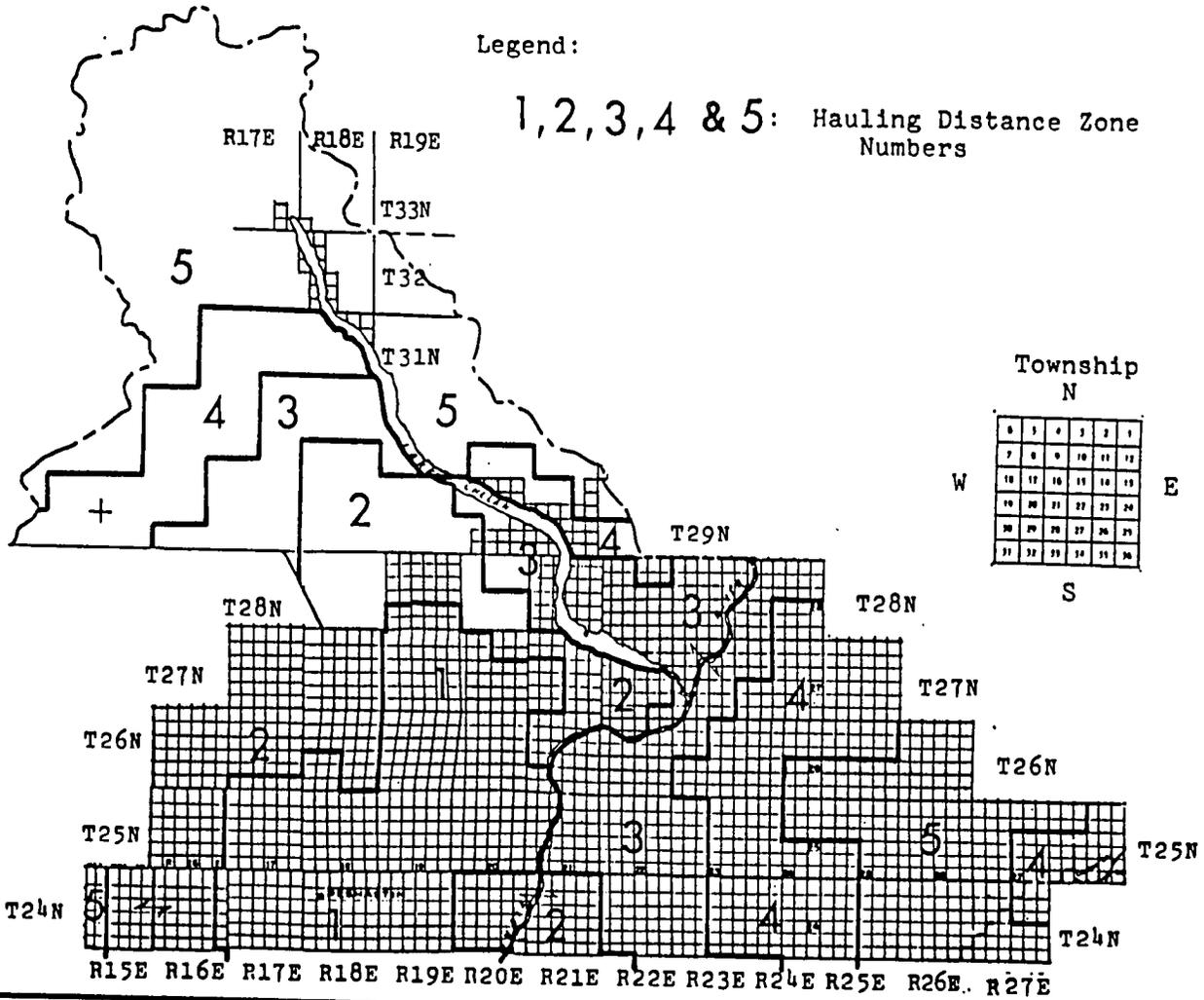
HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

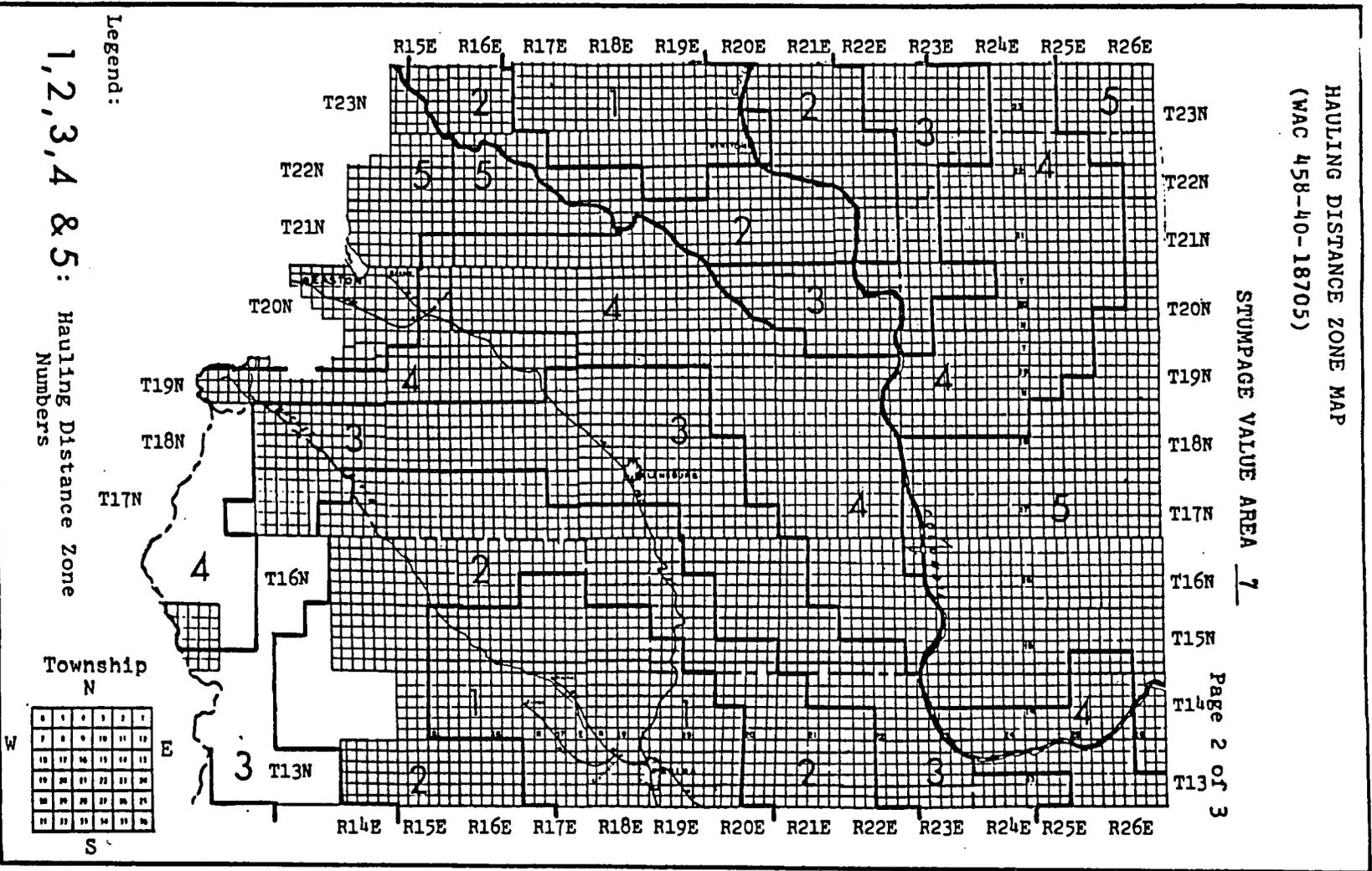
1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



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

Township N

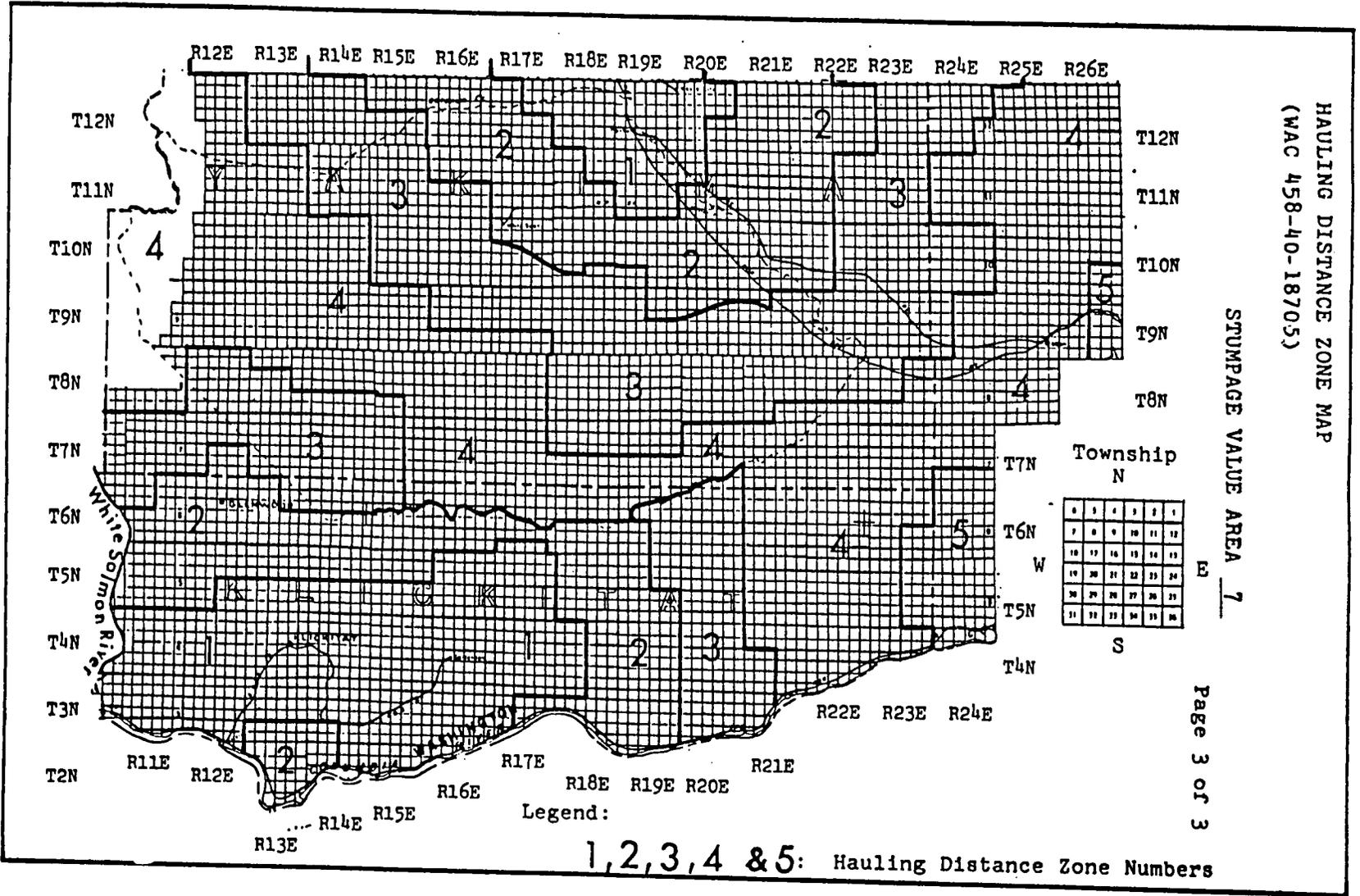
1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36

W E S

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 7

Page 3 of 3

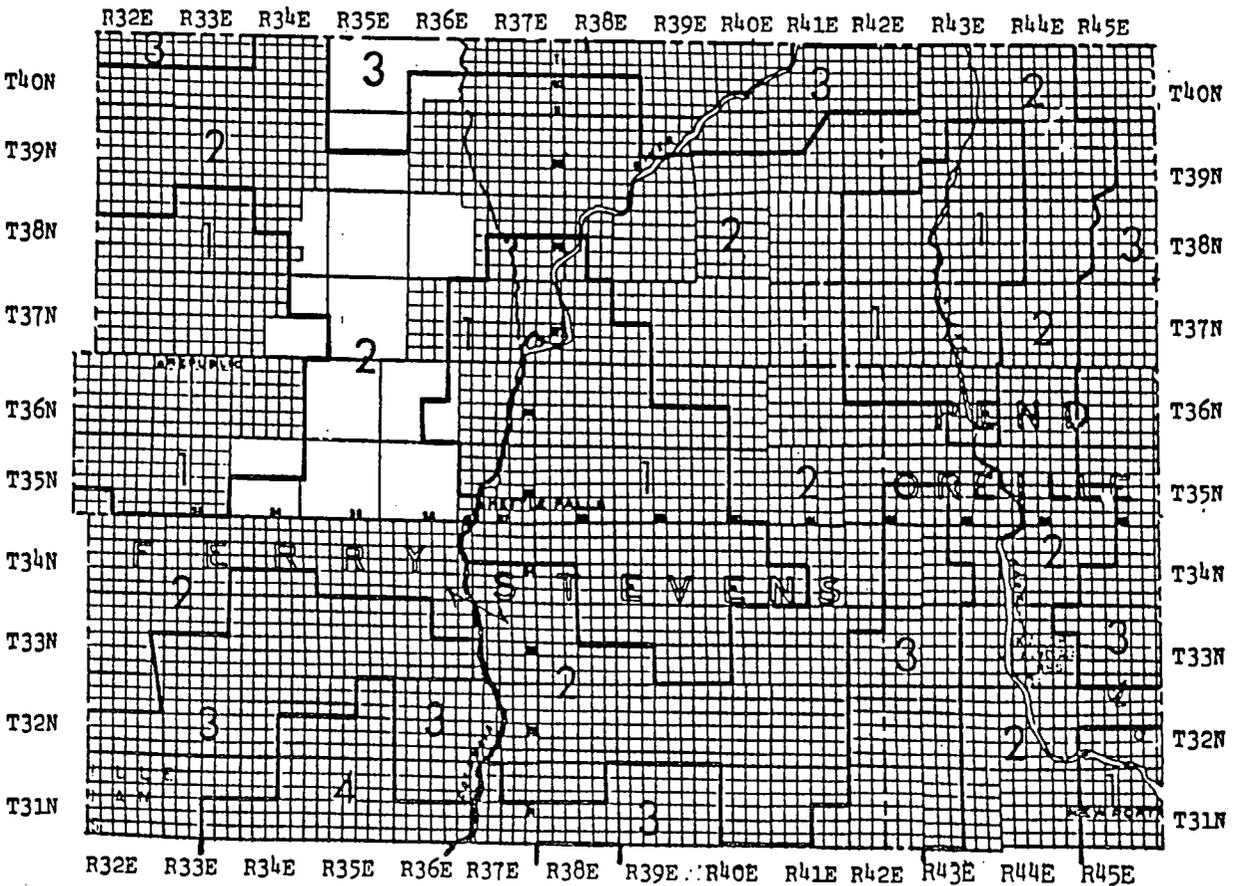


[128]

HAULING DISTANCE ZONE MAP
(WAC 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:

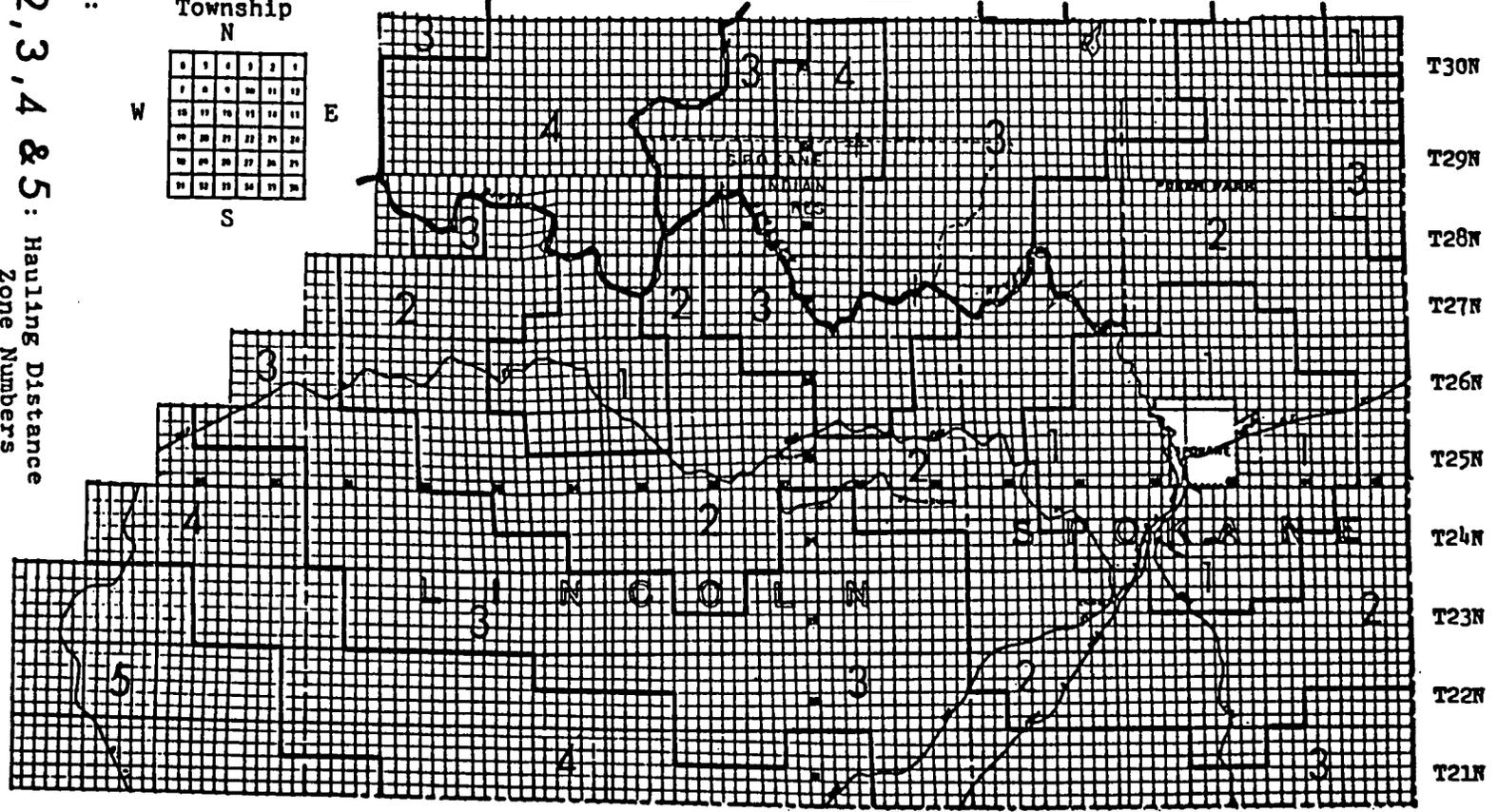
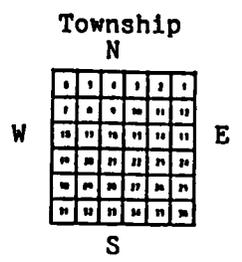
1, 2, 3, 4 & 5: Hauling Distance
Zone Numbers

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

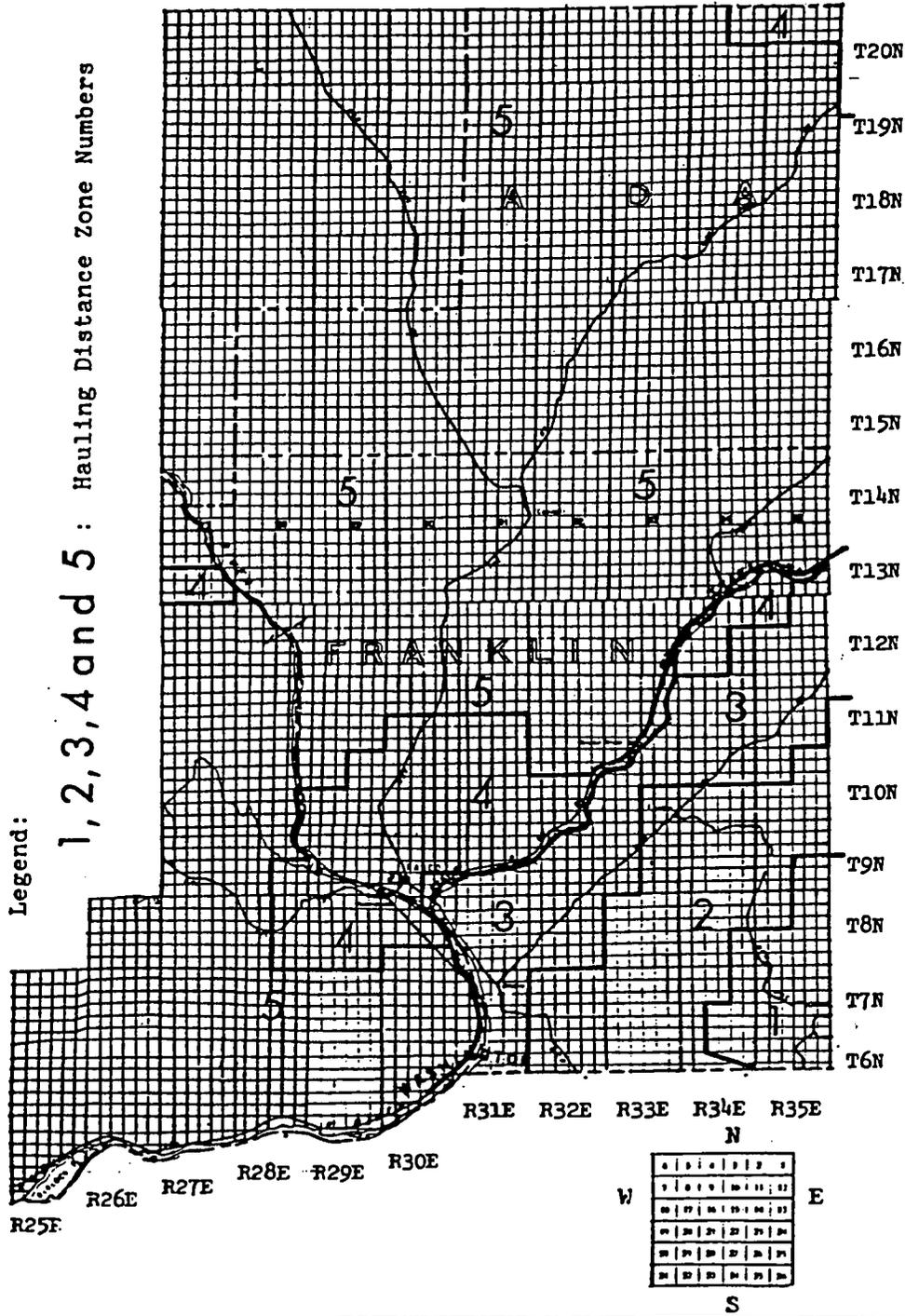


R27E R28E R29E R30E R31E R32E R33E R34E R35E R36E R37E R38E R39E R40E R41E R42E R43E R44E R45E

HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 9

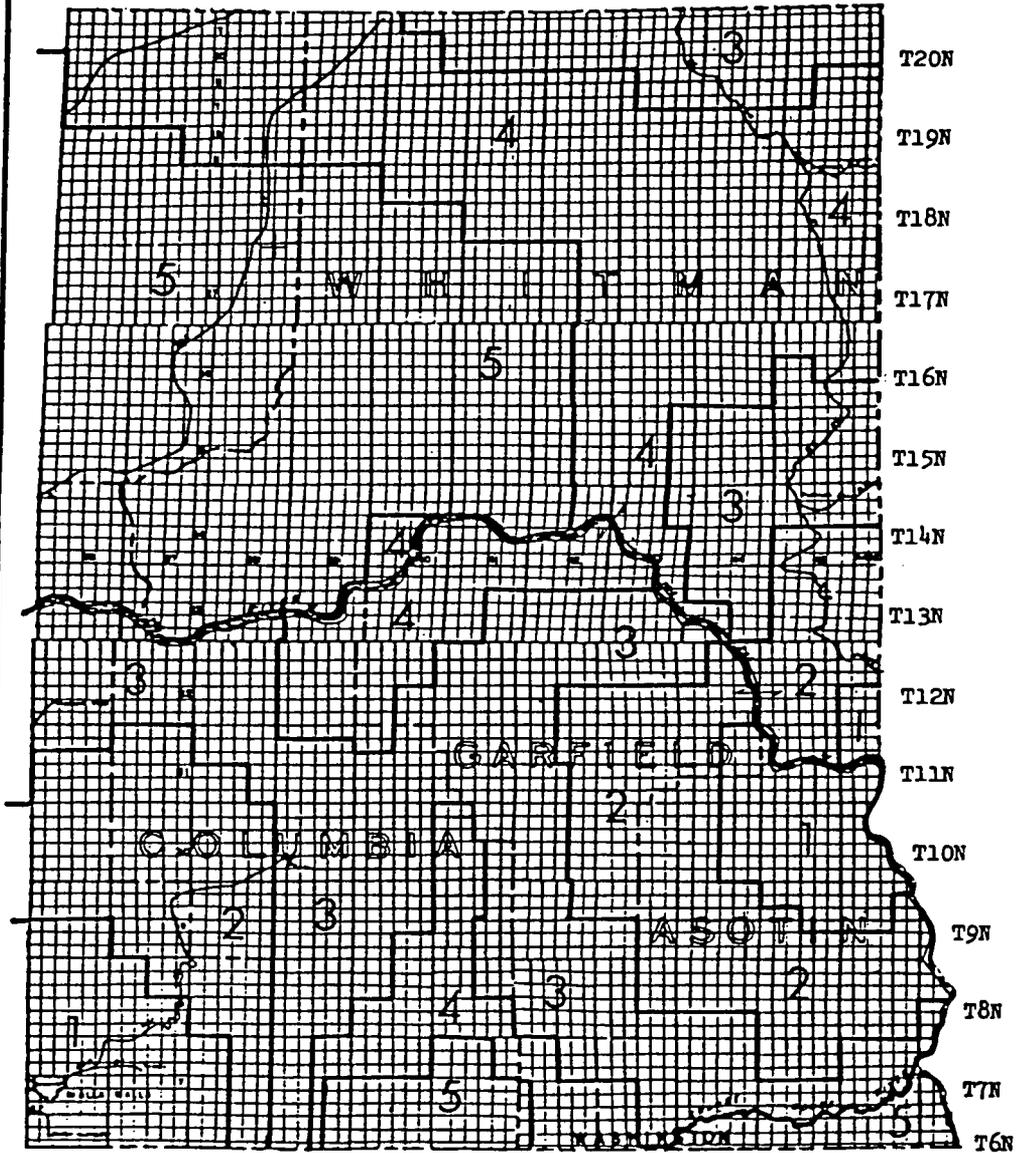
Legend:
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers



HAULING DISTANCE ZONE MAP
(WAC 458-40-18705)

STUMPAGE VALUE AREA 9

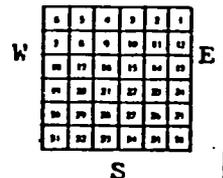
Page 2 of 2



R36E R37E R38E R39E R40E R41E R42E R43E R44E R45E R46E R47E

Legend:

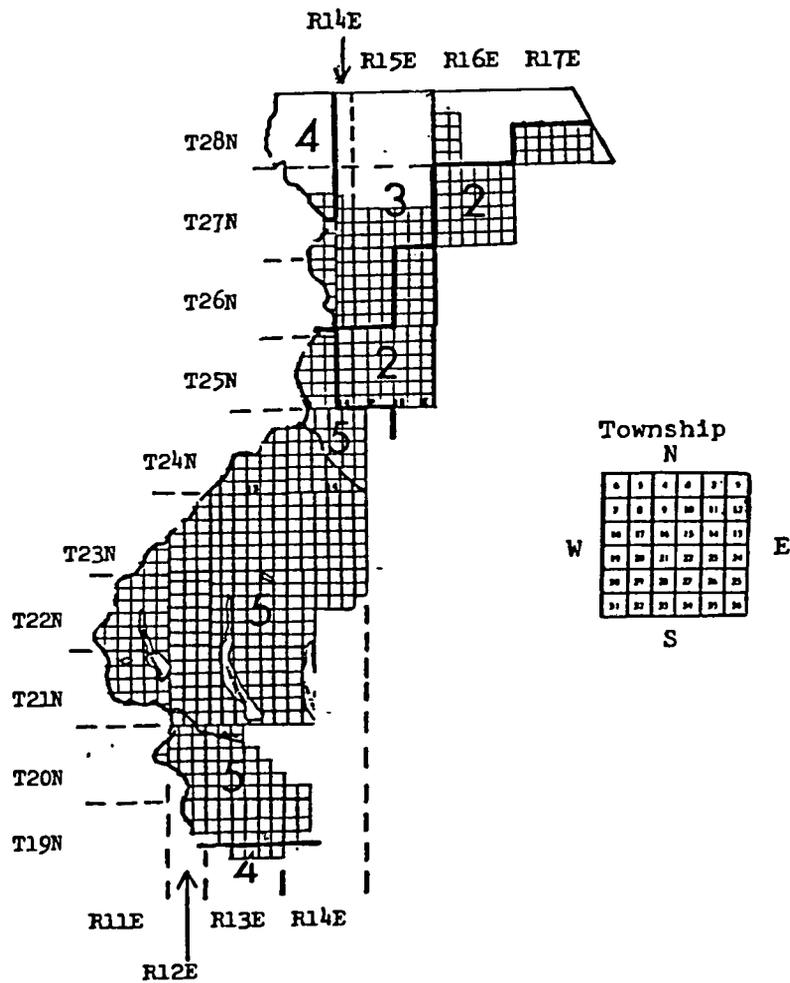
1, 2, 3, 4 and 5 : Hauling Distance
Zone Numbers



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
	Western Hemlock, True Firs & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
3	Douglas-fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
	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
5	Western Hemlock, True Firs & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
	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

¹ For 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
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade

TABLE 2—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
3	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
4	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

¹ For 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	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF
TOTAL	150MBF

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:

$$\frac{20 + 20 + 45}{150} = \frac{85}{150} \text{ or } \frac{85}{150} \times 100 = 56.7\%$$

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:

Species	Timber Quality Code Number	Net Volume Harvested
Douglas-fir	2	(150 MBF)

TABLE 3—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREAS 6, 7, 8, AND 9

MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ⁽¹⁾
	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

⁽¹⁾ To 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:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	1	150 MBF))

TABLE 4—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREA 10

MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ⁽¹⁾
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

⁽¹⁾To 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:

Species	Timber Quality Code Number	Volume Harvested
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 (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

TABLE 1—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
Red Alder	RA	1	62	55	48	41	34
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17
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 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
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	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17
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 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	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

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 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1984

OLD GROWTH
(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	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17

TABLE 4—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
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
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	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17
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	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

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
 (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	64	57	50	43	36

TABLE 7—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
Hardwood Utility	HU	5	17	17	17	17	17
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
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	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17
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	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

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
(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

TABLE 10—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
Cottonwood	BC	1	64	57	50	43	36
Other Hardwoods	OH	1	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17
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
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	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17
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 ¹	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	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

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

(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	64	57	50	43	36

TABLE 13—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
Hardwood Utility	HU	5	17	17	17	17	17
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
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	164	157	150	143	136
		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	64	57	50	43	36
Hardwood Utility	HU	5	17	17	17	17	17
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 ²	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	0.25	0.25	0.25	0.25	0.25
True fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

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	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	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

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	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	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

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

TABLE 3—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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

DOMESTIC MARKET ADJUSTMENT:

Harvest of timber not sold by a competitive bidding process which is prohibited by state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied only to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. – 36CFR223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. – 50 USC appendix 2406.1)

Private Timber: No adjustment permitted.

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	– \$16.00 per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6 through 10)	– \$5.00 per MBF

NOTE: the adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

**WSR 84-14-050
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 84-22—Filed June 29, 1984]**

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Group total salary and insurance benefits compliance, chapter 392-127 WAC.

I, Frank B. Brouillet, 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 rules are necessary

because of action by the 1984 legislature in changing the procedures for the setting of school district salaries. Prompt adoption of these rules will encourage districts to conclude salary negotiations with employees prior to commencement of the 1984-85 school year.

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

This rule is promulgated pursuant to RCW 28A.58-.095 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 June 29, 1984.

By Frank B. Brouillet
Superintendent of Public Instruction

*Chapter 392-127 WAC
FINANCE—GROUP TOTAL SALARY AND INSURANCE BENEFITS COMPLIANCE*

AUTHORITY AND PURPOSE

NEW SECTION

WAC 392-127-005 AUTHORITY. The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with group total salary and insurance benefit increases permitted by the state operating appropriations act.

NEW SECTION

WAC 392-127-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide group total salary and insurance benefit increases that violate the provisions of RCW 28A.58.095(1) which implement the requirements of the state operating appropriations act.

DEFINITIONS—GENERAL

NEW SECTION

WAC 392-127-100 DEFINITION—DAY. As used in this chapter, "day" means the same as the term defined in WAC 392-126-100.

NEW SECTION

WAC 392-127-105 DEFINITION—CURRENT SCHOOL YEAR. As used in this chapter, "current school year" means the same as the term defined in WAC 392-126-105.

NEW SECTION

WAC 392-127-110 DEFINITION—PRIOR SCHOOL YEAR. As used in this chapter, "prior school year" means the same as the term defined in WAC 392-126-110.

DEFINITIONS—CERTIFICATED STAFFNEW SECTION

WAC 392-127-200 **DEFINITION—CERTIFICATED EMPLOYEE.** As used in this chapter, "certificated employee" means the same as the term defined in WAC 392-121-115(1).

NEW SECTION

WAC 392-127-205 **DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE.** As used in this chapter, "full-time equivalent certificated employee" means the same as the term defined in WAC 392-121-115(2).

NEW SECTION

WAC 392-127-210 **DEFINITION—FORM S-275.** As used in this chapter, "Form S-275" means the same as the term defined in WAC 392-126-210.

NEW SECTION

WAC 392-127-215 **DEFINITION—REPORT S-727.** As used in this chapter, "Report S-727" means the same as the term defined in WAC 392-126-215.

NEW SECTION

WAC 392-127-225 **DEFINITION—CERTIFICATED STAFF SALARIES.** As used in this chapter, "certificated staff salaries" means the same as the term defined in WAC 392-126-225.

NEW SECTION

WAC 392-127-235 **DEFINITION—CERTIFICATED INSURANCE BENEFITS.** As used in this chapter, "certificated insurance benefits" means the same as the term defined in WAC 392-126-235.

NEW SECTION

WAC 392-127-240 **DEFINITION—CERTIFICATED EXEMPT EMPLOYEE.** As used in this chapter, "certificated exempt employee" means each certificated employee reported on Form S-275 in the current school year who holds a position with the title of or comparable to the following:

- (1) The chief executive officer of the school district;
- (2) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the superintendent of the district, deputy superintendent, administrative assistant to the superintendent, and assistant superintendent;
- (3) Confidential employee, which means:

(a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;

(b) Any employee who assists and acts in a confidential capacity to such person; and

(4) Any certificated person designated as being a certificated exempt employee by the public employment relations commission pursuant to RCW 41.59.020(4)(b).

NEW SECTION

WAC 392-127-245 **DEFINITION—CERTIFICATED SUPERVISORY EMPLOYEE.** As used in this chapter, "certificated supervisory employee" means each certificated employee reported on Form S-275 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "certificated supervisory employee" shall include principals, assistant (vice) principals, any person so designated by the public employee relations commission, and any employee who performs a preponderance of the above-specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority.

NEW SECTION

WAC 392-127-250 **DEFINITION—CERTIFICATED NONSUPERVISORY EMPLOYEE.** As used in this chapter, "certificated nonsupervisory employee" means each certificated employee reported on Form S-275 in the current school year other than a certificated employee who meets the definition of certificated exempt employee or certificated supervisory employee.

NEW SECTION

WAC 392-127-255 **DEFINITION—CERTIFICATED GROUP I.** As used in this chapter, "certificated group I" means the group composed of all certificated exempt employees and those certificated supervisory employees who are not represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

NEW SECTION

WAC 392-127-260 **DEFINITION—CERTIFICATED GROUP II.** As used in this chapter, "certificated group II" means the group composed of all certificated nonsupervisory employees and those certificated supervisory employees who are represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

NEW SECTION

WAC 392-127-265 **DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED PROFESSIONAL**

EXPERIENCE AND EDUCATIONAL PREPARATION. As used in this chapter, "prior school year certificated professional experience and educational preparation" means those levels of professional experience and educational preparation determined according to the following criteria:

(1) For a certificated employee reported on Form S-275 for both the current and prior school years, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the position occupied by the certificated employee in the current school year;

(2) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year, and

(3) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, in which a certificated employee occupies a position not used by the district in the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year.

NEW SECTION

WAC 392-127-270 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY. As used in this chapter, "prior school year certificated highest monthly salary" means that highest monthly salary that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275.

NEW SECTION

WAC 392-127-275 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY—FOR CERTIFICATED GROUPS I AND II. As used in this chapter, "prior

school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which shall mean the highest monthly salary multiplied by twelve;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective group; and

(6) The result obtained in subsection (5) of this section is the prior school year certificated average annualized salary for each respective certificated group.

NEW SECTION

WAC 392-127-280 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY—FOR CERTIFICATED GROUPS I AND II. As used in this chapter, "current school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which means the highest monthly salary multiplied by twelve, for the current school year for the individual employee reported on Form S-275;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective certificated group; and

(6) The result obtained in subsection (5) of this section is the current school year certificated average annualized salary for each respective certificated group.

NEW SECTION

WAC 392-127-285 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR. As used in this chapter, "prior school year certificated group salary factor" means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable certificated group average annualized salary for certificated group I by the applicable certificated average annualized salary for certificated group II.

NEW SECTION

WAC 392-127-290 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR. As used in this chapter, "current school year certificated group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable certificated group average annualized salary for certificated group I by the applicable certificated average annualized salary for certificated group II.

NEW SECTION

WAC 392-127-295 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CERTIFICATED GROUP I. As used in this chapter, "prior school year certificated average annual insurance benefits" means the insurance benefits calculated in the following manner:

- (1) Determine the annual insurance benefits for each individual certificated employee assigned to certificated group I;
- (2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;
- (3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated employees assigned to certificated group I; and
- (4) The result obtained in subsection (3) of this section is the prior school year certificated average annual insurance benefits for certificated group I.

NEW SECTION

WAC 392-127-296 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CERTIFICATED FAIR SHARE GROUP I. As used in this chapter, "current school year certificated average annual insurance benefits" means the insurance benefits calculated in the following manner:

- (1) Determine the annual insurance benefits for each individual certificated employee assigned to certificated group I;
- (2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;
- (3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated employees assigned to certificated group I; and
- (4) The result obtained in subsection (3) of this section is the current school year certificated average annual insurance benefits for certificated group I.

DEFINITIONS—CLASSIFIED STAFFNEW SECTION

WAC 392-127-300 DEFINITION—CLASSIFIED EMPLOYEE. As used in this chapter, "classified employee" means the same as the term defined in WAC 392-121-115(3).

NEW SECTION

WAC 392-127-305 DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE. As used in this chapter, "full-time equivalent classified employee" means the same as the term defined in WAC 392-121-115(4).

NEW SECTION

WAC 392-127-310 DEFINITION—FORM S-277. As used in this chapter, "Form S-277" means the same as the term defined in WAC 392-126-310.

NEW SECTION

WAC 392-127-315 DEFINITION—REPORT S-730. As used in this chapter, "Report S-730" means the same as the term defined in WAC 392-126-315.

NEW SECTION

WAC 392-127-325 DEFINITION—CLASSIFIED STAFF SALARIES. As used in this chapter, "classified staff salaries" means the same as the term defined in WAC 392-126-325.

NEW SECTION

WAC 392-127-335 DEFINITION—CLASSIFIED INSURANCE BENEFITS. As used in this chapter, "classified insurance benefits" means the same as the term defined in WAC 392-126-335.

NEW SECTION

WAC 392-127-340 DEFINITION—CLASSIFIED EXEMPT EMPLOYEE. As used in this chapter, "classified exempt employee" means each classified employee reported on Form S-277 in the current school year who holds a position with the title of or comparable to the following:

- (1) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the administrative assistant to the superintendent and business manager;
- (2) Confidential employee, which means:
 - (a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;
 - (b) Any employee who assists and acts in a confidential capacity to such person; and
 - (3) Any classified person designated as being a classified exempt employee by the public employment relations commission pursuant to chapter 391-35 WAC.

NEW SECTION

WAC 392-127-345 DEFINITION—CLASSIFIED SUPERVISORY EMPLOYEE. As used in this chapter, "classified supervisory employee" means each

classified employee reported on Form S-277 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "classified supervisory employee" shall include any person so designated by the public employment relations commission, and any employee who performs a preponderance of the above-specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority.

NEW SECTION

WAC 392-127-350 **DEFINITION—CLASSIFIED NONSUPERVISORY EMPLOYEE.** As used in this chapter, "classified nonsupervisory employee" means each classified employee reported on Form S-277 in the current school year other than a classified employee who meets the definitions of classified exempt employee or classified supervisory employee.

NEW SECTION

WAC 392-127-355 **DEFINITION—CLASSIFIED GROUP I.** As used in this chapter, "classified group I" means the group composed of all classified exempt employees and those classified supervisory employees who are not represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

NEW SECTION

WAC 392-127-360 **DEFINITION—CLASSIFIED GROUP II.** As used in this chapter, "classified group II" means the group composed of all classified nonsupervisory employees and those classified supervisory employees who are represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

NEW SECTION

WAC 392-127-365 **DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE.** As used in this chapter, "prior school year classified years of experience" means the level of experience determined according to the following criteria:

(1) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the various district-assigned job classification occupied by the classified employee in the current school year,

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year, and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year.

NEW SECTION

WAC 392-127-370 **DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE.** As used in this chapter, "prior school year classified highest hourly rate" means that highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

NEW SECTION

WAC 392-127-375 **DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY—FOR CLASSIFIED GROUPS I AND II.** As used in this chapter, "prior school year classified average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective group, and

(6) The result obtained in subsection (5) of this section is the prior school year classified average annualized salary for each respective classified group.

NEW SECTION

WAC 392-127-380 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY—FOR CLASSIFIED GROUPS I AND II. As used in this chapter, "current school year classified average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080, for the current school year for the various district-assigned job classifications in which the individual was employed as reported on Form S-277;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective classified group; and

(6) The result obtained in subsection (5) of this section is the current school year classified average annualized salary for each respective classified group.

NEW SECTION

WAC 392-127-385 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED SALARY FACTOR. As used in this chapter, "prior school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable classified average annualized salary for classified group I by the applicable classified average annualized salary for classified group II.

NEW SECTION

WAC 392-127-390 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED GROUP SALARY FACTOR. As used in this chapter, "current school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable classified average annualized salary for classified group I by the applicable classified average salary for classified group II.

NEW SECTION

WAC 392-127-395 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CLASSIFIED

GROUP I. As used in this chapter, "prior school year classified average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual classified employee assigned to classified group I;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified employees assigned to classified group I; and

(4) The result obtained in subsection (3) of this section is the prior school year classified average annual insurance benefits for classified group I.

NEW SECTION

WAC 392-127-396 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CLASSIFIED GROUP I. As used in this chapter, "current school year classified average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual classified employee assigned to classified group I;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified employees assigned to classified group I; and

(4) The result obtained in subsection (3) of this section is the current school year classified average annual insurance benefits for classified group I.

CERTIFICATED GROUP COMPLIANCE PROCESS

NEW SECTION

WAC 392-127-500 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED STAFF. The school district, thirty days after submittal of the current school year Form S-275, shall have on file the following certificated staff information with the necessary supporting documentation:

(1) The prior school year certificated average annualized salary for certificated group I;

(2) The prior school year certificated average annualized salary for certificated group II;

(3) The prior school year certificated group salary factor;

(4) The prior school year certificated average annual insurance benefits for certificated group I;

(5) A listing of certificated employees assigned to certificated group I, including their full-time equivalency and assigned positions; and

(6) A listing of certificated employees assigned to certificated group II, including their full-time equivalency and assigned positions.

NEW SECTION**WAC 392-127-505 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED SALARIES.**

The school district, ten days after completion of all salary increments and salary adjustments for either certificated group I or certificated group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year certificated average annualized salary for the certificated group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both certificated group I and certificated group II, shall have on file with the necessary supporting documentation, the current school year certificated group salary factor.

NEW SECTION**WAC 392-127-510 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED INSURANCE BENEFITS.**

The school district, ten days after completion of all insurance benefit adjustments for certificated group I employees, shall have on file with the necessary supporting documentation, the current school year certificated average annual insurance benefits for certificated group I.

NEW SECTION**WAC 392-127-515 CERTIFICATED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE.**

Upon the request of an agent representing a bargaining unit of certificated group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-500, 392-127-505, and 392-127-510.

NEW SECTION

WAC 392-127-520 CERTIFICATED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE. Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of certificated group II employee(s) shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent.

NEW SECTION

WAC 392-127-525 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT. An agent representing a bargaining unit of certificated group II employee(s),

may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-545, 392-127-550, and 392-127-555. No complaint shall be accepted by the superintendent of public instruction until fifteen days after the written request to meet with the school district superintendent.

NEW SECTION

WAC 392-127-530 CERTIFICATED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT. All complaints shall be submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of certificated group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-520.

NEW SECTION

WAC 392-127-535 CERTIFICATED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern, which if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint.

NEW SECTION

WAC 392-127-540 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT. The superintendent of public instruction shall use the criteria outlined in WAC 392-127-545, 392-127-550, and 392-127-555 to evaluate the results of an informal review of the complaint.

NEW SECTION

WAC 392-127-545 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the current school year certificated group salary factor from the prior school year certificated group salary factor. If the result obtained in this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits salary compliance.

NEW SECTION

WAC 392-127-550 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for the certificated group I employees to the insurance benefits authorized in the appropriations act multiplied by twelve. The district shall be in compliance with the certificated insurance benefits provided if the current school year certificated average annual insurance benefits for certificated group I employees is equal to or less than the insurance benefits authorized in the appropriations act multiplied by twelve.

In the event the school district's current school year certificated average annual insurance benefits exceed the insurance benefits authorized in the appropriations act multiplied by twelve, compliance with insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for certificated group I employees to the prior school year certificated average annual insurance benefits provided by the school district for certificated group I employees. The district shall be in compliance with the certificated insurance benefits if the current school year certificated average annual insurance benefits for certificated group I employees is equal to or less than the prior school year certificated average annual insurance benefits provided by the school district for certificated group I employees.

NEW SECTION

WAC 392-127-555 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-545, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the prior school year certificated average annual insurance benefits from the current school year certificated average annual insurance benefits for certificated group I;

(2) Subtract the current school year certificated group salary factor from the prior school year certificated group salary factor, unless the result of this calculation is positive, the value zero is substituted for the result obtained in this subsection;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the certificated group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative, the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-560 CERTIFICATED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT. Following the informal review the superintendent of public instruction shall have ten days to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-565 and 392-127-570 unless or until such time as it is demonstrated that the district is in compliance with this chapter.

NEW SECTION

WAC 392-127-565 CERTIFICATED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555 by the current school year certificated average annualized salary for certificated group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for certificated group I. The result is further multiplied by the number of months the salary increase is provided in the appropriations act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

NEW SECTION

WAC 392-127-570 CERTIFICATED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555(6) by the full-time equivalent staff in certificated group I.

NEW SECTION

WAC 392-127-575 **CERTIFICATED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE.** The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to be present and be a party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district.

CLASSIFIED GROUP COMPLIANCE PROCESSNEW SECTION

WAC 392-127-600 **CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED STAFF.** The school district, thirty days after submittal of the current school year Form S-277, shall have on file the following classified staff information with the necessary supporting documentation:

- (1) The prior school year classified average annualized salary for classified group I;
- (2) The prior school year classified average annualized salary for classified group II;
- (3) The prior school year classified group salary factor;
- (4) The prior school year classified average annual insurance benefits for classified group I;
- (5) A listing of classified employees assigned to classified group I, including their full-time equivalency and assigned positions; and
- (6) A listing of classified employees assigned to classified group II, including their full-time equivalency and assigned positions.

NEW SECTION

WAC 392-127-605 **CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED SALARIES.** The school district, ten days after completion of all salary increments and salary adjustments for either classified group I or classified group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year classified average annualized salary for the classified group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both classified group I and classified group II, shall have on file with the necessary supporting documentation, the current school year classified group salary factor.

NEW SECTION

WAC 392-127-610 **CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING INSURANCE BENEFITS.** The school district, ten days after completion of all insurance benefit adjustments for classified group I employees, shall have on file with the necessary supporting documentation, the current school year classified average annual insurance benefit for classified group I.

NEW SECTION

WAC 392-127-615 **CLASSIFIED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE.** Upon the request of an agent representing a bargaining unit of classified group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-600, 392-127-605, and 392-127-610.

NEW SECTION

WAC 392-127-620 **CLASSIFIED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE.** Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of classified group II employee(s), shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent.

NEW SECTION

WAC 392-127-625 **CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT.** An agent representing a bargaining unit of classified group II employee(s), may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-645, 392-127-650, and 392-127-655. No complaint shall be accepted by the superintendent of public instruction until fifteen days after the written request to meet with the school district superintendent.

NEW SECTION

WAC 392-127-630 **CLASSIFIED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT.** All complaints shall be submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of classified group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-620.

NEW SECTION

WAC 392-127-635 **CLASSIFIED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern which, if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint.

NEW SECTION

WAC 392-127-640 **CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT.** The superintendent of public instruction shall use the criteria outlined in WAC 392-127-645, 392-127-650, and 392-127-655 to evaluate the results of an informal review of the complaint.

NEW SECTION

WAC 392-127-645 **CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY.** Compliance with fair share shall be calculated by subtracting the current school year classified group salary factor from the prior school year classified group salary factor. If the result obtained of this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-650 **CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON.** Compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for the classified group I employees to the insurance benefits authorized in the appropriations act multiplied by twelve. The district shall be in compliance with the classified insurance benefits provided if the average current school year classified annual insurance benefits for classified group I employees is equal to or less than the insurance benefits authorized in the appropriations act multiplied by twelve.

In the event the school district's current school year classified insurance benefits exceed the insurance benefits authorized in the appropriations act multiplied by twelve, compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for classified group I employees to the prior school year classified average annual insurance benefits provided by the school district for classified group I employees. The district shall be in

compliance with the classified insurance benefits if the current school year classified average annual insurance benefits for classified group I employees is equal to or less than the prior school year classified average annual insurance benefits provided by the school district for classified group I employees.

NEW SECTION

WAC 392-127-655 **CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE.** If the school district is not found to be in compliance with WAC 392-127-645, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the classified prior school year average annual insurance benefits from the classified current school year average annual insurance benefits for classified group I;

(2) Subtract the current school year classified factor from the prior school year classified factor, unless the result of this calculation is positive, the value zero is substituted for the result obtained in this subsection;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the classified group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-660 **CLASSIFIED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT.** Following the informal review the superintendent of public instruction shall have ten days to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-665 and 392-127-670 unless or until such time as it is demonstrated that the district is in compliance with this chapter.

NEW SECTION

WAC 392-127-665 **CLASSIFIED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES.** If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services

to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655 by the current school year classified average annualized salary for classified group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for classified group I. The result is further multiplied by the number of months the salary increase is provided in the appropriations act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

NEW SECTION

WAC 392-127-670 CLASSIFIED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655(6) by the full-time equivalent staff in classified group I.

NEW SECTION

WAC 392-127-675 CLASSIFIED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE. The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to be present and be party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district.

WSR 84-14-051

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-23—Filed June 29, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Salary compensation lid compliance, chapter 392-126 WAC.

I, Frank B. Brouillet, 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 rules are necessary

because of action by the 1984 legislature in changing the procedures for the setting of school district salaries. Prompt adoption of these rules will encourage districts to conclude salary negotiations with employees prior to commencement of the 1984-85 school year.

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

This rule is promulgated pursuant to RCW 28A.58-.095 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 June 28, 1984.

By Frank B. Brouillet
Superintendent of Public Instruction

Chapter 392-126 WAC FINANCE—SALARY—COMPENSATION LID COMPLIANCE

AUTHORITY AND PURPOSE

NEW SECTION

WAC 392-126-005 AUTHORITY. The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with the salary-compensation lid of the state operating appropriations act.

NEW SECTION

WAC 392-126-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide salary and compensation increases from any fund source whatsoever in excess of the amount and/or percentage as may be provided for employees in the state operating appropriations act in effect at the time the compensation is payable.

DEFINITIONS—GENERAL

NEW SECTION

WAC 392-126-100 DEFINITION—DAY. As used in this chapter, "day" shall mean a calendar day. The number of days shall be counted by excluding the first day and including the last day, unless the last day is a holiday or Sunday, and then it is also excluded.

NEW SECTION

WAC 392-126-105 DEFINITION—CURRENT SCHOOL YEAR. As used in this chapter, "current school year" shall mean the school year for which the district is being monitored for compliance.

NEW SECTION

WAC 392-126-110 **DEFINITION—PRIOR SCHOOL YEAR.** As used in this chapter, "prior school year" shall mean the school year immediately preceding the current school year.

NEW SECTION

WAC 392-126-115 **DEFINITION—COMPENSATION.** As used in this chapter, "compensation" shall mean the total dollar amount which a district has agreed to provide staff for employment services to the district for the school year in the form of certificated and classified staff salaries and insurance benefits as those terms are defined in this chapter.

NEW SECTION

WAC 392-126-120 **DEFINITION—LEAP DOCUMENT 5.** As used in this chapter, "LEAP Document 5" shall mean the computer tabulation of the derived base salaries for basic education certificated staff, and the average salaries for basic education classified staff as established in the 1983-85 state operating appropriations act in effect at the time.

NEW SECTION

WAC 392-126-125 **DEFINITION—REDUCTION IN FORCE (RIF).** As used in this chapter, "reduction in force" (RIF) shall mean any person employed by a school district during the prior school year and reported on Form S-275 or Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a RIF policy adopted by the district and shall be reported by the district to the superintendent of public instruction on Form 1040 for certificated persons and on Form 1045 for classified persons.

NEW SECTION

WAC 392-126-130 **DEFINITION—NEW POSITION.** As used in this chapter, "new position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

- (1) No comparable job or job which performs substantially the same duties or functions existed in the appropriate employee category the prior school year, and
- (2) The district has employed an individual in the newly established job for the current school year effective on or before the first school day in October for certificated employees and on or before the first school day in November for classified employees.

New positions shall be reported by the district to the superintendent of public instruction on Form 1041 for certificated persons or on Form 1046 for classified persons.

NEW SECTION

WAC 392-126-135 **DEFINITION—REPORT 1191.** As used in this chapter, "Report 1191" shall mean the monthly statement of a school district's estimated basic education allocation for the current school year calculated by the superintendent of public instruction and distributed to school districts each month.

DEFINITIONS—CERTIFICATED STAFFNEW SECTION

WAC 392-126-200 **DEFINITION—CERTIFICATED EMPLOYEE.** As used in this chapter, "certificated employee" shall mean the same as the term defined in WAC 392-121-115(1).

NEW SECTION

WAC 392-126-205 **DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE.** As used in this chapter, "full-time equivalent certificated employee" shall mean the same as the term defined in WAC 392-121-115(2).

NEW SECTION

WAC 392-126-210 **DEFINITION—FORM S-275.** As used in this chapter, "Form S-275" shall mean the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report serves as the basis for placement of each certificated employee on LEAP Document 1 and provides salary and compensation data for each certificated employee attributable to services to be performed during the affected school year. This report shall include only certificated individuals employed by the district as of October 1 of the school year.

NEW SECTION

WAC 392-126-215 **DEFINITION—REPORT S-727.** As used in this chapter, "Report S-727" shall mean the alphabetic listing of certificated personnel employed by the district on October 1 as prepared by the superintendent of public instruction from data submitted by the district on the Form S-275 for the school year. This report is updated by the district and submitted to the superintendent of public instruction as changes occur during the school year.

NEW SECTION

WAC 392-126-220 **DEFINITION—BASIC EDUCATION CERTIFICATED STAFF.** As used in this chapter, "basic education certificated staff" shall mean all full-time equivalent certificated staff reported on Form S-275 in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97.

NEW SECTION

WAC 392-126-225 **DEFINITION—CERTIFICATED STAFF SALARIES.** As used in this chapter, "certificated staff salaries" shall mean those moneys which a school district has agreed to pay all certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's summer school or extracurricular duties regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract, as reported to the superintendent of public instruction on Form S-275. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

NEW SECTION

WAC 392-126-230 **DEFINITION—CERTIFICATED STAFF HIGHEST ANNUAL SALARIES.** As used in this chapter, "certificated staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the current school year Form S-275 and calculated as follows:

- (1) Determine the highest annualized salary, which shall mean the highest monthly salary multiplied by twelve, that was paid or would have been paid during the current school year for the individual reported on Form S-275;
- (2) Multiply the highest annualized salary by the full-time equivalency for the individual;
- (3) Add all such calculations for individuals assigned to the basic education program; and
- (4) The result obtained in subsection (3) of this section shall be the certificated staff highest annual salaries for the current school year.

NEW SECTION

WAC 392-126-235 **DEFINITION—CERTIFICATED INSURANCE BENEFITS.** As used in this chapter, "certificated insurance benefits" shall mean the district cost for those items of protection designed to benefit individual certificated employees of the school district and their dependents as set forth in RCW 28A-.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining processes as reported to the superintendent of public instruction for certificated staff on Form S-275.

NEW SECTION

WAC 392-126-240 **DEFINITION—LEAP DOCUMENT 1.** As used in this chapter, "LEAP Document 1" shall mean the same as the term defined in WAC 392-121-120.

NEW SECTION

WAC 392-126-245 **DEFINITION—STAFF MIX FACTOR.** As used in this chapter, "staff mix factor" shall mean the same as the term defined in WAC 392-121-121.

NEW SECTION

WAC 392-126-250 **DEFINITION—DISTRICT STAFF MIX FACTOR.** As used in this chapter, "district staff mix factor" shall mean the same as the term defined in WAC 392-121-125.

NEW SECTION

WAC 392-126-255 **DEFINITION—DISTRICT CERTIFICATED DERIVED BASE SALARY.** As used in this chapter, "certificated district derived base salary" shall mean the salary amount calculated as follows:

- (1) Divide a district's certificated staff highest annual salaries for the current school year by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain an average salary amount for the current school year;
- (2) The average salary amount is then divided by the district staff mix factor for the current school year; and
- (3) The quotient obtained is the district certificated derived base salary for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-260 **DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CERTIFICATED DERIVED BASE SALARY.** As used in this chapter, "maximum allowed basic education certificated derived base salary" shall mean the appropriate district certificated derived base salary shown on LEAP Document 5 improved by \$1,089.97 for the 1984-85 school year. In the event that maximum allowed basic education certificated derived base salary is less than the district's reported prior school year certificated derived base salary, the district may request on Form 1043 that the superintendent of public instruction use the reported prior school year certificated derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter.

NEW SECTION

WAC 392-126-265 **DEFINITION—MAXIMUM ALLOWED CERTIFICATED INSURANCE BENEFITS.** As used in this chapter, "maximum allowed certificated insurance benefits" shall mean the insurance benefit amount specified in the state operating appropriations act of one hundred seventy-nine dollars multiplied by twelve months per full-time equivalent staff unit for the 1984-85 school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the appropriations act multiplied by twelve months, the district's maximum allowed certificated insurance benefits shall be

the district's reported prior school year actual average annual insurance benefits.

NEW SECTION

WAC 392-126-270 DEFINITION—FORM 1040. As used in this chapter, "Form 1040" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-610.

NEW SECTION

WAC 392-126-275 DEFINITION—FORM 1041. As used in this chapter, "Form 1041" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff with their job classifications meeting the definition of "new position" as provided in WAC 392-126-130 and submit to the superintendent of public instruction pursuant to WAC 392-126-610.

NEW SECTION

WAC 392-126-280 DEFINITION—FORM 1042. As used in this chapter, "Form 1042" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education certificated staff in the school district received an increase in salary or insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-126-510.

NEW SECTION

WAC 392-126-285 DEFINITION—FORM 1043. As used in this chapter, "Form 1043" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year certificated derived base salary be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-260.

DEFINITIONS—CLASSIFIED STAFF

NEW SECTION

WAC 392-126-300 DEFINITION—CLASSIFIED EMPLOYEE. As used in this chapter, "classified employee" shall mean the same as the term defined in WAC 392-121-115(3).

NEW SECTION

WAC 392-126-305 DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE. As used in this chapter, "full-time equivalent classified employee" shall mean the same as the term defined in WAC 392-121-115(4).

NEW SECTION

WAC 392-126-310 DEFINITION—FORM S-277. As used in this chapter, "Form S-277" shall mean the classified personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual classified employee's name, social security number, work assignment, hourly rate of pay, hours worked per day, days worked per year, years of experience, amount of fringe benefits and insurance benefits for each classified employee attributable to services to be performed during the affected school year. This report shall include only classified individuals employed by the district as of November 1 of the school year.

NEW SECTION

WAC 392-126-315 DEFINITION—REPORT S-730. As used in this chapter, "Report S-730" shall mean the alphabetic listing of classified personnel employed by the district on November 1 as prepared by the superintendent of public instruction from data submitted by the district on Form S-277 for the school year. This report is updated by the district and submitted to the superintendent of public instruction as changes occur during the school year.

NEW SECTION

WAC 392-126-320 DEFINITION—BASIC EDUCATION CLASSIFIED STAFF. As used in this chapter, "basic education classified staff" shall mean all full-time equivalent classified staff reported on Form S-277 in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97.

NEW SECTION

WAC 392-126-325 DEFINITION—CLASSIFIED STAFF SALARIES. As used in this chapter, "classified staff salaries" shall mean moneys which a district has agreed to pay, exclusive of extracurricular duties and overtime pay, to all classified staff who are employed as of November 1 of each school year as reported to the superintendent of public instruction on Form S-277.

NEW SECTION

WAC 392-126-330 DEFINITION—CLASSIFIED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "classified staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the current school year Form S-277 and calculated as follows:

- (1) Determine the highest hourly rate(s) that was paid or would have been paid during the current school year

for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;

(2) Multiply the highest hourly rate(s) by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the classified staff highest annual salaries for the current school year.

NEW SECTION

WAC 392-126-335 **DEFINITION—CLASSIFIED INSURANCE BENEFITS.** As used in this chapter, "classified insurance benefits" shall mean the district cost for those items of protection designed to benefit individual employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining process as reported to the superintendent of public instruction for classified staff on Form S-277.

NEW SECTION

WAC 392-126-340 **DEFINITION—CLASSIFIED INCREMENT MIX FACTOR.** As used in this chapter, "classified increment mix factor" shall mean the same as the term defined in WAC 392-121-128.

NEW SECTION

WAC 392-126-345 **DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR.** As used in this chapter, "district classified increment mix factor" shall mean the same as the term defined in WAC 392-121-129.

NEW SECTION

WAC 392-126-350 **DEFINITION—STATE-SUPPORTED CLASSIFIED INCREMENT MIX FACTOR ADJUSTMENT.** As used in this chapter, "state-supported classified increment mix factor adjustment" shall mean the adjustment factor for each district calculated as follows:

(1) Divide the district classified increment mix factor for the current school year by the district classified increment mix factor for the prior school year;

(2) Subtract one from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the state level of support as of the November apportionment payment for state recognized increment allocations expressed as a percentage and calculated by dividing available appropriation authority by the formula allocation calculated at one hundred percent of support;

(4) Add one to the result obtained in subsection (3) of this section; and

(5) The result obtained is the state-supported classified increment mix factor adjustment for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-355 **DEFINITION—DISTRICT CLASSIFIED ADJUSTED BASE SALARY.** As used in this chapter, "district classified adjusted base salary" shall mean the salary amount calculated as follows:

(1) Divide the district's classified staff highest average annual salaries for the current school year by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the average classified salary for the current school year;

(2) Multiply the result obtained in subsection (1) of this section by the state-supported classified increment mix factor adjustment; and

(3) The result obtained is the district classified adjusted base salary for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-360 **DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CLASSIFIED ADJUSTED BASE SALARY.** As used in this chapter, "maximum allowed basic education classified adjusted base salary" shall mean the appropriate district average salary shown on LEAP Document 5 improved by \$1,155.91 for the 1984-85 school year. In the event that the maximum allowed basic education classified adjusted base salary is less than the district's reported prior school year classified adjusted base salary, the district may request on Form 1048 that the superintendent of public instruction use the reported prior school year classified adjusted base salary instead of that calculated in this section for the purpose of determining compliance with this chapter.

NEW SECTION

WAC 392-126-365 **DEFINITION—MAXIMUM ALLOWED CLASSIFIED INSURANCE BENEFITS.** As used in this chapter, "maximum allowed classified insurance benefits" shall mean the insurance benefit amount authorized in the state operating appropriations act of one hundred seventy-nine dollars multiplied by twelve months per full-time equivalent staff unit for the 1984-85 school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the appropriations act multiplied by twelve months, the district's maximum allowed classified insurance benefits shall be the district's reported prior school year actual average annual insurance benefits. For the purpose of establishing the maximum allowed classified insurance benefits for classified employees, a full-time equivalent employee is an employee contracted to work 1,440 hours per year or more for the 1984-85 school year.

NEW SECTION

WAC 392-126-370 DEFINITION—FORM 1045. As used in this chapter, "Form 1045" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education classified staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-810.

NEW SECTION

WAC 392-126-375 DEFINITION—FORM 1046. As used in this chapter, "Form 1046" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education classified staff with their job classification meeting the definition of "new position" as provided in WAC 392-126-130 and submit to the superintendent of public instruction pursuant to WAC 392-126-810.

NEW SECTION

WAC 392-126-380 DEFINITION—FORM 1047. As used in this chapter, "Form 1047" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education classified staff in the school district received an increase in salary or insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-126-710.

NEW SECTION

WAC 392-126-385 DEFINITION—FORM 1048. As used in this chapter, "Form 1048" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year classified adjusted base salary be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-360.

SALARY COMPENSATION LID COMPLIANCE—
CALCULATIONS FOR CERTIFICATED STAFFNEW SECTION

WAC 392-126-500 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-510, compliance with the salary-compensation lid shall be calculated as follows:

For basic education certificated staff, if the district's reported certificated derived base salary exceeds the district's maximum allowed certificated derived base salary, the district shall be considered in violation of the salary-compensation lid for the current school year: **PROVIDED**, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1040 pursuant to WAC 392-126-610 may exclude persons not employed in a district because of RIF as defined in

WAC 392-126-125: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1041 pursuant to WAC 392-126-610 may exclude new positions as defined in WAC 392-126-130.

NEW SECTION

WAC 392-126-505 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF CERTIFICATED INSURANCE BENEFITS. Insurance benefit increases granted certificated employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent certificated staff unit authorized in the appropriations act for the current school year. If insurance benefits granted certificated employees in the prior school year were in excess of the maximum allowed certificated insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed certificated insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted certificated employees exceeds the maximum allowed certificated insurance benefit, the district may certify to the superintendent of public instruction on Form 1042 that:

(1) For those certificated employees whose prior school year insurance benefits exceeded the maximum allowed certificated insurance benefits for the current school year, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those certificated employees whose prior school year insurance benefits were equal to or less than the maximum allowed certificated insurance benefits, the average of these employees' current school year insurance benefits does not exceed one hundred seventy-nine dollars multiplied by twelve months.

NEW SECTION

WAC 392-126-510 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE—CERTIFICATED STAFF. If the superintendent of public instruction has determined that a district's certificated derived base salary for the current school year exceeds the maximum allowed certificated derived base pursuant to WAC 392-126-500, or a district's payment for insurance benefits for certificated staff exceeds the amount specified for the current school year in the appropriations act, the district may certify to the superintendent of public instruction on Form 1042 that it gave no salary increase pursuant to WAC 392-126-500 or insurance benefit increase pursuant to WAC 392-126-505, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes.

**SALARY COMPENSATION LID COMPLIANCE
PROCESS—CERTIFICATED STAFF**

NEW SECTION

WAC 392-126-600 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—CERTIFICATED STAFF. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for certificated staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-270, 392-126-275, 392-126-280, and 392-126-285 for certificated employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

NEW SECTION

WAC 392-126-605 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DISTRICT INITIAL EDIT OF CERTIFICATED PERSONNEL DATA. The superintendent of public instruction shall return to each school district Reports S-727 as specified in WAC 392-126-215. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-126-610 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION—CERTIFICATED STAFF. The superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid for certificated staff pursuant to WAC 392-126-500. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

NEW SECTION

WAC 392-126-615 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION—CERTIFICATED STAFF. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for certificated staff may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to the superintendent of public instruction on forms specified in WAC 392-126-270 through 392-126-285. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-630 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyse additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-630 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-126-620 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DETERMINATION OF VIOLATION AFTER REVIEW—CERTIFICATED STAFF. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for certificated staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-630.

NEW SECTION

WAC 392-126-625 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF CERTIFICATED PERSONNEL DATA. In the event a school district changes certificated personnel data reported on Form S-275 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district, assistant superintendent, principal, assistant principal, teacher, counselor, pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-126-610 through 392-126-620 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

NEW SECTION

WAC 392-126-630 SALARY-COMPENSATION LID COMPLIANCE—WITHHOLDING OF BASIC EDUCATION ALLOCATION—CERTIFICATED STAFF. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for certificated staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year, the actual amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place unless or until such time as the district comes into compliance with the salary-compensation lid.

In the event a district increases its salaries or compensation at, near, or after the end of the school year, and the superintendent of public instruction determines that such an increase places the district in violation of the salary-compensation lid, but the determination occurs too late for the superintendent of public instruction to make a negative adjustment in that year's basic education allocation, the superintendent of public instruction shall enter the negative adjustment based upon the current school year's data, but withhold the appropriate

amount from the district's basic education allocation in the following year.

SALARY COMPENSATION LID COMPLIANCE—CALCULATIONS FOR CLASSIFIED STAFFNEW SECTION

WAC 392-126-700 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-710, compliance with the salary-compensation lid shall be calculated as follows:

For basic education classified staff, if the district's reported classified adjusted base salary exceeds the district's maximum allowed classified adjusted base salary the district shall be considered in violation of the salary-compensation lid for the current school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1045 pursuant to WAC 392-126-810 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1046 pursuant to WAC 392-126-810 may exclude new positions as defined in WAC 392-126-130.

NEW SECTION

WAC 392-126-705 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF CLASSIFIED INSURANCE BENEFITS. Insurance benefit increases granted classified employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent classified staff unit authorized in the appropriations act for the current school year. If insurance benefits granted classified employees in the prior school year were in excess of the maximum allowed classified insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed classified insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted classified employees exceeds the maximum allowed classified insurance benefit, the district may certify to the superintendent of public instruction on Form 1047 that:

(1) For those classified employees whose prior school year insurance benefits exceeded the maximum allowed classified insurance benefits for the current school year, the average of these employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those classified employees whose prior school year insurance benefits were equal to or less than the

maximum allowed classified insurance benefits, the average of these employees' current school year insurance benefits does not exceed one hundred seventy-nine dollars multiplied by twelve months.

NEW SECTION

WAC 392-126-710 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE—CLASSIFIED STAFF. If the superintendent of public instruction has determined that a district's classified adjusted base salary for the current school year exceeds the maximum allowed classified adjusted base salary pursuant to WAC 392-126-700, or a district's payment for insurance benefits for classified staff exceeds the amounts specified for the current school year in the Appropriations Act, the district may certify to the superintendent of public instruction on Form 1047 that it gave no salary increase pursuant to WAC 392-126-700 or insurance benefit increase pursuant to WAC 392-126-705, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes.

SALARY COMPENSATION LID COMPLIANCE PROCESS—CLASSIFIED STAFF

NEW SECTION

WAC 392-126-800 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—CLASSIFIED STAFF. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for classified staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-370, 392-126-375, 392-126-380, and 392-126-385 for classified employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

NEW SECTION

WAC 392-126-805 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DISTRICT INITIAL EDIT OF CLASSIFIED PERSONNEL DATA. The superintendent of public instruction shall return to each school district Reports S-730 as specified in WAC 392-126-315. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-126-810 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION—CLASSIFIED STAFF. The superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid for classified staff pursuant to WAC 392-126-700. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

NEW SECTION

WAC 392-126-815 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION—CLASSIFIED STAFF. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for classified staff may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to the superintendent of public instruction on forms specified in WAC 392-126-370 through 392-126-385. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-830 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does

not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-830 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-126-820 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DETERMINATION OF VIOLATION AFTER REVIEW—CLASSIFIED STAFF. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for classified staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-830.

NEW SECTION

WAC 392-126-825 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF CLASSIFIED PERSONNEL DATA. In the event a school district changes classified personnel data reported on Form S-277 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., director, supervisor, secretary, custodian—pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-126-810 through 392-126-820 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

NEW SECTION

WAC 392-126-830 SALARY-COMPENSATION LID COMPLIANCE—WITHHOLDING OF BASIC EDUCATION ALLOCATION—CLASSIFIED STAFF. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for classified staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent of financial services to

withhold for the current school year, the actual amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place unless or until such time as the district comes into compliance with the salary-compensation lid.

In the event a district increases its salaries or compensation at, near, or after the end of the school year, and the superintendent of public instruction determines that such an increase places the district in violation of the salary-compensation lid, but the determination occurs too late for the superintendent of public instruction to make a negative adjustment in that year's basic education allocation, the superintendent of public instruction shall enter the negative adjustment based upon the current school year's data, but withhold the appropriate amount from the district's basic education allocation in the following year.

WSR 84-14-052

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-24—Filed June 29, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—General apportionment, chapter 392-121 WAC.

I, Frank B. Brouillet, 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 rules are necessary because of action by the 1984 legislature in changing the procedures for the setting of school district salaries. Prompt adoption of these rules will encourage districts to conclude salary negotiations with employees prior to commencement of the 1984-85 school year.

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

This rule is promulgated pursuant to RCW 28A.41-.170 and 28A.41.055 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 June 29, 1984.

By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-121-128 DEFINITION—CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "classified increment mix factor" shall mean any one of the numbers to three decimal places which appear on the following schedule relating years of experience to a weighting factor as shown below:

<u>YEARS OF EXPERIENCE</u>	<u>WEIGHTING FACTOR</u>
0.4 or less	1.000
0.5 to 1.4	1.050
1.5 to 2.4	1.103
2.5 to 3.4	1.158
3.5 to 4.4	1.216
4.5 or more	1.276

NEW SECTION

WAC 392-121-129 DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, the term "district classified increment mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a classified increment mix factor from the schedule provided in WAC 392-121-128 to each classified employee of the school district who is employed in the school district's basic education program as determined by the school district on November 1 of each school year depending on the employee's placement on the appropriate years of experience line. Placement on the schedule provided in WAC 392-121-128 shall be according to the following criteria:

Number of years of experience in the current district job assignment(s) as defined in WAC 392-121-131: **PROVIDED**, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half year or more.

(2) Multiplying the number of full-time equivalent employees as of November 1 with assigned classified increment mix factors by those factors; and

(3) Dividing the total obtained in subsection (2) of this section by the district's total number of full-time equivalent classified employees in basic education as of November 1 with assigned increment mix factors.

NEW SECTION

WAC 392-121-131 DEFINITION—CLASSIFIED YEARS OF EXPERIENCE. As used in this chapter, "classified years of experience" shall mean the number of years of regularly scheduled employment, within the district in the current district job assignment(s) for each individual classified employee prior to the current reporting year, and shall be reported by the school district to the nearest tenth. Regularly scheduled part-time employment for one hundred eighty days or more shall be reported as one year of experience. Unscheduled substitute experience shall not be reported.

**WSR 84-14-053
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**
[Order 84-25—Filed June 29, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instruction, and requirements, chapter 392-140 WAC.

I, Frank B. Brouillet, 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 rules are necessary because of action by the 1984 legislature in changing the procedures for the setting of school district salaries. Prompt adoption of these rules will encourage districts to conclude salary negotiations with employees prior to commencement of the 1984-85 school year.

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

This rule is promulgated pursuant to RCW 28A.41-.170 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 June 29, 1984.

By Frank B. Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-140-010 1981-83 SALARY-COMPENSATION LID COMPLIANCE—AUTHORITY AND PURPOSES.

WAC 392-140-011 1981-83 SALARY-COMPENSATION LID COMPLIANCE—DEFINITIONS.

WAC 392-140-012 1981-83 SALARY-COMPENSATION LID COMPLIANCE—APPLICATION TO BASIC EDUCATION STAFF.

WAC 392-140-013 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—GENERAL.

WAC 392-140-014 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DISTRICT EDIT OF PERSONNEL DATA.

WAC 392-140-015 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION.

WAC 392-140-016 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION.

WAC 392-140-017 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DETERMINATION OF VIOLATION AFTER REVIEW.

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE—FINAL REPORTING CYCLE.

WAC 392-140-019 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES.

WAC 392-140-020 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES.

WAC 392-140-021 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF INSURANCE BENEFITS.

WAC 392-140-022 1981-83 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE.

WAC 392-140-023 1981-83 SALARY-COMPENSATION LID COMPLIANCE—WITHHOLDING OF BASIC EDUCATION ALLOCATION.

WSR 84-14-054

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 29, 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—Group total salary and insurance benefits compliance, chapter 392-127 WAC;

that the agency will at 9:00 a.m., Wednesday, August 8, 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 August 13, 1984.

The authority under which these rules are proposed is RCW 28A.58.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 8, 1984.

Dated: June 29, 1984

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-127 WAC, Finance—Group total salary and insurance benefits compliance.

Rule Section(s): WAC 392-127-005 Authority; 392-127-010 Purpose; 392-127-100 Definition—Day; 392-127-105 Definition—Current school year; 392-127-110

Definition—Prior school year; 392-127-200 Definition—Certificated employee; 392-127-205 Definition—Full-time equivalent certificated employee; 392-127-210 Definition—Form S-275; 392-127-215 Definition—Report S-727; 392-127-225 Definition—Certificated staff salaries; 392-127-235 Definition—Certificated insurance benefits; 392-127-240 Definition—Certificated exempt employee; 392-127-245 Definition—Certificated supervisory employee; 392-127-250 Definition—Certificated nonsupervisory employee; 392-127-255 Definition—Certificated group I; 392-127-260 Definition—Certificated group II; 392-127-265 Definition—Prior school year certificated professional experience and educational preparation; 392-127-270 Definition—Prior school year certificated highest monthly salary; 392-127-275 Definition—Prior school year certificated average annualized salary—For certificated groups I and II; 392-127-280 Definition—Current school year certificated average annualized salary—For certificated groups I and II; 392-127-285 Definition—Prior school year certificated group salary factor; 392-127-290 Definition—Current school year certificated group salary factor; 392-127-295 Definition—Prior school year certificated average annual insurance benefits—For certificated group I; 392-127-296 Definition—Current school year certificated average annual insurance benefits—For certificated fair share group I; 392-127-300 Definition—Classified employee; 392-127-305 Definition—Full-time equivalent classified employee; 392-127-310 Definition—Form S-277; 392-127-315 Definition—Report S-730; 392-127-325 Definition—Classified staff salaries; 392-127-335 Definition—Classified insurance benefits; 392-127-340 Definition—Classified exempt employee; 392-127-345 Definition—Classified supervisory employee; 392-127-350 Definition—Classified nonsupervisory employee; 392-127-355 Definition—Classified group I; 392-127-360 Definition—Classified group II; 392-127-365 Definition—Prior school year classified years of experience; 392-127-370 Definition—Prior school year classified highest hourly rate; 392-127-375 Definition—Prior school year classified average annualized salary—For classified groups I and II; 392-127-380 Definition—Current school year classified average annualized salary—For classified groups I and II; 392-127-385 Definition—Prior school year classified salary factor; 392-127-390 Definition—Current school year classified group salary factor; 392-127-395 Definition—Prior school year classified average annual insurance benefits—For classified group I; 392-127-396 Definition—Current school year classified average annual insurance benefits—For classified group I; 392-127-500 Certificated group compliance process—School district requirements for filing of information regarding certificated staff; 392-127-505 Certificated group compliance process—School district requirements for filing of information regarding certificated salaries; 392-127-510 Certificated group compliance process—School district requirements for filing of information regarding certificated insurance benefits; 392-127-515 Certificated group compliance process—Provision of information to ensure compliance; 392-127-520 Certificated group compliance process—Precomplaint conference; 392-

127-525 Certificated group compliance process—Criteria for filing of a complaint; 392-127-530 Certificated group compliance process—Filing of a complaint; 392-127-535 Certificated group compliance process—Informal review by the superintendent of public instruction; 392-127-540 Certificated group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint; 392-127-545 Certificated group compliance process—Compliance of average salary; 392-127-550 Certificated group compliance process—Compliance of insurance benefits—Direct comparison; 392-127-555 Certificated group compliance process—Compliance of insurance benefits—Salary trade; 392-127-560 Certificated group compliance process—Final determination of complaint; 392-127-565 Certificated group compliance process—Calculation of penalty for noncompliance on salaries; 392-127-570 Certificated group compliance process—Calculation of penalty for noncompliance on insurance benefits; 392-127-575 Certificated group compliance process—Return to compliance; 392-127-600 Classified group compliance process—School district requirements for filing of information regarding classified staff; 392-127-605 Classified group compliance process—School district requirements for filing of information regarding classified salaries; 392-127-610 Classified group compliance process—School district requirements for filing of information regarding insurance benefits; 392-127-615 Classified group compliance process—Provision of information to ensure compliance; 392-127-620 Classified group compliance process—Precomplaint conference; 392-127-625 Classified group compliance process—Criteria for filing of a complaint; 392-127-630 Classified group compliance process—Filing of a complaint; 392-127-635 Classified group compliance process—Informal review by the superintendent of public instruction; 392-127-640 Classified group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint; 392-127-645 Classified group compliance process—Compliance of average salary; 392-127-650 Classified group compliance process—Compliance of insurance benefits—Direct comparison; 392-127-655 Classified group compliance process—Compliance of insurance benefits—Salary trade; 392-127-660 Classified group compliance process—Final determination of complaint; 392-127-665 Classified group compliance process—Calculation of penalty for noncompliance on salaries; 392-127-670 Classified group compliance process—Calculation of penalty for noncompliance on insurance benefits; and 392-127-675 Classified group compliance process—Return to compliance.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To establish state policies and procedures for the implementation of the group total salary and insurance benefit compliance.

Summary of the New Rule(s) and/or Amendments: WAC 392-127-005, states the authority for this chapter; 392-127-010, states the purpose for this chapter; 392-127-100, defines the term "day" to be used for purpose of group total salary and insurance benefits compliance; 392-127-105, defines the term "current

school year" for purpose of group total salary and benefits compliance; 392-127-110, defines the term "prior school year" for purpose of group total salary and insurance benefits compliance; 392-127-200, defines the term "certificated employee" for purpose of group total salary and insurance benefits compliance; 392-127-205, defines the term "full-time equivalent certificated employee" for purpose of group total salary and insurance benefits compliance; 392-127-210, defines the term "Form S-275" for purpose of group total salary and insurance benefits compliance; 392-127-215, defines the term "Report S-727" for purpose of group total salary and insurance benefits compliance; 392-127-225, defines the term "certificated staff salaries" for purpose of group total salary and insurance benefits compliance; 392-127-235, defines the term "certificated insurance benefits" for purpose of group total salary and insurance benefits compliance; 392-127-240, defines the term "certificated exempt employee" for purpose of group total salary and insurance benefits compliance; 392-127-245, defines the term "certificated supervisory employee" for purpose of group total salary and insurance benefits compliance; 392-127-250, defines the term "certificated nonsupervisory employee" for purpose of group total salary and insurance benefits compliance; 392-127-255, defines the term "certificated group I" for purpose of group total salary and insurance benefits compliance; 392-127-260, defines the term "certificated group II" for purpose of group total salary and insurance benefits compliance; 392-127-265, defines the term "prior school year certificated professional experience and education preparation" for purpose of group total salary and insurance benefits compliance; 392-127-270, defines the term "prior school year certificated highest monthly salary" for purpose of group total salary and insurance benefits compliance; 392-127-275, defines the term "prior school year certificated average annualized salary" for purpose of group total salary and insurance benefits compliance; 392-127-280, defines the term "current school year certificated average annualized salary" for purpose of group total salary and insurance benefits compliance; 392-127-285, defines the term "prior school year certificated group salary factor" for purpose of group total salary and insurance benefits compliance; 392-127-290, defines the term "current school year certificated group salary factor" for purpose of group total salary and insurance benefits compliance; 392-127-295, defines the term "prior school year certificated average annual insurance benefits" for purpose of group total salary and insurance benefits compliance; 392-127-296, defines the term "current school year certificated average annual insurance benefits" for purpose of group total salary and insurance benefits compliance; 392-127-300, defines the term "classified employee" for purpose of group total salary and insurance benefits compliance; 392-127-305, defines the term "full-time equivalent classified employee" for purpose of group total salary and insurance benefits compliance; 392-127-310, defines the term "Form S-277" for purpose of group total salary and insurance benefits compliance; 392-127-315, defines the term "Report S-730" for purpose of group total salary and insurance benefits compliance; 392-127-325, defines the

term "classified staff salaries" for purpose of group total salary and insurance benefits compliance; 392-127-335, defines the term "classified insurance benefits" for purpose of group total salary and insurance benefits compliance; 392-127-340, defines the term "classified exempt employee" for purpose of group total salary and insurance benefits compliance; 392-127-345, defines the term "classified supervisory" for purpose of group total salary and insurance benefits compliance; 392-127-350, defines the term "classified nonsupervisory" for purpose of group total salary and insurance benefits compliance; 392-127-355, defines the term "classified group I" for purpose of group total salary and insurance benefits compliance; 392-127-360, defines the term "classified group II" for purpose of group total salary and insurance benefits compliance; 392-127-365, defines the term "prior school year classified years of experience" for purpose of group total salary and insurance benefits compliance; 392-127-370, defines the term "prior school year classified hourly rate" for purpose of group total salary and insurance benefits compliance; 392-127-375, defines the term "prior school year classified average annualized salary" for purpose of group total salary and insurance benefits compliance; 392-127-380, defines the term "current school year classified average annualized salary" for purpose of group total salary and insurance benefits compliance; 392-127-385, defines the term "prior school year classified group salary factor" for purpose of group total salary and insurance benefits compliance; 392-127-390, defines the term "current school year classified group salary factor" for purpose of group total salary and insurance benefits compliance; 392-127-395, defines the term "prior school year classified average annual insurance benefits" for purpose of group total salary and insurance benefits compliance; 392-127-396, defines the term "current school year classified average annual insurance benefits" for purpose of group total salary and insurance benefits compliance; 392-127-500, specifies the information that a district shall have on file relative to group total salary and insurance benefits compliance for certificated salaries; 392-127-505, specifies the information that a district shall have on file relative to group total salary and insurance benefits compliance after all certificated salary adjustments; 392-127-510, specifies the information that a district shall have on file relative to group total salary and insurance benefits compliance for certificated insurance benefits; 392-127-515, states the district shall provide the agency with the necessary certificated staff information upon request; 392-127-520, states the requirement for the agent to request a precomplaint conference prior to the submission of a complaint relative to certificated group total salary and insurance benefits compliance to the superintendent of public instruction; 392-127-525, states the criteria to be used by an agent to file a complaint relative to certificated group total salary and insurance benefits compliance; 392-127-530, specifies that a complaint relative to certificated group total salary and insurance benefits compliance must be submitted by certified mail to the superintendent of public instruction; 392-127-535, specifies that an informal review shall be scheduled by the superintendent of

public instruction if the complaint relative to certificated group total salary and insurance benefits compliance merits such a review; 392-127-540, specifies the criteria to be used by the superintendent of public instruction to evaluate the results of the informal review relative to certificated group total salary and insurance benefits compliance; 392-127-545, states the calculation to be used to determine a district's group total salary and insurance benefits compliance for certificated salaries; 392-127-550, states the calculation to be used to determine a district's group total salary and insurance benefits compliance for certificated insurance benefits through direct comparison; 392-127-555, states the calculation to be used to determine a district's group total salary and insurance benefits compliance for certificated insurance benefits through salary trade; 392-127-560, specifies the timeline for the superintendent of public instruction to notify the district after the informal review relative to certificated group total salary and insurance benefits compliance if there is a violation and a penalty to be withheld; 392-127-565, states the calculation of the penalty for noncompliance of the group total salary and insurance benefits relative to certificated salaries; 392-127-570, states the calculation of the penalty for noncompliance of the group total salary and insurance benefits relative to certificated insurance benefits; 392-127-575, specifies that a second informal review relative to certificated group total salary and insurance benefits compliance shall be scheduled upon the request of the district in order to demonstrate that it is now in compliance; 392-127-600, specifies the information that a district shall have on file relative to group salary and insurance benefits compliance for classified salaries; 392-127-605, specifies the information a district shall have on file relative to group total salary and insurance benefits compliance after all classified salary adjustments; 392-127-610, specifies the information that a district shall have on file relative to group total salary and insurance benefits compliance for classified insurance benefits; 392-127-615, states the district shall provide the agent with the necessary classified staff information upon request; 392-127-620, states the requirement for the agent to request a precomplaint conference prior to the submission of a complaint relative to classified group total salary and insurance benefits compliance to the superintendent of public instruction; 392-127-625, states the criteria to be used by an agent to file a complaint relative to classified group total salary and insurance benefits compliance; 392-127-630, specifies that a complaint relative to classified group total salary and insurance benefits compliance must be submitted by certified mail to the superintendent of public instruction; 392-127-635, specifies that an informal review shall be scheduled by the superintendent of public instruction if the complaint relative to classified group total salary and insurance benefits compliance merits such a review; 392-127-640, specifies the criteria to be used by the superintendent of public instruction to evaluate the results of the informal review relative to classified group total salary and insurance benefits compliance; 392-127-645, states the calculation to be used to determine a district's group total salary and insurance benefits compliance for

classified salaries; 392-127-650, states the calculation to be used to determine a district's group total salary and insurance benefits compliance for classified insurance benefits through direct comparison; 392-127-655, states the calculation to be used to determine a district's group total salary and insurance benefits compliance for classified insurance benefits through salary trade; 392-127-660, specifies the timeline for the superintendent of public instruction to notify the district after the informal review relative to classified group total salary and insurance benefits compliance if there is a violation and a penalty to be withheld; 392-127-665, states the calculation of the penalty for noncompliance of the group total salary and insurance benefits relative to classified salaries; 392-127-670, states the calculation of the penalty for noncompliance of group total salary and insurance benefits relative to classified insurance benefits; and 392-127-675, specifies that a second informal review relative to classified group total salary and insurance benefits compliance shall be scheduled upon the request of the district in order to demonstrate that it is now in compliance.

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; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bruce Mrkvicka, SPI, 3-6708.

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 rules are necessary because of action by the 1984 legislature.

Chapter 392-127 WAC
FINANCE—GROUP TOTAL SALARY AND INSURANCE
BENEFITS COMPLIANCE

AUTHORITY AND PURPOSE

NEW SECTION

WAC 392-127-005 **AUTHORITY.** The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with group total salary and insurance benefit increases permitted by the state operating appropriations act.

NEW SECTION

WAC 392-127-010 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide group total salary and insurance benefit increases that violate the provisions of RCW 28A.58.095(1) which implement the requirements of the state operating appropriations act.

DEFINITIONS—GENERAL

NEW SECTION

WAC 392-127-100 **DEFINITION—DAY.** As used in this chapter, "day" means the same as the term defined in WAC 392-126-100.

NEW SECTION

WAC 392-127-105 **DEFINITION—CURRENT SCHOOL YEAR.** As used in this chapter, "current school year" means the same as the term defined in WAC 392-126-105.

NEW SECTION

WAC 392-127-110 **DEFINITION—PRIOR SCHOOL YEAR.** As used in this chapter, "prior school year" means the same as the term defined in WAC 392-126-110.

DEFINITIONS—CERTIFICATED STAFF

NEW SECTION

WAC 392-127-200 **DEFINITION—CERTIFICATED EMPLOYEE.** As used in this chapter, "certificated employee" means the same as the term defined in WAC 392-121-115(1).

NEW SECTION

WAC 392-127-205 **DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE.** As used in this chapter, "full-time equivalent certificated employee" means the same as the term defined in WAC 392-121-115(2).

NEW SECTION

WAC 392-127-210 **DEFINITION—FORM S-275.** As used in this chapter, "Form S-275" means the same as the term defined in WAC 392-126-210.

NEW SECTION

WAC 392-127-215 **DEFINITION—REPORT S-727.** As used in this chapter, "Report S-727" means the same as the term defined in WAC 392-126-215.

NEW SECTION

WAC 392-127-225 **DEFINITION—CERTIFICATED STAFF SALARIES.** As used in this chapter, "certificated staff salaries" means the same as the term defined in WAC 392-126-225.

NEW SECTION

WAC 392-127-235 **DEFINITION—CERTIFICATED INSURANCE BENEFITS.** As used in this chapter, "certificated insurance benefits" means the same as the term defined in WAC 392-126-235.

NEW SECTION

WAC 392-127-240 **DEFINITION—CERTIFICATED EX-EMPT EMPLOYEE.** As used in this chapter, "certificated exempt employee" means each certificated employee reported on Form S-275 in the current school year who holds a position with the title of or comparable to the following:

- (1) The chief executive officer of the school district;
- (2) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the superintendent of the district, deputy superintendent, administrative assistant to the superintendent, and assistant superintendent;
- (3) Confidential employee, which means:
 - (a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;
 - (b) Any employee who assists and acts in a confidential capacity to such person; and
 - (4) Any certificated person designated as being a certificated exempt employee by the public employment relations commission pursuant to RCW 41.59.020(4)(b).

NEW SECTION

WAC 392-127-245 DEFINITION—CERTIFICATED SUPERVISORY EMPLOYEE. As used in this chapter, "certificated supervisory employee" means each certificated employee reported on Form S-275 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "certificated supervisory employee" shall include principals, assistant (vice) principals, any person so designated by the public employee relations commission, and any employee who performs a preponderance of the above-specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority.

NEW SECTION

WAC 392-127-250 DEFINITION—CERTIFICATED NON-SUPERVISORY EMPLOYEE. As used in this chapter, "certificated nonsupervisory employee" means each certificated employee reported on Form S-275 in the current school year other than a certificated employee who meets the definition of certificated exempt employee or certificated supervisory employee.

NEW SECTION

WAC 392-127-255 DEFINITION—CERTIFICATED GROUP I. As used in this chapter, "certificated group I" means the group composed of all certificated exempt employees and those certificated supervisory employees who are not represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

NEW SECTION

WAC 392-127-260 DEFINITION—CERTIFICATED GROUP II. As used in this chapter, "certificated group II" means the group composed of all certificated nonsupervisory employees and those certificated supervisory employees who are represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

NEW SECTION

WAC 392-127-265 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED PROFESSIONAL EXPERIENCE AND EDUCATIONAL PREPARATION. As used in this chapter, "prior school year certificated professional experience and educational preparation" means those levels of professional experience and educational preparation determined according to the following criteria:

(1) For a certificated employee reported on Form S-275 for both the current and prior school years, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the position occupied by the certificated employee in the current school year;

(2) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year; and

(3) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, in which a certificated employee occupies a position not used by the district in the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior

school year in the position occupied by the certificated employee in the current school year.

NEW SECTION

WAC 392-127-270 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY. As used in this chapter, "prior school year certificated highest monthly salary" means that highest monthly salary that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275.

NEW SECTION

WAC 392-127-275 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY—FOR CERTIFICATED GROUPS I AND II. As used in this chapter, "prior school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which shall mean the highest monthly salary multiplied by twelve;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective group; and

(6) The result obtained in subsection (5) of this section is the prior school year certificated average annualized salary for each respective certificated group.

NEW SECTION

WAC 392-127-280 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY—FOR CERTIFICATED GROUPS I AND II. As used in this chapter, "current school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which means the highest monthly salary multiplied by twelve, for the current school year for the individual employee reported on Form S-275;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective certificated group; and

(6) The result obtained in subsection (5) of this section is the current school year certificated average annualized salary for each respective certificated group.

NEW SECTION

WAC 392-127-285 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR. As used in this chapter, "prior school year certificated group salary factor" means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable certificated group average annualized salary for certificated group I by the applicable certificated average annualized salary for certificated group II.

NEW SECTION

WAC 392-127-290 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR. As used in

this chapter, "current school year certificated group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable certificated group average annualized salary for certificated group I by the applicable certificated average annualized salary for certificated group II.

NEW SECTION

WAC 392-127-295 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CERTIFICATED GROUP I. As used in this chapter, "prior school year certificated average annual insurance benefits" means the insurance benefits calculated in the following manner:

- (1) Determine the annual insurance benefits for each individual certificated employee assigned to certificated group I;
- (2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;
- (3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated employees assigned to certificated group I; and
- (4) The result obtained in subsection (3) of this section is the prior school year certificated average annual insurance benefits for certificated group I.

NEW SECTION

WAC 392-127-296 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CERTIFICATED FAIR SHARE GROUP I. As used in this chapter, "current school year certificated average annual insurance benefits" means the insurance benefits calculated in the following manner:

- (1) Determine the annual insurance benefits for each individual certificated employee assigned to certificated group I;
- (2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;
- (3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated employees assigned to certificated group I; and
- (4) The result obtained in subsection (3) of this section is the current school year certificated average annual insurance benefits for certificated group I.

DEFINITIONS—CLASSIFIED STAFF

NEW SECTION

WAC 392-127-300 DEFINITION—CLASSIFIED EMPLOYEE. As used in this chapter, "classified employee" means the same as the term defined in WAC 392-121-115(3).

NEW SECTION

WAC 392-127-305 DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE. As used in this chapter, "full-time equivalent classified employee" means the same as the term defined in WAC 392-121-115(4).

NEW SECTION

WAC 392-127-310 DEFINITION—FORM S-277. As used in this chapter, "Form S-277" means the same as the term defined in WAC 392-126-310.

NEW SECTION

WAC 392-127-315 DEFINITION—REPORT S-730. As used in this chapter, "Report S-730" means the same as the term defined in WAC 392-126-315.

NEW SECTION

WAC 392-127-325 DEFINITION—CLASSIFIED STAFF SALARIES. As used in this chapter, "classified staff salaries" means the same as the term defined in WAC 392-126-325.

NEW SECTION

WAC 392-127-335 DEFINITION—CLASSIFIED INSURANCE BENEFITS. As used in this chapter, "classified insurance benefits" means the same as the term defined in WAC 392-126-335.

NEW SECTION

WAC 392-127-340 DEFINITION—CLASSIFIED EXEMPT EMPLOYEE. As used in this chapter, "classified exempt employee" means each classified employee reported on Form S-277 in the current school year who holds a position with the title of or comparable to the following:

- (1) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the administrative assistant to the superintendent and business manager;
- (2) Confidential employee, which means:
 - (a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;
 - (b) Any employee who assists and acts in a confidential capacity to such person; and
- (3) Any classified person designated as being a classified exempt employee by the public employment relations commission pursuant to chapter 391-35 WAC.

NEW SECTION

WAC 392-127-345 DEFINITION—CLASSIFIED SUPERVISORY EMPLOYEE. As used in this chapter, "classified supervisory employee" means each classified employee reported on Form S-277 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "classified supervisory employee" shall include any person so designated by the public employment relations commission, and any employee who performs a preponderance of the above-specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority.

NEW SECTION

WAC 392-127-350 DEFINITION—CLASSIFIED NONSUPERVISORY EMPLOYEE. As used in this chapter, "classified nonsupervisory employee" means each classified employee reported on Form S-277 in the current school year other than a classified employee who meets the definitions of classified exempt employee or classified supervisory employee.

NEW SECTION

WAC 392-127-355 DEFINITION—CLASSIFIED GROUP I. As used in this chapter, "classified group I" means the group composed of all classified exempt employees and those classified supervisory employees who are not represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

NEW SECTION

WAC 392-127-360 DEFINITION—CLASSIFIED GROUP II. As used in this chapter, "classified group II" means the group composed of all classified nonsupervisory employees and those classified supervisory employees who are represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

NEW SECTION

WAC 392-127-365 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE. As used in this chapter, "prior school year classified years of experience" means the level of experience determined according to the following criteria:

(1) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the various district-assigned job classification occupied by the classified employee in the current school year;

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year; and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year.

NEW SECTION

WAC 392-127-370 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE. As used in this chapter, "prior school year classified highest hourly rate" means that highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

NEW SECTION

WAC 392-127-375 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY—FOR CLASSIFIED GROUPS I AND II. As used in this chapter, "prior school year classified average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective group; and

(6) The result obtained in subsection (5) of this section is the prior school year classified average annualized salary for each respective classified group.

NEW SECTION

WAC 392-127-380 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY—FOR CLASSIFIED GROUPS I AND II. As used in this chapter, "current school year classified average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080, for the current school year for the various district-assigned job classifications in which the individual was employed as reported on Form S-277;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective classified group; and

(6) The result obtained in subsection (5) of this section is the current school year classified average annualized salary for each respective classified group.

NEW SECTION

WAC 392-127-385 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED SALARY FACTOR. As used in this chapter, "prior school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable classified average annualized salary for classified group I by the applicable classified average annualized salary for classified group II.

NEW SECTION

WAC 392-127-390 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED GROUP SALARY FACTOR. As used in this chapter, "current school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable classified average annualized salary for classified group I by the applicable classified average salary for classified group II.

NEW SECTION

WAC 392-127-395 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CLASSIFIED GROUP I. As used in this chapter, "prior school year classified average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual classified employee assigned to classified group I;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified employees assigned to classified group I; and

(4) The result obtained in subsection (3) of this section is the prior school year classified average annual insurance benefits for classified group I.

NEW SECTION

WAC 392-127-396 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CLASSIFIED GROUP I. As used in this chapter, "current school year classified average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual classified employee assigned to classified group I;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified employees assigned to classified group I; and

(4) The result obtained in subsection (3) of this section is the current school year classified average annual insurance benefits for classified group I.

CERTIFICATED GROUP COMPLIANCE PROCESS

NEW SECTION

WAC 392-127-500 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED STAFF. The school district, thirty days after submittal of the current

school year Form S-275, shall have on file the following certificated staff information with the necessary supporting documentation:

- (1) The prior school year certificated average annualized salary for certificated group I;
- (2) The prior school year certificated average annualized salary for certificated group II;
- (3) The prior school year certificated group salary factor;
- (4) The prior school year certificated average annual insurance benefits for certificated group I;
- (5) A listing of certificated employees assigned to certificated group I, including their full-time equivalency and assigned positions; and
- (6) A listing of certificated employees assigned to certificated group II, including their full-time equivalency and assigned positions.

NEW SECTION

WAC 392-127-505 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED SALARIES. The school district, ten days after completion of all salary increments and salary adjustments for either certificated group I or certificated group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year certificated average annualized salary for the certificated group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both certificated group I and certificated group II, shall have on file with the necessary supporting documentation, the current school year certificated group salary factor.

NEW SECTION

WAC 392-127-510 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED INSURANCE BENEFITS. The school district, ten days after completion of all insurance benefit adjustments for certificated group I employees, shall have on file with the necessary supporting documentation, the current school year certificated average annual insurance benefits for certificated group I.

NEW SECTION

WAC 392-127-515 CERTIFICATED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE. Upon the request of an agent representing a bargaining unit of certificated group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-500, 392-127-505, and 392-127-510.

NEW SECTION

WAC 392-127-520 CERTIFICATED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE. Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of certificated group II employee(s) shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent.

NEW SECTION

WAC 392-127-525 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT. An agent representing a bargaining unit of certificated group II employee(s), may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-545, 392-127-550, and 392-127-555. No complaint shall be accepted by the superintendent of public instruction until fifteen days after the written request to meet with the school district superintendent.

NEW SECTION

WAC 392-127-530 CERTIFICATED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT. All complaints shall be

submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of certificated group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-520.

NEW SECTION

WAC 392-127-535 CERTIFICATED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern, which if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint.

NEW SECTION

WAC 392-127-540 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT. The superintendent of public instruction shall use the criteria outlined in WAC 392-127-545, 392-127-550, and 392-127-555 to evaluate the results of an informal review of the complaint.

NEW SECTION

WAC 392-127-545 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the current school year certificated group salary factor from the prior school year certificated group salary factor. If the result obtained in this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits salary compliance.

NEW SECTION

WAC 392-127-550 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for the certificated group I employees to the insurance benefits authorized in the appropriations act multiplied by twelve. The district shall be in compliance with the certificated insurance benefits provided if the current school year certificated average annual insurance benefits for certificated group I employees is equal to or less than the insurance benefits authorized in the appropriations act multiplied by twelve.

In the event the school district's current school year certificated average annual insurance benefits exceed the insurance benefits authorized in the appropriations act multiplied by twelve, compliance with insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for certificated group I employees to the prior school year certificated average annual insurance benefits provided by the school district for certificated group I employees. The district shall be in compliance with the certificated insurance benefits if the current school year certificated average annual insurance benefits for certificated group I employees is equal to or less than the prior school year certificated average annual insurance benefits provided by the school district for certificated group I employees.

NEW SECTION

WAC 392-127-555 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-545, compliance for insurance benefits shall be calculated as follows:

- (1) Subtract the prior school year certificated average annual insurance benefits from the current school year certificated average annual insurance benefits for certificated group I;

(2) Subtract the current school year certificated group salary factor from the prior school year certificated group salary factor, unless the result of this calculation is positive, the value zero is substituted for the result obtained in this subsection;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the certificated group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative, the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-560 CERTIFICATED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT. Following the informal review the superintendent of public instruction shall have ten days to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-565 and 392-127-570 unless or until such time as it is demonstrated that the district is in compliance with this chapter.

NEW SECTION

WAC 392-127-565 CERTIFICATED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555 by the current school year certificated average annualized salary for certificated group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for certificated group I. The result is further multiplied by the number of months the salary increase is provided in the appropriations act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

NEW SECTION

WAC 392-127-570 CERTIFICATED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555(6) by the full-time equivalent staff in certificated group I.

NEW SECTION

WAC 392-127-575 CERTIFICATED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE. The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to be present and be a party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district.

CLASSIFIED GROUP COMPLIANCE PROCESS

NEW SECTION

WAC 392-127-600 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED STAFF. The school district, thirty days after submittal of the current school year Form S-277, shall have on file the following classified staff information with the necessary supporting documentation:

(1) The prior school year classified average annualized salary for classified group I;

(2) The prior school year classified average annualized salary for classified group II;

(3) The prior school year classified group salary factor;

(4) The prior school year classified average annual insurance benefits for classified group I;

(5) A listing of classified employees assigned to classified group I, including their full-time equivalency and assigned positions; and

(6) A listing of classified employees assigned to classified group II, including their full-time equivalency and assigned positions.

NEW SECTION

WAC 392-127-605 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED SALARIES. The school district, ten days after completion of all salary increments and salary adjustments for either classified group I or classified group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year classified average annualized salary for the classified group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both classified group I and classified group II, shall have on file with the necessary supporting documentation, the current school year classified group salary factor.

NEW SECTION

WAC 392-127-610 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING INSURANCE BENEFITS. The school district, ten days after completion of all insurance benefit adjustments for classified group I employees, shall have on file with the necessary supporting documentation, the current school year classified average annual insurance benefit for classified group I.

NEW SECTION

WAC 392-127-615 CLASSIFIED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE. Upon the request of an agent representing a bargaining unit of classified group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-600, 392-127-605, and 392-127-610.

NEW SECTION

WAC 392-127-620 CLASSIFIED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE. Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of classified group II employee(s), shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent.

NEW SECTION

WAC 392-127-625 CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT. An agent representing a bargaining unit of classified group II employee(s), may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-645, 392-127-650, and 392-127-655. No complaint shall be accepted by the superintendent of public instruction until fifteen days after the written request to meet with the school district superintendent.

NEW SECTION

WAC 392-127-630 CLASSIFIED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT. All complaints shall be submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of classified group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-620.

NEW SECTION

WAC 392-127-635 CLASSIFIED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern which, if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint.

NEW SECTION

WAC 392-127-640 CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT. The superintendent of public instruction shall use the criteria outlined in WAC 392-127-645, 392-127-650, and 392-127-655 to evaluate the results of an informal review of the complaint.

NEW SECTION

WAC 392-127-645 CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance with fair share shall be calculated by subtracting the current school year classified group salary factor from the prior school year classified group salary factor. If the result obtained of this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-650 CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for the classified group I employees to the insurance benefits authorized in the appropriations act multiplied by twelve. The district shall be in compliance with the classified insurance benefits provided if the average current school year classified annual insurance benefits for classified group I employees is equal to or less than the insurance benefits authorized in the appropriations act multiplied by twelve.

In the event the school district's current school year classified insurance benefits exceed the insurance benefits authorized in the appropriations act multiplied by twelve, compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for classified group I employees to the prior school year classified average annual insurance benefits provided by the school district for classified group I employees. The district shall be in compliance with the classified insurance benefits if the current school year classified average annual insurance benefits for classified group I employees is equal to or less than the prior school year classified average annual insurance benefits provided by the school district for classified group I employees.

NEW SECTION

WAC 392-127-655 CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-645, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the classified prior school year average annual insurance benefits from the classified current school year average annual insurance benefits for classified group I;

(2) Subtract the current school year classified factor from the prior school year classified factor, unless the result of this calculation is positive, the value zero is substituted for the result obtained in this subsection;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the classified group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-660 CLASSIFIED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT. Following the informal review the superintendent of public instruction shall have ten days to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-665 and 392-127-670 unless or until such time as it is demonstrated that the district is in compliance with this chapter.

NEW SECTION

WAC 392-127-665 CLASSIFIED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655 by the current school year classified average annualized salary for classified group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for classified group I. The result is further multiplied by the number of months the salary increase is provided in the appropriations act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

NEW SECTION

WAC 392-127-670 CLASSIFIED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655(6) by the full-time equivalent staff in classified group I.

NEW SECTION

WAC 392-127-675 CLASSIFIED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE. The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to be present and be party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district.

WSR 84-14-055
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 29, 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—Salary compensation lid compliance, chapter 392-126 WAC;

that the agency will at 9:00 a.m., Wednesday, August 8, 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 August 13, 1984.

The authority under which these rules are proposed is RCW 28A.58.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 8, 1984.

Dated: June 29, 1984

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-126 WAC, Finance—Salary compensation lid compliance.

Rule Section(s): WAC 392-126-005 Authority; 392-126-010 Purpose; 392-126-100 Definition—Day; 392-126-105 Definition—Current school year; 392-126-110 Definition—Prior school year; 392-126-115 Definition—Compensation; 392-126-120 Definition—LEAP document 5; 392-126-125 Definition—Reduction in force (RIF); 392-126-130 Definition—New position; 392-126-135 Definition—Report 1191; 392-126-200 Definition—Certificated employee; 392-126-205 Definition—Full-time equivalent certificated employee; 392-126-210 Definition—Form S-275; 392-126-215 Definition—Report S-727; 392-126-220 Definition—Basic education certificated staff; 392-126-225 Definition—Certificated staff salaries; 392-126-230 Definition—Certificated staff highest annual salaries; 392-126-235 Definition—Certificated insurance benefits; 392-126-240 Definition—LEAP document 1; 392-126-245 Definition—Staff mix factor; 392-126-250 Definition—District staff mix factor; 392-126-255 Definition—District certificated derived base salary; 392-126-260 Definition—Maximum allowed basic education certificated derived base salary; 392-126-265 Definition—Maximum allowed certificated insurance benefits; 392-126-270 Definition—Form 1040; 392-126-275 Definition—Form 1041; 392-126-280 Definition—Form 1042; 392-126-285 Definition—Form 1043; 392-126-300 Definition—Classified employee; 392-126-305 Definition—Full-time equivalent classified employee; 392-126-310 Definition—Form S-277; 392-126-315 Definition—Report S-730; 392-126-320 Definition—Basic education classified staff; 392-126-325 Definition—Classified staff salaries; 392-126-330 Definition—Classified staff highest annual

salaries; 392-126-335 Definition—Classified insurance benefits; 392-126-340 Definition—Classified increment mix factor; 392-126-345 Definition—District classified increment mix factor; 392-126-350 Definition—State-supported classified increment mix factor adjustment; 392-126-355 Definition—District classified adjusted base salary; 392-126-360 Definition—Maximum allowed basic education classified adjusted base salary; 392-126-365 Definition—Maximum allowed certificated insurance benefits; 392-126-370 Definition—Form 1045; 392-126-375 Definition—Form 1046; 392-126-380 Definition—Form 1047; 392-126-385 Definition—Form 1048; 392-126-500 Salary-compensation lid compliance—Compliance of average certificated salaries; 392-126-505 Salary-compensation lid compliance—Compliance of certificated insurance benefits; 392-126-510 Salary-compensation lid compliance—No increases constitute compliance—Certificated staff; 392-126-600 Salary-compensation lid compliance—Reporting cycle—Certificated staff; 392-126-605 Salary-compensation lid compliance—Reporting cycle—District initial edit of certificated personnel data; 392-126-610 Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Certificated staff; 392-126-615 Salary-compensation lid compliance—Reporting cycle—Review of additional information—Certificated staff; 392-126-620 Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Certificated staff; 392-126-625 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of certificated personnel data; 392-126-630 Salary-compensation lid compliance—Withholding of basic education allocation—Certificated staff; 392-126-700 Salary-compensation lid compliance—Compliance of average classified salaries; 392-126-705 Salary-compensation lid compliance—Compliance of classified insurance benefits; 392-126-710 Salary-compensation lid compliance—No increases constitute compliance—Classified staff; 392-126-800 Salary-compensation lid compliance—Reporting cycle—Classified staff; 392-126-805 Salary-compensation lid compliance—Reporting cycle—District initial edit of classified personnel data; 392-126-810 Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Classified staff; 392-126-815 Salary-compensation lid compliance—Reporting cycle—Review of additional information—Classified staff; 392-126-820 Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Classified staff; 392-126-825 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of classified personnel data; and 392-126-830 Salary-compensation lid compliance—Withholding of basic education allocation—Classified staff.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To establish policies and procedures for implementing the salary compensation lid.

Summary of the New Rule(s) and/or Amendments: WAC 392-126-005, states the authority for this chapter; 392-126-010, states the purpose for this chapter;

392-126-100, defines the term "day" for purpose of salary compliance; 392-126-105, defines the term "current school year" for purpose of salary compliance; 392-126-110, defines the term "prior school year" for purpose of salary compliance; 392-126-115, defines the term "compensation" for purpose of salary compliance; 392-126-120, defines the term "LEAP document 5" for purpose of salary compliance; 392-126-125, defines the term "reduction in force" for purpose of salary compliance; 392-126-130, defines the term "new position" for purpose of salary compliance; 392-126-135, defines the term "Report 1191" for purpose of salary compliance; 392-126-200, defines the term "certificated employee" for purpose of salary compliance; 392-126-205, defines the term "full-time equivalent certificated employee" for purpose of salary compliance; 392-126-210, defines the term "Form S-275" for purpose of salary compliance; 392-126-215, defines the term "Report S-727" for purpose of salary compliance; 392-126-220, defines the term "basic education certificated staff" for purpose of salary compliance; 392-126-225, defines the term "certificated staff salaries" for purpose of salary compliance; 392-126-230, defines the term "certificated staff highest annual salaries" for purpose of salary compliance; 392-126-235, defines the term "certificated insurance benefits" for purpose of salary compliance; 392-126-240, defines the term "LEAP document 1" for purpose of salary compliance; 392-126-245, defines the term "staff mix factor" for purpose of salary compliance; 392-126-250, defines the term "district staff mix factor" for purpose of salary compliance; 392-126-255, defines the term "district certificated derived base salary" for purpose of salary compliance; 392-126-260, defines the term "maximum allowed basic education certificated derived base salary" for purpose of salary compliance; 392-126-265, defines the term "maximum allowed certificated insurance benefits" for purpose of salary compliance; 392-126-270, defines the term "Form 1040" for purpose of salary compliance; 392-126-275, defines the term "Form 1041" for purpose of salary compliance; 392-126-280, defines the term "Form 1042" for purpose of salary compliance; 392-126-285, defines the term "Form 1043" for purpose of salary compliance; 392-126-300, defines the term "classified employee" for purpose of salary compliance; 392-126-305, defines the term "full-time equivalent classified employee" for purpose of salary compliance; 392-126-310, defines the term "Form S-277" for purpose of salary compliance; 392-126-315, defines the term "Report S-730" for purpose of salary compliance; 392-126-320, defines the term "basic education classified staff" for purpose of salary compliance; 392-126-325, defines the term "classified staff salaries" for purpose of salary compliance; 392-126-330, defines the term "classified staff highest annual salaries" for purpose of salary compliance; 392-126-335, defines the term "classified insurance benefits" for purpose of salary compliance; 392-126-340, defines the term "classified increment mix factor" for purpose of salary compliance; 392-126-345, defines the term "district classified increment mix factor" for purpose of salary compliance; 392-126-350, defines the term "state-supported classified increment mix factor adjustment"

for purpose of salary compliance; 392-126-355, defines the term "district classified adjusted base salary" for purpose of salary compliance; 392-126-360, defines the term "maximum allowed basic education classified adjusted base salary" for purpose of salary compliance; 392-126-365, defines the term "maximum allowed insurance benefits" for purpose of salary compliance; 392-126-370, defines the term "Form 1045" for purpose of salary compliance; 392-126-375, defines the term "Form 1046" for purpose of salary compliance; 392-126-380, defines the term "Form 1047" for purpose of salary compliance; 392-126-385, defines the term "Form 1048" for purpose of salary compliance; 392-126-500, states the salary compliance calculation to be used to determine whether a district is in compliance for certificated staff salaries; 392-126-505, states the insurance benefit compliance calculation to be used to determine whether a district is in compliance for certificated insurance benefits; 392-126-510, describes the no increase certification allowed for districts to be in compliance for certificated staff; 392-126-600, specifies that each district will provide the superintendent of public instruction with such data for certificated staff as needed to determine a district's compliance with salary-compensation lid; 392-126-605, specifies the timeline for a district's submission of initial edited certificated personnel data; 392-126-610, states the superintendent of public instruction will review the edited data and determine whether additional information is needed from a district for certificated staff; 392-126-615, specifies the timelines for a district to submit additional information and to request an informational review, if necessary, for the superintendent of public instruction to determine whether the district is in compliance for certificated staff; 392-126-620, specifies the timeline for the superintendent of public instruction to notify the district after the informal review for certificated staff if there is a violation and a penalty to be withheld; 392-126-625, specifies the timelines for a district to make subsequent changes to the certificated personnel data; 392-126-630, describes the withholding of the penalty from the district's basic education allocation for a violation of the salary-compensation lid for certificated staff; 392-126-700, states the salary-compliance calculation to be used to determine whether a district is in compliance for classified staff salaries; 392-126-705, states the insurance benefit compliance calculation to be used to determine whether a district is in compliance for classified insurance benefits; 392-126-710, describes the no increase certification allowed for districts to be in compliance for classified staff; 392-126-800, specifies that each district will provide the superintendent of public instruction with such data for classified staff as needed to determine a district's compliance with salary-compensation lid; 392-126-805, specifies the timeline for a district's submission of initial edited classified personnel data; 392-126-810, states the superintendent of public instruction will review the edited data and determine whether additional information is needed from a district for classified staff; 392-126-815, specifies the timelines for a district to submit additional information and to request an informed review if necessary, for the

superintendent of public instruction to determine whether the district is in compliance for classified staff; 392-126-820, specifies the timeline for the superintendent of public instruction to notify the district after the informal review for classified staff if there is a violation and a penalty to be withheld; 392-126-825, specifies the timelines for a district to make subsequent changes to the classified personnel data; and 392-126-830, describes the withholding of the penalty from the district's basic education allocation for a violation of the salary-compensation lid for classified staff.

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; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bruce Mrkvicka, SPI, 3-6708.

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): These rules replace similar rules in chapter 392-140 WAC.

Chapter 392-126 WAC

FINANCE—SALARY—COMPENSATION LID COMPLIANCE

AUTHORITY AND PURPOSE

NEW SECTION

WAC 392-126-005 **AUTHORITY.** The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with the salary-compensation lid of the state operating appropriations act.

NEW SECTION

WAC 392-126-010 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide salary and compensation increases from any fund source whatsoever in excess of the amount and/or percentage as may be provided for employees in the state operating appropriations act in effect at the time the compensation is payable.

DEFINITIONS—GENERAL

NEW SECTION

WAC 392-126-100 **DEFINITION—DAY.** As used in this chapter, "day" shall mean a calendar day. The number of days shall be counted by excluding the first day and including the last day, unless the last day is a holiday or Sunday, and then it is also excluded.

NEW SECTION

WAC 392-126-105 **DEFINITION—CURRENT SCHOOL YEAR.** As used in this chapter, "current school year" shall mean the school year for which the district is being monitored for compliance.

NEW SECTION

WAC 392-126-110 **DEFINITION—PRIOR SCHOOL YEAR.** As used in this chapter, "prior school year" shall mean the school year immediately preceding the current school year.

NEW SECTION

WAC 392-126-115 **DEFINITION—COMPENSATION.** As used in this chapter, "compensation" shall mean the total dollar amount which a district has agreed to provide staff for employment services to the district for the school year in the form of certificated and classified staff salaries and insurance benefits as those terms are defined in this chapter.

NEW SECTION

WAC 392-126-120 **DEFINITION—LEAP DOCUMENT 5.** As used in this chapter, "LEAP Document 5" shall mean the computer tabulation of the derived base salaries for basic education certificated staff, and the average salaries for basic education classified staff as established in the 1983-85 state operating appropriations act in effect at the time.

NEW SECTION

WAC 392-126-125 **DEFINITION—REDUCTION IN FORCE (RIF).** As used in this chapter, "reduction in force" (RIF) shall mean any person employed by a school district during the prior school year and reported on Form S-275 or Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a RIF policy adopted by the district and shall be reported by the district to the superintendent of public instruction on Form 1040 for certificated persons and on Form 1045 for classified persons.

NEW SECTION

WAC 392-126-130 **DEFINITION—NEW POSITION.** As used in this chapter, "new position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

(1) No comparable job or job which performs substantially the same duties or functions existed in the appropriate employee category the prior school year; and

(2) The district has employed an individual in the newly established job for the current school year effective on or before the first school day in October for certificated employees and on or before the first school day in November for classified employees.

New positions shall be reported by the district to the superintendent of public instruction on Form 1041 for certificated persons or on Form 1046 for classified persons.

NEW SECTION

WAC 392-126-135 **DEFINITION—REPORT 1191.** As used in this chapter, "Report 1191" shall mean the monthly statement of a school district's estimated basic education allocation for the current school year calculated by the superintendent of public instruction and distributed to school districts each month.

DEFINITIONS—CERTIFICATED STAFF

NEW SECTION

WAC 392-126-200 **DEFINITION—CERTIFICATED EMPLOYEE.** As used in this chapter, "certificated employee" shall mean the same as the term defined in WAC 392-121-115(1).

NEW SECTION

WAC 392-126-205 **DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE.** As used in this chapter, "full-time equivalent certificated employee" shall mean the same as the term defined in WAC 392-121-115(2).

NEW SECTION

WAC 392-126-210 **DEFINITION—FORM S-275.** As used in this chapter, "Form S-275" shall mean the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as

the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report serves as the basis for placement of each certificated employee on LEAP Document 1 and provides salary and compensation data for each certificated employee attributable to services to be performed during the affected school year. This report shall include only certificated individuals employed by the district as of October 1 of the school year.

NEW SECTION

WAC 392-126-215 DEFINITION—REPORT S-727. As used in this chapter, "Report S-727" shall mean the alphabetic listing of certificated personnel employed by the district on October 1 as prepared by the superintendent of public instruction from data submitted by the district on the Form S-275 for the school year. This report is updated by the district and submitted to the superintendent of public instruction as changes occur during the school year.

NEW SECTION

WAC 392-126-220 DEFINITION—BASIC EDUCATION CERTIFICATED STAFF. As used in this chapter, "basic education certificated staff" shall mean all full-time equivalent certificated staff reported on Form S-275 in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97.

NEW SECTION

WAC 392-126-225 DEFINITION—CERTIFICATED STAFF SALARIES. As used in this chapter, "certificated staff salaries" shall mean those moneys which a school district has agreed to pay all certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's summer school or extracurricular duties regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract, as reported to the superintendent of public instruction on Form S-275. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

NEW SECTION

WAC 392-126-230 DEFINITION—CERTIFICATED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "certificated staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the current school year Form S-275 and calculated as follows:

- (1) Determine the highest annualized salary, which shall mean the highest monthly salary multiplied by twelve, that was paid or would have been paid during the current school year for the individual reported on Form S-275;
- (2) Multiply the highest annualized salary by the full-time equivalency for the individual;
- (3) Add all such calculations for individuals assigned to the basic education program; and
- (4) The result obtained in subsection (3) of this section shall be the certificated staff highest annual salaries for the current school year.

NEW SECTION

WAC 392-126-235 DEFINITION—CERTIFICATED INSURANCE BENEFITS. As used in this chapter, "certificated insurance benefits" shall mean the district cost for those items of protection designed to benefit individual certificated employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining processes as reported to the superintendent of public instruction for certificated staff on Form S-275.

NEW SECTION

WAC 392-126-240 DEFINITION—LEAP DOCUMENT 1. As used in this chapter, "LEAP Document 1" shall mean the same as the term defined in WAC 392-121-120.

NEW SECTION

WAC 392-126-245 DEFINITION—STAFF MIX FACTOR. As used in this chapter, "staff mix factor" shall mean the same as the term defined in WAC 392-121-121.

NEW SECTION

WAC 392-126-250 DEFINITION—DISTRICT STAFF MIX FACTOR. As used in this chapter, "district staff mix factor" shall mean the same as the term defined in WAC 392-121-125.

NEW SECTION

WAC 392-126-255 DEFINITION—DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "certificated district derived base salary" shall mean the salary amount calculated as follows:

- (1) Divide a district's certificated staff highest annual salaries for the current school year by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain an average salary amount for the current school year;
- (2) The average salary amount is then divided by the district staff mix factor for the current school year; and
- (3) The quotient obtained is the district certificated derived base salary for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-260 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education certificated derived base salary" shall mean the appropriate district certificated derived base salary shown on LEAP Document 5 improved by \$1,089.97 for the 1984-85 school year. In the event that maximum allowed basic education certificated derived base salary is less than the district's reported prior school year certificated derived base salary, the district may request on Form 1043 that the superintendent of public instruction use the reported prior school year certificated derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter.

NEW SECTION

WAC 392-126-265 DEFINITION—MAXIMUM ALLOWED CERTIFICATED INSURANCE BENEFITS. As used in this chapter, "maximum allowed certificated insurance benefits" shall mean the insurance benefit amount specified in the state operating appropriations act of one hundred seventy-nine dollars multiplied by twelve months per full-time equivalent staff unit for the 1984-85 school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the appropriations act multiplied by twelve months, the district's maximum allowed certificated insurance benefits shall be the district's reported prior school year actual average annual insurance benefits.

NEW SECTION

WAC 392-126-270 DEFINITION—FORM 1040. As used in this chapter, "Form 1040" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-610.

NEW SECTION

WAC 392-126-275 DEFINITION—FORM 1041. As used in this chapter, "Form 1041" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff with their job classifications meeting the definition of "new position" as provided in WAC 392-126-130 and

submit to the superintendent of public instruction pursuant to WAC 392-126-610.

NEW SECTION

WAC 392-126-280 **DEFINITION—FORM 1042.** As used in this chapter, "Form 1042" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education certificated staff in the school district received an increase in salary or insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-126-510.

NEW SECTION

WAC 392-126-285 **DEFINITION—FORM 1043.** As used in this chapter, "Form 1043" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year certificated derived base salary be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-260.

DEFINITIONS—CLASSIFIED STAFF

NEW SECTION

WAC 392-126-300 **DEFINITION—CLASSIFIED EMPLOYEE.** As used in this chapter, "classified employee" shall mean the same as the term defined in WAC 392-121-115(3).

NEW SECTION

WAC 392-126-305 **DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE.** As used in this chapter, "full-time equivalent classified employee" shall mean the same as the term defined in WAC 392-121-115(4).

NEW SECTION

WAC 392-126-310 **DEFINITION—FORM S-277.** As used in this chapter, "Form S-277" shall mean the classified personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual classified employee's name, social security number, work assignment, hourly rate of pay, hours worked per day, days worked per year, years of experience, amount of fringe benefits and insurance benefits for each classified employee attributable to services to be performed during the affected school year. This report shall include only classified individuals employed by the district as of November 1 of the school year.

NEW SECTION

WAC 392-126-315 **DEFINITION—REPORT S-730.** As used in this chapter, "Report S-730" shall mean the alphabetic listing of classified personnel employed by the district on November 1 as prepared by the superintendent of public instruction from data submitted by the district on Form S-277 for the school year. This report is updated by the district and submitted to the superintendent of public instruction as changes occur during the school year.

NEW SECTION

WAC 392-126-320 **DEFINITION—BASIC EDUCATION CLASSIFIED STAFF.** As used in this chapter, "basic education classified staff" shall mean all full-time equivalent classified staff reported on Form S-277 in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97.

NEW SECTION

WAC 392-126-325 **DEFINITION—CLASSIFIED STAFF SALARIES.** As used in this chapter, "classified staff salaries" shall

mean moneys which a district has agreed to pay, exclusive of extra-curricular duties and overtime pay, to all classified staff who are employed as of November 1 of each school year as reported to the superintendent of public instruction on Form S-277.

NEW SECTION

WAC 392-126-330 **DEFINITION—CLASSIFIED STAFF HIGHEST ANNUAL SALARIES.** As used in this chapter, "classified staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the current school year Form S-277 and calculated as follows:

(1) Determine the highest hourly rate(s) that was paid or would have been paid during the current school year for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;

(2) Multiply the highest hourly rate(s) by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the classified staff highest annual salaries for the current school year.

NEW SECTION

WAC 392-126-335 **DEFINITION—CLASSIFIED INSURANCE BENEFITS.** As used in this chapter, "classified insurance benefits" shall mean the district cost for those items of protection designed to benefit individual employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining processes as reported to the superintendent of public instruction for classified staff on Form S-277.

NEW SECTION

WAC 392-126-340 **DEFINITION—CLASSIFIED INCREMENT MIX FACTOR.** As used in this chapter, "classified increment mix factor" shall mean the same as the term defined in WAC 392-121-128.

NEW SECTION

WAC 392-126-345 **DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR.** As used in this chapter, "district classified increment mix factor" shall mean the same as the term defined in WAC 392-121-129.

NEW SECTION

WAC 392-126-350 **DEFINITION—STATE-SUPPORTED CLASSIFIED INCREMENT MIX FACTOR ADJUSTMENT.** As used in this chapter, "state-supported classified increment mix factor adjustment" shall mean the adjustment factor for each district calculated as follows:

(1) Divide the district classified increment mix factor for the current school year by the district classified increment mix factor for the prior school year;

(2) Subtract one from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the state level of support as of the November apportionment payment for state recognized increment allocations expressed as a percentage and calculated by dividing available appropriation authority by the formula allocation calculated at one hundred percent of support;

(4) Add one to the result obtained in subsection (3) of this section; and

(5) The result obtained is the state-supported classified increment mix factor adjustment for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-355 DEFINITION—DISTRICT CLASSIFIED ADJUSTED BASE SALARY. As used in this chapter, "district classified adjusted base salary" shall mean the salary amount calculated as follows:

- (1) Divide the district's classified staff highest average annual salaries for the current school year by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the average classified salary for the current school year;
- (2) Multiply the result obtained in subsection (1) of this section by the state-supported classified increment mix factor adjustment; and
- (3) The result obtained is the district classified adjusted base salary for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-360 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CLASSIFIED ADJUSTED BASE SALARY. As used in this chapter, "maximum allowed basic education classified adjusted base salary" shall mean the appropriate district average salary shown on LEAP Document 5 improved by \$1,155.91 for the 1984-85 school year. In the event that the maximum allowed basic education classified adjusted base salary is less than the district's reported prior school year classified adjusted base salary, the district may request on Form 1048 that the superintendent of public instruction use the reported prior school year classified adjusted base salary instead of that calculated in this section for the purpose of determining compliance with this chapter.

NEW SECTION

WAC 392-126-365 DEFINITION—MAXIMUM ALLOWED CLASSIFIED INSURANCE BENEFITS. As used in this chapter, "maximum allowed classified insurance benefits" shall mean the insurance benefit amount authorized in the state operating appropriations act of one hundred seventy-nine dollars multiplied by twelve months per full-time equivalent staff unit for the 1984-85 school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the appropriations act multiplied by twelve months, the district's maximum allowed classified insurance benefits shall be the district's reported prior school year actual average annual insurance benefits. For the purpose of establishing the maximum allowed classified insurance benefits for classified employees, a full-time equivalent employee is an employee contracted to work 1,440 hours per year or more for the 1984-85 school year.

NEW SECTION

WAC 392-126-370 DEFINITION—FORM 1045. As used in this chapter, "Form 1045" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education classified staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-810.

NEW SECTION

WAC 392-126-375 DEFINITION—FORM 1046. As used in this chapter, "Form 1046" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education classified staff with their job classification meeting the definition of "new position" as provided in WAC 392-126-130 and submit to the superintendent of public instruction pursuant to WAC 392-126-810.

NEW SECTION

WAC 392-126-380 DEFINITION—FORM 1047. As used in this chapter, "Form 1047" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education classified staff in the school district received an increase in salary or insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-126-710.

NEW SECTION

WAC 392-126-385 DEFINITION—FORM 1048. As used in this chapter, "Form 1048" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year classified adjusted base salary be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-360.

SALARY COMPENSATION LID COMPLIANCE—
CALCULATIONS FOR CERTIFICATED STAFFNEW SECTION

WAC 392-126-500 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-510, compliance with the salary-compensation lid shall be calculated as follows:

For basic education certificated staff, if the district's reported certificated derived base salary exceeds the district's maximum allowed certificated derived base salary, the district shall be considered in violation of the salary-compensation lid for the current school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1040 pursuant to WAC 392-126-610 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1041 pursuant to WAC 392-126-610 may exclude new positions as defined in WAC 392-126-130.

NEW SECTION

WAC 392-126-505 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF CERTIFICATED INSURANCE BENEFITS. Insurance benefit increases granted certificated employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent certificated staff unit authorized in the appropriations act for the current school year. If insurance benefits granted certificated employees in the prior school year were in excess of the maximum allowed certificated insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed certificated insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted certificated employees exceeds the maximum allowed certificated insurance benefit, the district may certify to the superintendent of public instruction on Form 1042 that:

- (1) For those certificated employees whose prior school year insurance benefits exceeded the maximum allowed certificated insurance benefits for the current school year, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and
- (2) For those certificated employees whose prior school year insurance benefits were equal to or less than the maximum allowed certificated insurance benefits, the average of these employees' current school year insurance benefits does not exceed one hundred seventy-nine dollars multiplied by twelve months.

NEW SECTION

WAC 392-126-510 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE—CERTIFICATED STAFF. If the superintendent of public instruction has determined that a district's certificated derived base salary for the current school year exceeds the maximum allowed certificated derived base pursuant to WAC 392-126-500, or a district's payment for insurance benefits for certificated staff exceeds the amount specified for the current school year in the appropriations act, the district may certify to the superintendent of public instruction on Form 1042 that it gave no salary increase pursuant to WAC 392-126-500 or insurance

benefit increase pursuant to WAC 392-126-505, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes.

SALARY COMPENSATION LID COMPLIANCE PROCESS— CERTIFICATED STAFF

NEW SECTION

WAC 392-126-600 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-CERTIFICATED STAFF. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for certificated staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-270, 392-126-275, 392-126-280, and 392-126-285 for certificated employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

NEW SECTION

WAC 392-126-605 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT INITIAL EDIT OF CERTIFICATED PERSONNEL DATA. The superintendent of public instruction shall return to each school district Reports S-727 as specified in WAC 392-126-215. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-126-610 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION-CERTIFICATED STAFF. The superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid for certificated staff pursuant to WAC 392-126-500. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

NEW SECTION

WAC 392-126-615 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-REVIEW OF ADDITIONAL INFORMATION-CERTIFICATED STAFF. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for certificated staff may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to the superintendent of public instruction on forms specified in WAC 392-126-270 through 392-126-285. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-630 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyse additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the

date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-630 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-126-620 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CERTIFICATED STAFF. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for certificated staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-630.

NEW SECTION

WAC 392-126-625 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT SUBSEQUENT CHANGES OF CERTIFICATED PERSONNEL DATA. In the event a school district changes certificated personnel data reported on Form S-275 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district, assistant superintendent, principal, assistant principal, teacher, counselor, pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-126-610 through 392-126-620 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

NEW SECTION

WAC 392-126-630 SALARY-COMPENSATION LID COMPLIANCE-WITHHOLDING OF BASIC EDUCATION ALLOCATION-CERTIFICATED STAFF. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for certificated staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year, the actual amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place unless or until such time as the district comes into compliance with the salary-compensation lid.

In the event a district increases its salaries or compensation at, near, or after the end of the school year, and the superintendent of public instruction determines that such an increase places the district in violation of the salary-compensation lid, but the determination occurs too late for the superintendent of public instruction to make a negative adjustment in that year's basic education allocation, the superintendent of public instruction shall enter the negative adjustment based upon

the current school year's data, but withhold the appropriate amount from the district's basic education allocation in the following year.

SALARY COMPENSATION LID COMPLIANCE—
CALCULATIONS FOR CLASSIFIED STAFF

NEW SECTION

WAC 392-126-700 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-710, compliance with the salary-compensation lid shall be calculated as follows:

For basic education classified staff, if the district's reported classified adjusted base salary exceeds the district's maximum allowed classified adjusted base salary the district shall be considered in violation of the salary-compensation lid for the current school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1045 pursuant to WAC 392-126-810 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1046 pursuant to WAC 392-126-810 may exclude new positions as defined in WAC 392-126-130.

NEW SECTION

WAC 392-126-705 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF CLASSIFIED INSURANCE BENEFITS. Insurance benefit increases granted classified employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent classified staff unit authorized in the appropriations act for the current school year. If insurance benefits granted classified employees in the prior school year were in excess of the maximum allowed classified insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed classified insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted classified employees exceeds the maximum allowed classified insurance benefit, the district may certify to the superintendent of public instruction on Form 1047 that:

(1) For those classified employees whose prior school year insurance benefits exceeded the maximum allowed classified insurance benefits for the current school year, the average of these employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those classified employees whose prior school year insurance benefits were equal to or less than the maximum allowed classified insurance benefits, the average of these employees' current school year insurance benefits does not exceed one hundred seventy-nine dollars multiplied by twelve months.

NEW SECTION

WAC 392-126-710 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE—CLASSIFIED STAFF. If the superintendent of public instruction has determined that a district's classified adjusted base salary for the current school year exceeds the maximum allowed classified adjusted base salary pursuant to WAC 392-126-700, or a district's payment for insurance benefits for classified staff exceeds the amounts specified for the current school year in the Appropriations Act, the district may certify to the superintendent of public instruction on Form 1047 that it gave no salary increase pursuant to WAC 392-126-700 or insurance benefit increase pursuant to WAC 392-126-705, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes.

SALARY COMPENSATION LID COMPLIANCE PROCESS—
CLASSIFIED STAFF

NEW SECTION

WAC 392-126-800 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—CLASSIFIED STAFF. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for classified staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-370, 392-126-375, 392-126-380, and 392-126-385 for classified employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

NEW SECTION

WAC 392-126-805 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DISTRICT INITIAL EDIT OF CLASSIFIED PERSONNEL DATA. The superintendent of public instruction shall return to each school district Reports S-730 as specified in WAC 392-126-315. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-126-810 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION—CLASSIFIED STAFF. The superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid for classified staff pursuant to WAC 392-126-700. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

NEW SECTION

WAC 392-126-815 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION—CLASSIFIED STAFF. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for classified staff may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to the superintendent of public instruction on forms specified in WAC 392-126-370 through 392-126-385. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-830 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the

penalty pursuant to WAC 392-126-830 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-126-820 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CLASSIFIED STAFF. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for classified staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-830.

NEW SECTION

WAC 392-126-825 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT SUBSEQUENT CHANGES OF CLASSIFIED PERSONNEL DATA. In the event a school district changes classified personnel data reported on Form S-277 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., director, supervisor, secretary, custodian—pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-126-810 through 392-126-820 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

NEW SECTION

WAC 392-126-830 SALARY-COMPENSATION LID COMPLIANCE-WITHHOLDING OF BASIC EDUCATION ALLOCATION-CLASSIFIED STAFF. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for classified staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent of financial services to withhold for the current school year, the actual amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place unless or until such time as the district comes into compliance with the salary-compensation lid.

In the event a district increases its salaries or compensation at, near, or after the end of the school year, and the superintendent of public instruction determines that such an increase places the district in violation of the salary-compensation lid, but the determination occurs too late for the superintendent of public instruction to make a negative adjustment in that year's basic education allocation, the superintendent of public instruction shall enter the negative adjustment based upon the current school year's data, but withhold the appropriate amount from the district's basic education allocation in the following year.

**WSR 84-14-056
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 29, 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., Wednesday, August 8, 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 August 13, 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 August 8, 1984.

Dated: June 28, 1984

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-121 WAC, Finance—General apportionment.

Rule Section(s): WAC 392-121-128 Definition—Classified increment mix factor; 392-121-129 Definition—District classified increment mix factor; and 392-121-131 Definition—Classified years of experience.

Statutory Authority: RCW 28A.41.170 and 28A.41.055.

Purpose of the Rule(s): To provide apportionment of school districts.

Summary of the New Rule(s) and/or Amendments: WAC 392-121-128, defines the term "classified increment mix factor" for purpose of general apportionment; 392-121-129, defines the term "district classified increment mix factor" for purpose of general apportionment; and 392-121-131, defines the term "classified years of experience" for purpose of general apportionment.

Reasons Which Support the Proposed Action(s): These rule changes are pursuant to changes in the 1984 Appropriations Act.

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: Bruce Mrkvicka, SPI, 3-6708.

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 rules implement action by the 1984 legislature.

NEW SECTION

WAC 392-121-128 DEFINITION—CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "classified increment mix factor" shall mean any one of the numbers to three decimal places which appear on the following schedule relating years of experience to a weighting factor as shown below:

<u>YEARS OF EXPERIENCE</u>	<u>WEIGHTING FACTOR</u>
0.4 or less	1.000
0.5 to 1.4	1.050
1.5 to 2.4	1.103
2.5 to 3.4	1.158
3.5 to 4.4	1.216
4.5 or more	1.276

NEW SECTION

WAC 392-121-129 DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, the term "district classified increment mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a classified increment mix factor from the schedule provided in WAC 392-121-128 to each classified employee of the school district who is employed in the school district's basic education program as determined by the school district on November 1 of each school year depending on the employee's placement on the appropriate years of experience line. Placement on the schedule provided in WAC 392-121-128 shall be according to the following criteria:

Number of years of experience in the current district job assignment(s) as defined in WAC 392-121-131: PROVIDED, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half year or more.

(2) Multiplying the number of full-time equivalent employees as of November 1 with assigned classified increment mix factors by those factors; and

(3) Dividing the total obtained in subsection (2) of this section by the district's total number of full-time equivalent classified employees in basic education as of November 1 with assigned increment mix factors.

NEW SECTION

WAC 392-121-131 DEFINITION—CLASSIFIED YEARS OF EXPERIENCE. As used in this chapter, "classified years of experience" shall mean the number of years of regularly scheduled employment, within the district in the current district job assignment(s) for each individual classified employee prior to the current reporting year, and shall be reported by the school district to the nearest tenth. Regularly scheduled part-time employment for one hundred eighty days or more shall be reported as one year of experience. Unscheduled substitute experience shall not be reported.

**WSR 84-14-057
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 29, 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—Special allocations, instruction, and requirements, chapter 392-140 WAC;

that the agency will at 9:00 a.m., Wednesday, August 8, 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 August 13, 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 August 8, 1984.

Dated: June 29, 1984

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC, Finance—Special allocations, instructions, and requirements.

Rule Section(s): WAC 392-140-010 1981-83 Salary-compensation lid compliance—Authority and purposes; 392-140-011 1981-83 salary-compensation lid compliance—Definitions; 392-140-012 1981-83 salary-compensation lid compliance—Application to basic education staff; 392-140-013 1981-83 salary-compensation lid compliance—Initial reporting cycle—General; 392-140-014 1981-83 salary-compensation lid compliance—Initial reporting cycle—District edit of personnel data; 392-140-015 1981-83 salary-compensation lid compliance—Initial reporting cycle—Data analysis and determination of need for additional information; 392-140-016 1981-83 salary-compensation lid compliance—Initial reporting cycle—Review of additional information; 392-140-017 1981-83 salary compensation lid compliance—Initial reporting cycle—Determination of violation after review; 392-140-018 1981-83 salary-compensation lid compliance—Final reporting cycle; 392-140-019 1981-83 salary-compensation lid compliance—Compliance of average certificated salaries; 392-140-020 1981-83 salary-compensation lid compliance—Compliance of average classified salaries; 392-140-021 1981-83 salary-compensation lid compliance—Compliance of insurance benefits; 392-140-022 1981-83 salary-compensation lid compliance—No increases constitute compliance; 392-140-023 1981-83 salary-compensation lid compliance—Withholding of basic education allocation.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To repeal WAC 392-140-011 through 392-140-023.

Summary of the New Rule(s) and/or Amendments: Repealed WAC 392-140-011 through 392-140-023.

Reasons Which Support the Proposed Action(s): These rules are replaced by chapters 392-126 and 392-127 WAC.

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: Bruce Mrkvicka, SPI, 3-6708.

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 rules are replaced by chapters 392-126 and 392-127 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-140-010 1981-83 SALARY-COMPENSATION LID COMPLIANCE—AUTHORITY AND PURPOSES.

WAC 392-140-011 1981-83 SALARY-COMPENSATION LID COMPLIANCE—DEFINITIONS.

WAC 392-140-012 1981-83 SALARY-COMPENSATION LID COMPLIANCE—APPLICATION TO BASIC EDUCATION STAFF.

WAC 392-140-013 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—GENERAL.

WAC 392-140-014 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DISTRICT EDIT OF PERSONNEL DATA.

WAC 392-140-015 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION.

WAC 392-140-016 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION.

WAC 392-140-017 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DETERMINATION OF VIOLATION AFTER REVIEW.

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE—FINAL REPORTING CYCLE.

WAC 392-140-019 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES.

WAC 392-140-020 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES.

WAC 392-140-021 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF INSURANCE BENEFITS.

WAC 392-140-022 1981-83 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE.

WAC 392-140-023 1981-83 SALARY-COMPENSATION LID COMPLIANCE—WITHHOLDING OF BASIC EDUCATION ALLOCATION.

WSR 84-14-058

ADOPTED RULES

STATE EMPLOYEES INSURANCE BOARD

[Order 5-84—Filed June 29, 1984]

Be it resolved by the State Employees Insurance Board, acting at the Department of Personnel, Board Room, 600 South Franklin, Olympia, WA, that it does adopt the annexed rules relating to employee or dependents become ineligible for state group coverage, repealing WAC 182-12-125.

This action is taken pursuant to Notice No. WSR 84-13-012 filed with the code reviser on June 11, 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 State Employees Insurance Board as authorized in chapter 41.05 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 June 28, 1984.

By C. H. Shay
Group Insurance Analyst

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-125

WSR 84-14-059

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-61—Filed June 29, 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 regulations.

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 Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Areas 10, 10A, 10B, 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the lower Skagit River provide protection for Baker River sockeye. Restrictions in Skagit River from Hamilton to Baker River provide protection for spring chinook and Baker River sockeye and subsequent protection for Baker River sockeye, restrictions above Baker River provide protection for spawning stocks. Restrictions in Areas 6D, 13A and the Elwha, Dungeness, Nooksack and White rivers and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer-fall chinook.

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 June 29, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-405 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. *Effective July 1, 1984, it is unlawful for treaty Indian fishermen to take, 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:*

Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6B, 9 – Closed to all commercial fishing.

Area 6D – Closed to all commercial fishing.

**Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.*

Area 8 – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.

**Skagit River – (1) Mouth to Hamilton – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. (2) Hamilton to Baker River – Effective through July 7, closed to all commercial fishing. Effective July 8, gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. (3) Upstream of Baker River – Closed to all commercial fishing.*

Areas 10, 10A – Gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Areas 10B, 10C, 10D, Cedar River – Closed to all commercial fishing.

Area 13A – Effective through July 31, closed to all commercial fishing.

**Nooksack River – (1) Marietta Bridge to confluence of north and south forks – Effective through July 14, closed to all commercial fishing. (2) Upstream of confluence – closed to all commercial fishing.*

**Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, and*

Minter Creek – Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 1984.

WAC 220-28-404 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-50)

WSR 84-14-060

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-59—Filed June 29, 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 protection of Stillaguamish summer-fall chinook is needed to allow stock rebuilding. Standardization of management and catch reporting areas for the sport and commercial users allows better data management.

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 June 29, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-46500C STILLAGUAMISH RIVER. *Notwithstanding the provisions of WAC 220-57-465, effective immediately through 11:59 p.m. September 15, 1984, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Stillaguamish River.*

NEW SECTION

WAC 220-56-18500A MARINE AREA CODES. *Notwithstanding the provisions of WAC 220-56-185, effective immediately until further notice the southern boundary between Marine Catch Area 8 and Marine Catch Area 9 is defined as a line projected from the*

southerly tip of Possession Point 110 degrees true to the shipwreck on the opposite shore.

WSR 84-14-061
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-60—Filed June 29, 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 harvestable numbers of sockeye salmon are available.

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 June 29, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-16000F COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160, effective July 1, through August 31, 1984, it is lawful to retain up to six sockeye salmon not less than 10 inches in length nor more than 24 inches in length in the daily bag limit in those waters of the Columbia River downstream from Rocky Reach Dam to the Highway 12 crossing at Pasco. Those waters defined as closed in subsection (1) of WAC 220-57-160 remain closed. All sockeye salmon less than 10 inches in length or more than 24 inches in length must be released immediately.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000E COLUMBIA RIVER (84-57)

WSR 84-14-062
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 208—Filed July 1, 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 (~~management employee, nonmanagement employee~~, period increment date).
- Amd WAC 356-06-020 Exemptions—~~Exceptions.~~
- Amd WAC 356-14-110 Salary—~~Nonmanagement employees—~~Periodic increment dates—~~Original—~~Subsequent.
- Amd WAC 356-14-120 Salary—~~Nonmanagement employee—~~Periodic increment date—~~Promotion.~~
- New WAC 356-14-125 Salary reviews—~~Management employ-~~ees.
- Amd WAC 356-14-130 Salary—~~Concurrence of probation, trial service, and periodic increment date or salary review date.~~
- Amd WAC 356-30-300 Performance evaluation—~~Nonmanage-~~ment employees—~~Requirements—~~Monitoring.
- New WAC 356-30-302 Performance evaluation—~~Management employees—Requirements—Monitoring.~~
- Amd WAC 356-46-060 Agencies—~~Personnel records.~~

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 are necessary to implement the provisions of SHB 1226 and a supreme court decision (No. 48914-9); the effective date of these changes is stated in the law as July 1, 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, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205 which directs that the State Personnel Board has authority to implement the provisions of Substitute House Bill 1226 and supreme court decision No. 48914-9.

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 June 26, 1984.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 206, filed 6/6/84)

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.

MANAGEMENT EMPLOYEE – (For performance evaluation/pay/layoff purposes only.) An employee who is at salary range 49 or above in the October 1, 1981 Compensation Plan (or an equivalent range in a subsequent Compensation Plan) who is determined by his/her agency director (or designee) to be part of agency management by virtue of (1) being assigned responsibility for supervising other supervisors or professional personnel and/or (2) by being assigned responsibility for planning, organizing, leading, controlling and/or making policy for major program operations of one or more agencies or divisions or subdivisions of an agency. This definition includes management employees in the classified service and, for performance evaluation and pay purposes, those exempt management employees whose salaries are set under the provisions of WAC 356-06-020(20).

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.

NONMANAGEMENT EMPLOYEE – (For performance evaluation/pay/layoff purposes only.) A classified employee who does not meet the definition of "management employee" or, for performance evaluation and pay purposes, an exempt employee who does not meet the definition of "management employee" but whose salary is set under the provisions of WAC 356-06-020(20).

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)) a nonmanagement 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 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 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 appointment from a voluntary demotion register to a class which the employee has not previously held permanent status or from a 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 143, filed 5/9/80, effective 6/12/80)

WAC 356-06-020 EXEMPTIONS—EXCEPTIONS. With the exceptions noted in subsection (20) of this section the provisions of ((this title)) these rules do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals

or exceeds one hundred residents: *PROVIDED*, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve *ex officio*, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve *ex officio*:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving *ex officio* and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account, construction and maintenance projects;

or employed on temporary seasonal single phases of agricultural production or harvesting, or as determined by the director of personnel to be equivalent.

~~((f(g)))~~ (g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: *PROVIDED, HOWEVER*, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(20) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (17) of this section. In addition, the provisions of WAC 356-14-125 and 356-30-302 shall apply to exempt management employees whose salaries and fringe benefits are determined by the personnel board.

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

WAC 356-14-110 SALARY—NONMANAGEMENT EMPLOYEES—PERIODIC INCREMENT DATES—ORIGINAL—SUBSEQUENT. (1) The periodic increment date (PID) is the date on which ~~((an))~~ a nonmanagement employee automatically advances to a higher dollar amount in the range to which ~~((the))~~ such employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the nonmanagement employee's increase will be two salary schedule increments, except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

(3) The original periodic increment date for ~~((an))~~ a nonmanagement employee is:

(a) Six continuous months from the date ~~((the))~~ such employee began work at the first step of a salary range, or

(b) One calendar year from the date on which ~~((the))~~ such employee began work at an intervening salary step, provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) ~~((The))~~ A nonmanagement employee's periodic increment date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-

220, breaks in serve due to reduction in force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) A nonmanagement employee's periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules.

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

WAC 356-14-120 SALARY—NONMANAGEMENT EMPLOYEE—PERIODIC INCREMENT DATE—PROMOTION. ~~((An))~~ A nonmanagement employee who receives a salary increase through promotion shall retain his/her present periodic increment date except:

(1) When ~~((the))~~ such employee is placed at the first step, the employee either retains his/her present periodic increment date or assumes a new one six calendar months from the promotion, whichever date occurs first.

(2) ~~((An))~~ A nonmanagement employee with no periodic increment date, because he/she is being promoted from a maximum step or a Y rated amount above the maximum step of a range, will assume a new periodic increment date if ~~((the))~~ such employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110.

NEW SECTION

WAC 356-14-125 SALARY REVIEWS—MANAGEMENT EMPLOYEES. Management employees shall receive a salary review as part of the required performance evaluation under the provisions of WAC 356-30-302 as follows:

(1) Management employees appointed at the first step of the salary range shall receive a salary review at the completion of six months at the first step. Such employees shall receive a two-increment salary increase effective on the first day of the month following the date they complete six months in the first step provided their overall performance rating is at level 3 or above.

(2) Management employees appointed at the second step or above but below the maximum step in the salary range shall receive a salary review as part of the required annual performance evaluation. Such employees shall receive a two-increment salary increase, not to exceed the maximum step in the assigned salary range, effective on the first day of the month following the scheduled completion date of the annual performance evaluation and related salary review provided their overall performance rating is at level 3 or above.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-14-130 SALARY—CONCURRENCE OF PROBATION, TRIAL SERVICE, AND PERIODIC INCREMENT DATE OR SALARY REVIEW DATE. When the date of promotion and either the periodic increment date of a nonmanagement employee or

the salary review date of a management employee coincide, the periodic increment or the salary review increases shall be paid prior to the promotional increase. Periodic increment dates, salary review dates and completion dates for probationary and trial service periods shall be computed separately.

AMENDATORY SECTION (Amending Order 191, filed 8/31/83)

WAC 356-30-300 PERFORMANCE EVALUATION—NONMANAGEMENT EMPLOYEES—REQUIREMENTS—MONITORING. (1) Agencies shall evaluate the performance of their nonmanagement employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the nonmanagement employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle.

(3) Agencies will utilize the procedures and evaluation forms prescribed by the director of personnel, supplement shall include provisions whereby individual agencies may, with the approval of the director of personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its sub-units.

(d) Include provisions for the counseling and the development of employees.

(5) The department of personnel shall monitor the evaluation of nonmanagement employees for timeliness, effectiveness and standardization.

(6) Allowing a probationary nonmanagement employee to gain permanent status or a trial service nonmanagement employee to gain permanent status in the class to which he/she has been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action.

NEW SECTION

WAC 356-30-302 PERFORMANCE EVALUATION—MANAGEMENT EMPLOYEES—REQUIREMENTS—MONITORING. (1) Agencies shall evaluate the performance of their management employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the management employee's anniversary date, except that an agency may establish, on a consistent basis, a date which better accommodates a specific work cycle. As they deem necessary, supervisors may provide other performance evaluations in addition to the required annual performance evaluation.

(3) As an interim measure, commencing July 1, 1984 and continuing through June 30, 1985, agencies will utilize the existing procedures and form currently prescribed for nonmanagement employees by the director of personnel supplemented by the provisions contained in subsections (4), (5), (6), (7), and (8) of this section. The procedures include provisions whereby individual agencies may supplement the process with special performance factors peculiar to specific organizational needs.

(4) During the interim period defined in subsection (3) of this section, agencies will evaluate management employees by considering the performance targets (i.e., expected results of an employee's work) normally contained in the employee's classification questionnaire, job description and/or organizational statement of goals and objectives. The performance targets for each employee shall be consistent with the employee's class.

(5) During the interim period defined in subsection (3) of this section, the following guidelines for the distribution of ratings in the five levels of performance contained in the existing procedures and form currently prescribed for nonmanagement employees by the director of personnel shall apply to management employees.

Level 5 – (Far Exceeds Normal Requirements) Approximately 6% of management employees should normally be rated in this category.

Level 4 – (Exceeds Normal Requirements) Approximately 40% of management employees should normally be rated in this category.

Level 3 – (Meets Normal Requirements) Approximately 50% or more of management employees should normally be rated in this category.

Level 2 – (Meets Minimum Requirements) There is no distribution guideline for this level.

Level 1 – (Fails to Meet Minimum Requirements) There is no distribution guideline for this level.

(6) To determine the overall performance rating required by WAC 356-14-125, add the individual overall ratings awarded for performance dimensions A through E (or A through F, if appropriate) in Section I of the existing Employee Performance Evaluation form, SF 9128. Divide that total by the number of dimensions rated (either 5 or 6, as appropriate). The resulting average overall rating shall be carried to two decimal places rounded to the nearest whole number (e.g., 3.333 shall become 3.33 and 3.666 shall become 3.67, etc.).

<u>If the average overall rating is:</u>	<u>Overall performance rating is:</u>
4.66 or above	Level 5
3.66 to 4.65	Level 4
2.66 to 3.65	Level 3
1.66 to 2.65	Level 2
1.65 or below	Level 1

(7) The head of each agency shall submit to the director of personnel, on or before July 1, 1984, a report

containing the name, class and position number of each agency management employee. Annually thereafter, agency heads shall submit to the director of personnel a report containing the name, class and position number of each management employee, and the last annual overall performance rating received by each such employee.

(8) Prior to July 1 of each year, the head of each agency, or designee, shall review the distribution of management employees in each of the five performance rating categories and, if the agency head determines it to be necessary, may cause performance targets to be adjusted so that the distribution of their employees in the rating categories will, in the next fiscal year, more closely approximate the distribution guidelines provided in subsection (5) of this section.

AMENDATORY SECTION (Amending Order 197, filed 1/24/84)

WAC 356-46-060 AGENCIES—PERSONNEL RECORDS. (1) Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, annual performance evaluations, and such other information as may be necessary for the administration of regulations. Personnel records shall be open to the inspection of the personnel board and the director of personnel or designee and, depending on the functional requirement of the content of each individual record, shall accompany the employee throughout his/her service career.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records in accordance with these rules and chapter 40.14 RCW which are consistent with the following requirements:

(a) Agencies shall designate the official depository and custodian of personnel records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee.

(c) Employees and/or their representatives may review the employee's personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed

from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing.

WSR 84-14-063

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Order PL 472—Filed July 2, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the regulation and licensing of the practice of cosmetology, barbering and manicuring and of schools offering instructions in cosmetology, barbering and manicuring.

I, John Gonzalez, 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 208, Laws of 1984 becomes effective on July 1, 1984, and substantially revises the regulation of cosmetology, barbering and manicuring. Without emergency rules the continued regulation and licensing of these professions would be impaired.

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

This rule is promulgated pursuant to section 7, chapter 208, Laws of 1984 which directs that the director, Department of Licensing has authority to implement the provisions of chapter 208, Laws of 1984.

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 July 2, 1984.

By John Gonzalez
Director

Chapter 308-20 WAC
COSMETOLOGY—BARBER—MANICURIST
RULES

WAC

308-20-010	Definitions.
308-20-020	Term of course—Examination eligibility.
308-20-030	Curriculum structure.
308-20-040	Application for school license.
308-20-050	Change in ownership of school.
308-20-060	Surety bond requirement for schools.
308-20-070	Training guidelines.
308-20-080	Course outline of training requirements.
308-20-090	Student credit for training.
308-20-100	Recording student hours.
308-20-110	Minimum school safety standards.
308-20-120	Examination construction and content.
308-20-130	Examination objectives.
308-20-140	Examination—Application.
308-20-150	Student appeal—Examination eligibility denial by the school.
308-20-160	Release of results of examination.
308-20-180	Posting of license.
308-20-190	Restricted license.
308-20-200	Fees.

NEW SECTION

WAC 308-20-010 **DEFINITIONS.** (1) Achievement indicators—Forms designed and used by the school to record achievement rating of student learning objectives.

(2) Basic—Beginning, essential understanding.

(3) Chemical compounds formulated for professional use only—Compounds containing hazardous chemicals in a form not generally sold to the public, such as, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances or corrosive materials.

(4) Concept—Understanding an idea.

(5) Curriculum—Detailed course of study.

(6) Student learning objectives—Measurable outcomes expected to occur as the result of instruction.

(7) Instructional objectives—Measurable evaluation of the attainment of the student learning objectives.

(8) Terminal learning objectives—Final outcomes expected to occur at the completion of a course of study as a result of instruction.

(9) Special student—Optional method for public high school students to enroll in cosmetology school. Students electing to enroll as special students must complete high school or GED equivalency.

(10) Commercial practice or business—Services performed for sale or profit. One's work, occupation or profession.

(11) Task—A step or procedure within a job.

(12) Job—A complete service, i.e., haircut, machine facial, permanent wave, etc.

NEW SECTION

WAC 308-20-020 **TERM OF COURSE—EXAMINATION ELIGIBILITY.** The department shall not require students to remain in school after the completion of any course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 800 hours of barber training as approved by the director may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director may apply for examination to be licensed as a cosmetologist. Course will consist of 500 hour manicurist course, the 800 hour barber course and an additional 300 hours of training in the performance of all chemical services as approved by the director.

NEW SECTION

WAC 308-20-030 **CURRICULUM STRUCTURE.** Each curriculum shall be designed to prepare students for at least beginning employment/job entry and to pass the licensing examination.

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs of the student within the corresponding time frame for each curriculum offered by the school.

Each curriculum shall include terminal objectives with achievement indicators that measure achievement of all student learning objectives.

NEW SECTION

WAC 308-20-040 **APPLICATION FOR SCHOOL LICENSE.** With each school application, the following items must be included before a school license will be approved by the department:

(1) Owners—Names and addresses of all school owners must be on the application for a school license;

(2) List of instructors, with their addresses, responsible for the training of students. The department must be notified, in writing, when a change of instructor staff occurs;

(3) A copy of the curriculum for each course the school intends to offer. A cosmetology school must submit a curriculum for manicurist, barber and chemical services; a barber school must submit a barber curriculum; a manicurist school submits a manicurist curriculum. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter;

(4) Each school will submit, at the time of application, a copy of their catalog, brochure and contract they intend to use for the enrollment of students. Each catalog, brochure and enrollment contract will contain in clear, concise language, the cancellation and refund policy of the school;

(5) The description of the school facilities and equipment can be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

(6) Surety bond or other form of negotiable surety as established by WAC 308-20-060 shall be submitted with application for school licensure. No school shall be approved until the surety bond is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (6) of this section.

NEW SECTION

WAC 308-20-050 CHANGE IN OWNERSHIP OF SCHOOL. If a change involving twenty-five or more percent of school ownership occurs, a new license application must be submitted with proof of ownership, or percentage of ownership, by the new owners. New application must then be submitted to the department within fifteen days of change of ownership. Such notification to include any changes made in curriculum, instructional staff, catalog, brochure, contract or surety bond.

NEW SECTION

WAC 308-20-060 SURETY BOND REQUIREMENT FOR SCHOOLS. All currently licensed schools will be required to file surety to meet the new requirements within ninety days of rules adoption. New applications for school license after July 1, 1984 will be required to meet the new requirement. Surety bonds shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the bond shall be \$25,000.00 for all schools enrolling or intending to enroll twenty or more students for the protection of the students.

Schools enrolling or intending to enroll less than twenty students shall obtain a surety bond in the amount of \$12,500.00 for the protection of the students.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and shall not release the same to the owner of the school unless the department authorizes a release in writing.

(c) Irrevocable letter of credit from a bank, made payable to the state of Washington and deposited with the agency as would a bond.

(3) At the time of licensing each school shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The bond may be continuous or renewable at the time of renewal of license: **PROVIDED**, That the bond shall cover the full period during which a school is licensed unless the surety has been released as provided in subsection (5) of this section.

(4) The bond shall be executed by the licensed school as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for the benefit and protection of any student or enrollee, or, in the case of a minor, his or her parents or guardian, determined to have suffered loss or damage as a result of an act or practice by such school which is a violation of this chapter alleged to have occurred while the bond was in effect or as a result of the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

(5) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian, for loss or damage resulting from any act or practice which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect, or resulting from the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

The director shall give the school at least thirty days' written notice prior to the release of the surety to the effect that its license will be suspended by operation of law until a sufficient surety bond is filed in the same manner and amount as the bond being terminated.

NEW SECTION

WAC 308-20-070 TRAINING GUIDELINES. Rating scale to be used when evaluating student progress and recording progress on achievement indicator.

Rating scale: Numerical scale to be used to rate student's competency in attainment of learning objectives will be used as follows:

4. Job ready—Can completely perform the job safely and independently.
3. Moderately competent—Can perform job completely and safely with limited supervision.
2. Limited competency—Requires instruction and close supervision in order to perform a task safely.
1. No exposure—No experience or knowledge in this area.

Schools will design instructional objectives which promote student progress from a beginning "1" rating to completion "4" rating as the terminal objective within the specified hours required for each course. Each month school shall provide each student with a copy of their achievement indicator.

NEW SECTION

WAC 308-20-080 COURSE OUTLINE OF TRAINING REQUIREMENTS.

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL	SUGGESTED JOB READINESS COMPLETION RATING - 4
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Barber Services

Training:

- 1. Shampooing 2
- 2. Haircutting or trimming 2
- 3. Arranging, dressing, curling or waving 2
- 4. Sanitation of materials, equipment and tools 3
- 5. Safety
 - (a) the use of materials, equipment and tools 3
 - (b) recognition of a disease or disorder of the skin, scalp or hair 3

Manicurist Services

Training:

- 1. Application and removal of artificial nails 2
- 2. Sanitation of materials, equipment and tools to provide the service 3
- 3. Safety
 - (a) in the use of materials, equipment and tools to provide a service 3
 - (b) in the recognition of a disease or disorder of the nail or skin 3
- 4. Skin care involving hot compresses or massage 2
- 5. Skin care involving electrical appliances 2
- 6. Temporary removal of superfluous hair
 - (a) mechanical 2
 - (b) chemical 2
 - (c) electrical 2
- 7. Safety
 - (a) skin analysis for the recognition of disease or disorders 3
 - (b) use of chemicals formulated for professional use only 3
 - (c) use of materials, equipment and tools to provide a service 3
- 8. Sanitation of all materials, equipment and tools used to provide a service 3

Cosmetology Chemical

Services Training:

- 1. Permanent waving
 - (a) sectioning and wrapping 2
 - (b) preperm test curl 2
 - (c) solution application 2
 - (d) processing 2
 - (e) neutralizing 2
- 2. Chemical relaxing
 - (a) sectioning 2
 - (b) strand test 2
 - (c) relaxer application 2
 - (d) processing 2
 - (e) neutralizing 2
- 3. Hair coloring or bleaching
 - (a) predisposition test 2
 - (b) strand test 2
 - (c) measurement and mixing of chemicals 2

- (d) application of chemicals 2
- (e) removal of chemicals 2
- 4. Safety
 - (a) in the storage, mixing and use of chemicals 3
 - (b) in the uses of materials, equipment and tools to provide a service 3
- 5. Sanitation of all materials, equipment and tools to provide a service 3

All ratings should reflect job readiness rather than a grade given in class.

Ratings will be recorded on each student's achievement indicator.

NEW SECTION

WAC 308-20-090 STUDENT CREDIT FOR TRAINING. (1) Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring.

(2) Students transferring from another state, country or territory will receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each course; (b) student learning objective credit after successfully demonstrating that the objectives have been met. Each student will receive a copy of the achievement indicators.

NEW SECTION

WAC 308-20-100 RECORDING STUDENT HOURS. Each school shall record student hours daily and provide monthly accumulated total of all hours obtained for each course offered to each student. Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place. Up to date monthly accumulated hourly totals shall be recorded on each student's objective achievement indicator record. The student learning objectives shall be recorded on student's objective indicator record as they are achieved. The original will be kept on file at the school and a copy provided to the student each month.

NEW SECTION

WAC 308-20-110 MINIMUM SCHOOL SAFETY STANDARDS. (1) Each school or institution to whom the license is issued will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to insure sanitation and safety measures are applied for the maximum protection of the public, students or models used by students or instructors.

(2) Adequate supply of hot and cold running water must be provided for the benefit of the student's and consumer's health, safety and welfare.

(3) Clean towels shall be provided for each customer and shall be laundered after every use.

(4) Robes or gowns used by customers, when necessary to protect or remove clothing, must be laundered after every use. Towels, robes and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers.

(5) Dispensary, with sink and adequate supply of hot and cold running water, shall be a designated, separate and appropriate area for dispensing supplies and cleaning of tools, equipment and materials.

(6) Wet sanitizer—Fresh, clean solution shall be placed daily in a clean container for the sanitizing of combs, brushes and other tools or implements.

(7) Storage of chemicals must be done in such a manner which eliminates the possibility of fires, fumes, corrosion of containers or contamination and must comply with state and local laws. Flammable liquids that have a flash point below 100° F and vapor pressure not exceeding 40 lbs per square inch under 100° F must be provided adequate ventilation in storage so that normal leakage of such vapors from containers will be diluted enough to prevent spark from igniting them. Reducing or oxidizing materials must be stored separately from powerful oxidizing agents. Storage areas shall be posted "flammable liquids". Acids must be stored in a cool, well ventilated area void of sources of ignition. If acids are stored on metal shelves, they must be painted or otherwise rendered immune to attack by acids. Corrosive materials must be kept cool but well above freezing in a well ventilated area to prevent accumulation of fumes. Materials should be inspected regularly as corrosive materials often destroy their containers. Corroded containers must be discarded immediately.

(8) Fire extinguishers approved by local fire department must be kept in vicinity of storage area.

(9) Toilet facilities—Every licensed school shall provide adequate toilet facilities for the use of customers, employees and students. The use of common towels and bar soap is prohibited.

(10) Shampoo bowls will be kept clean and free of hair in traps.

NEW SECTION

WAC 308-20-120 EXAMINATION CONSTRUCTION AND CONTENT. Examinations for cosmetologists, barbers and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices may include the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees.

NEW SECTION

WAC 308-20-130 EXAMINATION OBJECTIVES. The following objectives will constitute the basis for written examination questions for each licensing category:

(1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.

(2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing for the well being of the consumer as applies to each course of study.

(3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.

(4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber or manicurist occupation.

NEW SECTION

WAC 308-20-140 EXAMINATION—APPLICATION. Examinations will be given monthly. Examination schedules will be published by the director and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the required number of hours in the approved course of study.

Each application submitted by the student must have notarized signatures of both the student and the school owner or manager. Each application must be complete in every respect, including fee, before the applicant may be scheduled for examination.

All applications and fees for examination or reexamination must be date stamped received into the department of licensing no later than the first day of the month to be scheduled for the following month's examination. (For example: Must be received by August 1 to be scheduled for September examination). Only when the date received stamp is omitted or illegible, will the postmark by the postal service be substituted.

Any person failing to be present for scheduled examination, or requesting to be rescheduled at least seven days prior to scheduled examination date, except in emergencies as determined by the department, shall forfeit fee for examination.

NEW SECTION

WAC 308-20-150 STUDENT APPEAL—EXAMINATION ELIGIBILITY DENIAL BY THE SCHOOL. Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has obtained the required course hours, the student may appeal the decision. Appeal must be submitted to the department, in writing, stating reasons why they think they are eligible. Such appeal to be submitted with examination application, accompanied by fee and copy of achievement indicator showing completion of hours and learning objectives.

Schools will be required to respond in writing stating the reason for refusal to sign, supply copies or documentation of events which substantiate their refusal or reasons why the required training was not provided or obtained within the time required. Failure to respond within twenty days will result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school.

NEW SECTION

WAC 308-20-160 RELEASE OF RESULTS OF EXAMINATION. (1) The department of licensing will notify applicants of examination results by mail only.

(2) Applicants who pass the examination will receive their license to practice.

(3) Applicants who fail shall receive a letter of notification to retake the examination and a retake application. Failing scores will be included in the notification.

(4) Examination papers completed by the applicant will be maintained by the division of professional licensing and will be made available for inspection, by appointment, with the applicant or applicant's agent. Agents of the applicant must submit a letter of authorization with notarized signature of the applicant before inspection of examination papers will be permitted. Papers are not to be duplicated or removed from this office. Notes may not be made on any examination material.

NEW SECTION

WAC 308-20-180 POSTING OF LICENSE. All licenses required by this chapter shall be posted in a location within the place of business that is easily observed by members of the public for whom services are performed.

The address of the division of professional licensing shall be provided to consumers as the agency to handle complaints not resolved by the licensee.

NEW SECTION

WAC 308-20-190 RESTRICTED LICENSE. Should the director restrict the licensee's scope of practice, the licensee will be required to surrender their unrestricted license to the department of licensing whereby the stated restriction will be affixed, then returned to the licensee. All restricted licenses must be posted at the work station of the individual in clear view of the public. Restricted services may not be performed by the licensee until the restriction is removed from the license.

NEW SECTION

WAC 308-20-200 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Cosmetologist exam application	30.00
Cosmetologist renewal	15.00
Late renewal penalty	15.00
Instructor exam application	30.00
Instructor renewal	25.00

Late renewal penalty	25.00
Manicurist exam application	30.00
Manicurist renewal	15.00
Late renewal penalty	15.00
School license application	150.00
School renewal	150.00
Late renewal penalty	150.00
Barber exam application	30.00
Barber renewal	15.00
Late renewal penalty	15.00
Out of state license application	30.00
Duplicate license	5.00
Certification	5.00

**WSR 84-14-064
ORDER ASSUMING AND
REAFFIRMING RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
[Filed June 30, 1984]**

The Department of Community Development, formerly the Planning and Community Affairs Agency, hereby assumes and reaffirms all rules made by the Planning and Affairs Agency. This action is taken pursuant to RCW 43.131.090(4). The rules hereby assumed and reaffirmed are described below by Washington Administrative Code chapter heading and are incorporated herein by reference. The rules assumed and reaffirmed are:

WAC Chapters		
P {	* 120-04	General procedures.
	* 120-06	Public records.
	* 120-08	Uniform procedural rules.
	* 120-52	Funding of legal services programs.
P {	* 177-04	General procedures.
	* 177-06	Public records.
	* 177-08	Uniform procedural rules.
P {	365-04	General procedures.
	365-06	Public records.
	365-08	Uniform procedural rules.
P x	365-12	Regulations regarding recognition and approval of regional planning agencies for comprehensive health planning.
P x	365-14	Funding of regional comprehensive health planning agencies.
P x	365-22	Planning advances program for local government public works.
	365-24	Uniform relocation assistance and real property acquisition.

Rx 365-31

Organization and general procedures of the planning and community affairs agency's law and justice planning office and the governor's committee on law and justice.

A C 365-40

Rules and regulations regarding state funding of local head start program.

365-60

Rules and regulations regarding state administration of the local section 8 housing assistance payments program.

365-70

Allocating single family housing bonds among local housing agencies.

365-80

Fire protection contracts for state facilities with cities and towns.

365-90

Supplemental law enforcement resources for border areas.

By Patrick Dunn, Director
Department of Community Affairs

WSR 84-14-065
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1836—Filed July 2, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules regarding Grain, hay, beans and peas—Inspection fees, chapter 16-212 WAC.

This action is taken pursuant to Notice No. WSR 84-11-089 filed with the code reviser on May 23, 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 July 2, 1984.
By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-010 DEFINITIONS. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means ~~((2,000))~~ two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before 8:00 a.m. or after 5:00 p.m. on Monday through Friday(~~(: Overtime fees may be waived by the department where industry operates on a regular basis other than specified herein))~~ unless alternate work schedules have been established at inspection sites.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity or for services related to weighing or storage of grains or commodities.

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month.

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES.

(1) Straight time, rate per hour (~~(\$18.00)~~)
\$ 23.00

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of (~~(\$18.00)~~) \$23.00 per hour, per ((man)) employee, and where no other hourly rate or fee is specified in the schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate \$23.00 per hour, per employee, an additional fee shall be assessed so that total revenue generated is equal to the \$23.00 rate.

(2) Overtime, and night shift rate per hour(~~(:)~~) (~~(\$8.00)~~)
\$ 6.00

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of (~~(\$8.00)~~) \$6.00 per hour, per ((man)) employee, shall be charged in addition to the regular inspection and weighing fees(~~(: PROVIDED, That whenever an employee is called from his home after regular working hours, or on Saturdays, Sundays or holidays, a minimum of four hours shall be charged at the rate of \$8.00 per hour))~~).

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than 8:00 a.m. to 5:00 p.m., Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 2:00 p.m., service will be provided where personnel are available, but an additional fee of \$4.00 per hour, per employee, will be assessed for that shift.

(b) Requests for service which is beyond the scope or volume normally provided at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is called from home after regular working hours, or on a Saturday, Sunday or holiday, a minimum of two additional hours shall be charged at the rate of \$10.00 per hour and added to other fees charged.

(~~((3))~~) (d) Scheduled night shifts.

At all designated inspection points, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one month or longer, with only an occasional work stoppage, additional overtime fees per hour will not apply: PROVIDED, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the department's cost of ~~(((\$18.00))~~ \$23.00 per hour, per ~~((man))~~ employee. If not, an additional ~~((overtime))~~ charge shall be assessed to equal ~~(((\$18.00))~~ \$23.00 per hour, per ~~((man))~~ employee.

(i) The department shall be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If notice is not given, a fee of \$6.00 per hour, per employee, shall be assessed until the seven day notice period has elapsed.

~~((a))~~ (ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If such notice is not given, a fee of \$6.00 per hour, per employee, shall be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

~~((b))~~ The term "occasional work stoppage" shall mean union stop work meetings usually held once per month.

~~((4))~~ (3) Standby rate per hour ~~(((\$ 20.00))~~ \$ 25.00

Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a ~~((standby rate of \$20.00 per hour per man shall be charged. Before or after regular working hours, Monday through Friday, a minimum of two hours shall be charged. Anytime on Saturdays, Sundays or holidays a minimum of four hours shall be charged))~~ minimum of four hours at the standby rate of \$25.00 per hour, per employee, shall be charged. Whenever a service is requested before or after working hours or anytime on a Saturday, Sunday or holiday, and a cancellation of such request is not received by 2:00 p.m. of the last regularly scheduled working day prior to the requested service, the four hour standby charge shall be applied.

(4) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees may not be adequate to pay the cost of providing the service, a guarantee of the expense of providing the service may be required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-060 OFFICIAL INSPECTION AND/OR WEIGHING FEES UNDER THE UNITED STATES GRAIN STANDARDS ACT.

(1) Combination inspection and weighing fees. Ships, barges and transfers of bulk grain.

(a) From vessel to elevator ~~((.....))~~, per ton \$ 0.12

(b) Bin transfers ~~((.....))~~, per ton \$ 0.12
(c) From elevator to vessel ~~((.....))~~, per ton \$ 0.12

~~((Inspection = \$0.065 per ton))
(Weighing = \$0.055 per ton))~~

(2) Inspection only of railroad boxcars, open hopper-type cars or covered hopper-type cars, original inspection. ~~((Sample, inspect, grade and certificate.))~~

(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections per car \$ 12.00

(b) Covered hopper-type cars which are sampled by United States Department of Agriculture approved mechanical belt, spout, or leg-type samplers at plants per car \$ 12.00

(c) Covered hopper-type cars sampled by methods other than by (b) above for original and all subsequent original inspections per car \$ 19.00

(d) Additional factors requested (that do not affect the grade)

(i) Added to existing certifications . . . per factor \$ 2.00

(ii) Factor certification only per certificate (maximum two factors) \$ 2.45

(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample . . . per reinspection \$ 7.00

— (In case of a material error in grade, a corrected certificate will be issued without a fee.)

(f) If a new sample is requested (refer to (2) above):
(3) Weigh only:

(a) From railroad boxcars, covered hopper-type cars, or vessels to elevator per ton (grain only) \$ 0.10

(b) From elevator to railroad boxcars, covered hopper-type cars or vessels per ton (grain only) \$ 0.10

(c) Bin transfers per ton (grain only) \$ 0.10

(d) Weigh only (other than grain) per ton \$ 0.11

(e) Weigh (grain by-products into maximum 30-ton portable containers, fitness inspection of container, weigh by-product and sample) per container \$ 8.00

(4) Submitted samples: Inspection; factor information only; and file review \$ 5.75

— (Example of factor information only—where the submitted sample is less than 1,000 grams in size, factor information may be provided on request for the above fee.))

(a) When sampled by United States department of agriculture approved mechanical belt, spout or leg type samplers at plants, per car \$14.50

(b) When sampled by United States department of agriculture approved grain trier, original and subsequent original inspections, per car \$23.00

(3) Inspection only of trucks, per truck \$14.00

(4) Reinspections of railroad boxcars, open hopper-type cars, covered hopper-type cars, ship subplot samples, barge lots, truck lots, and submitted samples.

(a) When based on an official file sample, per reinspection \$ 8.50

(b) When based on a new sample, for railcars only, per reinspection \$23.00

(c) When based on a new sample, for trucks only, per reinspection \$14.00

(5) Submitted samples, per inspection \$6.25

(6) Factor analysis and/or certification.

(a) Factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade, per factor \$ 2.50

(b) Factor certification only (maximum of two factors), per certificate \$ 3.00

(i) Additional factors added to a factor certificate, per factor \$ 2.50.

(A maximum of \$6.25 will be charged for grading factors only.)

(ii) When submitted samples are not of sufficient size to provide official grade analysis, obtainable factors will be provided, upon request of the applicant, at the factor only rate.

(7) Official (NIR) protein analysis.

(a) Protein in conjunction with official inspection for grade \$ 6.25

(b) Protein only, submitted sample or reinspection \$ 8.50

(c) Protein based on official sample, add applicable sampling charges.

(8) Inspection of sacked grain at inspection points, per cwt \$ 0.06

(9) Checkloading sacked grain, per manhour \$23.00

(10) Waxy corn determination, on request, per determination \$12.00

~~((5))~~ (11) Stowage examinations - ships, barges or vessels.

(a) Per ~~((hold))~~ stowage space and/or tank, per examination ~~((\$ 21.00))~~ \$ 22.50

(b) Initial inspection, minimum charge .. ~~((\$ 108.00))~~ \$112.00

(c) Subsequent inspections, minimum charge \$ 67.50

~~((c) Holds and/or tank condition inspections))~~ (d) Stowage examinations will be made on ships or vessels at anchor in midstream when requested.

(i) It is the responsibility of the applicant to provide safe transportation by licensed tug or water taxi to and from the vessel.

(ii) A minimum of two hours of regular time at ~~((\$ 18.00))~~ \$23.00 per hour (one ~~((man))~~ inspector) for general cargo vessels and a minimum of four hours of regular time at ~~((\$ 18.00))~~ \$23.00 per hour (two ~~((men))~~

inspectors) shall be charged for tankers in addition to the established inspection fee.

~~((ii)) These))~~ (iii) Inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, when weather conditions permit.

~~((iii)) These))~~ (iv) Inspections can only be made within the area of the designated tidewater grain inspection office.

~~((iv))~~ (v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).

~~((6)) Trucks:~~

(a) Inspect only per truck \$ 11.50

(b) Weigh only per truck \$ 5.75

(7) Inspection of sacked grains at inspection points per cwt \$ 0.04))

(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.

(12) Other stowage examinations.

(a) Sea van-type containers (when check-loading is not required) \$7.60

(b) Railroad cars, trucks and other containers, not in conjunction with loading, per container \$7.60

(13) Checktesting of diverter and mechanical samplers, per manhour \$23.00

(14) Ship samples.

(a) Ship composite samples.

(i) Initial set of samples to applicant (maximum of three samples) no charge

(ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) \$5.00

(b) Ship samples on a subplot basis, per sample \$5.00

(15) Weighing services.

(a) Class X weighing services.

(i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton \$0.10

(ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton \$0.10

(iii) Bin transfers (grain only), per ton \$0.10

(iv) Trucks, per truck or weight lot \$7.00

(b) Class Y weighing services, per manhour \$23.00

(c) Checkweighing of sacked grain, per manhour \$23.00

(d) Scale certification/checktesting of official weighing scales.

(i) Weights and measures scale specialist, per manhour \$31.50

(ii) Grain inspection personnel, per manhour \$23.00

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-070 ((INSPECTION OF COMMODITIES)) OFFICIAL SERVICES UNDER THE AGRICULTURAL MARKETING ACT OF 1946.

- (1) Hay inspection.
 - (a) Complete inspection (minimum charge \$ 30.00) ((.....)), per ton \$ 1.00
 - (b) Factor inspection (minimum charge \$20.00) ((.....)), per ton \$ 1.00
 - (c) Submitted sample inspection ((.....)), per sample \$ 5.00
 - (2) Inspection ((or reinspection)) of beans, dry peas, lentils, and similar commodities ((minimum charge) \$ 18.00)).
 - (a) Inspection ((or reinspection)) of ((bags)) bagged commodities at inspection points ((.....)), per cwt ((\$ 0.045))
\$ 0.06
 - (b) Bulk commodity inspection ((or reinspection)) at inspection points, per ton ... ((\$ 0.21))
\$ 0.28
 - (c) Minimum charge for bulk or bagged commodities (one hour) \$ 23.00
 - (d) Submitted sample inspection ((or reinspection)), per sample ((\$ 11.00))
\$ 13.00
 - (3) Weighing and combination inspection/weighing services for bulk commodities.
 - (a) Weighing only, other than grain, per ton \$0.11
 - (b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton \$0.12
 - (c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum) \$14.00
 - (4) Factor analysis.
 - (a) Moisture only \$5.00
 - (b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor \$2.50
 - (c) Certification, factor only (maximum two factors), per certificate \$3.00
 - (d) Additional factors added to a factor certificate, per factor \$2.50 (A maximum of \$13.00 will be charged for grading factors only.)
 - (5) Sampling only, bulk commodities.
 - (a) ((Minimum charge)) Trucks or containers, per carrier ((\$ 10.00))
\$ 14.00
 - (b) Boxcars, open or covered hopper-type cars, per car ((\$ 12.00))
\$ 23.00
- ((4) Whenever the lot size or workload is not of sufficient size so that inspection and/or weighing fees gen-

erated will defray the department's cost of \$18.00 per hour per man, an additional fee shall be assessed to equal \$18.00 per hour per man.

(5) Whenever service is required at points other than at the designated inspection point, car mileage fees as per WAC 16-212-080(3) shall be charged and added to inspection and weighing charges.)

(6) Processed commodity and defense personnel support center (DPSC) inspection fees.

(a) Per manhour, two hour minimum, rate per hour \$23.00

(b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the federal grain inspection service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.

(7) Sanitation inspections.

(a) Initial inspection no charge

(b) Reinspections, four hour minimum, per manhour \$23.00

(8) Stowage examinations under the Agricultural Marketing Act.

(a) Ships and vessels.

(i) Initial inspection, basic fee \$150.00

(ii) Subsequent inspections, basic fee \$100.00

(iii) In addition to the basic fee, there shall be levied a fee of \$23.00 per hour, per inspector.

(iv) These inspections shall be subject to the same restrictions and conditions as ship stowage examinations under the United States Grain Standards Act, as per WAC 16-212-060(11)(d) (i) through (iv).

(b) Other stowage examinations shall be at the rate prescribed for containers listed in WAC 16-212-060(12).

(9) Aflatoxin testing fees.

(a) Black light and/or minicolumn determinations, per hour, per inspector \$23.00

(b) Minicolumn determination, per test \$15.60

(c) Thin layer chromatography fees and/or minicolumn fees, if applicable, will be assessed for laboratory analyses identical with the amount charged by the federal grain inspection service for that test.

(10) Falling numbers determinations, per determination \$12.00

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-080 MISCELLANEOUS FEES.

(1) Mailing of samples shall be charged at actual mailing costs, minimum charge ((\$ 1.00))
\$ 2.00

((actual cost if greater than minimum))

(2) Fee for pickup of samples on routes established by the department ((.....)), per sample ((\$ 0.50))
\$ 0.60

(3) ((Car mileage per mile \$ 0.185

(4) In all cases where no fee has been established for services, the charge for such service shall be as provided in WAC 16-212-030, hourly charges.

(5) Any charges made in addition to the basic fees provided for in WAC 16-212-030 through 16-212-070

shall be classified as additional charges.) Fees for services performed at places other than established grain and commodity inspection points.

(a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.

(b) Car mileage will be charged at the current published department of general administration rates (WAC 82-28-080), except where suitable transportation is provided by the applicant.

(c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.

(d) Incidental costs of telephone, mailing, etc. shall be at actual cost.

(4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.

(a) Divided original certificates, per certificate . \$1.50

(b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per copy \$3.00

(5) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

NEW SECTION

WAC 16-212-082 FEES FOR SERVICES PERFORMED UNDER STATE REGULATION. (1) Inspection of cultivated buckwheat and safflower under Washington state standards shall be at the rate applicable for the same type of sample under the fees for services under the United States Grain Standards Act.

(2) Cracked corn, corn screenings, and mixed grain screenings shall be inspected and/or weighed under the tonnage rate applicable for standardized grains as per WAC 16-212-060.

(3) Unofficial (NIR) protein analysis (barley, mixed grain, etc.), per determination \$ 6.25

(4) Set of ten protein reference samples (one class) standardized with the state monitoring machine, per set \$ 25.00

(5) Unofficial (NIR) oil determination for sunflower seed, per determination \$ 12.00

NEW SECTION

WAC 16-212-086 FEES FOR WAREHOUSE AUDIT AND RELATED SERVICES. These fees shall be applied to the following services:

(1) Measurement of new construction and/or outside grain storage facilities (with less than two weeks notice), per manhour \$ 23.00

(2) Special year end audits that require remeasurement due to consolidation, per manhour \$ 23.00

(3) Commodity Credit Corporation samples will be drawn by grain division personnel at the established sampling rate.

(4) Appropriate hourly straight time and overtime charges, mileage, and travel charges shall be assessed.

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-120 GRADES AND STANDARDS. The grades and standards established by the United States department of agriculture as of ((April)) August 1, ((1983)) 1984, for all grains and commodities included within the provisions of this chapter are hereby adopted ((as the grades and standards for such grains and commodities in)). In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-212-050 CERTIFICATES.
- (2) WAC 16-212-065 MISCELLANEOUS SAMPLING, TESTING, INSPECTION AND CERTIFICATION OF GRAINS AND COMMODITIES.
- (3) WAC 16-212-090 SERVICES RENDERED AWAY FROM INSPECTION POINTS.

**WSR 84-14-066
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 2, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-28-408	1984-85 Upland Game Bird and Migratory Waterfowl Seasons.
Rep	WAC 232-28-406	1983-84 Upland Game Bird and Migratory Waterfowl Seasons;

that the agency will at 9:00 a.m., Sunday - Monday, August 19 - 20, 1984, in the Ridpath Motor Inn, Sprague and First Avenues at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19 or 20, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

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

Dated: June 28, 1984

By: Marveen J. Rohr
for Richard J. Poelker, Administrator
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-408
1984-85 Upland Game Bird and Migratory Waterfowl Seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Adopts 1984-85 Upland Game Bird and Migratory Waterfowl Seasons as outlined in the 1983-84 pamphlet.

Reasons Supporting the Proposed Rule: Resource management.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-408 1984-85 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1984-85 Upland Game Bird and Migratory Waterfowl Seasons proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of Washington Administrative Code is hereby repealed:

WAC 232-28-406 1983-84 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

WSR 84-14-067
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves, repealing WAC 232-12-24401;

that the agency will at 9:00 a.m., Sunday - Monday, August 19 - 20, 1984, in the Ridpath Motor Inn, Sprague and First Avenues at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19 or 20, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

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

Dated: June 28, 1984

By: Richard J. Beach
for Richard J. Poelker, Administrator
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-24401 Closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: This regulation results from a legal agreement between the confederated tribes of the Colville Indian Reservation and the Department of Game which expires November 1, 1984. Depending on the outcome of discussions between these parties, this closure may be repealed.

Reasons Supporting the Proposed Rule: Resource management.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-24401 CLOSURE OF ALL LANDS WITHIN THE COLVILLE INDIAN RESERVATION TO THE TRAPPING AND HUNTING OF ALL WILD ANIMALS, BLUE GROUSE, RUFFED GROUSE, FRANKLIN GROUSE, SHARP-TAILED GROUSE, SAGE HEN GROUSE, AND MOURNING DOVES

WSR 84-14-068
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning Swinomish Spit Game Reserve, adopting WAC 232-16-700;

that the agency will at 9:00 a.m., Sunday - Monday, August 19 - 20, 1984, in the Ridpath Motor Inn, Sprague and First Avenues at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19 or 20, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

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

Dated: June 28, 1984

By: Marveen J. Rohr

for Richard J. Poelker, Administrator
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-16-700 Swinomish Spit Game Reserve.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Establishes game reserve where hunting for wild animals and wild birds is unlawful.

Reasons Supporting the Proposed Rule: Resource management.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-16-700 SWINOMISH SPIT GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; thence in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); thence 6,000 feet ENE (East-northeast); thence 3,300 feet SSE (south-southeast); thence 4,200 feet SW (southwest) to the dike at the south end of Padilla Bay; thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

WSR 84-14-069
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning Nason Creek bow and arrow hunting area, repealing WAC 232-16-280;

that the agency will at 9:00 a.m., Sunday - Monday, August 19 - 20, 1984, in the Ridpath Motor Inn, Sprague and First Avenues at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19 or 20, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

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

Dated: June 28, 1984
By: Marveen J. Rohr
for Richard J. Poelker, Administrator
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-16-280
Nason Creek bow and arrow hunting area.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement:
RCW 77.12.040.

Summary of the Rule: Currently this is a hunting area for bow and arrow only. Under major changes of 1984 hunting seasons, all user groups are provided opportunity to hunt in this area as reflected in the hunting pamphlet.

Reasons Supporting the Proposed Rule: Resource management.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed.

WAC 232-16-280 NASON CREEK BOW AND ARROW HUNTING AREA

WSR 84-14-070

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 231—Filed July 2, 1984]

Be it resolved by the State Game Commission, acting at the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA, that it does adopt the annexed rules relating to:

- New WAC 232-28-280 1984 Hunting Seasons and Game Bag Limits and 1984 Game Management Units and Area Legal Descriptions.
- Rep WAC 232-28-207 1983 Hunting Seasons and Game Bag Limits and 1983 Game Management Units and Area Legal Descriptions.

This action is taken pursuant to Notice No. WSR 84-08-073 filed with the code reviser on April 4, 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 77.12.040 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 20, 1984.

By Vern E. Ziegler
Chairman, Game Commission

NEW SECTION

WAC 232-28-208 1984 HUNTING SEASONS AND GAME BAG LIMITS AND 1984 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1984 Hunting Seasons and Game Bag Limits and 1984 Game Management Units and Area Legal Descriptions adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-207 1983 HUNTING SEASONS AND GAME BAG LIMITS AND 1983 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS

WSR 84-14-071

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-62—Filed July 2, 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 state-tribal agreement regarding fall chinook allows for an earlier opening on available harvest of chinook 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 July 2, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-18000M BAG LIMIT CODES.
Notwithstanding the provisions of WAC 220-56-180, effective July 14, 1984, it is lawful to retain chinook salmon taken for personal use under bag limit H in punch card Areas 10, 11, and 13.

WSR 84-14-072

NOTICE OF PUBLIC MEETINGS

CENTRAL WASHINGTON UNIVERSITY

[Memorandum—June 28, 1984]

The regularly scheduled meetings of the Central Washington University board of trustees will be held at 2:00 p.m. in Room 143, Bouillon Hall, on the Central Washington University campus on the following dates:

September 14, 1984
November 30, 1984
January 25, 1985
February 22, 1985
April 19, 1985
June 28, 1985

WSR 84-14-073

NOTICE OF PUBLIC MEETINGS

CLARK COLLEGE

[Memorandum—June 28, 1984]

At its meeting on June 27, 1984, the Clark College board of trustees agreed to change the beginning time of its regular meetings to 4 p.m. This change will take effect immediately.

Regular meetings of the board will continue to be held on the fourth Wednesday of each month. The next regularly scheduled meeting of the board of trustees is Wednesday, July 25, 1984.

WSR 84-14-074 PROPOSED RULES HOSPITAL COMMISSION [Filed July 2, 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 an amendment to the text of the commission's *Accounting and Reporting Manual for Hospitals*, second edition, filed with the code reviser on June 8, 1984, as Order Number 84-01, but not published as part of the Washington Administrative Code. The specific portions of the manual amended by this action are as follows:

Addition of Appendix E respiratory therapy services uniform reporting service code listing. This addition was recommended by the Washington State Society for Respiratory Therapy (WSSRT). The service code listing designates common codings and procedure weighting to the various respiratory therapy procedures used in the hospital and home setting. Generic and specific procedural descriptions are provided for the majority of services provided by hospital-based respiratory therapy departments. Respiratory care services are organized into 8 categories and each category is further divided into the various modes of therapy and specific procedures.

Page 2420.2 (cont. 13) cost center 7180 respiratory services is being revised to reflect the change in the standard unit of measure.

The appendices table of contents is being revised to add Appendix E "respiratory therapy services uniform reporting service code listing."

Changes will be effective for hospital fiscal years beginning on or after October 1, 1984;

that the agency will at 10:00 a.m., Thursday, August 23, 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 August 17, 1984.

Dated: July 2, 1984
By: Maurice A. Click
Executive Director

STATEMENT OF PURPOSE

Title and Number of Rule Changes: Chapter 261-20 WAC, Regulations relating to, and establishment of, a uniform system of accounting and financial reporting.

Statutory Authority for the Rule and Specific Statute that the Rule is Intended to Implement: RCW 70.39.100.

Summary of the Rule: This rule amends the text of the commission's *Accounting and Reporting Manual for Hospitals*, second edition, filed with the code reviser on June 8, 1984, as Order Number 84-01, but not published as part of the Washington Administrative Code. This rule adds Appendix E, pages E-1 through E-12, respiratory therapy services uniform reporting service code listing and revises Page 2420.2 (cont. 13) cost center 7180 respiratory services and the appendices table of contents.

Reasons Supporting the Proposed Rule: All cost centers require a standard unit of measure (SUM). The current SUM for respiratory therapy services is "number of treatments." Both the commission and hospitals have recognized that this SUM provides no weighting for the disparate procedures included in this department. This proposed system was developed and tested by the Washington State Society for Respiratory Therapy (WSSRT) and has now been recommended by WSSRT to replace the SUM for this cost center.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of this Rule: Maurice A. Click, Executive Director, and Mary K. Bensen, Deputy Director, Washington State Hospital Commission, Mailstop FJ-21, Olympia, WA 98504, (206) 753-1990.

Name of the Person or Organization Whether Private, Public, or Governmental that is Proposing the Rule: Washington State Hospital Commission.

These rule are not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: Pursuant to RCW 19.85.040, the Hospital Commission submits the following small business economic impact statement. The Hospital Commission's rules currently provide for an alternative system for reporting by smaller hospitals: WAC 261-20-074 et seq. The proposed revisions retain these specialized and reduced reporting requirements for smaller hospitals. The staff of the Hospital Commission believes that this alternative reporting system enables the smaller hospitals to report the information required by the statute in the least onerous fashion.

Reviser's note: The text of the proposed amendments to the Washington State Hospital Commission's *Accounting and Reporting Manual*, second edition, has been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed Washington State Hospital Commission's *Accounting and Reporting Manual*, second edition, can be obtained by writing to the Washington State Hospital Commission, Mailstop FJ-21, Olympia, WA 98504.

WSR 84-14-075
PROPOSED RULES
HOSPITAL COMMISSION
[Filed July 2, 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 this notice proposes to add new chapter 261-50 WAC to Title 261 WAC: Washington State

Hospital Commission, regarding hospital reporting of patient discharge information, including data necessary for identification of discharges by diagnosis-related groups. The proposed rules set forth: Specific data elements to be collected and reported by hospitals; acceptable media for submission of data; record layout for magnetic tape and diskette; time deadlines for submission of data; edits and revisions to submitted data; and confidentiality considerations;

that the agency will at 10:00 a.m., Thursday, August 23, 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.

The specific statute these rules are intended to implement is RCW 70.39.100 as amended by section 10(5), chapter 288, Laws of 1984.

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

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

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

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

Mary K. Bensen, Deputy Director
Washington State Hospital Commission
711 South Capitol Way, Room 206
Mailstop FJ-21
Olympia, WA 98504
(206) 753-1990

Dated: July 2, 1984
By: Maurice A. Click
Executive Director

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 261-50 WAC, Rules for reporting hospital patient discharge information.

Statutory Authority: The proposed rules implement provisions of RCW 70.39.100, as amended by section 10, chapter 288, Laws of 1984, relating to the collection and maintenance of patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

Summary of the Rule(s): The proposed rules establish the specific patient discharge data elements to be collected and reported by hospitals, set forth the timing, media, and format for data submission, create a process for editing and revising submitted data, and provide for nondisclosure of certain patient discharge information.

Reasons Supporting the Proposed Rule: The proposed rules are necessary to administratively implement the provisions of RCW 70.39.100, as amended by section 10, chapter 288, Laws of 1984, relating to collection and maintenance of patient discharge data. Secondly, the proposed rules will facilitate administrative implementation of sections of chapter 288, Laws of 1984, relating to: Hospital Commission analyses and studies relating to the need for and delivery of health care services, the availability of such services, hospital rates, health care costs, and the financial status of any hospital; expressing hospital rates for inpatient care using an appropriate measure of hospital efficiency, such as that based on diagnosis-related groups; development of a hospital reimbursement control system in which all payers or purchasers participate; and utilization review of patient care to ensure that hospital admissions and services provided are medically justified.

The Agency Personnel who are Responsible for the Drafting, Implementation and Enforcement of These Rules: Mr. Maurice A. Click, Executive Director, or Ms. Mary K. Bensen, Deputy Director, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capitol Way, Olympia, Washington 98504, (206) 753-1990.

Name of the Person or Organization Whether Private, Public, or Governmental that is Proposing the Rule: Washington State Hospital Commission.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Pursuant to RCW 19.85.040, the Hospital Commission submits the following small business economic impact statement. The proposed rules provide for an alternative media (hardcopy) on which smaller hospitals may submit the required patient discharge information. Hospital Commission staff believe this alternative submission media enables smaller hospitals to report patient discharge information in the least onerous fashion.

Chapter 261-50

RULES FOR REPORTING HOSPITAL PATIENT DISCHARGE INFORMATION

WAC

261-50-010	Purpose
261-50-020	Definitions
261-50-030	Reporting of UB-82 data set information
261-50-040	Acceptable media for submission of data
261-50-045	Magnetic diskette and tape record layout
261-50-050	Time deadline for submission of data
261-50-060	Edits to data
261-50-065	Revisions to submitted data
261-50-070	Confidentiality of data

NEW SECTION

WAC 261-50-010 PURPOSE. This chapter is adopted by the Washington State Hospital Commission pursuant to RCW 70.39.180 to implement provisions of RCW 70.39.100 as amended by Laws of 1984, Chapter 288, Section 10, relating to the collection and maintenance of patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

NEW SECTION

WAC 261-50-020 DEFINITIONS. As used in this chapter, unless the context requires otherwise,

(1) "Commission" means the Washington State Hospital Commission created by chapter 70.39 RCW;

(2) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria;

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination;

(4) "UB-82 data set" means the data element specifications developed by the Washington State Uniform Billing Implementation Committee and set forth in the State of Washington UB-82 Procedure Manual, which is available to the public upon request, which are to be reported by a hospital in processing hospital patient bills/claims for payment.

NEW SECTION

WAC 261-50-030 REPORTING OF UB-82 DATA SET INFORMATION. (1) Effective with all hospital patient discharges on or after July 1, 1984, hospitals shall collect and report the following UB-82 data set elements to the Commission: (References to: "Lcn" means location on the UB-82 billing form; "Type" means (A)Alpha, (N)umeric, or (D)ate; "Just" means justification, either (R)ight or (L)eft; "Size" means size of the field in bytes.)

(a) Lcn=3 Patient Control Number Type=A Just=L Size=17
Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records and posting of payments. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification. Example "235198-001" or "345873".

(b) Lcn=4 Type of Bill Type=A Size=3
This three-digit code requires 1 digit each, in the following sequence form: Type of facility, Bill Classification, Frequency.

- Digit #1 must be "1" to indicate a hospital.
- Digit #2 must be a "1" or a "2" to indicate an inpatient.
- Digit #3 must be one of the following:
 - 0 - Nonpayment/zero claims
 - 1 - Admit through discharge claim
 - 2 - Interim - first claim
 - 3 - Interim - continuing claim
 - 4 - Interim - last claim
 - 7 - Replacement of prior claim
 - 8 - Void/Cancel of a prior claim

Example: "111" or "114".

(c) Lcn=7 Medicare Provider Number Type=A Just=L Size=6
This is the number assigned to the provider by Medicare. Example: "020888". Note: Dashes are excluded. On hardcopy of the UB-82 billing form, the dash may be included. Example: "02-0888".

(d) Lcn=10 Name Type=A Just=L Size=31
The first four digits of the patient's last name are included in this field. As an option, the entire patient name may be included. Example: "Jones" or "Jones, Mary D".

(e) Lcn=11 Zipcode Type=A Just=L Size=9
Patient's zipcode. If 9 digits are used the zipcode is provided in xxxxxxxx format (no hyphen). Example: "98102" or "981023452". On hardcopy of the UB-82 billing form, this value may be indicated with a hyphen.

(f) Lcn=12 Birthdate Type=N Size=6
The patient's date of birth in MMDDYY format. Example: "062424" or "122292". Note: If the patient is over 100 years old at the date of admission, then "17" must be the value in the "Condition Code #1" field. On hardcopy of the UB-82 billing form, this value may be indicated in MM-DD-YY format.

(g) Lcn=13 Sex Type=A Size=1
Patient's sex in M/F format. Example: "M" or "F".

(h) Lcn=15 Admission Date Type=D Size=6
Admission Date in MMDDYY format. Example: "030284" or "120883". On hardcopy of the UB-82 billing form, this value may be indicated with hyphens. Example: "12-08-83".

(i) Lcn=17 Type of Admission Type=A Size=1
This field is filled with one of the following codes:

- 1 Emergency
- 2 Urgent
- 3 Elective
- 4 Newborn
- 5 Other

Example: "1" or "3".

(j) Lcn=18 Source of Admission Type=A Size=1
This field is completed with one of the following codes:

- 1 Physician Referral
- 2 Clinic Referral
- 3 HMO Referral
- 4 Transfer from another hospital
- 5 Transfer from a SNF
- 6 Transfer from another HCF
- 7 Emergency Room
- 8 Court/Law Enforcement
- 9 Other

Example "1" or "4".

(k) Lcn=21 Patient Status Type=A Size=2
Patient discharge disposition in one of the following codes:

- 01 Discharged home
- 02 Discharged to another short-term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 20 Expired
- 30 Still patient

Example: "01" or "06".

(l) Lcn=22 Statement Covers Period Type=D Size=12
This is the beginning and ending dates for which the UB-82 covers. This should be provided in the following format: MMDDYYMMDDYY. Example: "080183081083" or "122283122583". On hardcopy of the UB-82 billing form, dashes may be included in the dates. Example: "08-01-83 08-10-83".

(m) Lcn=35 Condition Code #1 Type=A Size=2
If a patient is over 100 years old at the time of admission, the value "17" must be the value of this field.

(n) Lcn=53 Total Charges Type=N Just=R Size=9
Total Charges for Revenue Code 001 in xxxxxxxx format, where the last two digits are cents and no decimal point is shown. Example: "367287" or "1223398".

(o) Lcn=57A Payer Identification #1 Type=A Just=L Size=25
Data should be entered in the following format "XXX xxxxxxx" where XXX, is equal to one of the following entries:

- 001 for Medicare
- 002 for Medicaid
- 003 for Self Insured Employers
- 004 for Group Health
- 005 for Other HMO
- 006 for Commercial
- 007 for County Medical Bureaus
- 008 for Labor and Industries
- 009 for Self Pay
- 010 - 500 for Blue Cross (See UB-82 Manual)

Examples: "001", or "002". Note: The first three digits of this field must be filled.

(p) Lcn=57B Payer Identification #2 Type=A Just=L Size=25
Same requirements as in Payer Identification #1. This field should only be completed when a secondary payer has been identified.

(q) Lcn=77 Principal Diagnosis Code Type=A Just=L Size=6
ICD9-CM Code describing the principal diagnosis (the condition established after study to be chiefly responsible or causing the hospitalization) that exists at time of admission. Example: "0539", or "23452". Note: Leading zeros are included and decimals are excluded.

(r) Lcn=78 Diagnosis #2 Code Type=A Just=L Size=6
ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539", or "23452". Note: Leading zeros are included and decimals are excluded.

(s) Lcn=79 Diagnosis #3 Code Type=A Just=L Size=6
ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539", or "23452". Note: Leading zeros are included and decimals are excluded.

(t) Lcn=80 Diagnosis #4 Code Type=A Just=L Size=6
ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the

length of stay. Example: "0539", or "23452". Note: Leading zeros are included and decimals are excluded.

(u) Lcn=81 Diagnosis #5 Code Type=A Just=L Size=6
ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539", or "23452". Note: Leading zeros are included and decimals are excluded.

(v) Lcn=84 Principal Procedure Code Type=A Just=L Size=5
The ICD9-CM Code that identifies the principal procedure performed during the patient admission. Example: "100" or "0101". Note: Leading zeros are included and decimals are excluded.

(w) Lcn=85 Procedure #2 Code Type=A Just=L Size=5
Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. Note: Leading zeros are included and decimals are excluded.

(x) Lcn=86 Procedure #3 Code Type=A Just=L Size=5
Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. Note: Leading zeros are included and decimals are excluded.

(y) Lcn=92 Attending Physician ID Type=A Just=L Size=22
The attending physician's number assigned by Medicaid. If the attending physician does not have a Medicaid number, the physician's state license number is used. The format for this field should be "physician number, physician name". (Physician name is optional.) Example: "0027834, Dr. Marvin Jones" or "1456234, Dr. Crocker". Note: The first seven digits in this field must be the physician number.

(z) Filler Type=A Size=33
This field may be used in the future and is included here so that the record length is compatible with microcomputer database management systems.

(2) It shall be the responsibility of each hospital to ensure that data reported pursuant to WAC 261-50-030 (1) is provided for all patient discharges.

NEW SECTION

WAC 261-50-040 ACCEPTABLE MEDIA FOR SUBMISSION OF DATA. For purposes of the data collected and reported pursuant to WAC 261-50-030, hospitals may submit such data on the following media:

- (1) Hardcopy of the UB-82 billing form or a form prescribed by the commission:
 - (a) for all patient discharges during the period from July 1, 1984 to September 30, 1984;
 - (b) for all patient discharges after September 30, 1984 from hospitals which are classified as "basic service" hospitals;
- (2) Magnetic floppy diskette (5 1/4 inch) formatted in Microsoft Disk Operating System (MS-DOS) version 2.0 and utilizing the MS-DOS back-up function;
- (3) Magnetic tape with the following physical specifications as well as external identification setting forth such specifications:
 - (a) 800, 1600, or 6250 bytes per inch;
 - (b) ASCII or EBCDIC data representation codes;
 - (c) block length, if blocked;
 - (d) unlabeled;
 - (e) seven or nine track;
 - (f) hospital name and patient discharge period.

NEW SECTION

WAC 261-50-045 MAGNETIC DISKETTE AND TAPE RECORD LAYOUT. (1) For purposes of data submitted in accordance with WAC 261-50-040(2) and (3), the data elements for each patient discharge record must have a logical record length of 256 characters along with the following record layout: (References to: "No" means field number for the record; "Lcn" means location on the UB-82 billing form; "Description" means description of the record field; "Type" means (A)lpha, (N)umeric, or (D)ate; "Just" means justification, either (R)ight or (L)eft; "Size" means size of the field in bytes; "Position" means position of the field on magnetic diskette or tape.)

No.	Lcn	Description	Type	Just	Size	Position
1	3	Patient Control Number	A	L	17	1-17
2	4	Type of Bill	A		3	18-20
3	7	Medicare Provider Number	A	L	6	21-26
4	10	Name	A	L	31	27-57

5	11	Zipcode	A	L	9	58-66
6	12	Birthdate	N		6	67-72
7	13	Sex	A		1	73-73
8	15	Admission Date	D		6	74-79
9	17	Type of Admission	A		1	80-80
10	18	Source of Admission	A		1	81-81
11	21	Patient Status	A		2	82-83
12	22	Statement Covers Period	N		12	84-95
13	35	Condition Code #1	A		2	96-97
14	53	Total Charges	N	R	9	98-106
15	57A	Payer Identification #1	A	L	25	107-131
16	57B	Payer Identification #2	A	L	25	132-156
17	77	Principal Diagnosis Code	A	L	6	157-162
18	78	Diagnosis #2 Code	A	L	6	163-168
19	79	Diagnosis #3 Code	A	L	6	169-174
20	80	Diagnosis #4 Code	A	L	6	175-180
21	81	Diagnosis #5 Code	A	L	6	181-186
22	84	Principal Procedure Code	A	L	5	187-191
23	85	Procedure #2 Code	A	L	5	192-196
24	86	Procedure #3 Code	A	L	5	197-201
25	92	Attending Physician ID	A	L	22	202-223
26		Filler	A		33	224-256

WSR 84-14-076
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
 [Filed July 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning:

- New ch. 137-28 WAC Prisons—Discipline.
- Rep ch. 275-88 WAC Adult correctional institutions—Discipline.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 14, 1984.

The authority under which these rules are proposed is RCW 72.01.090.

The specific statute these rules are intended to implement is RCW 72.09.010.

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

Correspondence regarding this adoption should be sent to:

Robert W. Sampson, Administrator
 Office of Contracts and Regulations
 Division of Management and Budget
 Mailstop FN-62
 Scan 234-5770, (206) 753-5770

Dated: June 29, 1984

By: Amos E. Reed
 Secretary

NEW SECTION

WAC 261-50-050 TIME DEADLINE FOR SUBMISSION OF DATA. Data collected by hospitals pursuant to WAC 261-50-030 shall be submitted to the commission or its designee by the following dates:

(1) for data submitted on hardcopy in accordance with the provisions of WAC 261-50-040 (1), within forty-five days following the end of each calendar month;

(2) otherwise, within forty-five days following the end of every three month calendar period commencing with July 1, 1984.

NEW SECTION

WAC 261-50-060 EDITS TO DATA. The commission or its designee shall subject the data submitted to the commission pursuant to WAC 261-50-030 to the following set of edits:

(1) record layout compatibility edits on data submitted in accordance with WAC 261-50-040 (1) and WAC 261-50-045;

(2) verification of the data set elements set forth in WAC 261-50-030.

NEW SECTION

WAC 261-50-065 REVISIONS TO SUBMITTED DATA. (1) All data revisions required as a result of the edits performed pursuant to WAC 261-50-060 shall be corrected and resubmitted in the prescribed manner to the commission or its designee within fourteen working days.

(2) The commission may assess a civil penalty as provided in RCW 70.39.200, as amended by Laws of 84, Chapter 288, Section 20, for the costs associated with more than one cycle of edits as described in WAC 261-50-060.

NEW SECTION

WAC 261-50-070 CONFIDENTIALITY OF DATA. The commission deems information submitted pursuant to WAC 261-50-030 privileged medical information as stated in RCW 70.39.110, as amended by Laws of 84, Chapter 288, Section 11 (5) and, therefore, such information will not be available for public inspection and copying pursuant to Chapter 42.17 RCW.

STATEMENT OF PURPOSE

Title and Number of Rule: Adopting chapter 137-28 WAC, Prisons—Discipline.

Statutory Authority: RCW 72.02.090.

Summary and Purpose: The purpose of this rule is to provide a standardized system consistent with constitutional due process for determining whether an inmate has committed an act of misconduct and the penalties therefor.

Agency Personnel Responsible for Drafting and Adoption: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Division of Management and Budget, Mailstop FN-61, scan 234-5770; Implementation and Enforcement: Walter L. Kautzky, Director, Division of Prisons, Department of Corrections, Mailstop FN-61, scan 234-1502.

No other person or organization other than the Department of Corrections is proposing this rule.

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

This rule does not have an impact on small business.

Chapter 137-28 WAC
 PRISONS—DISCIPLINE

NEW SECTION

WAC 137-28-005 PURPOSE. (1) The rules in this chapter shall provide a standardized system consistent with constitutional due process for ascertaining whether misconduct by an inmate of an adult correctional institution has occurred.

(2) The rules in this chapter shall not apply to proceedings of the board of prison terms and paroles.

NEW SECTION

WAC 137-28-006 DEFINITIONS. For the purposes of this chapter the following words shall have the following meanings:

(1) "Promptly" means to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

(2) "Working days" means normal Monday through Friday work days, excluding weekends and holidays.

(3) "Director" means the director of the division of prisons of the Washington state department of corrections or his/her designee.

(4) "Superintendent" means a superintendent of an adult correctional institution or his/her designee.

(5) "Directors review committee" means a committee appointed by the director.

(6) "Earned time" means that portion of the inmate's available sentence reduction which, by department of corrections' policy is earned specifically for program participation.

(7) "Good-conduct time credits" means that portion of an inmate's potential reduction to his/her minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which is gained by not receiving serious infractions as listed in WAC 137-28-030.

(8) "Earned-early release" means that combined earned time and good-conduct time credits which, together, allow an inmate to earn up to one-third reduction off the minimum term established by the board of prison terms and paroles or sentencing court.

(9) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

NEW SECTION

WAC 137-28-010 SUPPLEMENTARY RULES. The superintendent of an adult correctional institution may promulgate supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director before being put into effect.

NEW SECTION

WAC 137-28-015 NOTIFICATION. (1) Each inmate of an adult correctional institution shall be advised in writing of:

- (a) His/her rights and responsibilities;
- (b) Acts prohibited in the institution; and
- (c) Disciplinary action which may be taken in the event of misconduct.

(2) Each inmate shall be provided with a copy of the rules in this chapter and upon his/her arrival at the institution shall be given a copy of all local disciplinary rules.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies, and procedures shall be posted at a specifically designated place or places in each institution in advance of their effective date if possible and for at least thirty days after their effective date. Inmates shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for inmate examination.

(4) The superintendent shall ensure that each inmate has the opportunity to understand rules which relate to his/her conduct. If the inmate is unable to read or understand English, the rules shall be read to him/her promptly in his/her accustomed language.

NEW SECTION

WAC 137-28-020 DEFINITION OF MISCONDUCT. Misconduct shall consist of:

- (1) Any act described in WAC 137-28-025 as a general infraction;
 - (2) Any act described in WAC 137-28-030 as a serious infraction;
- or
- (3) Any act proscribed by a rule adopted by an institution pursuant to WAC 137-28-010.

NEW SECTION

WAC 137-28-025 GENERAL INFRACTIONS. Any of the following types of behavior shall constitute a general infraction:

- 051 - Unauthorized possession of money or other negotiable instruments totaling less than five dollars;
- 052 - Loaning of property for profit;
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to him/her by regular institutional channels;
- 055 - Intentionally mutilating, altering, defacing or destroying items issued by the state the value of which is less than five dollars;
- 103 - Refusing to obey a lawful order of any staff member;
- 104 - Unexcused absence from work or any assignment;
- 110 - Theft of food;
- 202 - Abusive language directed to a staff member;
- 203 - Lying or knowingly providing a false statement to a staff member;
- 205 - Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution administrative staff;
- 210 - Being in an area identified by an institution as an area where the presence of inmates is unauthorized;
- 211 - Intentional failure to follow published safety or sanitary regulations;
- 212 - Using any equipment or machinery which is not specifically authorized;
- 213 - Using any equipment or machinery contrary to instructions or posted safety standards;
- 214 - Intentional failure to stand count;
- 251 - Smoking where prohibited;
- 301 - Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations;
- 302 - Tattooing or self-mutilation;
- 303 - Unauthorized use of mail or telephone;
- 305 - Correspondence or conduct with a visitor in violation of published and posted regulations;
- 351 - Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another inmate, a member of his/her family, or his/her friend, except when authorized; or
- 400 - Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself.

NEW SECTION

WAC 137-28-030 SERIOUS INFRACTIONS. Any of the following types of behavior shall constitute a serious infraction:

- 501 - Committing homicide;
- 502 - Assaulting any person;
- 503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing;
- 504 - Engaging in sexual acts with others, with the exception of conjugal visits authorized by the superintendent;
- 505 - Fighting with any person except in self-defense;
- 506 - Threatening another with bodily harm or with any offense against his/her person;
- 507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state or federal law;
- 508 - Throwing objects or material at staff members, institution visitors, or other inmates;
- 521 - Holding a person hostage;
- 525 - Violation of conditions of furlough;
- 550 - Escape or attempted escape;
- 551 - Lying to the hearing committee;
- 552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against;
- 553 - Intentionally or recklessly setting a fire;
- 554 - Intentionally or recklessly destroying or damaging state property, or the property of another person in excess of five dollars;
- 555 - Stealing (theft) or knowing possession of stolen property;

- 556 – Refusing to submit to a body search when lawfully ordered to do so by a staff member;
- 557 – Refusing and/or failing to work or attend other regularly scheduled assignments;
- 558 – Intentionally interfering with a staff member in the performance of his/her duties;
- 559 – Gambling;
- 600 – Tampering with or blocking any locking device or seal;
- 601 – Possession or introduction of an explosive, poison, or any ammunition or components thereof;
- 602 – Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof;
- 603 – Possession, introduction, transfer, or use of any narcotics, controlled substance, or related paraphernalia; possession, transfer, or use of any intoxicant or drug not prescribed or authorized for the inmate or for the inmate to whom transferred, if applicable, by the medical staff; or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant;
- 605 – Unauthorized possession of any officer's or staff's clothing;
- 607 – Refusing to submit to a urinalysis or blood test under medically acceptable conditions, when requested in writing to do so by a supervisory employee of the rank of shift commander or above, by licensed medical staff, or by others designated by the superintendent;
- 608 – Refusing to submit to a breathalyzer or other standard sobriety test;
- 650 – Rioting;
- 651 – Inciting others to riot;
- 652 – Engaging in or inciting a prohibited group demonstration;
- 653 – Intentionally interfering with the taking of count;
- 654 – Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper;
- 655 – Making intoxicants, controlled substances, narcotics;
- 656 – Giving or offering any official or staff member or a volunteer a bribe or anything of value for a favor or unauthorized service;
- 657 – Four or more general infractions arising out of separate incidents, all of which occur within the previous six-month period, and which have been reported in writing;
- 658 – Intentional failure to perform according to an administrative action taken pursuant to WAC 137-28-050(2), or resisting posthearing sanctions as provided for in WAC 137-28-105;
- 660 – Unauthorized possession of money or other negotiable instruments of five dollars or more;
- 661 – Performing or taking part in performing a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution, which may, in appropriate cases, also be deemed a violation of a visiting rule that can subject an inmate to the sanction contained in WAC 137-28-105 (1)(d), as well as other sanctions available for serious infractions;
- 662 – Solicitation of goods and/or services for which the provider would expect payment when the inmate knows or should have known he/she has no funds available to pay for such goods or services;
- 700 – Attempting to commit or aiding another person to commit a serious infraction as enumerated in this rule, and such action shall be considered the same as commission of the offense itself; or
- 701 – Commission of any general infraction as enumerated in WAC 137-28-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its inmates, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger.

the confines of such cell unless he/she can establish a lack of involvement in the infraction.

NEW SECTION

WAC 137-28-032 EARNED TIME, GRANTING AND DENIAL. An inmate may receive earned time sentence reduction for participating or attempting to participate in institution work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the inmate. Should the inmate wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the inmate has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing shall be before an impartial official designated by the superintendent, pursuant to WAC 137-28-065. The inmate shall be provided a written statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall be conducted in accordance with WAC 137-28-090. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state inmates shall be handled in substantial accord with this rule.

NEW SECTION

WAC 137-28-035 REPORTING TO LAW ENFORCEMENT AUTHORITIES. (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the inmate shall not be questioned about the incident, outside of a formal disciplinary hearing or an administrative segregation hearing, held pursuant to this chapter, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the inmate in accordance with administrative segregation rules appearing in this chapter.

NEW SECTION

WAC 137-28-040 INFRACTIONS—ON-SITE ADJUSTMENT. In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

(1) Counseling, warning, or reprimanding the inmate; and/or

(2) Causing the inmate to remove himself/herself from the situation immediately involved in the violation.

(3) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether a 657 serious infraction under WAC 137-28-030 has occurred.

NEW SECTION

WAC 137-28-045 INFRACTIONS—REPORT ON. (1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.

(2) The infraction report shall include:

(a) A description of the incident;

(b) The time and place of the incident;

(c) The names of witnesses;

(d) The specific rule alleged to have been violated;

(e) A description of any action taken; and

(f) A recommendation of any action to be taken.

(3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to receive such reports.

NEW SECTION

WAC 137-28-050 GENERAL INFRACTION REPORT—ACTION ON REPORT. The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to

(1) Take no further action, in which case the report shall be destroyed promptly; or

NEW SECTION

WAC 137-28-031 CELL TAG. Each inmate of a multiple-inmate cell will be held accountable for an infraction that occurs within

(2) Take administrative action as provided for in WAC 137-28-105(1).

(3) General infractions handled under this rule may be accumulated for purposes of invoking the provisions of WAC 137-28-030 with respect to serious infraction 657.

NEW SECTION

WAC 137-28-065 APPOINTMENT AND DISQUALIFICATION OF HEARING OFFICER. (1) Hearings shall be conducted by a single hearing officer designated by the superintendent.

(2) The hearing officer may not function in such capacity when he/she has direct personal knowledge or interest in the incident under consideration. Such officer must disqualify himself/herself by giving notice to the superintendent, who will select a replacement.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude the hearing officer's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities.

(4) The hearing officer may disqualify himself/herself or be disqualified if it is felt the hearing officer is biased for or against the inmate so that he/she cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired.

NEW SECTION

WAC 137-28-072 OUT-OF-STATE INMATES: Inmates committed to the department of corrections who have been transferred to a prison in another state shall be subject to the disciplinary rules and procedures applicable in the prison to which they have been transferred except that such prison may, in its discretion, utilize any presumptive sanction guidelines in current effect in Washington state institutions.

NEW SECTION

WAC 137-28-075 PREHEARING PROCEDURES—RIGHTS OF INMATES. (1) Before being questioned about an alleged rule infraction, an inmate alleged to have committed a rule infraction shall be advised that his/her refusal to testify at the hearing may be used against him/her.

(2) The inmate shall retain his/her institutional status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 137-28-080.

NEW SECTION

WAC 137-28-080 PREHEARING PROCEDURES—RESTRICTION OF INMATE. (1) Prior to and during a hearing on a serious infraction:

(a) An inmate in minimum security status may be restricted to a security area without loss of his/her classification status when there is a reasonable belief that he/she is a substantial security risk; or

(b) An inmate who is reasonably believed to be of danger to himself/herself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonable believed to exist, be restricted to his/her own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement;

(c) An inmate shall not be confined or segregated for more than seventy-two hours exclusive of weekends and holidays unless there is an intervening hearing on the incident involved or the inmate or the institution, for good cause, require additional time not to exceed seventy-two hours to prepare its or his/her case for the hearing, or there is an administrative segregation hearing in accordance with the provisions of this chapter.

(2) Confinement or restriction as authorized in this rule shall not limit the right of an inmate to prepare an adequate defense to the charge(s) against him/her.

(3) An inmate confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing officer following the hearing, as set forth in WAC 137-28-110.

(4) An inmate confined or restricted as authorized in this section shall receive credit for time served in such manner if he/she is subsequently found guilty of the offense by the hearing officer.

NEW SECTION

WAC 137-28-085 HEARING OFFICER—PREPARATION FOR HEARING. In preparation for the hearing, the clerk of the hearing officer shall at least twenty-four hours in advance of the hearing:

(1) Provide copies of the infraction report to the inmate;

(2) Advise the inmate, both orally and in writing, of his/her rights, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) That if he/she chooses not to testify at the hearing, his/her silence may be used against him/her;

(c) To present written statements from other inmates, staff or other persons in his/her behalf;

(d) To ask that staff members, other inmates, and other persons be present as witnesses for the hearing if it is determined by the hearing officer that to do so would not be unduly hazardous to institution's safety or correctional goals: PROVIDED, HOWEVER, Limitations may be made by the hearing officer if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case;

(e) To have a staff advisor to assist in preparation/presentation of his/her case when it is determined that the inmate is unable to adequately represent himself/herself on the basis of literacy or competence in accordance with WAC 137-28-097; and

(f) To have access to nonconfidential reports and records utilized by the hearing officer during the fact-finding stage: PROVIDED, HOWEVER, Where reports and records contain information, the disclosure of which to an inmate might reasonably compromise the security and/or safety of the institution or its inmates, such reports and records shall be specifically identified as confidential and withheld, and in such cases, the inmate shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgment of the receipt by the inmate of the information provided in accordance with WAC 137-28-085(2);

(4) Determine from the inmate whether he/she wishes to contest the allegation;

(5) Schedule the hearing within five working days after discovery of the incident, unless such time is extended by the superintendent; and

(6) Notify any staff member who witnessed the infraction of the hearing.

NEW SECTION

WAC 137-28-090 CONDUCT OF HEARING. (1) The hearing officer shall assure that the inmate is competent to understand the charge against him/her and the proceedings, and to participate therein. He/she may order a postponement of the hearing to secure a report on the competence of the inmate, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The inmate shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing officer may wish to make concerning the identity of unidentified witnesses. An inmate may waive his/her presence at a hearing.

(3) The inmate shall be informed that if he/she chooses not to testify in the hearing, his/her silence may be used against him/her.

(4) The clerk shall be responsible for presenting all appropriate paperwork to the hearing officer, but shall not be responsible for orally presenting facts and circumstances surrounding the incident.

(5) The hearing officer shall divide the hearing into two stages consisting of:

(a) Determination of the guilt or innocence of the inmate; and

(b) Determination of further action to be taken.

(6) Evidence, testimony, questions, and examinations shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(7) Where institution staff members are witnesses against the inmate, every effort shall be made to have such witnesses present to testify at the hearing: PROVIDED, HOWEVER, The written statements of such staff members may be considered in their absence upon a showing of good cause.

(8) The hearing officer shall have the authority to cross-examine the staff member reporting the infraction.

(9) The inmate shall be allowed to call witnesses and present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other

information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the inmate's case. The testimony of all witnesses from outside the institution shall be considered in writing. In the event the hearing officer determines that the presence of a witness is appropriate, the hearing officer will call the witnesses or continue the hearing until such time as the witness is available. If the witness is unavailable, the hearing officer may, in his/her discretion, consider the written testimony previously submitted.

(10) The inmate may question witnesses against him/her in the discretion of the hearing officer. If the hearing officer determines that an inmate witness would be subject to risk of harm if his/her identity were disclosed, testimony of the inmate witness may be introduced by the testimony of a staff member to whom the information was provided by the inmate witness and/or the affidavit of the inmate witness. If the staff member to whom the inmate witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member may be used.

(11) The hearing officer shall, out of the presence of all inmates, inquire as to the identity of any anonymous inmate witness, and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified inmate witness to identify such inmate shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member with the rank of captain or above based on that staff member's determination of good cause for nondisclosure and that the informant is reliable. The hearing officer must make an independent determination as to the reliability of informant and credibility of information offered, except that the hearing officer may accept an assurance of credibility from a staff member who approves the nondisclosure of identity of the inmate witness.

NEW SECTION

WAC 137-28-093 DECISION OF HEARING OFFICER. (1) A report of the hearing shall be made by a secretary and shall include the charge, names of witnesses, summary of the testimony and cross-examination, a description of the physical evidence used, and the decisions and reasons therefor. The written report shall be placed in the inmate's institutional file if he/she is found guilty. All reports shall be maintained by the clerk as part of the hearing officer's records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed one hundred twenty days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence presented in the hearing. However, during the dispositional stage of the hearing, such factors as the inmate's institutional file, prior conduct, and overall institution adjustment may be considered.

(3) The inmate shall be informed personally of the decisions of the hearing officer. Such information shall be given to him/her orally within twenty-four hours of the hearing and in writing within seventy-two hours of the hearing unless such periods are extended by the superintendent.

(4) The inmate shall be informed of his/her right to appeal the decisions of the hearing officer to the superintendent.

NEW SECTION

WAC 137-28-095 FINDING OF NO INFRACTION. If the hearing officer determines that no infraction occurred, the inmate shall be reinstated to his/her previous status and all records pertaining to the charge shall be removed from the inmate's central file but may be retained for statistical and record-keeping purposes.

NEW SECTION

WAC 137-28-097 STAFF ADVISORS. (1) An inmate may have a staff advisor appointed by the hearing officer to prepare for a hearing. The hearing officer shall consider such factors as the literacy, the complexity of the issue and the inmate's overall ability to speak for himself/herself and adequately present his/her case, prior to assigning a staff advisor. The assignment of a staff advisor will only be necessary when considering such factors, and should not be construed to mean that a staff advisor must be assigned. The staff advisor will be a staff member and not involved in the observation of the infraction. The staff

advisor may attend the hearing, but shall not be responsible for presentation of the inmate's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing officer.

(2) A list of approved staff advisors will be maintained by the superintendent.

(3) Staff advisors shall be provided with:

(a) Copies of the written decisions of the hearing officer and the superintendent in cases in which the staff advisors are involved;

(b) An opportunity to have private conversation with inmates they are representing;

(c) Access to written information to be used by the hearing officer in the fact-finding stage as far in advance of the hearing as is reasonably possible; and

(d) Reasonable access to all witnesses.

NEW SECTION

WAC 137-28-100 SANCTIONS—AUTHORITY TO IMPOSE.

(1) If the hearing officer determines that an inmate is guilty of a serious infraction as enumerated in WAC 137-28-030, he/she may impose one or more of the sanctions provided in WAC 137-28-105.

(2) If the hearing officer determines that more than one infraction occurred, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a proposed disciplinary sanction for a fixed period of time, not to exceed six months, subject to the good behavior of the inmate and/or meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the inmate's being found guilty of either a general or serious infraction and/or violating the conditions attached to the original suspension. A suspended sentence may be revoked only by the institution hearing officer following notice to the inmate of possible revocation and an in-person meeting with the inmate.

(4) The hearing officer may review any decision he/she has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

NEW SECTION

WAC 137-28-105 SANCTIONS—TYPES. (1) For general infractions enumerated in WAC 137-28-025 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed ten days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 137-48 and 275-80 WAC or in local rules regarding correspondence and/or visitors; and

(e) Up to one hundred twenty hours of extra work duty.

(2) For serious infractions enumerated in Wac 137-28-030, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in WAC 137-28-105;

(b) Loss of specified privileges for a period of time not to exceed twenty days except that an inmate shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday;

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Recommendation to the classification committee/classification officer for reconsideration of custody classification and/or, when the

infraction committed is directly related to the inmate's program, recommendation of program change;

(g) Recommendations to the classification committee/classification officer for transfer to another institution only when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the maximum security or segregation section, for a period not to exceed thirty consecutive days;

(i) Confinement in an isolation cell for a period not to exceed ten consecutive days: PROVIDED, That where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: PROVIDED FURTHER, That in such situation when an inmate may be in isolation for more than ten consecutive days, the director's prior approval shall be required unless the inmate is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days;

(j) Restitution for damage done to any property or loss of any property assigned to the inmate. Funds may be withdrawn from the inmate's account to make restitution under this rule: PROVIDED, That an inmate's account shall not be reduced to less than ten dollars under this subparagraph;

(k) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate to the board of prison terms and paroles, pursuant to RCW 9.95.070 or that he/she deny good conduct time credit for those inmates not under jurisdiction of the board. Such recommendation will be consistent with guidelines established by the secretary of the department of corrections. Any sanctions for loss of good-conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the director, division of prisons;

(l) Recommendation to the board of prison terms and paroles for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(m) The sanction for the following major infractions will not result in loss of good-time credit: 557; 559; 653; 657; 661; and 701.

NEW SECTION

WAC 137-28-110 SANCTIONS—LIMITATIONS. (1) No inmate shall be subject to disciplinary action for violation of inmate conduct rules unless there has been reasonable advance notice to the inmate of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) An inmate placed in segregation shall:

(a) Be confined to an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Be afforded his/her rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless staffing, space, institutional security, order and/or safety, or other similar circumstances make this unfeasible, in which cases such inmate shall be allowed as much exercise as is feasible in the judgment of staff; provided, however, any limitations of exercise shall be approved in advance by a staff member with the rank of lieutenant or higher; and

(e) Be visited by a physician or designated health care personnel at least three times per week; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health care personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided further that inmates of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility specified by the director of prisons.

(5) An inmate placed in isolation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his/her rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal, or program involvement material;

(d) Be visited by a physician or health care personnel at least once per day; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided, further, that inmates of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility to be specified by the director of prisons;

(e) Upon approval by the superintendent, be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;

(f) Be visited by a staff member at least twice during each daily shift to ascertain his/her well being, and each such visit and findings shall be recorded; and

(g) Be accessible to the counselor assigned to him/her.

NEW SECTION

WAC 137-28-115 APPEAL TO SUPERINTENDENT. (1) An inmate may appeal the decision of the hearing officer to the superintendent by filing a written request for review and his/her reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the hearing officer. The superintendent may, in his/her discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing officer record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the hearing officer, stating his/her reasons therefor; reducing the severity of the sanctions imposed; vacating the judgment of the hearing officer, or remanding the matter for a new hearing. Any new hearing may not result in an increase of the severity of the sanctions originally imposed.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the inmate nor shall his/her custody be subject to change unless there are grounds for detention as provided in WAC 137-28-080 or if the superintendent has reason to believe that he/she is a substantial security risk.

(5) The inmate shall promptly be notified of the decision of the superintendent.

(6) In all cases where the superintendent approves a sanction requiring the loss of more than one hundred eighty days of future good conduct time credits, or the superintendent recommends that a parole board disciplinary hearing be scheduled, the case will be referred to the director for review and approval. This review may result in approval of the sanction imposed or a lesser sanction.

NEW SECTION

WAC 137-28-120 REPORTS TO THE PAROLE BOARD. (1) Whenever the hearing officer finds an inmate guilty of a serious infraction, and recommends either loss of good conduct time credits or an adjustment upward of the inmate's minimum term, it shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(2) In all other cases where a finding of guilt is made for a serious infraction, it shall be the duty of the clerk to inform the parole board of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(3) Where an inmate is found guilty of a serious infraction within forty-five days of an apparent release date, the board of prison terms and paroles shall be notified telephonically, with written notification to follow promptly.

NEW SECTION

WAC 137-28-130 TIME LIMITATIONS. The time limitations expressed in these regulations shall not be deemed to be jurisdictional and failure to adhere to any particular time regulation shall not be grounds for automatic reversal and/or dismissal of a disciplinary proceeding.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|---------------------|--|
| (1) WAC 275-88-005 | PURPOSE. |
| (2) WAC 275-88-006 | DEFINITIONS. |
| (3) WAC 275-88-010 | SUPPLEMENTARY RULES. |
| (4) WAC 275-88-015 | NOTIFICATION. |
| (5) WAC 275-88-020 | DEFINITION OF MISCONDUCT. |
| (6) WAC 275-88-025 | GENERAL INFRACTIONS. |
| (7) WAC 275-88-030 | SERIOUS INFRACTIONS. |
| (8) WAC 275-88-035 | REPORTING TO LAW ENFORCEMENT AUTHORITIES. |
| (9) WAC 275-88-040 | INFRACTIONS—ON-SITE ADJUSTMENT. |
| (10) WAC 275-88-045 | INFRACTIONS—REPORT ON. |
| (11) WAC 275-88-050 | GENERAL INFRACTION REPORT—ACTION ON REPORT. |
| (12) WAC 275-88-055 | APPEAL TO HEARING COMMITTEE. |
| (13) WAC 275-88-060 | APPEAL TO HEARING COMMITTEE—COMPOSITION OF COMMITTEE. |
| (14) WAC 275-88-065 | APPEAL TO HEARING COMMITTEE—DISQUALIFICATION OR ABSENCE OF MEMBER. |
| (15) WAC 275-88-070 | APPEAL TO HEARING COMMITTEE—JURISDICTION. |
| (16) WAC 275-88-075 | PREHEARING PROCEDURES—RIGHTS OF RESIDENTS. |
| (17) WAC 275-88-080 | PREHEARING PROCEDURES—RESTRICTION OF RESIDENT. |
| (18) WAC 275-88-085 | HEARING COMMITTEE—PREPARATION FOR HEARING. |
| (19) WAC 275-88-090 | CONDUCT OF HEARING. |
| (20) WAC 275-88-093 | DECISION OF HEARING COMMITTEE. |
| (21) WAC 275-88-095 | FINDING OF NO INFRACTION. |
| (22) WAC 275-88-097 | LAY ADVISORS. |
| (23) WAC 275-88-100 | SANCTIONS—AUTHORITY TO IMPOSE. |
| (24) WAC 275-88-105 | SANCTIONS—TYPES. |
| (25) WAC 275-88-110 | SANCTIONS—LIMITATIONS. |
| (26) WAC 275-88-115 | APPEAL TO SUPERINTENDENT. |
| (27) WAC 275-88-120 | REPORTS TO THE PAROLE BOARD. |
| (28) WAC 275-88-130 | TIME LIMITATIONS. |

WSR 84-14-077

ADOPTED RULES

DEPARTMENT OF CORRECTIONS

[Order 84-10—Filed July 2, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to one-time impact funds available to qualifying political subdivisions, amending chapter 137-12A WAC.

This action is taken pursuant to Notice No. WSR 84-11-067 filed with the code reviser on May 22, 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 Department of Corrections as

authorized in RCW 72.01.090 and to implement section 2, chapter 246, Laws of 1984.

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 July 2, 1984.

By Amos E. Reed
Secretary

Chapter 137-12A WAC
**ONE-TIME IMPACT FUNDS AVAILABLE TO
QUALIFYING POLITICAL SUBDIVISIONS**

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-010 PURPOSE. The ~~((legislature has appropriated \$1,480,000 solely for the one-time cost impact to communities))~~ purpose of this chapter is to implement the distribution of funds appropriated by the legislature to reimburse political subdivisions for the one-time cost impact associated with locating additional state correctional facilities within their boundaries or associated with other events specifically designated by the legislature. ((This chapter is intended to implement this appropriation by setting forth the procedure for applying for said funds.))

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

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

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

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

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

(4) "Institution" shall mean ((all those facilities set forth)) a facility described in RCW 72.01.050(2), such other similar facility hereafter established and ((and)) a community ((residential programs under the department's jurisdiction)) residence operated pursuant to chapter 72.65 RCW.

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

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

(7) "One-time cost impact" shall mean an economic impact experienced by a political subdivision associated with locating an additional correctional facility within its

boundaries or associated with such other event specifically designated by the legislature.

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

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-030 ELIGIBILITY. (~~Counties, cities, and towns are~~) (1) A political subdivision is eligible to apply for funding under this chapter if ((an additional correctional facility is located in their jurisdiction)) it experiences a one-time cost impact. Provided, however, application must be made prior to the last day of the state fiscal biennium in which the one-time cost impact occurred. Applications made after that date will be considered only if funds appropriated by the legislature are available.

(2) A political subdivision which has been reimbursed for a one-time cost impact is thereafter not eligible to apply for additional funding under this chapter based on the same event which gave rise to the one-time impact for which reimbursement has been received.

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-040 FUNDING PRIORITY. The impact committee established herein shall establish a priority of funding under this chapter. (~~Funding shall be limited to documented impacts associated with the locating of additional correctional facilities.~~)

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-050 APPLICATION PROCEDURE. (1) (~~Counties, cities, or towns~~) A political subdivision must ((formally)) request funding under this chapter by submitting a written request to:

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

(2) Requests must ((include the documented)) document the one-time cost impact((s associated with the locating of the correctional facility in their jurisdiction. Impacts)) for which reimbursement is requested. Such documentation may include ((the following)) reference to:

- (a) Criminal justice costs (~~or impacts~~).
 - (b) Social service or human service (~~impacts~~) costs.
 - (c) Transportation, roads and utility (~~impacts~~) costs.
 - (d) Other (~~documented impacts~~) similar costs.
- (3) The burden of demonstrating the impact shall be on the requesting ((jurisdiction)) political subdivision.

WSR 84-14-078

NOTICE OF PUBLIC MEETINGS

BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Memorandum—July 3, 1984]

Pursuant to RCW 42.30.075, notice is hereby given that the regular meeting of the board of trustees of Washington Community College District 17 (the community colleges of Spokane) originally scheduled for 1:30 p.m. on Tuesday, August 14, 1984, has been rescheduled for Friday, August 17, 1984, at 1:30 p.m. in the District Board Room at North 2000 Greene Street, Spokane, Washington.

WSR 84-14-079

EMERGENCY RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 118—Filed July 3, 1984]

Be it resolved by the Higher Education Personnel Board, acting at Fort Steilacoom Community College, Tacoma, Washington, that it does adopt the annexed rules relating to:

- | | | |
|-----|----------------|--|
| Amd | WAC 251-04-020 | Definitions, annual performance evaluation, management employee, nonmanagement employee, merit increase and rating factor. |
| Amd | WAC 251-08-090 | Salary—Periodic increment. |
| New | WAC 251-08-091 | Periodic increment withheld—Management employees. |
| Amd | WAC 251-10-160 | Withdrawal or amendment of charges—Time limitation. |
| Amd | WAC 251-12-080 | Appeals from demotion, suspension, lay-off, reduction in salary, dismissal. |
| Amd | WAC 251-12-110 | Appearance and practice before the board. |
| Amd | WAC 251-12-240 | Burden of proof. |
| Amd | WAC 251-20-010 | Employee performance evaluation—Authority, purpose, use. |
| Amd | WAC 251-20-020 | Employee performance evaluation—Forms. |
| Amd | WAC 251-20-030 | Method of evaluation. |
| Amd | WAC 251-20-040 | Employee performance evaluation—Procedure. |
| New | WAC 251-20-045 | Annual performance evaluation—Distribution of ratings—Management employees. |
| Amd | WAC 251-20-050 | Employee performance evaluation—Appeal. |

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 performance evaluation requirements contained in RCW 28B.16.270 which became effective July 1, 1984.

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 June 22, 1984

By John A. Spitz
Director

AMENDATORY SECTION (Amending Order 116, filed 5/2/84)

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.

"ANNUAL PERFORMANCE EVALUATION" – The official annual performance rating of an employee recorded on a form approved by the board.

"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 (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.

"MANAGEMENT EMPLOYEE" – An employee whose position: (1) Is at system-wide salary range 49 or above, and (2) includes supervision of subordinates, and (3) includes responsibilities normally associated with management such as planning, organizing, directing, and controlling a program or function.

"NONMANAGEMENT EMPLOYEES" – All classified employees except those defined as "management 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 or state agency.

"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.

"**RATING FACTOR**" – An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"**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 or related board, 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.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-090 SALARY—PERIODIC INCREMENT. (1) Nonmanagement employees(;) whose performance permits them to retain job status in the classified service(;) shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range.

(2) The salary of each management employee shall be increased two steps on the periodic increment date, not to exceed the maximum step of the range as follows:

(a) Upon successful completion of a probationary period or trial service period for employees appointed at the first step of the salary range.

(b) On annual periodic increment dates, providing the employee's annual overall performance evaluation rating is "meets expectations" or higher.

(3) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

NEW SECTION

WAC 251-08-091 PERIODIC INCREMENT WITHHELD—MANAGEMENT EMPLOYEES. (1) The periodic increment shall be withheld when a management employee receives an annual overall performance evaluation rating lower than "meets expectations."

(2) Withholding of a periodic increment is a reduction in salary and shall be processed as provided in WAC 251-10-110, 251-10-150 and 251-10-160.

(3) Withholding of a periodic increment shall be for a period of one year effective on the employee's periodic increment date.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-160 WITHDRAWAL OR AMENDMENT OF CHARGES—TIME LIMITATION. Appointing authorities may withdraw or amend demotion, suspension, reduction in salary, or dismissal actions, but not after an appeal of the action has been heard by the board.

AMENDATORY SECTION (Amending Order 95, filed 4/26/82, effective 6/1/82)

WAC 251-12-080 APPEALS FROM DEMOTION, SUSPENSION, LAYOFF, REDUCTION IN SALARY, SEPARATION, DISMISSAL. Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed.

AMENDATORY SECTION (Amending Order 86, filed 10/27/80, effective 12/1/80)

WAC 251-12-110 APPEARANCE AND PRACTICE BEFORE THE BOARD. Appellants shall have the right to represent themselves in all types of hearings before the board. In addition appellants or institutions may be represented by a party of their choosing, except that no person may represent an appellant or institution in hearings of demotion, reduction in salary, suspension, separation, dismissal, layoff, or refusal to reinstate after presumption of resignation other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by Washington state law.

(3) Authorized legal interns, when accompanied by their qualified supervising attorney.

AMENDATORY SECTION (Amending Order 90, filed 8/28/81, effective 10/1/81)

WAC 251-12-240 BURDEN OF PROOF. (1) At any hearing on appeal from a layoff, demotion, suspension, reduction in salary, separation (except for voluntary resignation or retirement), or dismissal the institution shall have the burden of proof.

(2) At any hearing on appeal from an allocation, the burden of proof shall rest with the appellant.

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-18-115, the party filing the exceptions shall have the burden of proof.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-20-010 EMPLOYEE PERFORMANCE EVALUATION—AUTHORITY, PURPOSE, USE. (1) The rules contained in this chapter follow from the authority of the higher education personnel law, RCW 28B.16.105(;) and 28B.16.250, which (~~provides in part, "... the board shall develop~~) require that standardized employee performance evaluation procedures and forms (~~which shall~~) be used by institutions of higher (~~learning~~) education for the appraisal of employee job performance at least annually (~~...").~~

(2) (~~It is the board's intent that employing officials or designated supervisory personnel~~) Supervisors will conduct annual performance evaluations for uses including but not limited to the following:

(a) To record and inform employees regarding how well they have contributed to (~~efficiency, effectiveness, and economy in fulfilling~~) the fulfillment of institution and job objectives.

(b) To award periodic increment increases for management employees.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-20-020 EMPLOYEE PERFORMANCE EVALUATION—FORMS. (1) Standardized performance evaluation forms approved by the board shall be used to record employee evaluations. The forms shall contain standard "~~(performance)~~rating factors" and shall provide for one or more "optional factors" developed by the institution, which reflect organizational

requirements and specific job-related aspects of performance.

(2) The approved forms shall accommodate the provisions of WAC 251-20-040.

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ratings recorded on the approved forms.

AMENDATORY SECTION (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-030 METHOD OF EVALUATION. (1) Employee performance is to be rated for each "~~((performance))~~rating factor" on the approved form on the basis of ~~((criteria))~~ performance expectations determined by the supervisor. ~~((To assist in the rating))~~

~~((2))~~ Upon appointment to a position, the employee's supervisor will~~((:~~

~~((a))~~ provide the employee with a copy of the following:

~~((a))~~ The specification for the class~~((; and))~~.

~~((b))~~ ~~((Identify thereon, or on the approved form or attached thereto,))~~ The employee's specific position duties and responsibilities which relate to the specification~~((; and))~~.

~~((c))~~ ~~((Identify on the approved form or attached thereto criteria to be evaluated which set forth the supervisor's))~~ (3) Written performance expectations ~~((with regard to factors of quality, quantity, job knowledge and working relationships as they relate to the employee's position))~~ for each of the rating factors shall be provided to the employee in sufficient time to allow the employee to meet the work expectations (normally within thirty calendar days after appointment to an existing position and within ninety calendar days after appointment to a newly created or significantly modified position).

~~((2))~~ ~~((Criteria which set forth))~~ (4) The supervisor's performance expectations shall remain in effect for future evaluations unless action is taken to modify ~~((or replace))~~ them and the employee has been provided with a copy of them.

~~((3))~~ (5) Each "~~((performance))~~rating factor" will be rated and recorded in one of the rating categories on the approved evaluation form.

(6) Each management employee shall be given an overall performance rating which will be recorded on the approved form in one of the following five rating categories: "Outstanding," "exceeds expectations," "meets expectations," "needs improvement" or "unsatisfactory."

(7) The director shall establish procedures for determining assigned overall scores and overall performance ratings for management employees and shall make them available through a personnel bulletin.

AMENDATORY SECTION (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-040 EMPLOYEE PERFORMANCE EVALUATION—PROCEDURE. (1) Each employee shall be evaluated at least annually by his/her

immediate supervisor prior to the date on which the employee would be eligible to receive a periodic increment increase in salary. The evaluation process shall use the form(s) as provided in WAC 251-20-020 and shall be in accord with the provisions of this chapter.

(2) Prior to review by the second level of supervision, the employee shall be provided an opportunity to comment on the evaluation and to discuss his/her comments and the final evaluation with the supervisor.

(3) The evaluation shall be reviewed by the employee's second level of supervision (or management designee as determined by the institution).

(4) A copy of the ~~((signed))~~ completed annual evaluation form will be provided to the employee upon request.

(5) Performance evaluations shall be retained in the employee's file for no more than three years.

NEW SECTION

WAC 251-20-045 ANNUAL PERFORMANCE EVALUATION—DISTRIBUTION OF RATINGS—MANAGEMENT EMPLOYEES. (1) Each institution is expected to monitor the application of ratings of management employees to ensure a realistic distribution. A distribution of ratings will not be considered unrealistic if it approximates the following:

Assigned Overall Score/Rating

3.5 - 4.0 Outstanding	Maximum 10%
2.5 - 3.4 Exceeds expectations	Maximum 35%
1.5 - 2.4 Meets expectations	Minimum 50%

(2) Each year the personnel officer shall review the distribution of ratings of management employees and shall report that distribution at the time of the annual report to the director. The management of each institution shall take steps so that the rating distribution for the coming year would more nearly approximate a realistic distribution, such steps to include, if necessary, the adjustment of performance expectations.

AMENDATORY SECTION (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-050 EMPLOYEE PERFORMANCE EVALUATION—APPEAL. An appeal against action under this chapter shall be restricted as follows:

(1) To allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-010, 251-20-020, 251-20-030, and 251-20-040, as provided in WAC 251-12-075. ~~((Performance evaluations shall not be used to initiate personnel actions such as transfer, promotion or discipline.))~~

(2) To a reduction in salary resulting from withholding of a periodic increment as provided in WAC 251-12-080.

WSR 84-14-080
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed July 3, 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 shift differential provisions and compensation, amending WAC 356-15-060;

that the agency will at 10:00 a.m., Thursday, August 9, 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.

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 August 7, 1984.

Dated: July 3, 1984
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-15-060.

Title: Shift differential provisions and compensation.

Purpose: Defines working hours in a shift which qualify 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.

AMENDATORY SECTION (Amending Order 207, filed 6/22/84)

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 ((an 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 ((rule)) 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
 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: 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 84-14-081
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed July 3, 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:

- New WAC 356-05-001 Chapter purpose.
- New WAC 356-05-005 Acting appointment.
- New WAC 356-05-010 Administrative personnel.
- New WAC 356-05-015 Agency.
- New WAC 356-05-020 Agricultural personnel.
- New WAC 356-05-025 Allied register.
- New WAC 356-05-030 Allocation.
- New WAC 356-05-035 Anniversary date.
- New WAC 356-05-040 Appointing authority.
- New WAC 356-05-045 Bargaining unit.
- New WAC 356-05-050 Basic salary range.
- New WAC 356-05-055 Board.
- New WAC 356-05-060 Bumping.
- New WAC 356-05-065 Career planning.
- New WAC 356-05-070 Certification.
- New WAC 356-05-075 Class.
- New WAC 356-05-080 Classified service.
- New WAC 356-05-085 Collective bargaining or collective negotiation.
- New WAC 356-05-090 Compensatory time.
- New WAC 356-05-095 Competitive service.
- New WAC 356-05-100 Date of election.
- New WAC 356-05-105 Demotion.
- New WAC 356-05-110 Desirable qualifications.
- New WAC 356-05-115 Director.
- New WAC 356-05-120 Disability.
- New WAC 356-05-125 Dismissal.
- New WAC 356-05-130 Education leave of absence.
- New WAC 356-05-135 Elevation.
- New WAC 356-05-140 Eligible.
- New WAC 356-05-145 Emergency appointment.
- New WAC 356-05-150 Employee.
- New WAC 356-05-155 Employee organization.

New	WAC 356-05-160	Executive personnel.
New	WAC 356-05-165	Exempt position.
New	WAC 356-05-170	Exchange time.
New	WAC 356-05-175	Full time employment.
New	WAC 356-05-180	Handicapped.
New	WAC 356-05-185	Holidays.
New	WAC 356-05-190	Housed personnel.
New	WAC 356-05-195	Human resource development.
New	WAC 356-05-200	Intermittent employment.
New	WAC 356-05-205	Intervening salary steps.
New	WAC 356-05-210	Law enforcement personnel.
New	WAC 356-05-213	Management employee.
New	WAC 356-05-215	Minimum qualifications.
New	WAC 356-05-220	Noncompetitive positions.
New	WAC 356-05-222	Nonmanagement employee.
New	WAC 356-05-225	Orientation.
New	WAC 356-05-230	Overtime.
New	WAC 356-05-235	Part time employment.
New	WAC 356-05-240	Periodic increment date.
New	WAC 356-05-245	Permanent employee.
New	WAC 356-05-250	Personnel record.
New	WAC 356-05-300	Position.
New	WAC 356-05-305	Premium payment.
New	WAC 356-05-310	Probationary period.
New	WAC 356-05-315	Professional personnel.
New	WAC 356-05-320	Project employment.
New	WAC 356-05-325	Promotion.
New	WAC 356-05-330	Provisional appointment.
New	WAC 356-05-335	Reduction-in-force.
New	WAC 356-05-340	Reduction.
New	WAC 356-05-345	Reemployment.
New	WAC 356-05-350	Register.
New	WAC 356-05-355	Reinstatement.
New	WAC 356-05-360	Resignation.
New	WAC 356-05-365	Reversion.
New	WAC 356-05-370	Salary range.
New	WAC 356-05-375	Scheduling plan.
New	WAC 356-05-380	Seasonal career employees.
New	WAC 356-05-385	Seasonal career employment.
New	WAC 356-05-387	Seasonal career positions.
New	WAC 356-05-390	Seniority.
New	WAC 356-05-395	Series.
New	WAC 356-05-400	Supervisor.
New	WAC 356-05-405	Suspension.
New	WAC 356-05-410	Tandem employment.
New	WAC 356-05-415	Temporary employment.
New	WAC 356-05-420	Termination.
New	WAC 356-05-425	Training.
New	WAC 356-05-430	Transfer.
New	WAC 356-05-435	Trial service period.
New	WAC 356-05-440	Tuition reimbursement.
New	WAC 356-05-445	Underfill.
New	WAC 356-05-450	Union shop.
New	WAC 356-05-455	Union shop fee.
New	WAC 356-05-460	Union shop representative.
New	WAC 356-05-465	Veteran.
New	WAC 356-05-470	Veteran's widow.
New	WAC 356-05-475	Volunteer experience.
New	WAC 356-05-480	Work day.
New	WAC 356-05-485	Work period designation.
New	WAC 356-05-490	Work schedule.
New	WAC 356-05-495	Workshift.
New	WAC 356-05-500	Workweek.
New	WAC 356-05-505	Y-rate.
Rep	WAC 356-06-010	Definitions.
Amd	WAC 356-18-140	Leave without pay.
Amd	WAC 356-30-330	Reduction in force—Reasons, regulations—Procedure;

that the agency will at 10:00 a.m., Thursday, August 9, 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.

The specific statute these rules are intended to implement is RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205.

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

Dated: July 3, 1984

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

New chapter 356-05 WAC, see above for section number and title.

Purpose: Defines words and terms used throughout Title 356 WAC.

Repeal WAC 356-06-010.

Title: Definitions.

Purpose: Defines words and terms used throughout Title 356 WAC.

Statutory Authority: RCW 41.06.150.

Summary: Proposed new chapter and the repeal of WAC 356-06-010 would separate each definition currently contained in WAC 356-06-010 into individual sections.

Reasons: Proposals would allow separate Personnel Board action to be taken on each definition proposed for changes. Currently, due to the frequency of changes being made to WAC 356-06-010, there is a tremendous amount of overlapping in effective dates and filings in this rule. Proposal would eliminate this problem. Also, currently, whenever a change is made to WAC 356-06-010, six legal-sized pages must be filed (current length of this rule). Making separate sections would cut the number of pages to one.

Responsibility for Drafting: Jan Bacon, Administrative Assistant, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5624; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

New WAC 356-05-213, 356-05-222 and 356-05-240.

Purpose: Defines the term stated in the section title.

Statutory Authority: RCW 41.06.150.

Specific Statute: RCW 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205.

Summary: Terms will define new words used in the performance evaluation/pay system mandated by SHB 1226 and Supreme Court Case No. 48914-9.

Reasons: SHB 1226 mandated the implementation of a performance evaluation/pay system (effective July 1, 1984, for management employees). Therefore, several rule changes were necessary and the definitions are to define the new terms used in this new section. ("Management employee" and "nonmanagement employee" are new terms; "periodic increment date" is currently contained in WAC 356-06-010 and has proposed change in language.)

Responsibility for Drafting: Tom Banfield, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 754-1769; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

State Court Action: Supreme Court Case No. 48914-9.

Amend WAC 356-18-140.

Title: Leave without pay.

Purpose: Outlines a procedure for agencies to follow when authorizing leave without pay.

Statutory Authority: RCW 41.06.150.

Summary: Proposal would delete the twelve-month limitation in any consecutive five-year period when authorizing leave without pay.

Reasons: Currently, the rule is silent as to what action may be taken, if the twelve-month limitation is exceeded. The change will also provide agencies flexibility in the authorization and control in authorizing leave without pay.

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building 2, MS: OB-13, 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 356-30-330.

Title: Reduction-in-force—Reasons, regulations—Procedure.

Purpose: Outlines reasons and procedures for reduction-in-force.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Subsection (7) refers to time spent on exit leave. SHB 843 stated that there will be no more exit leave; therefore, this subsection is no longer necessary.

Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Chapter 356-05 WAC
DEFINITIONS

WAC

356-05-001	Chapter purpose.
356-05-005	Acting appointment.
356-05-010	Administrative personnel.
356-05-015	Agency.
356-05-020	Agricultural personnel.
356-05-025	Allied register.
356-05-030	Allocation.
356-05-035	Anniversary date.
356-05-040	Appointing authority.
356-05-045	Bargaining unit.
356-05-050	Basic salary range.
356-05-055	Board.
356-05-060	Bumping.
356-05-065	Career planning.

356-05-070	Certification.
356-05-075	Class.
356-05-080	Classified service.
356-05-085	Collective bargaining or collective negotiation.
356-05-090	Compensatory time.
356-05-095	Competitive service.
356-05-100	Date of election.
356-05-105	Demotion.
356-05-110	Desirable qualifications.
356-05-115	Director.
356-05-120	Disability.
356-05-125	Dismissal.
356-05-130	Education leave of absence.
356-05-135	Elevation.
356-05-140	Eligible.
356-05-145	Emergency appointment.
356-05-150	Employee.
356-05-155	Employee organization.
356-05-160	Executive personnel.
356-05-165	Exempt position.
356-05-170	Exchange time.
356-05-175	Full time employment.
356-05-180	Handicapped.
356-05-185	Holidays.
356-05-190	Housed personnel.
356-05-195	Human resource development.
356-05-200	Intermittent employment.
356-05-205	Intervening salary steps.
356-05-210	Law enforcement personnel.
356-05-213	Management employee.
356-05-215	Minimum qualifications.
356-05-220	Noncompetitive positions.
356-05-222	Nonmanagement employee.
356-05-225	Orientation.
356-05-230	Overtime.
356-05-235	Part time employment.
356-05-240	Periodic increment date.
356-05-245	Permanent employee.
356-05-250	Personnel record.
356-05-300	Position.
356-05-305	Premium payment.
356-05-310	Probationary period.
356-05-315	Professional personnel.
356-05-320	Project employment.
356-05-325	Promotion.
356-05-330	Provisional appointment.
356-05-335	Reduction-in-force.
356-05-340	Reduction.
356-05-345	Reemployment.
356-05-350	Register.
356-05-355	Reinstatement.
356-05-360	Resignation.
356-05-365	Reversion.
356-05-370	Salary range.
356-05-375	Scheduling plan.
356-05-380	Seasonal career employees.
356-05-385	Seasonal career employment.
356-05-387	Seasonal career positions.
356-05-390	Seniority.
356-05-395	Series.
356-05-400	Supervisor.
356-05-405	Suspension.
356-05-410	Tandem employment.
356-05-415	Temporary employment.
356-05-420	Termination.
356-05-425	Training.
356-05-430	Transfer.
356-05-435	Trial service period.
356-05-440	Tuition reimbursement.
356-05-445	Underfill.
356-05-450	Union shop.
356-05-455	Union shop fee.
356-05-460	Union shop representative.
356-05-465	Veteran.
356-05-470	Veteran's widow.
356-05-475	Volunteer experience.
356-05-480	Work day.

356-05-485	Work period designation.
356-05-490	Work schedule.
356-05-495	Workshift.
356-05-500	Workweek.
356-05-505	Y-rate.

NEW SECTION

WAC 356-05-001 CHAPTER PURPOSE. The definitions outlined in this chapter apply throughout these rules unless the context clearly indicates another meaning.

NEW SECTION

WAC 356-05-005 ACTING APPOINTMENT. An appointment of limited duration made from within the classified service to a supervisory or managerial position.

NEW SECTION

WAC 356-05-010 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.

NEW SECTION

WAC 356-05-015 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.

NEW SECTION

WAC 356-05-020 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.

NEW SECTION

WAC 356-05-025 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.

NEW SECTION

WAC 356-05-030 ALLOCATION. The assignment of a position to a job classification.

NEW SECTION

WAC 356-05-035 ANNIVERSARY DATE. Original entry date into state service as adjusted by leave without pay or break in service.

NEW SECTION

WAC 356-05-040 APPOINTING AUTHORITY. A person or group of persons lawfully authorized to make appointments.

NEW SECTION

WAC 356-05-045 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.

NEW SECTION

WAC 356-05-050 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.

NEW SECTION

WAC 356-05-055 BOARD. The state personnel board.

NEW SECTION

WAC 356-05-060 BUMPING. The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority.

NEW SECTION

WAC 356-05-065 CAREER PLANNING. A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

NEW SECTION

WAC 356-05-070 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.

NEW SECTION

WAC 356-05-075 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.

NEW SECTION

WAC 356-05-080 CLASSIFIED SERVICE. All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

NEW SECTION

WAC 356-05-085 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.

NEW SECTION

WAC 356-05-090 COMPENSATORY TIME. Time off in lieu of cash payment for overtime.

NEW SECTION

WAC 356-05-095 COMPETITIVE SERVICE. All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

NEW SECTION

WAC 356-05-100 DATE OF ELECTION. The date of election is the date the director of personnel certifies the results of the election.

NEW SECTION

WAC 356-05-105 DEMOTION. A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

NEW SECTION

WAC 356-05-110 DESIRABLE QUALIFICATIONS. The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

NEW SECTION

WAC 356-05-115 DIRECTOR. The director of the department of personnel.

NEW SECTION

WAC 356-05-120 **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.)

NEW SECTION

WAC 356-05-125 **DISMISSAL**. The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

NEW SECTION

WAC 356-05-130 **EDUCATION LEAVE OF ABSENCE**. An authorized leave of absence for educational purposes.

NEW SECTION

WAC 356-05-135 **ELEVATION**. Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

NEW SECTION

WAC 356-05-140 **ELIGIBLE**. An applicant whose name is on a register.

NEW SECTION

WAC 356-05-145 **EMERGENCY APPOINTMENT**. An appointment, for emergency reasons, not to exceed 60 calendar days.

NEW SECTION

WAC 356-05-150 **EMPLOYEE**. Any person employed under the jurisdiction of these rules.

NEW SECTION

WAC 356-05-155 **EMPLOYEE ORGANIZATION**. Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

NEW SECTION

WAC 356-05-160 **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.

NEW SECTION

WAC 356-05-165 **EXEMPT POSITION**. Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

NEW SECTION

WAC 356-05-170 **EXCHANGE TIME**. Equal time off for excess hours worked by exceptions work period employees.

NEW SECTION

WAC 356-05-175 **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.

NEW SECTION

WAC 356-05-180 **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.

NEW SECTION

WAC 356-05-185 **HOLIDAYS**. Paid nonwork days for state employees as established by RCW 1.16.050.

NEW SECTION

WAC 356-05-190 **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.

NEW SECTION

WAC 356-05-195 **HUMAN RESOURCE DEVELOPMENT**. The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

NEW SECTION

WAC 356-05-200 **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.

NEW SECTION

WAC 356-05-205 **INTERVENING SALARY STEPS**. All increment steps in a salary range, except the lowest and highest.

NEW SECTION

WAC 356-05-210 **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.

NEW SECTION

WAC 356-05-213 **MANAGEMENT EMPLOYEE**. (For performance evaluation/pay/layoff purposes only) An employee who is at salary range 49 or above in the October 1, 1981 Compensation Plan (or an equivalent range in a subsequent Compensation Plan) who is determined by his/her agency director (or designee) to be part of agency management by virtue of (1) being assigned responsibility for supervising other supervisors or professional personnel and/or (2) by being assigned responsibility for planning, organizing, leading, controlling and/or making policy for major program operations of one or more agencies or divisions or subdivisions of an agency. This definition includes management employees in the classified service and those exempt management employees whose salaries are set under the provisions of WAC 356-06-020(20).

NEW SECTION

WAC 356-05-215 **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.

NEW SECTION

WAC 356-05-220 **NONCOMPETITIVE POSITIONS**. Positions designated by the board as not requiring a competitive examination.

NEW SECTION

WAC 356-05-222 **NONMANAGEMENT EMPLOYEE**. (For performance evaluation/pay/layoff purposes only) A classified employee who does not meet the definition of "management employee".

NEW SECTION

WAC 356-05-225 **ORIENTATION**. An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

NEW SECTION

WAC 356-05-230 OVERTIME. Work authorized and performed in accordance with WAC 356-15-030.

NEW SECTION

WAC 356-05-235 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.

NEW SECTION

WAC 356-05-240 PERIODIC INCREMENT DATE. The date established in accordance with the merit system rule on which a non-management employee is entitled to a salary increase within a salary range as prescribed in the merit system rules.

NEW SECTION

WAC 356-05-245 PERMANENT EMPLOYEE. An employee who has successfully completed a probationary period and has had no break in service.

NEW SECTION

WAC 356-05-250 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.

NEW SECTION

WAC 356-05-300 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.

NEW SECTION

WAC 356-05-305 PREMIUM PAYMENT. Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

NEW SECTION

WAC 356-05-310 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.

NEW SECTION

WAC 356-05-315 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.

NEW SECTION

WAC 356-05-320 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.

NEW SECTION

WAC 356-05-325 PROMOTION. A change of an employee from a position in one class to a position in a class having a higher maximum salary.

NEW SECTION

WAC 356-05-330 PROVISIONAL APPOINTMENT. An appointment to a position pending the establishment of a register for that class.

NEW SECTION

WAC 356-05-335 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.

NEW SECTION

WAC 356-05-340 REDUCTION. Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

NEW SECTION

WAC 356-05-345 REEMPLOYMENT. An appointment, made from the reemployment register, of a former employee who had permanent status.

NEW SECTION

WAC 356-05-350 REGISTER. A list of eligible names established for employment or reemployment in a class.

NEW SECTION

WAC 356-05-355 REINSTATEMENT. Return of an employee to full employment rights by board action following appeal hearing.

NEW SECTION

WAC 356-05-360 RESIGNATION. A voluntary separation from employment.

NEW SECTION

WAC 356-05-365 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.

NEW SECTION

WAC 356-05-370 SALARY RANGE. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

NEW SECTION

WAC 356-05-375 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.

NEW SECTION

WAC 356-05-380 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 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).

NEW SECTION

WAC 356-05-385 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.

NEW SECTION

WAC 356-05-387 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.

NEW SECTION

WAC 356-05-390 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.

NEW SECTION

WAC 356-05-395 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.

NEW SECTION

WAC 356-05-400 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.

NEW SECTION

WAC 356-05-405 SUSPENSION. An enforced absence without pay for disciplinary purposes.

NEW SECTION

WAC 356-05-410 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).

NEW SECTION

WAC 356-05-415 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.

NEW SECTION

WAC 356-05-420 TERMINATION. Separation from employment for reasons beyond the control of the employee.

NEW SECTION

WAC 356-05-425 TRAINING. An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

NEW SECTION

WAC 356-05-430 TRANSFER. The change of an employee from one to another classified position having the same salary range number.

NEW SECTION

WAC 356-05-435 TRIAL SERVICE PERIOD. A six-month trial period of employment of a permanent employee beginning with the effective date of appointment from a voluntary demotion register to a class which the employee has not previously held permanent status or from a promotional register.

NEW SECTION

WAC 356-05-440 TUITION REIMBURSEMENT. A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

NEW SECTION

WAC 356-05-445 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.

NEW SECTION

WAC 356-05-450 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.

NEW SECTION

WAC 356-05-455 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.

NEW SECTION

WAC 356-05-460 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.

NEW SECTION

WAC 356-05-465 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.

NEW SECTION

WAC 356-05-470 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.

NEW SECTION

WAC 356-05-475 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.

NEW SECTION

WAC 356-05-480 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.

NEW SECTION

WAC 356-05-485 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.

NEW SECTION

WAC 356-05-490 WORK SCHEDULE. A series of workshifts and work days within the workweek.

NEW SECTION

WAC 356-05-495 WORKSHIFT. Scheduled working hours within the workday.

NEW SECTION

WAC 356-05-500 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.

NEW SECTION

WAC 356-05-505 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-06-010 DEFINITIONS.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-18-140 LEAVE WITHOUT PAY. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.
- (d) Military and U.S. Public Health Service and Peace Corps leave.
- (e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.
- (f) Leave taken voluntarily to reduce the effect of an agency reduction in force, leaving the employee's standing with regard to the RIF register intact.

((3) Leave without pay shall not total more than 12 months in any consecutive five-year period, except for:

- (a) ~~Leaves without pay for military, U.S. Public Health Service or Peace Corps;~~
- (b) ~~Authorized government leave not exceeding two years;~~
- (c) ~~Employees receiving time loss compensation; or~~
- (d) ~~Educational leaves under provisions of WAC 356-39-120.)~~

AMENDATORY SECTION (Amending Order 193, filed 11/28/83)

WAC 356-30-330 REDUCTION IN FORCE—REASONS, REGULATIONS—PROCEDURE. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-06-010, and, if necessary, by measuring the employees' last continuous time within their current classification; and, if still necessary, by measuring the employees' last continuous time in their current agency. When the above seniority determination process results in a tie, the tie will be broken by comparing the employees' last regular annual performance evaluation.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
 - (ii) Classification in which the "bumping" employee previously held permanent status; and
 - (iii) Position at the current salary range of the employee doing the bumping, or lower; and
 - (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
 - (v) Competition at one progressively lower classification at a time.
- (f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in subsection (2)(m) of this section are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall submit the procedure to the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) above, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

~~((7) Time to be spent on exit leave shall not be considered in determining reduction in force options or the order of separation due to reduction in force.)~~

WSR 84-14-082

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed July 3, 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 356-06-020	Exemptions— Exceptions.
Amd	WAC 356-14-110	Salary— Nonmanagement employees— Periodic increment dates— Original— Subsequent.
Amd	WAC 356-14-120	Salary— Nonmanagement employee— Periodic increment date— Promotion.
New	WAC 356-14-125	Salary reviews— Management employ- ees.
Amd	WAC 356-14-130	Salary— Concurrence of probation, trial service, and periodic increment date <u>or</u> salary review date.
Amd	WAC 356-30-300	Performance evaluation— Nonmanage- ment employees— Requirements— Monitoring.
New	WAC 356-30-302	Performance evaluation— Management employees— Requirements— Monitoring.
Amd	WAC 356-46-060	Agencies— Personnel records;

that the agency will at 10:00 a.m., Thursday, August 9, 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.

The specific statute these rules are intended to implement is RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205.

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

Dated: July 3, 1984

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-06-020, outlines employees exempt from the provisions of the merit system rules (Title 356 WAC); amend WAC 356-14-110, states how an employee's periodic increment date is computed and how many salary steps the employee's salary increases by on such date; amend WAC 356-14-120, states how the periodic increment date is computed for an employee receiving a salary increase due to promotion; new WAC 356-14-125, this new rule states the procedure for salary reviews for management employees; amend WAC 356-14-130, states how salary increases are arrived at

when the periodic increment date coincides with the date of promotion or with the completion date for probationary or trial service periods; amend WAC 356-30-300, states the procedures for evaluating employee performance and also the frequency of the evaluations; new WAC 356-30-302, this proposed new rule outlines the procedures and frequency in which performance evaluations are conducted on management employees; and amend WAC 356-46-060, outlines what type of information shall be included in an employee's file as well as the retention of the information and policies regarding the files.

Statutory Authority: RCW 41.06.150.

Specific Statute: RCW 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205.

Summary: Proposed changes will permit implementation of an interim performance evaluation/pay system for one year.

Reasons: On May 17, 1984, the state supreme court upheld the governor's veto of section 30 of SHB 1226. Effect is to place SHB 1226 in full effect without requiring legislative approval of proposed rules. Interim plan will "buy" a year to implement permanent plan (to be effective July 1, 1985).

Responsibility for Drafting: Tom Banfield, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, Governmental Agency.

Comments: Proposal should be adopted to implement the law. Emergency rules adopted, effective July 1, 1984.

Result of State Court Action, Supreme Court Case No. 48914-9.

AMENDATORY SECTION (Amending Order 143, filed 5/9/80, effective 6/12/80)

WAC 356-06-020 **EXEMPTIONS—EXCEPTIONS.** With the exceptions noted in subsection (20) of this section the provisions of ((this title)) these rules do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

~~((f))~~ (g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(20) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (17) of this section. In addition, the provisions of WAC 356-14-125 and 356-30-302 shall apply to exempt management employees whose salaries and fringe benefits are determined by the personnel board.

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

WAC 356-14-110 SALARY—NONMANAGEMENT EMPLOYEES—PERIODIC INCREMENT DATES—ORIGINAL—SUBSEQUENT. (1) The periodic increment date (PID) is the date on which ~~((am))~~ a nonmanagement employee automatically advances to a higher dollar amount in the range to which ~~((the))~~ such employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or
(b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the nonmanagement employee's increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

(3) The original periodic increment date for ~~((am))~~ a nonmanagement employee is:

(a) Six continuous months from the date ~~((the))~~ such employee began work at the first step of a salary range, or

(b) One calendar year from the date on which ~~((the))~~ such employee began work at an intervening salary step; provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) ~~((The))~~ A nonmanagement employee's periodic increment date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-220, breaks in serve due to reduction in force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) A nonmanagement employee's periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules.

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

WAC 356-14-120 SALARY—NONMANAGEMENT EMPLOYEE—PERIODIC INCREMENT DATE—PROMOTION. ~~((Am))~~ A nonmanagement employee who receives a salary increase through promotion shall retain his/her present periodic increment date except:

(1) When ~~((the))~~ such employee is placed at the first step, the employee either retains his/her present periodic increment date or assumes a new one six calendar months from the promotion, whichever date occurs first.

(2) ~~((Am))~~ A nonmanagement employee with no periodic increment date, because he/she is being promoted from a maximum step or a Y rated amount above the maximum step of a range, will assume a new periodic increment date if ~~((the))~~ such employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110.

NEW SECTION

WAC 356-14-125 SALARY REVIEWS—MANAGEMENT EMPLOYEES. Management employees shall receive a salary review as part of the required performance evaluation under the provisions of WAC 356-30-302 as follows:

(1) Management employees appointed at the first step of the salary range shall receive a salary review at the completion of six months at the first step. Such employees shall receive a two-increment salary increase effective on the first day of the month following the date they complete six months in the first step provided their overall performance rating is at level 3 or above.

(2) Management employees appointed at the second step or above but below the maximum step in the salary range shall receive a salary review as part of the required annual performance evaluation. Such employees shall receive a two-increment salary increase, not to exceed the maximum step in the assigned salary range, effective on the first day of the month following the scheduled completion date of the annual performance evaluation and related salary review provided their overall performance rating is at level 3 or above.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-14-130 SALARY—CONCURRENCE OF PROBATION, TRIAL SERVICE, AND PERIODIC INCREMENT DATE OR SALARY REVIEW DATE. When the date of promotion and either the periodic increment date of a nonmanagement employee or the salary review date of a management employee coincide, the periodic increment or the salary review increases shall be paid prior to the promotional increase. Periodic increment dates, salary review dates and completion dates for probationary and trial service periods shall be computed separately.

AMENDATORY SECTION (Amending Order 191, filed 8/31/83)

WAC 356-30-300 PERFORMANCE EVALUATION—NONMANAGEMENT EMPLOYEES—REQUIREMENTS—MONITORING. (1) Agencies shall evaluate the performance of their nonmanagement employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the nonmanagement employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle.

(3) Agencies will utilize the procedures and evaluation forms prescribed by the director of personnel, supplement shall include provisions whereby individual agencies may, with the approval of the director of personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its sub-units.

(d) Include provisions for the counseling and the development of employees.

(5) The department of personnel shall monitor the evaluation of nonmanagement employees for timeliness, effectiveness and standardization.

(6) Allowing a probationary nonmanagement employee to gain permanent status or a trial service nonmanagement employee to gain permanent status in the class to which he/she has been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action.

NEW SECTION

WAC 356-30-302 PERFORMANCE EVALUATION—MANAGEMENT EMPLOYEES—REQUIREMENTS—MONITORING.

(1) Agencies shall evaluate the performance of their management employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the management employee's anniversary date, except that an agency may establish, on a consistent basis, a date which better accommodates a specific work cycle. As they deem necessary, supervisors may provide other performance evaluations in addition to the required annual performance evaluation.

(3) As an interim measure, commencing July 1, 1984 and continuing through June 30, 1985, agencies will utilize the existing procedures and form currently prescribed for nonmanagement employees by the director of personnel supplemented by the provisions contained in subsections (4), (5), (6), (7), and (8) of this section. The procedures include provisions whereby individual agencies may supplement the process with special performance factors peculiar to specific organizational needs.

(4) During the interim period defined in subsection (3) of this section, agencies will evaluate management employees by considering the performance targets (i.e., expected results of an employee's work) normally contained in the employee's classification questionnaire, job description and/or organizational statement of goals and objectives. The performance targets for each employee shall be consistent with the employee's class.

(5) During the interim period defined in subsection (3) of this section, the following guidelines for the distribution of ratings in the five levels of performance contained in the existing procedures and form currently prescribed for nonmanagement employees by the director of personnel shall apply to management employees.

Level 5 - (Far Exceeds Normal Requirements) Approximately 6% of management employees should normally be rated in this category.

Level 4 - (Exceeds Normal Requirements) Approximately 40% of management employees should normally be rated in this category.

Level 3 - (Meets Normal Requirements) Approximately 50% or more of management employees should normally be rated in this category.

Level 2 - (Meets Minimum Requirements) There is no distribution guideline for this level.

Level 1 - (Fails to Meet Minimum Requirements) There is no distribution guideline for this level.

(6) To determine the overall performance rating required by WAC 356-14-125, add the individual overall ratings awarded for performance dimensions A through E (or A through F, if appropriate) in Section I of the existing Employee Performance Evaluation form, SF 9128. Divide that total by the number of dimensions rated (either 5 or 6, as appropriate). The resulting average overall rating shall be carried to two decimal places rounded to the nearest whole number (e.g., 3.333 shall become 3.33 and 3.666 shall become 3.67, etc.).

If the average overall rating is:

Overall performance rating is:

- 4.66 or above
- 3.66 to 4.65
- 2.66 to 3.65
- 1.66 to 2.65
- 1.65 or below

- Level 5
- Level 4
- Level 3
- Level 2
- Level 1

(7) The head of each agency shall submit to the director of personnel, on or before July 1, 1984, a report containing the name, class and position number of each agency management employee. Annually thereafter, agency heads shall submit to the director of personnel a report containing the name, class and position number of each management employee, and the last annual overall performance rating received by each such employee.

(8) Prior to July 1 of each year, the head of each agency, or designee, shall review the distribution of management employees in each of the five performance rating categories and, if the agency head determines it to be necessary, may cause performance targets to be adjusted so that the distribution of their employees in the rating categories will, in the next fiscal year, more closely approximate the distribution guidelines provided in subsection (5) of this section.

AMENDATORY SECTION (Amending Order 197, filed 1/24/84)

WAC 356-46-060 AGENCIES—PERSONNEL RECORDS.

(1) Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, annual performance evaluations, and such other information as may be necessary for the administration of regulations. Personnel records shall be open to the inspection of the personnel board and the director of personnel or designee and, depending on the functional requirement of the content of each individual record, shall accompany the employee throughout his/her service career.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records in accordance with these rules and chapter 40.14 RCW which are consistent with the following requirements:

(a) Agencies shall designate the official depository and custodian of personnel records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee.

(c) Employees and/or their representatives may review the employee's personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing.

WSR 84-14-083
PROPOSED RULES
COMMITTEE FOR
DEFERRED COMPENSATION
 [Filed July 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Committee for Deferred Compensation intends to adopt, amend, or repeal rules concerning:

Amd WAC 154-12-050 Modification of deferral.
 Rep WAC 154-12-105 Change of investment mode;

that the agency will at 9:00 a.m., Wednesday, August 8, 1984, in the House Office Building, Hearing Room C, 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 chapter 41.04 RCW.

The specific statute these rules are intended to implement is RCW 41.04.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 3, 1984.

Dated: July 3, 1984
 By: C. H. Shay
 Analyst

STATEMENT OF PURPOSE

Amend WAC 154-12-050 Modification of deferral; and repeal WAC 154-12-105 Change of investment mode.

Statutory Authority: RCW 41.04.250 and 41.04.260.

The amended and repealed sections are necessary to revise the number of investment changes allowed per year.

The Committee for Deferred Compensation has contracted for staff services to be provided by the Insurance Benefits Division, Department of Personnel. The employees assigned to work with the committee are E. W. Lahn, Benefits Supervisor and C. H. Shay, Analyst. Their address is 497 Tye Drive, Tumwater, WA 98504, mailstop QS-11, phone scan 234-3096 or (206) 753-3096.

These rules are proposed by the Committee for Deferred Compensation.

Agency Comments: None.

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

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-050 MODIFICATION OF DEFERRAL. A participant may ~~((change the amount of deferral specified pursuant to WAC 154-12-010(2) of this plan at any time, but))~~ modify his/her deferral no more frequently than twice in any calendar year, unless the committee by specific action authorizes a special additional open change period. Such change may be in the amount of deferral specified and/or the investment mode pursuant to WAC 154-12-010(2). A change in the investment mode may apply to the redirection of amounts previously deferred as well as current deferrals. Such change or changes shall be effective as to any calendar month only if a new participation agreement is executed by the participant and approved by the committee or its designee before the beginning of such calendar

month. The committee reserves the right to defer the effective date of any such change or changes.

REPEALER (Amending Order 82-3, filed 6/11/82)

The following section of the Washington Administrative Code is repealed:

WAC 154-12-105 CHANGE OF INVESTMENT MODE.

WSR 84-14-084

ADOPTED RULES
COUNCIL FOR

POSTSECONDARY EDUCATION

[Order 2/84, Resolution No. 84-76—Filed July 3, 1984]

Be it resolved by the Council for Postsecondary Education, acting at 304 Old Main, Western Washington University, June 19, 1984, that it does adopt the annexed rules relating to the displaced homemaker program, chapter 250-44 WAC.

This action is taken pursuant to Notice No. WSR 84-10-048 filed with the code reviser on May 2, 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 28B.04 RCW as amended 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 July 3, 1984.

By Carl A. Trendler
 Executive Coordinator

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 ~~(((\$3,900))~~ \$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 service.

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 nonprofit status of an applicant which is nonpublic.

(2) Letters of intent, accompanied by the required documentation of nonprofit 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, 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: 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 3/83, 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, July 9, 1984 as specified in the contract ~~((reapplication))~~ application guidelines.

(7) The executive committee of the council will approve awards of contracts~~((.))~~, 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.

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 84-14-085
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	ch. 232-32 WAC	Cooperative wildlife projects.
New	WAC 232-32-010	Purpose.
New	WAC 232-32-020	Definitions.
New	WAC 232-32-030	Information required from volunteer group.
New	WAC 232-32-040	Review and selection process.
New	WAC 232-32-050	Criteria used in selecting cooperative wildlife projects.
New	WAC 232-32-060	Procedures for revocation of a cooperative wildlife project.
New	WAC 232-32-070	Priority for eggs, seed, juveniles, broodstock, and department facilities;

that the agency will at 9:00 a.m., Sunday - Monday, August 19 - 20, 1984, in the Ridpath Motor Inn, Sprague and First Avenues at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19 - 20, 1984.

The authority under which these rules are proposed is chapter 72, Laws of 1984.

The specific statute these rules are intended to implement is chapter 72, Laws of 1984.

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

Dated: July 2, 1984
By: Frank R. Lockard
Director

STATEMENT OF PURPOSE

Title and Number of Rule Sections: See above.

Statutory Authority: Chapter 72, Laws of 1984.

Specific Statute that Rules are Intended to Implement: Chapter 72, Laws of 1984.

Summary of the Rules: Satisfies statutory requirement of chapter 72, Laws of 1984 (Title 74 RCW) to establish, by rule, certain procedures, criteria, and priorities for cooperative wildlife projects.

Reasons Supporting the Proposed Rules: To clarify to the public certain procedures, criteria, and priorities related to cooperative wildlife projects.

The Agency Personnel Responsible for Drafting: Joe La Tourrette, Executive Assistant/Legislative Liaison, Administration, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-0558; Implementation and Enforcement: Larry B.

Lennox, Deputy Director, Administration, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone (206) 753-0557.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rules: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: Additional procedures, not required to be established by rule, will also be developed by the department.

The rules are not necessary as a result of federal regulations or state court action.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purpose: None.

A small business economic impact statement is not required.

NEW CHAPTER

232-32 COOPERATIVE WILDLIFE PROJECTS

NEW SECTION

WAC 232-32-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the department of game with the provisions of Chapter 72, Laws of 1984 (Title 75 RCW).

NEW SECTION

WAC 232-32-020 DEFINITIONS (1) "Volunteer Group" means any person or group of persons interested in or party to an agreement with the department of game relating to a cooperative wildlife project.

(2) "Cooperative Wildlife Project" means a project conducted by a volunteer group that will benefit the game fish, game bird, game animal, or nongame wildlife resources of the state and for which the benefits of the project, including wildlife reared and released, are available to all citizens of the state.

NEW SECTION

WAC 232-32-030 INFORMATION REQUIRED FORM VOLUNTEER GROUPS. The following information is required form volunteer groups to apply for a cooperative wildlife project.

(1) Date of application.

(2) Name of volunteer group or person proposing cooperative project. If a group, give the name, address, and telephone number of one person in that group who will serve as contact person and project leader.

(3) General description of proposed project, including title, project objectives (how the proposed project will benefit the wildlife resource), methods for achieving objectives, and criteria for measuring achievement of objectives.

(4) Location and physical size of project, as specific as possible, including county, legal description, street address (if applicable), property ownership, township, range, section, and acreage.

(5) Estimated beginning and ending date of project.

(6) Estimated cost of project in terms of money and man-days for required materials and labor. Disclose any other funds that might be available to support the project. Include estimate of supervision or assistance that will be required of department of game personnel.

(7) If the project is to plant or rear fish or wildlife, the following additional information is needed: (a) species to be produced; (b) proposed source of eggs, broodstock, or juveniles; including how these would be obtained, used, and transferred to and from the project; (c) type of incubation or rearing facilities available; (d) qualitative and quantitative information about water to be used for the project, including volume (high and low flows), temperature, acidity, alkalinity, dissolved oxygen, dissolved solids (for fish projects); (e) number and size(s) of fish, wildlife, or eggs proposed to be incubated, reared, or released, as well as the timing of all phases of these activities; (f) proposed release sites; (g) statement about the volunteer groups' knowledge of culture and pathology of the species proposed to be produced; and (h) availability of professional or technical expertise; i.e., local veterinarian, hatchery nearby, etc.

(8) A list of permits or agreements (other than those needed to raise or release game birds and game fish) needed to accomplish the proposed project, if known; included here would be cooperative landowner agreements, water rights, hydraulic project approval (HPA), building permit, shorelines permit, zoning variance, etc.

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 232-32-040 REVIEW AND SELECTION PROCESS. The following steps are included in the process of reviewing and selecting cooperative wildlife projects:

(1) Applications will be mailed to a list of conservation organizations the department thinks might be interested in conducting a cooperative project, as well as to any other volunteer group that requests an application from the department. Application forms will also be available at the Olympia headquarters and all regional offices of the department of game.

(2) Applications will be mailed from the Olympia headquarters in September 1984 and in July of each even-numbered year, thereafter.

(3) The deadline for receipt of applications will be November 1, 1984 and October 1st of each even-numbered year, thereafter.

(4) The department will send each applicant, within 45 days of receipt of each application, a written acknowledgement of the receipt of the application and give the applicant a date when notification of acceptance or rejection of the proposal can be expected. The written acknowledgement will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals will be made only after the biennial budget is passed by the legislature and signed by the governor.

(5) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty Indian tribes and will make contact with these entities, when the department determines it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency or tribe would be appropriate, it may be required as a condition of the permit, when issued.

(6) Each approved agreement will include the following, when determined by the department to be necessary or appropriate: (a) permit for release of fish or wildlife; (b) procedures for applying for a hydraulic project approval (HPA), and (c) description of methods that will be used to provide the volunteer group with fish, bird, or animal food or other available supplies.

NEW SECTION

WAC 232-32-050 CRITERIA USED IN SELECTING COOPERATIVE WILDLIFE PROJECTS. The following criteria are included in those considered by the department in ranking project proposals for funding:

(1) Game Commission policy: (a) projects to protect, restore, or establish habitat will be ranked higher than projects only oriented to providing recreation opportunities; (b) projects to enhance native species and naturally-producing populations will be ranked higher than projects that focus on exotic species or artificial production; and (c) projects will be ranked according to the relative recreational value of the species that would be addressed, with higher ranking for species which provide the most recreational values for hunting, fishing, and wildlife viewing.

(2) Program goals, objectives, and priorities. Project proposals will be ranked according to their adherence to program goals, objectives, and priorities, as outlined in department species plans and regional operational plans. When production or rearing projects are considered, potential conflicts or competition with other species of fish and wildlife, including food fish and shellfish, will be considered.

(3) Costs versus benefits. Project proposals will be evaluated and ranked according to expected ratio of costs to public benefits. Costs will include both money and man-days; benefits may include direct benefits to wildlife or habitat and benefits to the public in terms of recreational opportunities or increased knowledge about wildlife.

(4) Educational value. Consideration will be given to a project's value in educating and informing the public about the life history and needs of wildlife.

(5) Capabilities of volunteer groups. When considering the renewal or refunding of projects, the relative success of that project and the overall capability of a particular volunteer group in managing cooperative projects and producing results will be considered; this will include the amount of department supervision or assistance required to accomplish the project.

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 232-32-060 PROCEDURES FOR REVOCATION OF A COOPERATIVE WILDLIFE PROJECT. The following criteria and procedures will be followed when the department considers revocation or actually revokes a cooperative wildlife project:

(1) The department may revoke a cooperative project agreement for the following reasons: (a) a violation of agreement provisions; (b) unavailability of adequate biological or financial resources to continue participation by the department; and (c) the development of unacceptable biological or resource management conflicts.

(2) When the department decides that a cooperative project is in danger of being revoked, a certified letter will be sent to the contact person, with the volunteer group responsible for the project advising him or her of the problem and either setting conditions for continuation for the project, or attempting to arrange a meeting to discuss ways of bringing the cooperative agreement into compliance or resolving other problems that might result in revocation.

(3) When the department decides that a cooperative project should be terminated, a certified letter to that effect will be sent to the contact person within the volunteer group responsible for the project. The exact termination date will be determined by the severity of the problem which requires revocation.

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 232-32-070 PRIORITY FOR EGGS, SEED, JUVENILES, BROODSTOCK, AND DEPARTMENT FACILITIES. The following priorities will be followed in allocating eggs, seed, juveniles, broodstock, or using rearing space at department hatcheries and other facilities:

- (1) Needs of the department of game
- (2) Needs of other public agencies in Washington
- (3) Cooperative wildlife projects
- (4) Exchange agreements with agencies outside Washington
- (5) Sales

**WSR 84-14-086
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 3, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-28-614	1985 Washington Game Fish Seasons and Catch Limits.
Rep*	WAC 232-28-606	through 232 28-613 1984 Washington Game Fish Seasons and Catch Limits.
Rep	WAC 232-28-61301	Season closure for steelhead fishing on the Quinault River system.
Rep	WAC 232-28-60701	Establish an open fishing season for hatchery origin steelhead trout on the mainstem Columbia River and Drano Lake.
Rep	WAC 232-28-61101	Steelhead fishing regulation change on the mainstem of the Stillaguamish River.

*NOTE: WAC numbers refer to separate sections of the pamphlet;

that the agency will at 9:00 a.m., Sunday - Monday, August 19 - 20, 1984, in the Ridpath Motor Inn, Sprague and First Avenues at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19 - 20, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19 - 20, 1984.

Dated: July 2, 1984
By: Sam Wright, Divisional Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: See above.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Rule will provide fishing opportunity throughout the state for anglers while protecting the fish resources by establishing seasons and catch limits for game fish.

Reasons Supporting the Proposed Rule(s): To provide sport fishing opportunity while protecting fish stocks.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: Robert B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-614 1985 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS.

Reviser's note: The text and accompanying pamphlet comprising the 1985 Washington Game Fish Seasons and Catch Limits proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from

the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

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

- (1) WAC 232-28-606 1984 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS.
- (2) WAC 232-28-607*
- (3) WAC 232-28-608*
- (4) WAC 232-28-609*
- (5) WAC 232-28-610*
- (6) WAC 232-28-611*
- (7) WAC 232-28-612*
- (8) WAC 232-28-613*
- (9) WAC 232-28-61301 SEASON CLOSURE FOR STEELHEAD FISHING ON THE QUINALT RIVER SYSTEM.
- (10) WAC 232-28-60701 ESTABLISH AN OPEN FISHING SEASON FOR HATCHERY ORIGIN STEELHEAD TROUT ON THE MAINSTEM COLUMBIA RIVER AND DRANO LAKE.
- (11) WAC 232-28-61101 STEELHEAD FISHING REGULATION CHANGE ON THE MAINSTEM OF THE STILLAGUAMISH RIVER.

* NOTE: WAC numbers refer to separate sections of the pamphlet.

WSR 84-14-087
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning fly fishing rules, amending WAC 232-12-151;

that the agency will at 9:00 a.m., Sunday - Monday, August 19 - 20, 1984, in the Ridpath Motor Inn, Sprague and First Avenues at Stevens Street, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19 - 20, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19 - 20, 1984.

Dated: July 2, 1984

By: Sam Wright, Divisional Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-151 Fly fishing rules.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Amendment will legalize the use of any back-up line for fly fishing.

Reasons Supporting the Proposed Rule(s): To allow sportsmen to use any type of back-up line rather than limiting them to monofilament line.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: Robert B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone (206) 753-5740.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-151 FLY FISHING RULES. It is unlawful to fish for game fish in waters designated as "fly fishing only" with the use of:

- (1) A fixed spool reel.
- (2) Fishing line other than conventional fly line, except ((~~monofilament line~~)) any back-up line may be used ((~~as backup line~~)) if it is attached to not less than twenty-five feet of fly line at the terminal end.
- (3) Weight attached to the leader or line.
- (4) Bait.
- (5) A lure other than a dry fly, bucktail fly, wet fly, nymph or streamer, with a single pointed hook.

WSR 84-14-088
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

Rep	ch. 232-18 WAC	Guidelines interpreting and implementing the State Environmental Policy Act.
New	ch. 232-19 WAC	Department of Game SEPA procedures;

that the agency will at 9:00 a.m., Monday, August 20, 1984, in the Ridpath Hotel, Spokane, 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 43.21C.120 and WAC 197-11-904.

The specific statute these rules are intended to implement is chapter 43.21C RCW.

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

Dated: June 29, 1984

By: Chris Drivdahl, Division Administrator
Habitat Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: Chapter 232-19 WAC, Department of Game SEPA procedures.

Statutory Authority: RCW 43.21C.120 and WAC 197-11-904.

Specific Statute that Rules are Intended to Implement: Chapter 43.21C RCW, State Environmental Policy Act.

Summary of the Rules: Replace existing chapter 232-18 WAC, Guidelines interpreting and implementing the State Environmental Policy Act, and adopt by reference procedures and criteria in chapter 197-11 WAC, SEPA rules.

Reasons Supporting the Proposed Rules: By October 1, 1984, the department is required to adopt procedures consistent with chapter 197-11 WAC, which was adopted January 1984 and went into effect April 4, 1984.

The Agency Personnel Responsible for Drafting and Implementation: Chris Drivdahl, Divisional Administrator, Department of Game, 600 North Capitol Way, Olympia, Washington 98504, Telephone: (206) 753-3318; and Enforcement: R. B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, Washington 98504, Telephone (206) 753-5740.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Washington State Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: No comments.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The impacts are the same as those discussed in the SBEIS for chapter 197-11 WAC.

**Chapter 232-19 WAC
DEPARTMENT OF GAME SEPA PROCEDURES**

NEW SECTION

WAC 232-19-010 **AUTHORITY.** These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA Rules).

NEW SECTION

WAC 232-19-015 **POLICY.** (1) The policies and goals set forth in SEPA are supplementary to existing agency authority.

(2) The department of game shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules.

(b) Find ways to make the SEPA process more useful to decision-makers and the public; promote certainty regarding the requirements of the act; reduce paperwork and the accumulation of extraneous background data; and emphasize important environmental impacts and alternatives.

(c) Prepare environmental documents that are concise, clear, and to the point, and are supported by evidence that the necessary environmental analyses have been made.

(d) Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication.

(e) Integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively.

(f) Encourage public involvement in decisions that significantly affect environmental quality.

(g) Identify, evaluate, and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

NEW SECTION

WAC 232-19-020 **ADOPTION BY REFERENCE.** The department of game adopts the following sections of chapter 197-11 WAC by reference.

WAC	
197-11-020	Purpose.
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 actions 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. (Optional)
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
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NEW SECTION

WAC 232-19-030 PURPOSE. This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the department of game.

NEW SECTION

WAC 232-19-040 ADDITIONAL DEFINITIONS. The following terms shall have the listed meanings:

- (1) "Department" means department of game unless otherwise indicated.
- (2) "Commission" means the game commission unless otherwise indicated.

NEW SECTION

WAC 232-19-050 DESIGNATION OF RESPONSIBLE OFFICIAL. Within the department of game the ultimate responsible official is the director. The responsible official for a specific proposal shall be the supervisor of the environmental affairs program or his/her designee.

NEW SECTION

WAC 232-19-055 SEPA PUBLIC INFORMATION CENTER. The department designates the Olympia office of habitat management division as its SEPA public information center. The mailing address is: Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, Washington 98504.

NEW SECTION

WAC 232-19-060 EIS PREPARATION. (1) Preparation of draft and final EISs and SEISs is the responsibility of the department's environmental affairs program. The responsible official shall be satisfied that all EISs and SEISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(2) Any draft or final EIS or SEIS shall be prepared by the department, the applicant, or by a consultant mutually agreed upon by the department and applicant.

(3) Whenever someone other than the department prepares a draft or final EIS or SEIS, the responsible official shall:

(a) Coordinate scoping to insure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(d) Allow the person preparing the document access to department records relating to the document (under chapter 42.17 RCW, public disclosure and public records law).

(4) The responsible official may not require more information of a private applicant than allowed by these rules.

(5) Nothing herein shall be construed to prohibit the department from charging any fee of an applicant which the department is otherwise authorized to charge (see WAC 197-11-914). A performance bond in an amount specified by the department may be required of the applicant to insure payment of department expenses in preparing in whole, or part, a draft or final EIS or SEIS.

NEW SECTION

WAC 232-19-070 ENVIRONMENTALLY SENSITIVE AREAS. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give all due consideration to "environmentally sensitive area" designations made by local governments under WAC 197-11-908.

NEW SECTION

WAC 232-19-080 THRESHOLD LEVELS ADOPTED BY LOCAL GOVERNMENTS. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall respect threshold levels adopted by local governments under WAC 197-11-800.

NEW SECTION

WAC 232-19-090 COORDINATION OF COMBINED STATE-FEDERAL ACTION. When the department considers actions which also involve federal actions, it shall coordinate the two governmental processes so that only one EIS, or other environmental document, need be prepared for that proposal.

NEW SECTION

WAC 232-19-100 PUBLIC NOTICE REQUIREMENTS. (1) When these rules require notice of environmental document preparation or availability, as a lead agency the department shall give public notice by using at least one of the following methods:

- (a) Posting the property, for site-specific proposals;
- (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (c) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
- (d) Notifying the news media; and/or
- (e) Publishing notice in the department's newsletters.

(2) Whenever possible, the department shall integrate these public notice requirements with existing notice procedures for any department or commission permits or approvals required for the proposal.

(3) The department may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

NEW SECTION

WAC 232-19-110 NOTICE/STATUTE OF LIMITATIONS.

(1) The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(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 department, applicant, or proponent pursuant to RCW 43.21C.080.

NEW SECTION

WAC 232-19-120 POLICIES AND PROCEDURES FOR CONDITIONING OR DENYING PERMITS OR OTHER APPROVALS. (1) The policies and goals in this section are supplementary to existing authorities of the department.

(2) It is the policy of the department to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(3) The department shall use all practical 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:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (d) Preserve important historic, cultural, and natural aspects of our national heritage;
- (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(4) The department 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.

(5) The department shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision-making along with economic and technical considerations.

(6)(a) When the environmental document for a proposal shows it will cause significant adverse impacts, the responsible official shall consider whether:

- (i) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;
- (ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and
- (iii) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(b) The responsible official may:

(i) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in this section; or

(ii) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in this section.

(c) The procedures in WAC 197-11-660 must also be followed when conditioning or denying permits or other approvals.

NEW SECTION

WAC 232-19-130 INFORMAL APPEAL. Any person who, upon proper application, is denied a permit or approval or contests a condition placed in a permit or approval granted under these rules, may contact the responsible official to discuss the denial or conditions. If the result of this contact with the responsible official does not satisfy the applicant, then that person may contact the responsible official's supervisors up through the chain of command to the director of the department. If the applicant is not satisfied by the results of this informal appeal process, then that person may make a formal appeal. The department encourages the applicant to exhaust this informal appeal process prior to initiating a formal appeal.

NEW SECTION

WAC 232-19-140 FORMAL ADMINISTRATIVE APPEAL. Any person who, upon proper application, is denied a permit or approval or contests a condition placed in a permit or approval granted under these rules, or a final threshold determination or final EIS, is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.04 RCW. To obtain a hearing a written request must be filed with the department. The mailing address is: Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504. Requests must be filed within thirty days of the department's decision. An administrative law judge will be used to hear all evidence. The record in the hearing shall include those items set forth in RCW 34.04.090(5). The record, including a transcript of the oral proceedings, shall be submitted to the director for final decision pursuant to RCW 34.04.110. All final decisions are appealable as provided by the Administrative Procedure Act, chapter 34.04 RCW. Administrative law judges will be provided by the office of administrative hearings. For additional information, reference should be made to WAC 197-11-680(3)(a) through (c).

NEW SECTION

WAC 232-19-180 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

WSR 84-14-089
PROPOSED RULES
BOARD OF HEALTH
[Filed July 3, 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:

Rep WAC 248-18-030 Organization and staff—Medical staff.
 New WAC 248-18-031 Governing body and administration.
 New WAC 248-18-033 Medical staff.
 Amd WAC 248-18-001 Definitions;

that the agency will at 9:00, Wednesday, August 8, 1984, in the Southwest Washington Health District, Vancouver, 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 70.41.030.

The specific statute these rules are intended to implement is RCW 70.41.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 8, 1984.

By: John A. Beare, MD
 Director

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Repeal WAC 248-18-030 Organization and staff—Medical staff; new WAC 248-18-031 Governing body and administration; new WAC 248-18-033 Medical staff; and amend WAC 248-18-001 Definitions.

Purpose of the Repeal, Amendment and New Rules: To revise outdated rules representing minimum standards of care and treatment of patients in hospitals.

The Reason(s) These Rules are Necessary: To include sections in hospital licensing code related to minimum requirements for a governing body and medical staff; and to repeal outdated section last amended in 1975.

Statutory Authority: RCW 70.41.030.

Summary of the Rule or Rule Change: WAC 248-18-030 is repealed since it no longer represents a minimum standard of care for patients in hospitals. WAC 248-18-031 and 248-18-033 are promulgated to reflect minimum standards of responsibility for governing body and medical staff.

Person Responsible for the Enforcement of the Rule: John Gerth, Section Head, Facility Licensing and Certification Section, OHFS, Division of Health, Mailstop: ET-31, Phone: 753-5851.

Rules Proposed by: Facility Licensing and Certification Section, OHFS, 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.

AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of an individual patient under circumstances indicating the health, welfare, and safety of the patient is harmed thereby. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility has been delegated (e.g., teachers, providers of residential care and/or treatment, providers of day care):

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.
 (b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American osteopathic association.

(3) "Acute cardiac care unit" means an intensive care unit for patients with heart problems.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle or substance, whether physical, chemical or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 248-18-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

(6) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

(7) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including, minimally, first initial, last name, and title.

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support persons during the complete process of vaginal childbirth (three stages of labor and recovery of woman and newborn).

(10) "Board" means the Washington state board of health.

(11) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

(12) "Department" means the Washington state department of social and health services.

(13) "Dentist" means an individual licensed under chapter 18.32 RCW.

(14) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American dietetic association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(15) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(16) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(17) "Facilities" means a room or area and/or equipment to serve a specific function.

(18) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not to exceed four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

(19) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(20) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope

downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((20))~~ (21) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

~~((21))~~ (22) "He, him, his or himself" means a person of either sex, male or female, and does not mean preference for nor exclude reference to either sex.

~~((22))~~ (23) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, (prenatal, natal or postnatal), and who is in need of special medical or nursing care.

~~((23))~~ (24) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

~~((24))~~ (25) "Infant" means a baby or very young child up to one year of age.

~~((25))~~ (26) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment, used for the care of an individual infant.

~~((26))~~ (27) "Intensive care unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients critically, seriously, or acutely ill, and in need of intensive, highly skilled nursing service.

~~((27))~~ (28) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) has been approved by the Food and Drug Administration.

~~((28))~~ (29) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

~~((29))~~ (30) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

~~((30))~~ (31) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

~~((31))~~ (32) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

~~((32))~~ (33) "May" means permissive or discretionary on the part of the board or the department.

~~((33))~~ (34) "Medical staff" means ~~((those))~~ physicians and may include other practitioners appointed by the governing ~~((authority))~~ body to practice~~(;)~~ within the parameters of governing body and medical staff bylaws~~(;-in-the-hospital))~~.

~~((34))~~ (35) "Movable equipment" means equipment not built-in, fixed or attached to the building.

~~((35))~~ (36) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

~~((36))~~ (37) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

~~((37))~~ (38) "Neonatal intensive care nursery" means an area designed, organized, and equipped to provide constant nursing care to the high-risk infant.

~~((38))~~ (39) "New construction" means any of the following:

(a) New buildings to be used as hospitals;

(b) Additions to existing buildings to be used as hospitals;

(c) Conversion of existing buildings or portions thereof for use as hospitals;

(d) Alterations.

~~((39))~~ (40) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

~~((40))~~ (41) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

~~((41))~~ (42) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

~~((42))~~ (43) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

~~((43))~~ (44) "Occupational therapist" means an individual having graduated with a bachelors degree in occupational therapy from a university or college occupational therapy program and having completed field work requirements of that program.

~~((44))~~ (45) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

~~((45))~~ (46) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

~~((46))~~ (47) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof.

~~((47))~~ (48) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

~~((48))~~ (49) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments, or where prescriptions are filled.

~~((49))~~ (50) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

~~((50))~~ (51) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

~~((51))~~ (52) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((52))~~ (53) "Physician's assistant" means an individual who is not a physician but is practicing medicine in accordance with the provisions of chapter 18.71A RCW and the rules and regulations promulgated thereunder, or in accordance with provisions of chapter 18.57A RCW and the rules and regulations promulgated thereunder.

~~((53))~~ (54) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

~~((54))~~ (55) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from

"seclusion rooms" or "security rooms" defined in subsections (65) and (66) of this section.

((55)) (56) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and eligible for certification by the American board of psychiatry and neurology as described in "Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education," American Medical Association, 1981-1982, or eligible for certification by the American osteopathic board of neurology and psychiatry as described in "American Osteopathic Association Yearbook and Directory," 1981-1982.

((56)) (57) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

((57)) (58) "Recreational therapist" means an individual with a bachelor's degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

((58)) (59) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

((59)) (60) "Referred outpatient diagnostic service" means a service provided to an individual receiving his or her medical diagnosis, treatment, and other health care services from one or more sources outside the hospital; limited to diagnostic tests and examinations not involving the administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

((60)) (61) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

((61)) (62) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

((62)) (63) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

((63)) (64) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

((64)) (65) "Safety device" means a device used to safeguard a patient who, because of his or her developmental level or condition, is particularly subject to accidental self-injury.

((65)) (66) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

((66)) (67) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant or occupants.

((67)) (68) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

((68)) (69) "Shall" means compliance is mandatory.
((69)) (70) "Should" means a suggestion or recommendation, but not a requirement.

((70)) (71) "Sinks":
(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

((71)) (72) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

((72)) (73) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or collection and/or disposal of wastes.

((73)) (74) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

((74)) (75) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following: Incision, excision, or curettage of tissue or an organ; suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture; extraction of tissue including the premature extraction of the products of conception from the uterus; or an endoscopic examination with use of a local or general anesthesia.

((75)) (76) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

((76)) (77) "Toilet" means a room containing at least one water closet.

((77)) (78) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

((78)) (79) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

((79)) (80) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation of such shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

NEW SECTION

WAC 248-18-031 GOVERNING BODY AND ADMINISTRATION. (1) The hospital shall have a governing body responsible for adoption of policies concerning the purposes, operation and maintenance of the hospital, including safety, care, and treatment of patients.

(2) The governing body shall provide personnel, facilities, equipment, supplies, and services to meet the needs of patients within the purposes of the hospital.

(3) The governing body shall appoint an administrator who shall be responsible for implementing the policies adopted by the governing body.

(4) The governing body shall:

(a) Have the authority and responsibility for the appointment and periodic reappointment of the medical staff, and

(b) Require the medical staff be accountable to the governing body through approval under the medical staff organization bylaws, and rules as applied by the governing body.

(5) The governing body shall require evidence that each individual granted clinical privileges pursuant to medical staff bylaws has appropriate and current qualifications.

(6) The governing body shall require each person admitted to the hospital to be under the care of a member of the medical staff possessing clinical privileges.

NEW SECTION

WAC 248-18-033 MEDICAL STAFF. (1) There shall be a medical staff appointed by the governing body.

(2) Medical staff bylaws, rules, and regulations shall be subject to approval by the governing body. These bylaws and rules shall include qualifications for medical staff membership, procedures for delineation

of hospital specific clinical privileges, and organization of the medical staff.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 248-18-030 ORGANIZATION AND STAFF—MEDICAL STAFF.

WSR 84-14-090
ADOPTED RULES
BOARD OF HEALTH
[Order 274—Filed July 3, 1984]

Be it resolved by the Washington State Board of Health, acting at the Energy Facility Site Evaluation Council, Lacey, Washington, that it does adopt the annexed rules relating to chapter 248-84 WAC, bulk food storage and display, amending WAC 248-84-002, 248-84-030, 248-84-035 and new WAC 248-84-062.

This action is taken pursuant to Notice No. WSR 84-10-044 filed with the code reviser on May 2, 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 Washington State Board of Health as authorized in RCW 43.20.050.

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 June 13, 1984.

By John A. Beare, MD, MPH
Director

AMENDATORY SECTION (Amending Order 203, filed 10/1/80)

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 ((it)) a food bears or contains any poisonous or deleterious substance in a quantity which may render ((it)) the food injurious to health;

(b) If ((it)) 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 ((it)) a food consists in whole or in part of any filthy, putrid, or decomposed substance, or if ((it)) the food is otherwise unfit for human consumption;

(d) If ((it)) a food has been processed, prepared, packed, or held under insanitary conditions, whereby ((it)) the food may have been rendered injurious to health;

(e) If ((its)) 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 ((it)) 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 unpackaged or unwrapped, processed or unprocessed food, stored in aggregate quantities from which quantities desired by the consumer may be withdrawn. Bulk food does not include: Potentially hazardous food; raw fruits or vegetables; or buffet, salad bar, or smorgasbord-type of service in food service establishments.

(4) "Closed" ((=)) shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

((+4)) (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.

((+5)) (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.

~~((+2))~~ (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.

~~((+3))~~ (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.

~~((+4))~~ (15) "Kitchenware" ~~(=)~~ shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.

~~((+5))~~ (16) "Misabeled" ~~(=)~~ 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.

~~((+6))~~ (17) "Mobile food unit" ~~(=)~~ means a food service establishment designed to be readily movable.

~~((+7))~~ (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.

~~((+8))~~ (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.

~~((+9))~~ (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 10/1/80)

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, non-toxic, 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 10/1/80)

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 or other types of dispensers approved by the health officer; or

(c) Foods may be dispensed by the customer: **PROVIDED**, That the consistency (stickiness) or shape of the food precludes dispensing by the preceding methods described in (b) of this subsection 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 re-sold. 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 84-14-091
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
[Memorandum—July 3, 1984]

The Washington State Department of Community Development will hold a public hearing on the proposed 1985 low-income home energy assistance program state plan.

The hearing is scheduled for 10:00 a.m. – 2:00 p.m. on Thursday, August 9, 1984, in the Rainier Room, Best Western Airport Executal, Seattle. Two typewritten copies of all oral testimony are requested. There will be a question and answer period.

Written testimony may be submitted until 5:00 p.m. on Wednesday, August 8, 1984, to the attention of Katherine Friedt, Assistant Director, Department of Community Development, Division of Community Services, Ninth and Columbia Building, Mailstop: GH-51, Olympia, Washington 98504.

For additional information or a copy of the draft plan, contact John Chadwick at (206) 753-4934 or toll free 1-800-562-5677.

WSR 84-14-092
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-63—Filed July 3, 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 these rules are necessary for the preservation of salmon stocks and are interim rules until the permanent rules, promulgated in WSR 84-11-097, take effect.

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 July 3, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-20-02000B COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. Notwithstanding the provisions of WAC 220-20-020, effective immediately until further notice:

(1) The area definition of Grays Harbor Salmon Management and Catch Reporting Area 2B is adjusted such that the western boundary is a line projected from the Point Chehalis Light through the Coast Guard look out tower to the shore near Point Brown.

(2) The area definitions of of Willapa Harbor Salmon Management and Catch Reporting Areas 2G and 2H are adjusted such that:

(a) The eastern or upper boundary of area 2H is defined as a line projected true north from the Standard Oil Dock in South Bend to the opposite shore of the Willapa River.

(b) The western or lower boundary of area 2H and the eastern boundary of area 2G is defined as a line projected 235 degrees true from the north shore of the Willapa River through Willapa River Light number 33 to the south shore.

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 220-36-02100P GRAYS HARBOR GILL NET SEASON. Notwithstanding the provisions of WAC 220-36-021, 220-36-022, and 220-36-024, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with gill net gear in Grays Harbor fishing areas except as provided for in this section:

Area 2B-

Open continuously 6:00 p.m. July 5 to 6:00 p.m. August 15, 1984, only in those waters east of a line drawn true north-south through lighted piling Number 16 (Fl.R.4 sec. 15 ft.) on Whitcomb Flats; 8-inch minimum mesh, 1,500 feet maximum length.

Areas 2C and 2D-

Open continuously 6:00 p.m. July 5 to 6:00 p.m. August 15, 1984; 8-inch minimum mesh, 1,500 feet maximum length.

NEW SECTION

WAC 220-40-021001 WILLAPA HARBOR GILL NET SEASON. *Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with gill net gear in Willapa Harbor fishing areas except as provided for in this section:*

Area 2G-

Open continuously 6:00 p.m. July 5 to 6:00 p.m. August 20, 1984, only in those waters east of a line from Toke Point to Goose Point and south of a line from Ledbetter Point to Goose Point; 8-inch minimum mesh, 1,500 feet maximum length.

Areas 2J and 2K-

Open continuously 6:00 p.m. July 5 to 6:00 p.m. August 20, 1984; 8-inch minimum mesh, 1,500 feet maximum length.

Area 2M-

Open continuously, 6:00 p.m. July 5 to 6:00 p.m. July 31, 1984; 8-inch minimum mesh, 1,500 feet maximum length.

NEW SECTION

WAC 220-40-03000A WILLAPA HARBOR—SEASONS AND GEAR—OTHER VARIETIES. *Notwithstanding the provisions of WAC 220-40-030, it is lawful to retain bottomfish and sturgeon taken incidental to a lawful salmon fishery in Willapa Harbor Salmon Management and Catch Reporting Area 2M.*

**WSR 84-14-093
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-64—Filed July 3, 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 regulations.

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 Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and

Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Areas 10, 10A, 10C, 10D, 10F, 10G and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the lower Skagit River provide protection for Baker River sockeye. Restrictions in Skagit River from Hamilton to Baker River provide protection for spring chinook and Baker River sockeye and subsequent protection for Baker River sockeye, restrictions above Baker River provide protection for spawning stocks. Restrictions in Areas 6D, 13A and the Elwha, Dungeness, Nooksack and White rivers and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer-fall chinook.

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 July 3, 1984.

By Frank Haw
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-406 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. *Effective immediately, it is unlawful for treaty Indian fishermen to take, 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:*

Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6B, 9 – Closed to all commercial fishing.

Area 6D – Closed to all commercial fishing.

Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.

Area 8 – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.

Skagit River – (1) Mouth to Hamilton – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. (2) Hamilton to Baker River –

Effective through July 7, closed to all commercial fishing. Effective July 8, gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. (3) Upstream of Baker River - Closed to all commercial fishing.

Areas 10, 10A - Gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

*Areas 10C, 10D, 10F, 10G, Cedar River - Closed to all commercial fishing.

Area 13A - Effective through July 31, closed to all commercial fishing.

Nooksack River - (1) Marietta Bridge to confluence of north and south forks - Effective through July 14, closed to all commercial fishing. (2) Upstream of confluence - closed to all commercial fishing.

Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, and Minter Creek - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-28-405 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-61)

WSR 84-14-094
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed July 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning National Pollutant Discharge Elimination System Permit Program, chapter 173-220 WAC. The department proposes to delete "seasonal" from effluent limitations in WAC 173-220-130 (1)(a);

that the agency will at 2:00 p.m., Wednesday, February 27, 1985, in the Headquarters Office, Room 273, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 20, 1985, at 2:00 p.m., Room 273, Headquarters Office, Lacey, Washington.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 90.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 27, 1985.

This notice is connected to and continues the matter in Notice No. WSR 84-11-023 filed with the code reviser's office on May 11, 1984.

Dated: June 12, 1984

By: Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 82-39, filed 12/1/82)

WAC 173-220-130 EFFLUENT LIMITATIONS, WATER QUALITY STANDARDS AND OTHER REQUIREMENTS FOR PERMITS. (1) Any permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(a) Effluent limitations under sections 301, 302, 306, and 307 of the FWPCA. The effluent limitations shall not be less stringent than those based upon the treatment facility design efficiency contained in approved engineering plans and reports or approved revisions thereto. The effluent limits shall reflect any ((seasonal)) variation in industrial loading.

For combined waste treatment facilities, the effluent limitations for biochemical oxygen demand or suspended solids may be adjusted upwards to a maximum allowed by applying effluent limitations pursuant to sections 301(b)(1)(B) or 301(h) of the FWPCA to the domestic portion of the influent and effluent limitations pursuant to sections 301(b)(1)(A)(i), 301(b)(2)(A), and 301(b)(2)(E) of the FWPCA or standards of performance pursuant to section 306 of the FWPCA to the industrial portion of the influent: PROVIDED, That the following additional condition is met:

Fecal coliform levels shall not exceed a monthly average of 200 organisms per 100 ml with a maximum weekly average of 400 organisms per 100 ml, unless a waiver is granted pursuant to section 301(h) of the FWPCA;

(b) Any more stringent limitation, including those:

(i) Necessary to meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA; or

(ii) Necessary to meet any federal law or regulation other than the FWPCA or regulations thereunder; or

(iii) Required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the FWPCA and any regulations and guidelines issued pursuant thereto;

(iv) Necessary to prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or raw material storage;

(v) Necessary to provide all known, available and reasonable methods of treatment.

(c) Any more stringent legal applicable requirements necessary to comply with a plan approved pursuant to section 208(b) of the FWPCA; and

(d) Prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA, such conditions as the department determines are necessary to carry out the provisions of the FWPCA.

(2) In any case where an issued permit applies the effluent standards and limitations described in subparagraph (a) of paragraph (1) of this section, the department shall make a finding that any discharge authorized by the permit will not violate applicable water quality standards.

(3) In the application of effluent standards and limitations, water quality standards and other legally applicable requirements pursuant to paragraphs (1) and (2) hereof, each issued permit shall specify average and maximum daily quantitative (in terms of weight) or other such appropriate limitations for the level of pollutants and the authorized discharge.

WSR 84-14-095
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—July 3, 1984]

Notice of Public Hearing on Proposal to Revise Plan for
 Attainment of the Ambient Lead Standard in
 Washington State

The Washington Department of Ecology (WDOE) and the Puget Sound Air Pollution Control Agency (PSAPCA) hereby give notice of a joint public hearing to consider a change in the state implementation plan (SIP) for attainment of the ambient lead standard.

The hearing will be held on August 9, 1984, 9:30 a.m., at the Commissioners Chambers, Port of Seattle, Pier 66, Seattle, Washington.

The current SIP requires the Bergsøe Metal Corporation to install a baghouse at its secondary lead smelter by July 1, 1984. The company ceased smelting of lead in December of 1983. The company will cease the breaking of batteries on August 4, 1984. The hearing will be to consider the acceptance of an assurance of discontinuance of the smelting and battery-breaking operations in lieu of the installation of a baghouse.

Persons desiring to submit written testimony should forward the same to PSAPCA, P.O. Box 9863, Seattle, Washington 98109, to be received at the agency no later than August 6, 1984. Persons desiring to present oral testimony should telephone Mr. James Tucker at (206) 344-3836.

WSR 84-14-096
PROPOSED RULES
COUNCIL ON HEARING AIDS
 [Filed July 3, 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 308-50-090 Trainees, WAC 308-50-130 Minimal standards of ethical practice, and readopting WAC 308-50-150 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, or material facts;

that the agency will at 9:30 a.m., Friday, August 10, 1984, in the Department of Licensing Examination Center, 1st Floor, Eastside Plaza, 1300 Quince Street, Olympia, 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 August 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
 (206) 753-1153 comm
 234-1153 scan

Dated: July 3, 1984
 By: Barbara Johnson
 Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-50-090 Trainees; 308-50-130 Minimal standards of procedure; and 308-50-150 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts.

Statutory Authority: RCW 18.35.161.

Specific Statute that Rules are Intended to Implement: RCW 18.35.161.

Summary of the Rules: WAC 308-50-090, this section describes the conditions under which trainees may fit and dispense hearing aids; WAC 308-50-130, this section describes testing, recordkeeping, and fitting and dispensing practices required of licensees; and WAC 308-50-150, this section restricts licensees from making factual misrepresentations.

Reasons Supporting the Proposed Rules: The purpose of the amendment to WAC 308-50-090 is to clarify the nature of the supervision required for trainees, to restrict unsupervised housecalls by all trainees after February 1985, to indicate that fees shall be those set by the director, to require identification of a new sponsor within fifteen days, to require notification of loss of sponsor within ten days, and to require identification of a trainee on sales contracts and business cards. The purpose of the amendment to WAC 308-50-130 is to more clearly define the minimum standards of practice for testing, recordkeeping, and selection and fitting. The purpose of the readoption on WAC 308-50-150 is to ratify an existing rule.

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: Rulemaking 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).

AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-090 TRAINEES. (1) A trainee may not fit and dispense a hearing aid or be in physical contact with a client or patient unless the sponsor ~~((or a person))~~ to whom the trainee is registered or a fitter/dispenser duly licensed under this act ~~((other than a trainee))~~ designated by the sponsor is physically present or on the premises with and supervising his/her actions at all times during the first ninety days the trainee is testing the hearing or fitting or dispensing hearing aids. The extent of direction and supervision of the trainee while on the premises after the first ninety days of a trainee licensure shall be at the discretion of ~~((his))~~ the trainee sponsor.

(2) During the first ninety days of his or her licensure, a trainee shall wear an identification badge readily visible to the public which identifies him or her as a trainee.

(3) A trainee licensed less than ninety days ~~((may))~~ shall not make housecalls and test the hearing or dispense hearing aids unless a ~~((person))~~ licensed ~~((under chapter 18.35 RCW in a capacity other than a trainee))~~ fitter/dispenser is physically present with and supervising his or her actions at all times.

(4) A trainee licensed more than ninety days may, at the discretion of the sponsor, make unsupervised housecalls provided that: Effective February 1, 1985, no trainee shall make housecalls unless a licensed fitter/dispenser is physically present with and supervising his or her actions at all times.

(5) A trainee who loses his or her sponsor for any reason ~~((may))~~ shall not continue his or her trainee status with a new sponsor until a new trainee application has been filed and payment of this license fee required by RCW 18.35.060 (1)~~((d))~~(c) and as determined by the director as provided in RCW 43.24.086 as now or hereafter amended has been received by the department: PROVIDED, That, if a trainee obtains a new sponsor and submits the required application within ~~((thirty))~~ fifteen days of the withdrawal of his or her previous sponsor, the fee shall ~~((only be five dollars))~~ be that required of a transfer of sponsor.

~~((5))~~ (6) If a sponsor dies or withdraws from business, it shall be the responsibility of the trainee to report the loss of such sponsorship to the department in writing within ten days of such occurrence.

(7) Trainees shall, if completing a sales contract, sign his or her name, "trainee," and license number on the contract.

(8) If trainees use business cards, the cards shall indicate "trainee".

AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-130 MINIMAL STANDARDS OF ~~((PROCE- DURE))~~ PRACTICE. Minimum procedures in the fitting and dispensing of hearing aids shall include:

~~((1))~~ Examination of the ear canal to reasonably determine if any of the following conditions exist:

- (a) Impacted ear wax;
- (b) Discharge in ear;
- (c) Perforation of the ear drum;
- (d) Any inflammation or irritation of the ear canal;
- (e) Any other abnormality.

When any such condition exists, the client shall be advised to obtain appropriate medical care. In the event of a medical referral a licensee shall contact such referrer when any of the above conditions are found in order to determine whether medical treatment should be undertaken for such condition. A record of such contact must be maintained in the client's file:

(2) Hearing loss, or residual hearing, shall be established for each ear using pure tone threshold audiometry by air and bone conduction with effective masking as required:

(3) When pure tone audiometry indicates an air-bone gap of 20 dB or more, the client shall be advised of the potential help available from

medical treatment. Should the client decline to consider such methods or if the client has previously been advised against such procedures, an appropriate notation shall be made for the record:

(4) Appropriate live voice or recorded speech audiometry by earphones, including speech reception threshold testing and speech discrimination testing:

(5) In the event a client is referred to a licensee, by an audiologist, otologist or otolaryngologist and audiometric results obtained within the previous three months are provided to the licensee as a part of this referral, the applicable provisions of WAC 308-50-130 shall not be required:

(6) When audiometric or similar tests must be conducted outside of a sound treated enclosure, the test shall be made in as quiet an environment as practical. Should there be excessive ambient noise, an appropriate notation shall be made on the audiogram and/or other form(s) relating to the test(s):

(7) For any fitting requiring an earmold, an appropriate custom-made earmold should be available or provided:

(8) Persons reporting a recent sudden onset of loss, vertigo, nausea, earaches, or other such discomfort should be advised to seek medical opinion prior to the fitting of any hearing aid:

(9) Final fitting of the aid to ensure physical and operational comfort:

(10) Keeping a complete retail price list showing all hearing aid models for all prospective clients to examine:

(11) Keeping records on every client to whom the licensee renders services or to whom he dispenses a hearing aid. Such records shall be preserved for at least three years after the dispensing of the first hearing aid to the client. If other hearing aids are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an aid to that client. The records which must be available for department inspection will include:

(a) Copy of each receipt executed in connection with the fitting and dispensing of each hearing aid:

(b) A complete record of tests, test results and services other than minor services:

(c) Client's case history:

(d) Any correspondence specifically related to the service given the client or the hearing aid or aids dispensed to the client: (1) Obtain case history to include the following:

(a) As required by WAC 308-50-320, documentation of referrals, or as otherwise required by this chapter.

(b) Historical evaluation to include inquiry regarding hearing loss, onset of loss, and any associated symptoms including significant noise in the ears, vertigo, acute or chronic dizziness, nausea, earaches, or other such discomfort which may indicate the presence of medical illness. Specific inquiry should be made to determine if hearing loss has been sudden or rapidly progressive in the past ninety days, if there has been any active drainage or infection in ears during the past ninety days, and if there are any specific physical problems which may relate to the use of a hearing aid.

(2) Examination of the ears should be done to reasonably determine if any of the following conditions exist:

- (a) Impacted ear wax.
- (b) Foreign body within the ear canal.
- (c) Discharge in the ear canal.
- (d) Presence of inflammation or irritation of the ear canal.
- (e) Perforation of the ear drum.
- (f) Any other abnormality.

(3) Hearing testing shall be performed to include the following:

(a) Hearing loss, or residual hearing, shall be established for each ear using puretone threshold audiometry by air and bone conduction with effective masking as required.

(b) Appropriate live voice or recorded speech audiometry by ear phones to determine the following: Speech reception threshold, most comfortable level, uncomfortable level, and the speech discrimination percent.

(c) Hearing testing shall be conducted in the appropriate environment as required by WAC 308-50-110, minimum standards of equipment, or as otherwise required by this chapter.

(d) When puretone audiometry indicates an air-bone gap of 15db or more, 500, 1000, and 2000 Hz, the presence of unilateral hearing loss, or any inconsistent audiometric findings, the client shall be advised of the potential help available through medical treatment. Should the client decline to consider such methods, or if the client has previously been appropriately treated or has been advised against such procedures, an appropriate notation shall be made in the client's record.

(c) In the event a client is referred to a licensee by an M.A. Audiologist, Otolologist, Otolaryngologist, or by a fitter/dispenser duly licensed under chapter 18.35 RCW, and the audiometric results obtained within the previous six months are provided to the licensee as a part of this referral, the applicable provisions of WAC 308-50-130 shall not be required. However, a confirmatory audiometric examination is recommended.

(4) Medical evaluation requirements:

(a) If the prospective hearing aid user is eighteen years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirements of (b) of this subsection provided that the hearing aid dispenser:

(i) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;

(ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation; and

(iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by (hearing aid fitter/dispenser name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation before purchasing a hearing aid.

(b) Except as provided in (a) of this subsection, a hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid. The medical evaluation must have taken place within the preceding six months.

(5) Selection and fitting of the hearing aid shall include the following:

(a) Provide information regarding the selection of the most appropriate method and model for amplification for the needs of the client.

(b) Provide the user with the cost of the recommended aids and services.

(c) Provide for or have available an appropriate custom made ear mold.

(d) Provide final fitting of the hearing aid to ensure physical and operational comfort.

(e) Provide adequate instructions and appropriate post-fitting adjustments to ensure the most successful use of the hearing aid.

(6) Keeping records on every client to whom the licensee renders service in connection with the dispensing of a hearing aid. Such records shall be preserved for at least three years after the dispensing of the first hearing aid to the client. If other hearing aids are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an aid to that client. The records must be available for the department inspection and will include:

(a) Client's case history.

(b) Source of referral and appropriate documents.

(c) Medical clearance for the hearing aid user or the waiver set forth in subsection (4)(a)(iii) of this section which has been signed after being fully informed that it is in the best health interest to seek medical evaluation.

(d) Copies of any contracts and receipts executed in connection with the fitting and dispensing of each hearing aid provided.

(e) A complete record of tests, test results, and services provided except for minor services.

(f) All correspondence specifically related to the service given the client or the hearing aid or aids dispensed to the client.

READOPTED SECTION

WAC 308-50-150 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—MISREPRESENTING PRODUCTS, SERVICES, PERSONNEL OR MATERIAL FACTS. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to misrepresent:

(1) The grade, quality, quantity, origin, novelty, price, cost, terms of sale, use, construction, size, composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, or physiological benefits of any hearing aid or the psychological well-being induced by a hearing aid;

(2) Any service or adjustment offered, promised, or to be supplied to purchasers of any hearing aid;

(3) Any material fact pertaining to the manufacture, distribution or marketing of any hearing aid; or

(4) The scientific or technical knowledge, training, experience or other qualifications of a licensee, or of his employees, relating to the selection, fitting, adjustment, maintenance or repair of industry products;

(5) Misrepresent shall mean making misleading, deceiving, improbable or untruthful representations or in any other material respect, the character, extent or type of his business except as provided in WAC 308-50-170.

(6) The reparability, including the cost thereof, or the adequacy of a prospective purchaser's own hearing aid(s) or ancillary equipment.

WSR 84-14-097

PROPOSED RULES

COUNCIL ON HEARING AIDS

[Filed July 3, 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 WAC 308-50-110 minimum standards of equipment;

that the agency will at 2:00 p.m., Friday, August 10, 1984, in the Department of Licensing Examination Center, 1st Floor, Eastside Plaza, 1300 Quince Street, Olympia, 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 August 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
(206) 753-1153 comm
234-1153 scan

Dated: July 3, 1984

By: Barbara Johnson
Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-50-020 Reexaminations; and WAC 308-50-110 Minimum standards of equipment.

Statutory Authority: RCW 18.35.161.

Specific Statute that the Rules are Intended to Implement: RCW 18.35.161.

Summary of the Rules: WAC 308-50-020, this section describes the limitations on and the 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 reexaminations. The purpose of the amendment to WAC 308-50-110 is to delete the word "current" and to correct the American National Standards Institute citation from 1970 to 1971.

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: Rulemaking 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).

AMENDATORY SECTION (Amending Order PL 159 [PL 222], filed 2/8/74 [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 consecutive regularly scheduled examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances.

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.

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-1971)] plus 15 dB.

(4) Pure tone audiometer calibrated in accordance with WAC 308-50-120.

(5) Equipment appropriate for conducting speech audiometry (testing).

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 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 84-14-098
PROPOSED RULES
BOARD OF PHARMACY
[Filed July 3, 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 license fees, amending WAC 360-18-020;

that the agency will at 9:30 a.m., Wednesday, August 15, 1984, in the Sea-Tac Tower, Suite 500, 18000 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 18.64.005.

The specific statute these rules are intended to implement is section 5, chapter 153, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 14, 1984.

Dated: July 3, 1984

By: Donald H. Williams
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: The purpose of the amendment to WAC 360-18-020 is to bring it into compliance with section 5, chapter 153, Laws of 1984, and to reflect the actual cost of the registration.

Statutory Authority: RCW 18.64.005 and section 5, chapter 153, Laws of 1984.

Summary of the Rule: WAC 360-18-020 contains a listing of the fees charged by the Washington State Board of Pharmacy.

Reason Proposed: This amendment is proposed to implement section 5, chapter 153, Laws of 1984, which requires that registration fees only be required for shopkeepers who stock more than fifteen nonprescription drugs and that those fees shall not exceed the cost of registration.

Responsible Personnel: In addition to members of the board, the following Board of Pharmacy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, W.E.A. Building, 319 East Seventh

Avenue, Olympia, Washington 98504, telephone (206) 753-6834 comm, (206) 234-6834 scan.

Proponents: These rules are proposed by the Washington State Board of Pharmacy.

Agency Comments: These rules are promulgated pursuant to the authority granted in RCW 18.64.005.

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 small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 177 [184], filed 10/26/83 [1/25/84])

WAC 360-18-020 LICENSE FEES. Effective October 1, 1983, the following fees shall be charged by the board of pharmacy:

- (a) PHARMACY LOCATION, CSA & PROPHYLACTIC
 - Original pharmacy fee \$125.00
 - Original CSA fee 35.00
 - Original prophylactic fee 10.00
 - Original pharmacy assistant utilization fee 30.00
 - Renewal pharmacy fee 65.00
 - Renewal CSA fee 30.00
 - Renewal prophylactic fee 10.00
 - Renewal pharmacy assistant utilization fee 30.00
 - Penalty pharmacy fee 130.00
- (b) VENDOR
 - Original fee 20.00
 - Renewal fee 20.00
 - Penalty fee 20.00
- (c) PHARMACIST
 - Exam fee (full exam) 100.00
 - Re-examination fee (jurisprudence portion) 25.00
 - Original license fee 75.00
 - Renewal fee 50.00
 - Penalty fee 50.00
 - Reciprocity fee 50.00
 - Certification of license status to other states 200.00
- (d) SHOPKEEPER
 - (i) SHOPKEEPER - Sixteen or more drugs
 - Original fee ~~((20.00))~~ 10.00
 - Renewal fee ~~((20.00))~~ 10.00
 - Penalty fee ~~((20.00))~~ 5.00
 - ~~((ii) SHOPKEEPER - 6 or fewer drugs~~
 - ~~Original fee 5.00~~
 - ~~Renewal fee 5.00~~
 - ~~Penalty fee 5.00~~
 - (ii) SHOPKEEPER - with differential hours
 - Original fee ~~((20.00))~~ 10.00
 - Renewal fee ~~((20.00))~~ 10.00
 - Penalty fee ~~((20.00))~~ 5.00
- (e) DRUG MANUFACTURER
 - Original fee 175.00
 - Renewal fee 175.00
 - Penalty fee 175.00
- (f) DRUG WHOLESALER - full line
 - Original fee 175.00
 - Renewal fee 175.00
 - Penalty fee 175.00
- (g) DRUG WHOLESALER - OTC only
 - Original fee 125.00
 - Renewal fee 125.00
 - Penalty fee 125.00

- (h) PHARMACY ASSISTANT - Level "A"
 - Original fee 20.00
 - Renewal fee ~~((15.00) - (20.00))~~ 15.00
- (i) PHARMACY INTERN
 - Original registration fee 10.00
 - Renewal registration fee 10.00

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 84-14-099
EMERGENCY RULES
BOARD OF PHARMACY
 [Order 188—Filed July 3, 1984]

Be it resolved by the Washington State Board of Pharmacy, acting at Olympia, Washington, that it does adopt the annexed rules relating to the amending of WAC 360-18-020.

We, the Washington State Board of Pharmacy, 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 this amendment required to bring WAC 360-18-020 into compliance with section 5, chapter 153, Laws of 1984. Emergency action is necessary in order to comply with the time restrictions of the business license center.

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

This rule is promulgated pursuant to RCW 18.64.005 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 June 19, 1984.
 By Donald H. Williams
 Executive Secretary

AMENDATORY SECTION (Amending Order 177 [184], filed 10/26/83 [1/25/84])

WAC 360-18-020 LICENSE FEES. Effective October 1, 1983 the following fees shall be charged by the board of pharmacy:

(a) PHARMACY LOCATION, CSA & PROPHYLACTIC

Original pharmacy fee	\$125.00
Original CSA fee	35.00
Original prophylactic fee	10.00
Original pharmacy assistant utilization fee	30.00
Renewal pharmacy fee	65.00
Renewal CSA fee	30.00
Renewal prophylactic fee	10.00
Renewal pharmacy assistant utilization fee	30.00
Penalty pharmacy fee	130.00

(b) VENDOR

Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00

(c) PHARMACIST

Exam fee (full exam)	100.00
Re-examination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee	50.00
Penalty fee	50.00
Reciprocity fee	50.00
Certification of license status to other states	200.00

(d) SHOPKEEPER

(i) SHOPKEEPER - Sixteen or more drugs

Original fee	((20.00)) 10.00
Renewal fee	((20.00)) 10.00
Penalty fee	((20.00)) 5.00

((i)) SHOPKEEPER - 6 or fewer drugs

Original fee	5.00
Renewal fee	5.00
Penalty fee	5.00

(ii) SHOPKEEPER - with differential hours

Original fee	((20.00)) 10.00
Renewal fee	((20.00)) 10.00
Penalty fee	((20.00)) 5.00

(e) DRUG MANUFACTURER

Original fee	175.00
Renewal fee	175.00
Penalty fee	175.00

(f) DRUG WHOLESALER - full line

Original fee	175.00
Renewal fee	175.00
Penalty fee	175.00

(g) DRUG WHOLESALER - OTC only

Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00

(h) PHARMACY ASSISTANT - Level "A"

Original fee	20.00
Renewal fee	((+5.00) - [20.00]) 15.00

(i) PHARMACY INTERN

Original registration fee	10.00
Renewal registration fee	10.00

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 84-14-100

ADOPTED RULES

COUNCIL ON HEARING AIDS

[Order PL 469—Filed July 3, 1984]

Be it resolved by the Washington State Council on Hearing Aids, acting at Seattle, Washington, that it does adopt the annexed rules relating to the readopting 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, 308-50-295 and amending WAC 308-50-220.

This action is taken pursuant to Notice No. WSR 84-10-062 filed with the code reviser on May 2, 1984. These rule 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 18.35.161 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 June 25, 1984.

By Roger Stimbert
Chairman

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 non-deceptive 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 84-14-101
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed July 3, 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 Renton, city of, WAC 173-19-2520;

that the agency will at 7:00 p.m., Tuesday, August 21, 1984, in the City Council Chambers, 2nd Floor, City Hall, 200 Mill Avenue South, Renton, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 12, 1984.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 29, 1984.

Dated: July 3, 1984
By: Glen H. Fiedler
Acting Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2520 Renton, city of.

Description of Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master program for the city of Renton.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, WDOE, MS/PV-11, Olympia, WA 98504, (206) 459-6287.

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: Not required.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2520 RENTON, CITY OF. City of Renton master program approved January 23, 1976. Revision approved February 23, 1977. Revision approved September 12, 1984.

WSR 84-14-102
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed July 3, 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 Mason County, WAC 173-19-310.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 11, 1984.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1984.

This notice is connected to and continues the matter in Notice Nos. WSR 83-18-058, 83-23-002 and 83-23-113 filed with the code reviser's office on September 6, 1983, November 3, 1983, and November 23, 1983.

Dated: July 3, 1984
By: Glen H. Fiedler
Acting Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-310 Mason County.

Description of Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master program for Mason County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jamie Hartley, (206) 459-6276, and Jeanne Holloman, (206) 459-6287, WDOE, MS/PV 11, Olympia, WA 98504.

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: Not required.

AMENDATORY SECTION (Amending Order DE 82-18, filed 6/28/82)

WAC 173-19-310 MASON COUNTY. Mason County Master Program approved August 6, 1975. Revision approved December 18, 1975. Revision approved February 22, 1980. Revision approved June 23, 1982. Revision approved September 11, 1984.

WSR 84-14-103
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed July 3, 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:

Amd WAC 173-19-420 Thurston County.
 Amd WAC 173-19-4201 Bucoda, town of.
 Amd WAC 173-19-4202 Lacey, city of.
 Amd WAC 173-19-4203 Olympia, city of.
 Amd WAC 173-19-4204 Tenino, town of.
 Amd WAC 173-19-4205 Tumwater, city of.
 Amd WAC 173-19-4206 Yelm, town of;

that the agency will at 2:00 p.m., Thursday, August 16, 1984, in the Energy Facility Site Evaluation Council Office, 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 August 30, 1984.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 20, 1984.

Dated: July 3, 1984
 By: Glen H. Fiedler
 Deputy Director

STATEMENT OF PURPOSE

Amending WAC 173-19-420 Thurston County; 173-19-4201 Bucoda, town of; 173-19-4202 Lacey, city of; 173-19-4203 Olympia, city of; 173-19-4204 Tenino, town of; 173-19-4205 Tumwater, city of; and 173-19-4206 Yelm, town of.

Description of Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master programs of Thurston County and the cities of Bucoda, Lacey, Olympia, Tenino, Tumwater, and Yelm.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, WDOE, MS/PV-11, Olympia, WA 98504, (206) 459-6287.

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: Not applicable.

AMENDATORY SECTION (Amending Order DE 82-3, filed 3/4/82)

WAC 173-19-420 THURSTON COUNTY. Thurston County Master Program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. Revision approved August 30, 1984.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4201 BUCODA, TOWN OF. Town of Bucoda master program approved May 21, 1976. Revision approved August 30, 1984.

AMENDATORY SECTION (Amending Order DE 81-47, filed 1/6/82)

WAC 173-19-4202 LACEY, CITY OF. City of Lacey master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved August 30, 1984.

AMENDATORY SECTION (Amending Order DE 84-17, filed 5/2/84)

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. Revision approved August 30, 1984.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4204 TENINO, TOWN OF. Town of Tenino master program approved May 21, 1976. Revision approved August 30, 1984.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4205 TUMWATER, CITY OF. City of Tumwater master program approved May 21, 1976. Revision approved August 30, 1984.

AMENDATORY SECTION (Amending Order DE 81-48, filed 1/6/82)

WAC 173-19-4206 YELM, TOWN OF. Town of Yelm master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved August 30, 1984.

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
- REAFF = Order assuming and reaffirming rules
- 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	16-212-086	NEW	84-14-065	16-228-185	AMD	84-09-011
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16-54-012	REP-P	84-12-083	16-212-090	REP-P	84-11-089	16-228-190	AMD	84-09-011
16-54-014	REP-P	84-12-083	16-212-090	REP	84-14-065	16-228-210	AMD-P	84-05-014
16-54-016	AMD-P	84-12-083	16-212-120	AMD-P	84-11-089	16-228-210	AMD	84-09-011
16-54-082	AMD-P	84-12-083	16-212-120	AMD	84-14-065	16-228-220	AMD-P	84-05-014
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16-86-005	AMD	84-08-037	16-213-200	NEW	84-06-036	16-228-225	AMD-P	84-05-014
16-86-006	REP-P	84-04-083	16-213-210	NEW-P	84-03-045	16-228-225	AMD	84-09-011
16-86-006	REP	84-08-037	16-213-210	NEW	84-06-036	16-228-230	AMD-P	84-05-014
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16-86-007	REP	84-08-037	16-213-220	NEW	84-06-036	16-228-340	NEW-E	84-05-009
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16-86-009	REP	84-08-037	16-213-230	NEW	84-10-021	16-228-340	NEW	84-12-034
16-86-011	REP-P	84-04-083	16-224-010	AMD-P	84-06-058	16-228-345	NEW-E	84-11-063
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16-86-012	REP-P	84-04-083	16-224-030	AMD-P	84-06-058	16-230-001	REP	84-09-012
16-86-012	REP	84-08-037	16-224-030	AMD-C	84-09-069	16-230-010	AMD-P	84-05-066
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16-108-010	AMD-P	84-08-066	16-228-155	AMD	84-09-011	16-230-050	REP	84-09-012
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16-212-060	AMD-P	84-11-089	16-228-165	AMD-P	84-05-014	16-230-076	NEW	84-09-012
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132I-116-170	AMD	84-14-020	136-180-040	NEW-P	84-11-064	
132I-116-180	REP-P	84-09-039	136-200-010	NEW-P	84-11-064	
132I-116-180	REP	84-14-020	136-200-020	NEW-P	84-11-064	
132I-116-190	AMD-P	84-09-039	136-200-030	NEW-P	84-11-064	
132I-116-190	AMD	84-14-020	136-200-040	NEW-P	84-11-064	
132I-116-210	AMD-P	84-09-039	136-210-010	NEW-P	84-11-064	
132I-116-210	AMD	84-14-020	136-210-020	NEW-P	84-11-064	
132I-116-220	REP-P	84-09-039	136-210-030	NEW-P	84-11-064	
132I-116-220	REP	84-14-020	136-210-040	NEW-P	84-11-064	
132I-116-222	NEW-P	84-09-039	136-210-050	NEW-P	84-11-064	
132I-116-222	NEW	84-14-020	136-220-010	NEW-P	84-11-064	
132I-116-230	AMD-P	84-09-039	136-220-020	NEW-P	84-11-064	
132I-116-230	AMD	84-14-020	136-220-030	NEW-P	84-11-064	
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132I-116-260	AMD-P	84-09-039	136-250-050	NEW-P	84-11-064	
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				137-12A-020	NEW-P	84-03-014
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				137-12A-020	AMD-P	84-11-067
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				137-12A-030	NEW-P	84-03-014
				137-12A-030	NEW	84-06-009
				137-12A-030	AMD-P	84-11-067
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				137-12A-040	NEW-P	84-03-014
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173-303-090	AMD	84-14-031	173-303-610	AMD-P	84-09-083	173-549-016	NEW	84-13-076
173-303-100	AMD	84-09-088	173-303-610	AMD-C	84-12-045	173-549-020	AMD-P	84-07-056
173-303-101	AMD	84-09-088	173-303-610	AMD	84-14-031	173-549-020	AMD	84-13-076
173-303-102	AMD	84-09-088	173-303-620	AMD	84-09-088	173-549-025	NEW-P	84-07-056
173-303-103	AMD-P	84-09-083	173-303-630	AMD	84-09-088	173-549-025	NEW	84-13-076
173-303-103	AMD-C	84-12-045	173-303-640	AMD	84-09-088	173-549-027	NEW-P	84-07-056
173-303-103	AMD	84-14-031	173-303-645	NEW	84-09-088	173-549-027	NEW	84-13-076
173-303-104	AMD-P	84-09-083	173-303-650	AMD	84-09-088	173-549-030	REP-P	84-07-056
173-303-104	AMD-C	84-12-045	173-303-655	NEW	84-09-088	173-549-030	REP	84-13-076
173-303-104	AMD	84-14-031	173-303-660	AMD	84-09-088	173-549-035	NEW-P	84-07-056
173-303-110	AMD-P	84-09-083	173-303-665	NEW	84-09-088	173-549-035	NEW	84-13-076
173-303-110	AMD-C	84-12-045	173-303-670	AMD	84-09-088	173-549-040	REP-P	84-07-056
173-303-110	AMD	84-14-031	173-303-700	AMD	84-09-088	173-549-040	REP	84-13-076
173-303-120	AMD-P	84-09-083	173-303-800	AMD	84-09-088	173-549-050	REP-P	84-07-056
173-303-120	AMD-C	84-12-045	173-303-801	AMD	84-09-088	173-549-050	REP	84-13-076
173-303-120	AMD	84-14-031	173-303-802	NEW	84-09-088	173-549-060	AMD-P	84-07-056
173-303-121	NEW	84-09-088	173-303-804	NEW	84-09-088	173-549-060	AMD	84-13-076
173-303-140	AMD	84-09-088	173-303-805	AMD	84-09-088	173-549-070	AMD-P	84-07-056
173-303-141	AMD	84-09-088	173-303-806	NEW	84-09-088	173-549-070	AMD	84-13-076
173-303-145	AMD	84-09-088	173-303-807	NEW	84-09-088	173-549-080	NEW-P	84-07-056
173-303-160	AMD	84-09-088	173-303-808	NEW	84-09-088	173-549-080	NEW	84-13-076
173-303-161	NEW	84-09-088	173-303-809	NEW-P	84-09-083	173-549-090	NEW-P	84-07-056
173-303-170	AMD	84-09-088	173-303-809	NEW-C	84-12-045	173-549-090	NEW	84-13-076
173-303-180	AMD-P	84-09-083	173-303-809	NEW	84-14-031	173-549-100	NEW-P	84-07-056
173-303-180	AMD	84-14-031	173-303-810	AMD	84-09-088	173-549-100	NEW	84-13-076
173-303-190	AMD	84-09-088	173-303-815	AMD	84-09-088	173-549-900	NEW-P	84-07-056
173-303-200	AMD-P	84-09-083	173-303-820	AMD	84-09-088	173-549-900	NEW	84-13-076
173-303-200	AMD-C	84-12-045	173-303-825	AMD	84-09-088	173-801-010	REP-P	84-09-081
173-303-200	AMD	84-14-031	173-303-830	AMD	84-09-088	173-801-010	REP	84-13-037
173-303-210	AMD	84-09-088	173-303-840	AMD-P	84-09-083	173-801-020	REP-P	84-09-081
173-303-220	AMD	84-09-088	173-303-840	AMD-C	84-12-045	173-801-020	REP	84-13-037

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-801-030	REP-P	84-09-081	173-805-105	REP	84-13-036	174-109-030	NEW-P	84-08-064
173-801-030	REP	84-13-037	173-805-110	REP-P	84-10-049	174-109-030	NEW-C	84-11-020
173-801-040	REP-P	84-09-081	173-805-110	REP	84-13-036	174-109-040	NEW-P	84-08-064
173-801-040	REP	84-13-037	173-805-115	REP-P	84-10-049	174-109-040	NEW-C	84-11-020
173-801-045	REP-P	84-09-081	173-805-115	REP	84-13-036	174-109-050	NEW-P	84-08-064
173-801-045	REP	84-13-037	173-805-120	REP-P	84-10-049	174-109-050	NEW-C	84-11-020
173-801-050	REP-P	84-09-081	173-805-120	REP	84-13-036	174-109-060	NEW-P	84-08-064
173-801-050	REP	84-13-037	173-805-121	REP-P	84-10-049	174-109-060	NEW-C	84-11-020
173-801-060	REP-P	84-09-081	173-805-121	REP	84-13-036	174-109-070	NEW-P	84-08-064
173-801-060	REP	84-13-037	173-805-130	REP-P	84-10-049	174-109-070	NEW-C	84-11-020
173-801-070	REP-P	84-09-081	173-805-130	REP	84-13-036	174-109-080	NEW-P	84-08-064
173-801-070	REP	84-13-037	173-805-135	REP-P	84-10-049	174-109-080	NEW-C	84-11-020
173-801-080	REP-P	84-09-081	173-805-135	REP	84-13-036	174-109-090	NEW-P	84-08-064
173-801-080	REP	84-13-037	173-805-140	REP-P	84-10-049	174-109-090	NEW-C	84-11-020
173-801-090	REP-P	84-09-081	173-805-140	REP	84-13-036	174-109-100	NEW-P	84-08-064
173-801-090	REP	84-13-037	173-806-010	NEW-P	84-10-049	174-109-100	NEW-C	84-11-020
173-801-100	REP-P	84-09-081	173-806-010	NEW	84-13-036	174-109-200	NEW-P	84-08-064
173-801-100	REP	84-13-037	173-806-020	NEW-P	84-10-049	174-109-200	NEW-C	84-11-020
173-801-110	REP-P	84-09-081	173-806-020	NEW	84-13-036	174-109-300	NEW-P	84-08-064
173-801-110	REP	84-13-037	173-806-030	NEW-P	84-10-049	174-109-300	NEW-C	84-11-020
173-801-120	REP-P	84-09-081	173-806-030	NEW	84-13-036	174-109-400	NEW-P	84-08-064
173-801-120	REP	84-13-037	173-806-040	NEW-P	84-10-049	174-109-400	NEW-C	84-11-020
173-801-130	REP-P	84-09-081	173-806-040	NEW	84-13-036	174-109-500	NEW-P	84-08-064
173-801-130	REP	84-13-037	173-806-045	NEW-P	84-10-049	174-109-500	NEW-C	84-11-020
173-802-010	NEW-P	84-09-081	173-806-050	NEW-P	84-10-049	174-116-011	AMD-P	84-10-047
173-802-010	NEW	84-13-037	173-806-050	NEW	84-13-036	174-116-011	AMD	84-13-056
173-802-020	NEW-P	84-09-081	173-806-053	NEW	84-13-036	174-116-040	AMD-P	84-10-047
173-802-020	NEW	84-13-037	173-806-055	NEW	84-13-036	174-116-040	AMD	84-13-056
173-802-030	NEW-P	84-09-081	173-806-058	NEW	84-13-036	174-116-044	AMD-P	84-10-047
173-802-030	NEW	84-13-037	173-806-060	NEW-P	84-10-049	174-116-044	AMD	84-13-056
173-802-040	NEW-P	84-09-081	173-806-065	NEW	84-13-036	174-116-119	AMD-P	84-10-047
173-802-040	NEW	84-13-037	173-806-070	NEW-P	84-10-049	174-116-119	AMD	84-13-056
173-802-050	NEW-P	84-09-081	173-806-070	NEW	84-13-036	174-116-122	AMD-P	84-10-047
173-802-050	NEW	84-13-037	173-806-080	NEW-P	84-10-049	174-116-122	AMD	84-13-056
173-802-060	NEW-P	84-09-081	173-806-080	NEW	84-13-036	174-116-123	AMD-P	84-10-047
173-802-060	NEW	84-13-037	173-806-090	NEW-P	84-10-049	174-116-123	AMD	84-13-056
173-802-070	NEW-P	84-09-081	173-806-090	NEW	84-13-036	174-148-010	REP-P	84-08-064
173-802-070	NEW	84-13-037	173-806-100	NEW-P	84-10-049	174-148-010	REP-C	84-11-020
173-802-080	NEW-P	84-09-081	173-806-100	NEW	84-13-036	174-148-015	REP-P	84-08-064
173-802-080	NEW	84-13-037	173-806-110	NEW	84-13-036	174-148-015	REP-C	84-11-020
173-802-090	NEW-P	84-09-081	173-806-120	NEW-P	84-10-049	174-148-030	REP-P	84-08-064
173-802-090	NEW	84-13-037	173-806-120	NEW	84-13-036	174-148-030	REP-C	84-11-020
173-802-100	NEW-P	84-09-081	173-806-125	NEW-P	84-10-049	174-148-040	REP-P	84-08-064
173-802-100	NEW	84-13-037	173-806-125	NEW	84-13-036	174-148-040	REP-C	84-11-020
173-802-110	NEW-P	84-09-081	173-806-128	NEW	84-13-036	174-148-050	REP-P	84-08-064
173-802-110	NEW	84-13-037	173-806-130	NEW-P	84-10-049	174-148-050	REP-C	84-11-020
173-802-120	NEW-P	84-09-081	173-806-130	NEW	84-13-036	174-148-060	REP-P	84-08-064
173-802-120	NEW	84-13-037	173-806-140	NEW-P	84-10-049	174-148-060	REP-C	84-11-020
173-802-130	NEW-P	84-09-081	173-806-140	NEW	84-13-036	174-148-070	REP-P	84-08-064
173-802-130	NEW	84-13-037	173-806-150	NEW-P	84-10-049	174-148-070	REP-C	84-11-020
173-802-140	NEW-P	84-09-081	173-806-150	NEW	84-13-036	174-148-080	REP-P	84-08-064
173-802-140	NEW	84-13-037	173-806-155	NEW	84-13-036	174-148-080	REP-C	84-11-020
173-802-150	NEW-P	84-09-081	173-806-160	NEW-P	84-10-049	174-148-085	REP-P	84-08-064
173-802-150	NEW	84-13-037	173-806-160	NEW	84-13-036	174-148-085	REP-C	84-11-020
173-802-190	NEW-P	84-09-081	173-806-170	NEW-P	84-10-049	174-148-090	REP-P	84-08-064
173-802-190	NEW	84-13-037	173-806-170	NEW	84-13-036	174-148-090	REP-C	84-11-020
173-805-010	REP-P	84-10-049	173-806-173	NEW	84-13-036	174-148-100	REP-P	84-08-064
173-805-010	REP	84-13-036	173-806-175	NEW	84-13-036	174-148-100	REP-C	84-11-020
173-805-020	REP-P	84-10-049	173-806-180	NEW-P	84-10-049	174-148-110	REP-P	84-08-064
173-805-020	REP	84-13-036	173-806-180	NEW	84-13-036	174-148-110	REP-C	84-11-020
173-805-030	REP-P	84-10-049	173-806-185	NEW	84-13-036	174-148-120	REP-P	84-08-064
173-805-030	REP	84-13-036	173-806-190	NEW-P	84-10-049	174-148-120	REP-C	84-11-020
173-805-040	REP-P	84-10-049	173-806-190	NEW	84-13-036	177-04	REAFF	84-14-064
173-805-040	REP	84-13-036	173-806-200	NEW-P	84-10-049	177-06	REAFF	84-14-064
173-805-050	REP-P	84-10-049	173-806-200	NEW	84-13-036	177-08	REAFF	84-14-064
173-805-050	REP	84-13-036	173-806-205	NEW	84-13-036	180-16-002	NEW-P	84-08-051
173-805-060	REP-P	84-10-049	173-806-210	NEW-P	84-10-049	180-16-002	NEW	84-11-043
173-805-060	REP	84-13-036	173-806-220	NEW-P	84-10-049	180-16-003	REP-P	84-08-051
173-805-070	REP-P	84-10-049	173-806-220	NEW	84-13-036	180-16-003	REP	84-11-043
173-805-070	REP	84-13-036	173-806-230	NEW	84-13-036	180-16-006	NEW-P	84-08-051
173-805-080	REP-P	84-10-049	174-104-010	AMD-C	84-04-017	180-16-006	NEW	84-11-043
173-805-080	REP	84-13-036	174-104-010	AMD-C	84-09-051	180-16-191	AMD-P	84-08-051
173-805-090	REP-P	84-10-049	174-104-010	AMD	84-14-025	180-16-191	AMD	84-11-043
173-805-090	REP	84-13-036	174-109-010	NEW-P	84-08-064	180-16-195	AMD-P	84-08-051
173-805-100	REP-P	84-10-049	174-109-010	NEW-C	84-11-020	180-16-195	AMD	84-11-043
173-805-100	REP	84-13-036	174-109-020	NEW-P	84-08-064	180-16-200	AMD-P	84-08-051
173-805-105	REP-P	84-10-049	174-109-020	NEW-C	84-11-020	180-16-200	AMD	84-11-043

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
192-23-052	NEW	84-13-050	197-10-150	REP	84-05-021	197-10-840	REP	84-05-021
192-23-061	NEW-P	84-10-022	197-10-160	REP	84-05-021	197-10-860	REP	84-05-021
192-23-061	NEW-E	84-10-023	197-10-170	REP	84-05-021	197-10-900	REP	84-05-021
192-23-061	NEW	84-13-050	197-10-175	REP	84-05-021	197-10-910	REP	84-05-021
192-23-071	NEW-P	84-10-022	197-10-177	REP	84-05-021	197-11-010	NEW	84-05-020
192-23-071	NEW-E	84-10-023	197-10-180	REP	84-05-021	197-11-020	NEW	84-05-020
192-23-081	NEW-P	84-10-022	197-10-190	REP	84-05-021	197-11-030	NEW	84-05-020
192-23-081	NEW-E	84-10-023	197-10-200	REP	84-05-021	197-11-040	NEW	84-05-020
192-23-081	NEW	84-13-050	197-10-203	REP	84-05-021	197-11-050	NEW	84-05-020
192-23-082	NEW-P	84-10-022	197-10-205	REP	84-05-021	197-11-055	NEW	84-05-020
192-23-082	NEW-E	84-10-023	197-10-210	REP	84-05-021	197-11-060	NEW	84-05-020
192-23-082	NEW	84-13-050	197-10-215	REP	84-05-021	197-11-070	NEW	84-05-020
192-23-091	NEW-P	84-10-022	197-10-220	REP	84-05-021	197-11-080	NEW	84-05-020
192-23-091	NEW-E	84-10-023	197-10-225	REP	84-05-021	197-11-090	NEW	84-05-020
192-23-091	NEW	84-13-050	197-10-230	REP	84-05-021	197-11-100	NEW	84-05-020
192-23-096	NEW-P	84-10-022	197-10-235	REP	84-05-021	197-11-300	NEW	84-05-020
192-23-096	NEW-E	84-10-023	197-10-240	REP	84-05-021	197-11-305	NEW	84-05-020
192-23-096	NEW	84-13-050	197-10-245	REP	84-05-021	197-11-310	NEW	84-05-020
192-23-113	NEW-P	84-10-022	197-10-260	REP	84-05-021	197-11-315	NEW	84-05-020
192-23-113	NEW-E	84-10-023	197-10-270	REP	84-05-021	197-11-330	NEW	84-05-020
192-23-113	NEW	84-13-050	197-10-300	REP	84-05-021	197-11-335	NEW	84-05-020
192-23-301	NEW-P	84-10-022	197-10-305	REP	84-05-021	197-11-340	NEW	84-05-020
192-23-301	NEW-E	84-10-023	197-10-310	REP	84-05-021	197-11-350	NEW	84-05-020
192-23-301	NEW	84-13-050	197-10-320	REP	84-05-021	197-11-360	NEW	84-05-020
192-23-320	NEW-P	84-10-022	197-10-330	REP	84-05-021	197-11-390	NEW	84-05-020
192-23-320	NEW-E	84-10-023	197-10-340	REP	84-05-021	197-11-400	NEW	84-05-020
192-23-320	NEW	84-13-050	197-10-345	REP	84-05-021	197-11-402	NEW	84-05-020
192-23-350	NEW-P	84-10-022	197-10-350	REP	84-05-021	197-11-405	NEW	84-05-020
192-23-350	NEW-E	84-10-023	197-10-355	REP	84-05-021	197-11-406	NEW	84-05-020
192-23-350	NEW	84-13-050	197-10-360	REP	84-05-021	197-11-408	NEW	84-05-020
192-23-800	NEW-P	84-10-022	197-10-365	REP	84-05-021	197-11-410	NEW	84-05-020
192-23-800	NEW-E	84-10-023	197-10-370	REP	84-05-021	197-11-420	NEW	84-05-020
192-23-800	NEW	84-13-050	197-10-375	REP	84-05-021	197-11-425	NEW	84-05-020
192-23-810	NEW-P	84-10-022	197-10-380	REP	84-05-021	197-11-430	NEW	84-05-020
192-23-810	NEW-E	84-10-023	197-10-390	REP	84-05-021	197-11-435	NEW	84-05-020
192-23-810	NEW	84-13-050	197-10-400	REP	84-05-021	197-11-440	NEW	84-05-020
192-23-820	NEW-P	84-10-022	197-10-405	REP	84-05-021	197-11-442	NEW	84-05-020
192-23-820	NEW-E	84-10-023	197-10-410	REP	84-05-021	197-11-443	NEW	84-05-020
192-23-900	NEW-P	84-10-022	197-10-420	REP	84-05-021	197-11-444	NEW	84-05-020
192-23-900	NEW-E	84-10-023	197-10-425	REP	84-05-021	197-11-448	NEW	84-05-020
192-23-900	NEW	84-13-050	197-10-440	REP	84-05-021	197-11-450	NEW	84-05-020
192-24-001	NEW-P	84-10-022	197-10-442	REP	84-05-021	197-11-455	NEW	84-05-020
192-24-001	NEW	84-13-050	197-10-444	REP	84-05-021	197-11-460	NEW	84-05-020
192-24-010	NEW-P	84-10-022	197-10-446	REP	84-05-021	197-11-500	NEW	84-05-020
192-24-010	NEW	84-13-050	197-10-450	REP	84-05-021	197-11-502	NEW	84-05-020
192-24-020	NEW-P	84-10-022	197-10-455	REP	84-05-021	197-11-504	NEW	84-05-020
192-24-020	NEW	84-13-050	197-10-460	REP	84-05-021	197-11-508	NEW	84-05-020
192-24-030	NEW-P	84-10-022	197-10-465	REP	84-05-021	197-11-510	NEW	84-05-020
192-24-030	NEW	84-13-050	197-10-470	REP	84-05-021	197-11-535	NEW	84-05-020
196-08-085	AMD	84-04-027	197-10-480	REP	84-05-021	197-11-545	NEW	84-05-020
196-12-010	AMD	84-04-027	197-10-485	REP	84-05-021	197-11-550	NEW	84-05-020
196-12-020	AMD	84-04-027	197-10-490	REP	84-05-021	197-11-560	NEW	84-05-020
196-12-030	AMD	84-04-027	197-10-495	REP	84-05-021	197-11-570	NEW	84-05-020
196-12-050	AMD	84-04-027	197-10-500	REP	84-05-021	197-11-600	NEW	84-05-020
196-12-060	AMD	84-04-027	197-10-510	REP	84-05-021	197-11-610	NEW	84-05-020
196-12-085	AMD	84-04-027	197-10-520	REP	84-05-021	197-11-620	NEW	84-05-020
196-16-007	AMD	84-04-027	197-10-530	REP	84-05-021	197-11-625	NEW	84-05-020
196-16-010	AMD	84-04-027	197-10-535	REP	84-05-021	197-11-630	NEW	84-05-020
196-16-020	AMD	84-04-027	197-10-540	REP	84-05-021	197-11-635	NEW	84-05-020
196-16-031	AMD	84-04-027	197-10-545	REP	84-05-021	197-11-640	NEW	84-05-020
196-20-010	AMD	84-04-027	197-10-550	REP	84-05-021	197-11-650	NEW	84-05-020
196-20-030	AMD	84-04-027	197-10-570	REP	84-05-021	197-11-655	NEW	84-05-020
196-24-030	AMD	84-04-027	197-10-580	REP	84-05-021	197-11-660	NEW	84-05-020
196-24-040	AMD	84-04-027	197-10-600	REP	84-05-021	197-11-680	NEW	84-05-020
196-24-050	AMD	84-04-027	197-10-650	REP	84-05-021	197-11-700	NEW	84-05-020
196-24-080	AMD	84-04-027	197-10-652	REP	84-05-021	197-11-702	NEW	84-05-020
196-27-010	NEW	84-04-027	197-10-660	REP	84-05-021	197-11-704	NEW	84-05-020
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232-18-010	REP-P	84-14-088	232-19-100	NEW-P	84-14-088	236-47-006	NEW-P	84-07-024
232-18-020	REP-P	84-14-088	232-19-110	NEW-P	84-14-088	236-47-006	NEW	84-13-008
232-18-025	REP-P	84-14-088	232-19-120	NEW-P	84-14-088	236-47-007	NEW-P	84-07-024
232-18-040	REP-P	84-14-088	232-19-130	NEW-P	84-14-088	236-47-007	NEW	84-13-008
232-18-050	REP-P	84-14-088	232-19-140	NEW-P	84-14-088	236-47-008	NEW-P	84-07-024
232-18-060	REP-P	84-14-088	232-19-180	NEW-P	84-14-088	236-47-008	NEW	84-13-008
232-18-100	REP-P	84-14-088	232-28-106	REP-P	84-11-096	236-47-009	NEW-P	84-07-024
232-18-150	REP-P	84-14-088	232-28-107	NEW-P	84-11-096	236-47-009	NEW	84-13-008
232-18-160	REP-P	84-14-088	232-28-207	REP-P	84-08-073	236-47-010	NEW-P	84-07-024
232-18-180	REP-P	84-14-088	232-28-207	REP	84-14-070	236-47-010	NEW	84-13-008
232-18-190	REP-P	84-14-088	232-28-208	NEW-P	84-08-073	236-47-011	NEW-P	84-07-024
232-18-200	REP-P	84-14-088	232-28-208	NEW	84-14-070	236-47-011	NEW	84-13-008
232-18-203	REP-P	84-14-088	232-28-406	REP-P	84-14-066	236-47-012	NEW-P	84-07-024
232-18-205	REP-P	84-14-088	232-28-408	NEW-P	84-14-066	236-47-012	NEW	84-13-008
232-18-215	REP-P	84-14-088	232-28-506	REP-P	84-11-094	236-47-013	NEW-P	84-07-024
232-18-240	REP-P	84-14-088	232-28-50601	NEW-E	84-05-061	236-47-013	NEW	84-13-008
232-18-245	REP-P	84-14-088	232-28-507	NEW-P	84-11-094	236-47-014	NEW-P	84-07-024
232-18-270	REP-P	84-14-088	232-28-606	REP-P	84-14-086	236-47-014	NEW	84-13-008
232-18-300	REP-P	84-14-088	232-28-60601	NEW-E	84-02-062	236-47-015	NEW-P	84-07-024
232-18-305	REP-P	84-14-088	232-28-60602	NEW-E	84-04-001	236-47-015	NEW	84-13-008
232-18-310	REP-P	84-14-088	232-28-60603	NEW-E	84-04-002	236-47-016	NEW-P	84-07-024
232-18-320	REP-P	84-14-088	232-28-60604	NEW-E	84-05-002	236-47-016	NEW	84-13-008
232-18-330	REP-P	84-14-088	232-28-60605	NEW-E	84-06-005	236-47-017	NEW-P	84-07-024
232-18-340	REP-P	84-14-088	232-28-60606	NEW-E	84-07-031	236-47-017	NEW	84-13-008
232-18-345	REP-P	84-14-088	232-28-60607	NEW-E	84-07-031	248-08-595	REP-P	84-12-058
232-18-350	REP-P	84-14-088	232-28-607	REP-P	84-14-086	248-08-596	NEW-P	84-12-058
232-18-355	REP-P	84-14-088	232-28-60701	NEW-P	84-08-069	248-14-050	REP-P	84-11-036
232-18-360	REP-P	84-14-088	232-28-60701	NEW	84-12-011	248-15-020	AMD-P	84-11-068
232-18-365	REP-P	84-14-088	232-28-60701	REP-P	84-14-086	248-15-030	AMD-P	84-11-068
232-18-370	REP-P	84-14-088	232-28-608	REP-P	84-14-086	248-15-080	AMD-P	84-11-068
232-18-375	REP-P	84-14-088	232-28-609	REP-P	84-14-086	248-15-100	AMD-P	84-11-068
232-18-400	REP-P	84-14-088	232-28-610	REP-P	84-14-086	248-17-020	AMD-P	84-11-069
232-18-405	REP-P	84-14-088	232-28-611	REP-P	84-14-086	248-17-212	AMD-P	84-11-069
232-18-410	REP-P	84-14-088	232-28-61101	NEW-P	84-08-071	248-17-213	AMD-P	84-11-069
232-18-420	REP-P	84-14-088	232-28-61101	NEW	84-12-012	248-17-214	AMD-P	84-11-069
232-18-425	REP-P	84-14-088	232-28-61101	NEW-E	84-12-014	248-17-220	AMD-P	84-11-069
232-18-440	REP-P	84-14-088	232-28-61101	REP-P	84-14-086	248-17-250	NEW-P	84-11-069
232-18-442	REP-P	84-14-088	232-28-612	REP-P	84-14-086	248-17-255	NEW-P	84-11-069
232-18-444	REP-P	84-14-088	232-28-613	REP-P	84-14-086	248-17-260	NEW-P	84-11-069
232-18-450	REP-P	84-14-088	232-28-61301	NEW-P	84-08-070	248-17-265	NEW-P	84-11-069
232-18-455	REP-P	84-14-088	232-28-61301	NEW	84-12-010	248-17-270	NEW-P	84-11-069
232-18-460	REP-P	84-14-088	232-28-61301	NEW-E	84-12-013	248-17-275	NEW-P	84-11-069
232-18-470	REP-P	84-14-088	232-28-61301	REP-P	84-14-086	248-18-001	AMD-P	84-14-089
232-18-480	REP-P	84-14-088	232-28-614	NEW-P	84-14-086	248-18-030	REP-P	84-14-089
232-18-485	REP-P	84-14-088	232-28-705	REP	84-05-060	248-18-031	NEW-P	84-14-089
232-18-490	REP-P	84-14-088	232-28-706	NEW	84-05-060	248-18-033	NEW-P	84-14-089
232-18-495	REP-P	84-14-088	232-28-805	REP-P	84-05-059	248-19-220	AMD-P	84-04-026
232-18-500	REP-P	84-14-088	232-28-805	REP	84-12-031	248-19-220	AMD-E	84-04-057
232-18-510	REP-P	84-14-088	232-28-806	NEW-P	84-05-059	248-19-220	AMD	84-07-014
232-18-535	REP-P	84-14-088	232-28-806	NEW	84-12-031	248-19-230	AMD-P	84-04-026
232-18-540	REP-P	84-14-088	232-32-010	NEW-P	84-14-085	248-19-230	AMD-E	84-04-057
232-18-545	REP-P	84-14-088	232-32-020	NEW-P	84-14-085	248-19-230	AMD	84-07-014
232-18-550	REP-P	84-14-088	232-32-030	NEW-P	84-14-085	248-22-500	REP-P	84-12-003
232-18-570	REP-P	84-14-088	232-32-040	NEW-P	84-14-085	248-22-501	REP-P	84-12-003
232-18-580	REP-P	84-14-088	232-32-050	NEW-P	84-14-085	248-22-510	REP-P	84-12-003
232-18-600	REP-P	84-14-088	232-32-060	NEW-P	84-14-085	248-22-520	REP-P	84-12-003
232-18-650	REP-P	84-14-088	232-32-070	NEW-P	84-14-085	248-22-530	REP-P	84-12-003
232-18-652	REP-P	84-14-088	232-32-155	NEW-E	84-02-063	248-22-540	REP-P	84-12-003
232-18-660	REP-P	84-14-088	232-32-157	NEW-E	84-02-065	248-22-550	REP-P	84-12-003
232-18-690	REP-P	84-14-088	232-32-158	NEW-E	84-03-023	248-22-560	REP-P	84-12-003
232-18-695	REP-P	84-14-088	232-32-159	NEW-E	84-03-029	248-22-570	REP-P	84-12-003
232-18-700	REP-P	84-14-088	232-32-160	NEW-E	84-03-022	248-22-580	REP-P	84-12-003
232-18-710	REP-P	84-14-088	232-32-161	NEW-E	84-03-030	248-22-590	REP-P	84-12-003
232-18-840	REP-P	84-14-088	232-32-162	NEW-E	84-03-031	248-26-001	NEW-P	84-12-004
232-18-870	REP-P	84-14-088	232-32-163	NEW-E	84-05-001	248-26-010	NEW-P	84-12-004
232-18-910	REP-P	84-14-088	232-32-164	NEW-E	84-07-044	248-26-020	NEW-P	84-12-004
232-19-010	NEW-P	84-14-088	232-32-165	NEW-E	84-09-004	248-26-030	NEW-P	84-12-004
232-19-015	NEW-P	84-14-088	236-47-001	NEW-P	84-07-024	248-26-040	NEW-P	84-12-004
232-19-020	NEW-P	84-14-088	236-47-001	NEW	84-13-008	248-26-050	NEW-P	84-12-004
232-19-030	NEW-P	84-14-088	236-47-002	NEW-P	84-07-024	248-26-060	NEW-P	84-12-004
232-19-040	NEW-P	84-14-088	236-47-002	NEW	84-13-008	248-26-070	NEW-P	84-12-004

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248-26-080	NEW-P	84-12-004	248-84-035	AMD	84-14-090	251-18-060	AMD-P	84-06-065
248-26-090	NEW-P	84-12-004	248-84-062	NEW-P	84-10-044	251-18-060	AMD-C	84-10-055
248-26-100	NEW-P	84-12-004	248-84-062	NEW	84-14-090	251-18-060	AMD	84-12-047
248-27-001	NEW-P	84-12-078	250-18-060	AMD-E	84-10-027	251-18-070	AMD-P	84-06-065
248-27-002	NEW-P	84-12-078	250-18-060	AMD-P	84-10-043	251-18-070	AMD	84-10-056
248-27-010	NEW-P	84-12-078	250-18-060	AMD	84-14-024	251-18-080	REP-P	84-06-065
248-27-020	NEW-P	84-12-078	250-44-050	AMD-P	84-10-048	251-18-080	REP	84-10-056
248-27-030	NEW-P	84-12-078	250-44-050	AMD	84-14-084	251-18-100	REP-P	84-06-065
248-27-040	NEW-P	84-12-078	250-44-060	AMD-P	84-10-048	251-18-100	REP	84-10-056
248-27-050	NEW-P	84-12-078	250-44-060	AMD	84-14-084	251-18-110	AMD-P	84-06-065
248-27-060	NEW-P	84-12-078	250-44-070	AMD-P	84-10-048	251-18-110	AMD	84-10-056
248-27-070	NEW-P	84-12-078	250-44-070	AMD	84-14-084	251-18-115	REP-P	84-06-065
248-27-080	NEW-P	84-12-078	250-44-080	AMD-P	84-10-048	251-18-115	REP	84-10-056
248-27-090	NEW-P	84-12-078	250-44-080	AMD	84-14-084	251-18-120	AMD-P	84-06-065
248-27-100	NEW-P	84-12-078	250-44-090	AMD-P	84-10-048	251-18-120	AMD	84-10-056
248-27-120	NEW-P	84-12-078	250-44-090	AMD	84-14-084	251-18-130	AMD-P	84-06-065
248-60A-010	REP-P	84-12-059	250-44-110	AMD-P	84-10-048	251-18-130	AMD-C	84-10-055
248-60A-020	REP-P	84-12-059	250-44-110	AMD	84-14-084	251-18-130	AMD	84-12-047
248-60A-030	REP-P	84-12-059	250-44-130	AMD-P	84-10-048	251-18-140	AMD-P	84-06-065
248-60A-040	REP-P	84-12-059	250-44-130	AMD	84-14-084	251-18-140	AMD	84-10-056
248-60A-050	REP-P	84-12-059	251-04-020	AMD-P	84-02-067	251-18-140	AMD-C	84-12-087
248-60A-060	REP-P	84-12-059	251-04-020	AMD-P	84-04-070	251-18-145	NEW-P	84-06-065
248-60A-070	REP-P	84-12-059	251-04-020	AMD-E	84-04-071	251-18-145	NEW	84-10-056
248-60A-080	REP-P	84-12-059	251-04-020	AMD-C	84-06-004	251-18-150	REP-P	84-06-065
248-60A-090	REP-P	84-12-059	251-04-020	AMD	84-06-035	251-18-150	REP	84-10-056
248-60A-100	REP-P	84-12-059	251-04-020	AMD-P	84-06-065	251-18-155	REP-P	84-06-065
248-60A-110	REP-P	84-12-059	251-04-020	AMD	84-10-058	251-18-155	REP	84-10-056
248-60A-120	REP-P	84-12-059	251-04-020	AMD-C	84-12-087	251-18-160	AMD-P	84-06-065
248-60A-130	REP-P	84-12-059	251-04-020	AMD-C	84-12-088	251-18-160	AMD	84-10-056
248-60A-140	REP-P	84-12-059	251-04-020	AMD-E	84-14-079	251-18-170	REP-P	84-06-065
248-60A-150	REP-P	84-12-059	251-04-040	AMD-P	84-02-067	251-18-170	REP	84-10-056
248-60A-160	REP-P	84-12-059	251-04-040	AMD-C	84-06-004	251-18-175	REP-P	84-06-065
248-60A-170	REP-P	84-12-059	251-04-040	AMD-C	84-12-088	251-18-175	REP	84-10-056
248-61-001	REP-P	84-12-059	251-04-050	AMD-P	84-09-068	251-18-180	AMD-P	84-04-071
248-61-010	REP-P	84-12-059	251-04-050	AMD	84-12-047	251-18-180	AMD-E	84-04-070
248-61-015	REP-P	84-12-059	251-08-090	AMD-P	84-12-087	251-18-180	AMD-P	84-06-065
248-61-020	REP-P	84-12-059	251-08-090	AMD-E	84-14-079	251-18-180	AMD	84-08-032
248-61-030	REP-P	84-12-059	251-08-091	NEW-P	84-12-087	251-18-180	AMD	84-10-056
248-61-040	REP-P	84-12-059	251-08-091	NEW-E	84-14-079	251-18-180	AMD-C	84-12-087
248-61-050	REP-P	84-12-059	251-08-093	NEW-P	84-12-087	251-18-181	REP-P	84-06-065
248-61-060	REP-P	84-12-059	251-09-040	AMD-P	84-09-068	251-18-181	REP	84-10-056
248-61-070	REP-P	84-12-059	251-10-045	AMD-P	84-04-070	251-18-190	AMD-P	84-06-065
248-61-080	REP-P	84-12-059	251-10-045	AMD-E	84-04-071	251-18-190	AMD	84-10-056
248-61-090	REP-P	84-12-059	251-10-045	AMD	84-08-032	251-18-200	AMD-P	84-06-065
248-61-100	REP-P	84-12-059	251-10-055	AMD-P	84-04-071	251-18-200	AMD	84-10-056
248-61-110	REP-P	84-12-059	251-10-055	AMD-E	84-08-032	251-18-230	REP-P	84-06-065
248-61-120	REP-P	84-12-059	251-10-055	AMD	84-08-032	251-18-230	REP	84-10-056
248-61-130	REP-P	84-12-059	251-10-112	NEW-P	84-06-065	251-18-240	AMD-P	84-06-065
248-61-140	REP-P	84-12-059	251-10-112	NEW-C	84-10-055	251-18-240	AMD	84-10-056
248-61-150	REP-P	84-12-059	251-10-112	NEW-C	84-12-087	251-18-240	AMD-C	84-12-087
248-61-160	REP-P	84-12-059	251-10-140	AMD-P	84-09-068	251-18-260	AMD-P	84-06-065
248-61-170	REP-P	84-12-059	251-10-140	AMD-E	84-10-018	251-18-260	AMD	84-10-056
248-61-180	REP-P	84-12-059	251-10-140	AMD	84-12-047	251-18-265	AMD-P	84-06-065
248-63-001	NEW-P	84-12-059	251-10-160	AMD-P	84-12-087	251-18-265	AMD	84-10-056
248-63-010	NEW-P	84-12-059	251-10-160	AMD-E	84-14-079	251-18-270	AMD-P	84-06-065
248-63-020	NEW-P	84-12-059	251-12-080	AMD-P	84-12-087	251-18-270	AMD	84-10-056
248-63-030	NEW-P	84-12-059	251-12-080	AMD-E	84-14-079	251-18-315	NEW-P	84-02-067
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248-63-050	NEW-P	84-12-059	251-12-110	AMD-E	84-14-079	251-18-315	NEW-C	84-12-088
248-63-060	NEW-P	84-12-059	251-12-240	AMD-P	84-12-087	251-18-320	AMD-P	84-04-070
248-63-070	NEW-P	84-12-059	251-12-240	AMD-E	84-14-079	251-18-320	AMD-E	84-04-071
248-63-080	NEW-P	84-12-059	251-18-010	AMD-P	84-06-065	251-18-320	AMD	84-08-032
248-63-090	NEW-P	84-12-059	251-18-010	AMD	84-10-056	251-18-320	AMD-P	84-12-087
248-63-100	NEW-P	84-12-059	251-18-011	NEW-P	84-06-065	251-18-330	AMD-P	84-02-067
248-63-110	NEW-P	84-12-059	251-18-011	NEW	84-10-056	251-18-330	AMD-P	84-04-070
248-63-120	NEW-P	84-12-059	251-18-012	NEW-P	84-06-065	251-18-330	AMD-E	84-04-071
248-63-130	NEW-P	84-12-059	251-18-012	NEW	84-10-056	251-18-330	AMD	84-08-032
248-63-140	NEW-P	84-12-059	251-18-015	NEW-P	84-06-065	251-18-340	AMD-P	84-04-070
248-63-150	NEW-P	84-12-059	251-18-015	NEW	84-10-056	251-18-340	AMD-E	84-04-071
248-63-160	NEW-P	84-12-059	251-18-020	AMD-P	84-06-065	251-18-340	AMD	84-08-032
248-63-170	NEW-P	84-12-059	251-18-020	AMD	84-10-056	251-18-347	AMD-P	84-12-087
248-63-180	NEW-P	84-12-059	251-18-025	REP-P	84-06-065	251-18-350	AMD-P	84-02-067
248-84-002	AMD-P	84-10-044	251-18-025	REP-C	84-10-055	251-18-350	AMD-C	84-06-004
248-84-002	AMD	84-14-090	251-18-030	REP-P	84-06-065	251-18-350	AMD-C	84-12-088
248-84-030	AMD-P	84-10-044	251-18-030	REP-C	84-10-055	251-18-355	NEW-P	84-02-067
248-84-030	AMD	84-14-090	251-18-050	AMD-P	84-06-065	251-18-355	NEW-C	84-06-004
248-84-035	AMD-P	84-10-044	251-18-050	AMD	84-10-056	251-18-355	NEW-C	84-12-088

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251-18-361	NEW-P	84-02-067	262-01-050	NEW	84-04-042	275-60-040	NEW-P	84-10-009
251-18-361	NEW-C	84-06-004	263-12-115	AMD-C	84-04-025	275-60-040	NEW	84-13-029
251-18-361	NEW-C	84-12-088	263-12-115	AMD-C	84-04-058	275-60-050	NEW-P	84-10-009
251-20-010	AMD-P	84-12-087	263-12-115	AMD-E	84-04-059	275-60-050	NEW	84-13-029
251-20-010	AMD-E	84-14-079	263-12-115	AMD	84-08-036	275-60-060	NEW-P	84-10-009
251-20-020	AMD-P	84-12-087	275-16-030	AMD-P	84-13-067	275-60-060	NEW	84-13-029
251-20-020	AMD-E	84-14-079	275-16-030	AMD-E	84-14-043	275-60-070	NEW-P	84-10-009
251-20-030	AMD-P	84-12-087	275-27-020	AMD-P	84-12-036	275-60-070	NEW	84-13-029
251-20-030	AMD-E	84-14-079	275-27-030	AMD-P	84-12-036	275-60-200	NEW-P	84-10-009
251-20-040	AMD-P	84-12-087	275-27-040	AMD-P	84-12-036	275-60-200	NEW	84-13-029
251-20-040	AMD-E	84-14-079	275-27-050	AMD-P	84-12-036	275-60-300	NEW-P	84-10-009
251-20-045	NEW-P	84-12-087	275-27-060	AMD-P	84-12-036	275-60-300	NEW	84-13-029
251-20-045	NEW-E	84-14-079	275-27-210	AMD-P	84-12-036	275-60-400	NEW-P	84-10-009
251-20-050	AMD-P	84-12-087	275-27-230	AMD-P	84-12-036	275-60-400	NEW	84-13-029
251-20-050	AMD-E	84-14-079	275-27-240	AMD-P	84-12-036	275-60-500	NEW-P	84-10-009
251-22-070	AMD-P	84-04-070	275-27-250	AMD-P	84-12-036	275-60-500	NEW	84-13-029
251-22-070	AMD-E	84-04-071	275-27-300	AMD-P	84-12-036	275-60-510	NEW-P	84-10-009
251-22-070	AMD	84-08-032	275-27-400	AMD-P	84-12-036	275-60-510	NEW	84-13-029
251-22-090	AMD-P	84-09-068	275-27-500	AMD-P	84-08-015	275-60-520	NEW-P	84-10-009
251-22-090	AMD-E	84-10-018	275-27-500	AMD-C	84-12-032	275-60-520	NEW	84-13-029
251-22-090	AMD	84-12-047	275-27-800	NEW-P	84-04-009	275-88-005	REP-P	84-14-076
251-22-091	REP-P	84-09-068	275-27-800	NEW-E	84-04-010	275-88-006	REP-P	84-14-076
251-22-091	REP-E	84-10-018	275-27-800	NEW	84-07-018	275-88-010	REP-P	84-14-076
251-22-091	REP	84-12-047	275-27-810	NEW-P	84-04-009	275-88-015	REP-P	84-14-076
251-22-200	AMD-P	84-09-068	275-27-810	NEW-E	84-04-010	275-88-020	REP-P	84-14-076
251-22-200	AMD	84-12-047	275-27-810	NEW	84-07-018	275-88-025	REP-P	84-14-076
260-32-160	AMD-P	84-11-099	275-27-820	NEW-P	84-04-009	275-88-030	REP-P	84-14-076
260-56-030	AMD-P	84-11-099	275-27-820	NEW-E	84-04-010	275-88-035	REP-P	84-14-076
260-70-010	AMD-P	84-04-061	275-27-820	NEW	84-07-018	275-88-040	REP-P	84-14-076
260-70-010	AMD	84-06-061	275-31-005	NEW	84-03-054	275-88-045	REP-P	84-14-076
260-70-021	AMD-P	84-04-061	275-31-010	NEW	84-03-054	275-88-050	REP-P	84-14-076
260-70-021	AMD	84-06-061	275-31-020	NEW	84-03-054	275-88-055	REP-P	84-14-076
260-70-025	NEW-P	84-04-061	275-31-030	NEW	84-03-054	275-88-060	REP-P	84-14-076
260-70-025	NEW	84-06-061	275-31-040	NEW	84-03-054	275-88-065	REP-P	84-14-076
260-70-026	NEW-P	84-04-061	275-31-050	NEW	84-03-054	275-88-070	REP-P	84-14-076
260-70-026	NEW	84-06-061	275-31-070	NEW	84-03-054	275-88-075	REP-P	84-14-076
260-70-027	NEW-P	84-04-061	275-31-080	NEW	84-03-054	275-88-080	REP-P	84-14-076
260-70-027	NEW	84-06-061	275-31-090	NEW	84-03-054	275-88-085	REP-P	84-14-076
260-70-028	NEW-P	84-04-061	275-33-010	NEW-E	84-06-016	275-88-090	REP-P	84-14-076
260-70-028	NEW	84-06-061	275-33-010	NEW-P	84-06-025	275-88-093	REP-P	84-14-076
260-70-029	NEW-P	84-04-061	275-33-010	NEW	84-10-032	275-88-095	REP-P	84-14-076
260-70-029	NEW	84-06-061	275-33-020	NEW-E	84-06-016	275-88-097	REP-P	84-14-076
260-70-031	NEW-P	84-04-061	275-33-020	NEW-P	84-06-025	275-88-100	REP-P	84-14-076
260-70-031	NEW	84-06-061	275-33-020	NEW	84-10-032	275-88-105	REP-P	84-14-076
260-70-032	NEW-P	84-04-061	275-33-030	NEW-E	84-06-016	275-88-110	REP-P	84-14-076
260-70-032	NEW	84-06-061	275-33-030	NEW-P	84-06-025	275-88-115	REP-P	84-14-076
260-70-090	AMD-P	84-04-061	275-33-030	NEW	84-10-032	275-88-120	REP-P	84-14-076
260-70-090	AMD	84-06-061	275-33-040	NEW-E	84-06-016	275-88-130	REP-P	84-14-076
260-70-100	AMD-P	84-04-061	275-33-040	NEW-P	84-06-025	275-91-011	REP-E	84-13-007
260-70-100	AMD	84-06-061	275-33-040	NEW	84-10-032	275-91-011	REP-P	84-13-075
260-84-010	AMD-P	84-11-099	275-33-050	NEW-E	84-06-016	275-91-021	REP-E	84-13-007
261-20	AMD-P	84-09-021	275-33-050	NEW-P	84-06-025	275-91-021	REP-P	84-13-075
261-20	AMD-C	84-10-013	275-33-050	NEW	84-10-032	275-91-031	REP-E	84-13-007
261-20	AMD	84-13-009	275-33-060	NEW-E	84-06-016	275-91-031	REP-P	84-13-075
261-20	AMD-P	84-14-074	275-33-060	NEW-P	84-06-025	275-91-041	REP-E	84-13-007
261-50-010	NEW-E	84-13-010	275-38-600	NEW	84-10-032	275-91-041	REP-P	84-13-075
261-50-010	NEW-P	84-14-075	275-38-600	AMD-P	84-05-056	275-91-050	REP-E	84-13-007
261-50-020	NEW-E	84-13-010	275-38-600	AMD	84-09-018	275-91-050	REP-P	84-13-075
261-50-020	NEW-P	84-14-075	275-38-730	AMD-P	84-04-056	275-91-060	REP-E	84-13-007
261-50-030	NEW-E	84-13-010	275-38-730	AMD	84-09-032	275-91-060	REP-P	84-13-075
261-50-030	NEW-P	84-14-075	275-55-020	AMD	84-03-035	275-91-070	REP-E	84-13-007
261-50-040	NEW-E	84-13-010	275-55-161	AMD	84-03-035	275-91-070	REP-P	84-13-075
261-50-040	NEW-P	84-14-075	275-55-263	AMD	84-03-035	284-44-020	REP-P	84-04-032
261-50-045	NEW-E	84-13-010	275-55-271	AMD	84-03-035	284-44-020	REP	84-08-001
261-50-045	NEW-P	84-14-075	275-55-281	AMD	84-03-035	284-44-400	NEW-P	84-04-032
261-50-050	NEW-E	84-13-010	275-55-291	AMD	84-03-035	284-44-400	NEW	84-08-001
261-50-050	NEW-P	84-14-075	275-55-293	AMD	84-03-035	284-44-410	NEW-P	84-04-032
261-50-060	NEW-E	84-13-010	275-55-297	AMD	84-03-035	284-44-410	NEW	84-08-001
261-50-060	NEW-P	84-14-075	275-55-301	AMD	84-03-035	284-46-010	NEW-P	84-04-033
261-50-065	NEW-E	84-13-010	275-55-331	AMD	84-03-035	284-46-010	NEW	84-08-002
261-50-065	NEW-P	84-14-075	275-55-371	AMD	84-03-035	284-46-020	NEW-P	84-04-033
261-50-070	NEW-E	84-13-010	275-60-010	NEW-P	84-10-009	284-46-020	NEW	84-08-002
261-50-070	NEW-P	84-14-075	275-60-010	NEW	84-13-029	286-26-020	AMD-P	84-12-049
262-01-010	NEW	84-04-042	275-60-020	NEW-P	84-10-009	286-26-055	AMD-P	84-12-049
262-01-020	NEW	84-04-042	275-60-020	NEW	84-13-029	289-02-020	AMD-P	84-09-065
262-01-030	NEW	84-04-042	275-60-030	NEW-P	84-10-009	289-15-130	AMD-P	84-09-066
262-01-040	NEW	84-04-042	275-60-030	NEW	84-13-029	289-15-225	AMD-P	84-09-067

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
289-15-230	AMD-P	84-09-066	296-17-895	AMD-P	84-09-035	296-46-905	REP-P	84-07-010
289-16-100	AMD-P	84-09-065	296-17-895	AMD-E	84-09-036	296-62-054	NEW-P	84-09-029
289-16-200	AMD-P	84-09-065	296-17-895	AMD	84-12-048	296-62-054	NEW	84-13-001
296-04-500	REP	84-04-024	296-17-905	AMD-P	84-02-060	296-62-05403	NEW-P	84-09-029
296-04-501	REP	84-04-024	296-17-905	AMD	84-06-024	296-62-05403	NEW	84-13-001
296-04-502	REP	84-04-024	296-17-910	AMD-P	84-02-060	296-62-05405	NEW-P	84-09-029
296-04-503	REP	84-04-024	296-17-910	AMD	84-06-024	296-62-05405	NEW	84-13-001
296-04-504	REP	84-04-024	296-17-911	AMD-P	84-02-060	296-62-05407	NEW-P	84-09-029
296-04-505	REP	84-04-024	296-17-911	AMD	84-06-024	296-62-05407	NEW	84-13-001
296-04-506	REP	84-04-024	296-17-913	AMD-P	84-02-060	296-62-05409	NEW-P	84-09-029
296-13	AMD-P	84-13-003	296-17-913	AMD	84-06-024	296-62-05409	NEW	84-13-001
296-13-001	AMD-P	84-13-003	296-17-914	AMD-P	84-02-060	296-62-05411	NEW-P	84-09-029
296-13-010	AMD-P	84-13-003	296-17-914	AMD	84-06-024	296-62-05411	NEW	84-13-001
296-13-020	AMD-P	84-13-003	296-17-916	AMD-P	84-02-060	296-62-05413	NEW-P	84-09-029
296-13-030	AMD-P	84-13-003	296-17-916	AMD	84-06-024	296-62-05413	NEW	84-13-001
296-13-035	NEW-P	84-13-003	296-17-917	AMD-P	84-02-060	296-62-05415	NEW-P	84-09-029
296-13-040	AMD-P	84-13-003	296-17-917	AMD	84-06-024	296-62-05415	NEW	84-13-001
296-13-045	NEW-P	84-13-003	296-17-918	NEW-P	84-02-060	296-62-05417	NEW-P	84-09-029
296-13-050	AMD-P	84-13-003	296-17-918	NEW	84-06-018	296-62-05417	NEW	84-13-001
296-13-052	NEW-P	84-13-003	296-17-919	AMD-P	84-02-060	296-62-05419	NEW-P	84-09-029
296-13-053	NEW-P	84-13-003	296-17-919	AMD	84-06-024	296-62-05419	NEW	84-13-001
296-13-055	NEW-P	84-13-003	296-17-91901	AMD-P	84-02-060	296-62-05421	NEW-P	84-09-029
296-13-057	NEW-P	84-13-003	296-17-91901	AMD	84-06-024	296-62-05421	NEW	84-13-001
296-13-060	AMD-P	84-13-003	296-17-91902	AMD-P	84-02-060	296-62-05423	NEW-P	84-09-029
296-13-070	REP-P	84-13-003	296-17-91902	AMD	84-06-024	296-62-05423	NEW	84-13-001
296-13-080	AMD-P	84-13-003	296-19-010	REP-P	84-02-059	296-62-05425	NEW-P	84-09-029
296-13-090	AMD-P	84-13-003	296-19-010	REP	84-06-018	296-62-05425	NEW	84-13-001
296-13-100	AMD-P	84-13-003	296-24-073	AMD-E	84-10-016	296-81-007	AMD-C	84-03-008
296-13-110	AMD-P	84-13-003	296-46-110	AMD-P	84-07-010	296-81-007	AMD	84-05-005
296-13-120	REP-P	84-13-003	296-46-110	AMD-E	84-08-006	296-81-340	AMD-C	84-03-008
296-13-130	NEW-P	84-13-003	296-46-110	AMD-E	84-13-004	296-81-340	AMD	84-05-005
296-13-140	NEW-P	84-13-003	296-46-120	REP-P	84-07-010	296-81-360	AMD-C	84-03-008
296-13-150	NEW-P	84-13-003	296-46-130	AMD-P	84-07-010	296-81-360	AMD	84-05-005
296-13-160	NEW-P	84-13-003	296-46-140	AMD-P	84-07-010	296-81-991	NEW-C	84-03-008
296-13-170	NEW-P	84-13-003	296-46-150	AMD-P	84-07-010	296-81-991	NEW	84-05-005
296-13-180	NEW-P	84-13-003	296-46-160	AMD-P	84-07-010	296-93-010	NEW-P	84-05-032
296-13-190	NEW-P	84-13-003	296-46-170	REP-P	84-07-010	296-93-010	NEW	84-10-025
296-13-200	NEW-P	84-13-003	296-46-180	AMD-P	84-07-010	296-93-020	NEW-P	84-05-032
296-13-210	NEW-P	84-13-003	296-46-190	REP-P	84-07-010	296-93-020	NEW	84-10-025
296-13-220	NEW-P	84-13-003	296-46-200	AMD-P	84-07-010	296-93-030	NEW-P	84-05-032
296-13-230	NEW-P	84-13-003	296-46-210	REP-P	84-07-010	296-93-030	NEW	84-10-025
296-13-240	NEW-P	84-13-003	296-46-220	AMD-P	84-07-010	296-93-040	NEW-P	84-05-032
296-13-250	NEW-P	84-13-003	296-46-230	REP-P	84-07-010	296-93-040	NEW	84-10-025
296-13-260	NEW-P	84-13-003	296-46-240	AMD-P	84-07-010	296-93-050	NEW-P	84-05-032
296-13-270	NEW-P	84-13-003	296-46-242	REP-P	84-07-010	296-93-050	NEW	84-10-025
296-13-280	NEW-P	84-13-003	296-46-244	REP-P	84-07-010	296-93-060	NEW-P	84-05-032
296-13-290	NEW-P	84-13-003	296-46-270	REP-P	84-07-010	296-93-060	NEW	84-10-025
296-13-300	NEW-P	84-13-003	296-46-280	REP-P	84-07-010	296-93-070	NEW-P	84-05-032
296-13-310	NEW-P	84-13-003	296-46-290	REP-P	84-07-010	296-93-070	NEW	84-10-025
296-13-320	NEW-P	84-13-003	296-46-300	REP-P	84-07-010	296-93-080	NEW-P	84-05-032
296-13-330	NEW-P	84-13-003	296-46-335	REP-P	84-07-010	296-93-080	NEW	84-10-025
296-13-340	NEW-P	84-13-003	296-46-336	NEW-P	84-07-010	296-93-090	NEW-P	84-05-032
296-13-350	NEW-P	84-13-003	296-46-350	AMD-P	84-07-010	296-93-090	NEW	84-10-025
296-13-360	NEW-P	84-13-003	296-46-355	REP-P	84-07-010	296-93-100	NEW-P	84-05-032
296-13-370	NEW-P	84-13-003	296-46-360	AMD-P	84-07-010	296-93-100	NEW	84-10-025
296-13-380	NEW-P	84-13-003	296-46-370	AMD-P	84-07-010	296-93-110	NEW-P	84-05-032
296-13-390	NEW-P	84-13-003	296-46-380	REP-P	84-07-010	296-93-110	NEW	84-10-025
296-13-400	NEW-P	84-13-003	296-46-390	REP-P	84-07-010	296-93-120	NEW-P	84-05-032
296-13-410	NEW-P	84-13-003	296-46-420	AMD-P	84-07-010	296-93-120	NEW	84-10-025
296-13-420	NEW-P	84-13-003	296-46-424	REP-P	84-07-010	296-93-130	NEW-P	84-05-032
296-13-430	NEW-P	84-13-003	296-46-426	REP-P	84-07-010	296-93-130	NEW	84-10-025
296-13-440	NEW-P	84-13-003	296-46-480	AMD-P	84-07-010	296-93-140	NEW-P	84-05-032
296-14-010	AMD-P	84-02-059	296-46-490	AMD-P	84-07-010	296-93-140	NEW	84-10-025
296-14-010	AMD	84-06-018	296-46-495	REP-P	84-07-010	296-93-150	NEW-P	84-05-032
296-15-02601	AMD-P	84-02-078	296-46-500	REP-P	84-07-010	296-93-150	NEW	84-10-025
296-15-02601	AMD	84-06-031	296-46-501	REP-P	84-07-010	296-93-160	NEW-P	84-05-032
296-15-21001	REP-P	84-02-078	296-46-535	REP-P	84-07-010	296-93-160	NEW	84-10-025
296-15-21001	REP	84-06-031	296-46-540	REP-P	84-07-010	296-93-170	NEW-P	84-05-032
296-17-350	AMD-P	84-08-077	296-46-545	REP-P	84-07-010	296-93-170	NEW	84-10-025
296-17-350	AMD	84-11-034	296-46-550	REP-P	84-07-010	296-93-180	NEW-P	84-05-032
296-17-35101	NEW-P	84-02-059	296-46-555	REP-P	84-07-010	296-93-180	NEW	84-10-025
296-17-35101	NEW	84-06-018	296-46-560	REP-P	84-07-010	296-93-190	NEW-P	84-05-032
296-17-765	AMD-P	84-09-035	296-46-565	REP-P	84-07-010	296-93-190	NEW	84-10-025
296-17-765	AMD-E	84-09-036	296-46-590	REP-P	84-07-010	296-93-200	NEW-P	84-05-032
296-17-765	AMD	84-12-048	296-46-59005	REP-P	84-07-010	296-93-200	NEW	84-10-025
296-17-779	NEW-P	84-08-077	296-46-59010	REP-P	84-07-010	296-93-210	NEW-P	84-05-032
296-17-779	NEW	84-11-034	296-46-900	REP-P	84-07-010	296-93-210	NEW	84-10-025

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296-93-220	NEW-P	84-05-032	308-20-130	NEW-E	84-14-063
296-93-220	NEW	84-10-025	308-20-140	NEW-E	84-14-063
296-93-230	NEW-P	84-05-032	308-20-150	NEW-E	84-14-063
296-93-230	NEW	84-10-025	308-20-160	NEW-E	84-14-063
296-93-240	NEW-P	84-05-032	308-20-180	NEW-E	84-14-063
296-93-240	NEW	84-10-025	308-20-190	NEW-E	84-14-063
296-93-250	NEW-P	84-05-032	308-20-200	NEW-E	84-14-063
296-93-250	NEW	84-10-025	308-25-020	REP	84-04-088
296-93-260	NEW-P	84-05-032	308-25-025	NEW	84-04-088
296-93-260	NEW	84-10-025	308-25-025	AMD-P	84-07-049
296-93-270	NEW-P	84-05-032	308-25-025	AMD	84-10-063
296-93-270	NEW	84-10-025	308-25-030	AMD	84-04-088
296-93-280	NEW-P	84-05-032	308-25-040	REP	84-04-088
296-93-280	NEW	84-10-025	308-25-070	AMD	84-04-088
296-93-290	NEW-P	84-05-032	308-26-015	AMD-P	84-04-085
296-93-290	NEW	84-10-025	308-26-015	AMD	84-08-019
296-93-300	NEW-P	84-05-032	308-26-017	AMD-P	84-04-085
296-93-300	NEW	84-10-025	308-26-017	AMD	84-08-019
296-93-320	NEW-P	84-05-032	308-31-015	NEW	84-02-077
296-93-320	NEW	84-10-025	308-31-020	AMD	84-02-077
296-93-330	NEW-P	84-05-032	308-31-100	NEW	84-02-077
296-93-330	NEW	84-10-025	308-31-110	NEW	84-02-077
296-104-200	AMD-P	84-06-010	308-31-120	NEW	84-02-077
296-104-200	AMD	84-11-016	308-31-500	NEW	84-02-077
296-104-700	AMD-P	84-06-010	308-31-510	NEW	84-02-077
296-104-700	AMD	84-11-016	308-31-520	NEW	84-02-077
296-116-070	AMD-P	84-07-027	308-31-530	NEW	84-02-077
296-116-070	AMD	84-11-056	308-31-540	NEW	84-02-077
296-116-300	AMD	84-04-006	308-31-550	NEW	84-02-077
296-116-300	AMD-E	84-04-007	308-31-560	NEW	84-02-077
296-116-330	REP-P	84-07-028	308-31-570	NEW	84-02-077
296-116-330	REP-E	84-08-013	308-37-150	NEW-P	84-02-076
296-116-330	REP	84-11-041	308-37-150	NEW	84-05-070
296-200-300	NEW-E	84-03-003	308-40-102	AMD-P	84-04-087
296-200-300	NEW-P	84-04-072	308-40-102	AMD	84-07-050
296-200-300	NEW-C	84-07-021	308-40-104	AMD-P	84-07-048
296-200-300	NEW	84-12-018	308-40-104	AMD	84-11-025
296-200-310	NEW-E	84-03-003	308-42-010	AMD-P	84-10-060
296-200-310	NEW-P	84-04-072	308-42-010	AMD	84-13-057
296-200-310	NEW-C	84-07-021	308-42-020	REP	84-03-055
296-200-310	NEW	84-12-018	308-42-030	REP	84-03-055
296-200-320	NEW-E	84-03-003	308-42-035	REP	84-03-055
296-200-320	NEW-P	84-04-072	308-42-040	AMD	84-03-055
296-200-320	NEW-C	84-07-021	308-42-045	AMD-P	84-10-060
296-200-320	NEW	84-12-018	308-42-045	AMD-P	84-13-058
296-400-300	NEW-P	84-04-072	308-42-050	REP	84-03-055
296-400-300	NEW-C	84-07-021	308-42-055	REP	84-03-055
296-400-300	NEW	84-12-018	308-42-060	AMD-P	84-10-060
304-12-015	REP-P	84-04-089	308-42-060	AMD-P	84-13-058
304-12-015	REP	84-07-020	308-42-070	AMD	84-03-055
304-12-020	NEW-P	84-04-089	308-42-120	AMD	84-03-055
304-12-020	NEW	84-07-020	308-42-125	NEW-P	84-10-060
304-12-025	NEW-P	84-04-089	308-42-125	NEW	84-13-057
304-12-025	NEW	84-07-020	308-42-130	NEW-P	84-10-060
304-12-125	AMD-P	84-04-089	308-42-130	NEW	84-13-057
304-12-125	AMD	84-07-020	308-42-135	NEW-P	84-10-060
304-25-040	AMD-P	84-04-089	308-42-135	NEW-P	84-13-058
304-25-040	AMD	84-07-020	308-42-140	NEW-P	84-10-060
304-25-090	REP-P	84-04-089	308-42-140	NEW	84-13-057
304-25-090	REP	84-07-020	308-42-145	NEW-P	84-10-060
304-25-100	REP-P	84-04-089	308-42-145	NEW-P	84-13-058
304-25-100	REP	84-07-020	308-42-150	NEW-P	84-10-060
308-12-031	AMD	84-04-028	308-42-150	NEW	84-13-057
308-12-050	AMD	84-04-028	308-42-155	NEW-P	84-10-060
308-12-110	AMD	84-04-028	308-42-155	NEW	84-13-057
308-20-010	NEW-E	84-14-063	308-42-160	NEW-P	84-10-060
308-20-020	NEW-E	84-14-063	308-42-160	NEW-P	84-13-058
308-20-030	NEW-E	84-14-063	308-42-200	NEW-P	84-13-083
308-20-040	NEW-E	84-14-063	308-48-145	NEW-P	84-08-061
308-20-050	NEW-E	84-14-063	308-48-145	NEW	84-11-059
308-20-060	NEW-E	84-14-063	308-50-010	AMD-E	84-03-018
308-20-070	NEW-E	84-14-063	308-50-010	AMD-P	84-04-048
308-20-080	NEW-E	84-14-063	308-50-010	AMD	84-08-062
308-20-090	NEW-E	84-14-063	308-50-020	AMD-E	84-03-018
308-20-100	NEW-E	84-14-063	308-50-020	AMD-P	84-04-048
308-20-110	NEW-E	84-14-063	308-50-020	AMD-P	84-10-059
308-20-120	NEW-E	84-14-063	308-50-020	AMD-P	84-14-097
308-50-050	REP-P	84-04-048	308-50-050	REP-P	84-04-048
308-50-050	REP	84-08-062	308-50-050	REP	84-08-062
308-50-090	AMD-E	84-03-018	308-50-090	AMD-E	84-03-018
308-50-090	AMD-P	84-10-081	308-50-090	AMD-P	84-10-081
308-50-090	AMD-P	84-14-096	308-50-100	AMD-P	84-04-048
308-50-100	AMD-P	84-04-048	308-50-100	AMD-P	84-04-048
308-50-100	AMD	84-08-062	308-50-100	AMD	84-08-062
308-50-110	AMD-P	84-10-059	308-50-100	AMD	84-10-062
308-50-110	AMD-P	84-14-100	308-50-110	AMD-P	84-04-048
308-50-110	AMD-P	84-10-062	308-50-110	AMD-P	84-10-059
308-50-120	AMD-P	84-14-100	308-50-110	AMD-P	84-14-097
308-50-120	AMD	84-10-062	308-50-120	AMD-P	84-04-048
308-50-130	AMD-P	84-14-096	308-50-120	AMD	84-08-062
308-50-140	READOPT	84-10-100	308-50-130	AMD-P	84-14-096
308-50-140	READOPT	84-10-062	308-50-140	AMD	84-10-062
308-50-150	READOPT	84-14-100	308-50-140	READOPT	84-14-100
308-50-160	READOPT	84-10-062	308-50-150	READOPT	84-14-100
308-50-160	READOPT	84-14-100	308-50-160	READOPT	84-10-062
308-50-170	READOPT	84-10-062	308-50-160	READOPT	84-14-100
308-50-170	READOPT	84-14-100	308-50-170	READOPT	84-10-062
308-50-180	READOPT	84-10-062	308-50-170	READOPT	84-14-100
308-50-180	READOPT	84-14-100	308-50-180	READOPT	84-10-062
308-50-190	READOPT	84-10-062	308-50-180	READOPT	84-14-100
308-50-190	READOPT	84-14-100	308-50-190	READOPT	84-10-062
308-50-200	READOPT	84-10-062	308-50-190	READOPT	84-14-100
308-50-200	READOPT	84-14-100	308-50-200	READOPT	84-10-062
308-50-210	READOPT	84-10-062	308-50-210	READOPT	84-10-062
308-50-210	READOPT	84-14-100	308-50-210	READOPT	84-14-100
308-50-220	AMD-P	84-10-062	308-50-220	AMD-P	84-10-062
308-50-220	AMD	84-14-100	308-50-220	AMD	84-14-100
308-50-230	READOPT	84-10-062	308-50-230	READOPT	84-10-062
308-50-230	READOPT	84-14-100	308-50-230	READOPT	84-14-100
308-50-240	READOPT	84-10-062	308-50-240	READOPT	84-10-062
308-50-240	READOPT	84-14-100	308-50-240	READOPT	84-14-100
308-50-250	READOPT	84-10-062	308-50-250	READOPT	84-10-062
308-50-250	READOPT	84-14-100	308-50-250	READOPT	84-14-100
308-50-260	READOPT	84-10-062	308-50-260	READOPT	84-10-062
308-50-260	READOPT	84-14-100	308-50-260	READOPT	84-14-100
308-50-270	READOPT	84-10-062	308-50-270	READOPT	84-10-062
308-50-270	READOPT	84-14-100	308-50-270	READOPT	84-14-100
308-50-280	READOPT	84-10-062	308-50-280	READOPT	84-10-062
308-50-280	READOPT	84-14-100	308-50-280	READOPT	84-14-100
308-50-290	READOPT	84-10-062	308-50-290	READOPT	84-10-062
308-50-290	READOPT	84-14-100	308-50-290	READOPT	84-14-100
308-50-295	READOPT	84-10-062	308-50-295	READOPT	84-10-062
308-50-295	READOPT	84-14-100	308-50-295	READOPT	84-14-100
308-52-100	AMD-P	84-12-090	308-52-100	AMD-P	84-12-090
308-52-255	AMD-P	84-12-090	308-52-255	AMD-P	84-12-090
308-53-030	AMD-P	84-05-069	308-53-030	AMD-P	84-05-069
308-53-030	AMD	84-09-082	308-53-030	AMD	84-09-082
308-53-085	AMD-P	84-05-069	308-53-085	AMD-P	84-05-069
308-53-085	AMD	84-09-082	308-53-085	AMD	84-09-082
308-53-120	AMD-P	84-05-069	308-53-120	AMD-P	84-05-069
308-53-120	AMD	84-09-082	308-53-120	AMD	84-09-082
308-53-190	REP-P	84-05-069	308-53-190	REP-P	84-05-069
308-53-190	REP	84-09-082	308-53-190	REP	84-09-082
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308-54-140	AMD-P	84-04-086	308-54-140	AMD-P	84-04-086
308-54-140	AMD	84-07-051	308-54-140	AMD	84-07-051
308-54-150	AMD-P	84-04-086	308-54-150	AMD-P	84-04-086
308-54-150	AMD	84-07-051	308-54-150	AMD	84-07-051
308-78-010	AMD-P	84-06-066	308-78-010	AMD-P	84-06-066
308-78-040	AMD-P	84-06-066	308-78-040	AMD-P	84-06-066
308-78-045	AMD-P	84-06-066	308-78-045	AMD-P	84-06-066
308-78-050	AMD-P	84-06-066	308-78-050	AMD-P	84-06-066
308-78-070	AMD-P	84-06-066	308-78-070	AMD-P	84-06-066
308-93-010	AMD-P	84-10-081	308-93-010	AMD-P	84-10-081
308-93-010	AMD-P	84-13-082	308-93-010	AMD-P	84-13-082
308-93-010	AMD-E	84-13-087	308-93-010	AMD-E	84-13-087
308-93-020	AMD-P	84-10-081	308-93-020	AMD-P	84-10-081
308-93-020	AMD	84-13-086	308-93-020	AMD	84-13-086
308-93-020	AMD-E	84-13-087	308-93-020	AMD-E	84-13-087
308-93-030	AMD-P	84-10-081	308-93-030	AMD-P	84-10-081
308-93-030	AMD-P	84-13-082	308-93-030	AMD-P	84-13-082
308-93-030	AMD-E	84-13-087	308-93-030	AMD-E	84-13-087
308-93-040	AMD-P	84-10-081	308-93-040	AMD-P	84-10-081
308-93-040	AMD-P	84-13-082	308-93-040	AMD-P	84-13-082

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308-93-050	AMD-P	84-10-081	308-93-610	REP-P	84-10-081	315-04-133	NEW-E	84-11-012
308-93-050	AMD-P	84-13-082	308-93-610	REP	84-13-086	315-04-133	NEW	84-12-057
308-93-050	AMD-E	84-13-087	308-93-640	AMD-P	84-10-081	315-04-134	NEW-P	84-09-085
308-93-060	AMD-P	84-10-081	308-93-640	AMD-P	84-13-082	315-04-134	NEW-E	84-11-012
308-93-060	AMD-P	84-13-082	308-93-640	AMD-E	84-13-087	315-04-134	NEW	84-12-057
308-93-060	AMD-E	84-13-087	308-93-650	NEW-P	84-06-056	315-04-180	AMD	84-05-008
308-93-070	AMD-P	84-10-081	308-93-650	NEW	84-11-060	315-06-120	AMD-P	84-05-050
308-93-070	AMD	84-13-086	308-96A-310	NEW-E	84-13-063	315-06-120	AMD	84-09-008
308-93-070	AMD-E	84-13-087	308-96A-310	NEW-P	84-13-065	315-06-130	AMD	84-05-008
308-93-075	NEW-P	84-10-081	308-96A-315	NEW-E	84-13-063	315-10-020	AMD	84-05-008
308-93-075	NEW	84-13-086	308-96A-315	NEW-P	84-13-065	315-10-030	AMD	84-05-008
308-93-075	NEW-E	84-13-087	308-96A-320	NEW-E	84-13-063	315-10-060	AMD	84-05-008
308-93-080	AMD-P	84-10-081	308-96A-320	NEW-P	84-13-065	315-11-071	AMD	84-05-008
308-93-080	AMD	84-13-086	308-96A-325	NEW-E	84-13-063	315-11-081	AMD	84-05-008
308-93-080	AMD-E	84-13-087	308-96A-325	NEW-P	84-13-065	315-11-101	AMD-E	84-03-026
308-93-085	NEW-P	84-10-081	308-96A-330	NEW-E	84-13-063	315-11-101	AMD-P	84-05-051
308-93-085	NEW	84-13-086	308-96A-330	NEW-P	84-13-065	315-11-101	AMD	84-09-008
308-93-085	NEW-E	84-13-087	308-96A-335	NEW-E	84-13-063	315-11-110	NEW-P	84-05-052
308-93-090	AMD-P	84-10-081	308-96A-335	NEW-P	84-13-065	315-11-110	NEW-E	84-05-053
308-93-090	AMD-P	84-13-082	308-96A-345	NEW-E	84-13-062	315-11-110	NEW	84-09-008
308-93-090	AMD-E	84-13-087	308-96A-345	NEW-P	84-13-064	315-11-111	NEW-P	84-05-052
308-93-110	AMD-P	84-10-081	308-96A-350	NEW-E	84-13-062	315-11-111	NEW-E	84-05-053
308-93-110	AMD	84-13-086	308-96A-350	NEW-P	84-13-064	315-11-111	NEW	84-09-008
308-93-110	AMD-E	84-13-087	308-96A-355	NEW-E	84-13-062	315-11-112	NEW-P	84-05-052
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308-93-135	NEW	84-13-086	308-96A-360	NEW-E	84-13-062	315-11-112	NEW	84-09-008
308-93-135	NEW-E	84-13-087	308-96A-360	NEW-P	84-13-064	315-11-120	NEW-P	84-07-053
308-93-140	AMD-P	84-10-081	308-96A-365	NEW-E	84-13-062	315-11-120	NEW-E	84-09-009
308-93-140	AMD	84-13-086	308-96A-365	NEW-P	84-13-064	315-11-120	NEW-P	84-09-085
308-93-140	AMD-E	84-13-087	308-96A-370	NEW-E	84-13-062	315-11-120	NEW	84-12-057
308-93-145	NEW-P	84-10-081	308-96A-370	NEW-P	84-13-064	315-11-121	NEW-P	84-07-053
308-93-145	NEW	84-13-086	308-96A-375	NEW-E	84-13-062	315-11-121	NEW-E	84-09-009
308-93-145	NEW-E	84-13-087	308-96A-375	NEW-P	84-13-064	315-11-121	NEW-P	84-09-085
308-93-146	NEW-P	84-13-082	308-96A-380	NEW-E	84-13-062	315-11-121	NEW	84-12-057
308-93-146	NEW-E	84-13-087	308-96A-380	NEW-P	84-13-064	315-11-122	NEW-P	84-07-053
308-93-150	AMD-P	84-10-081	308-138-200	AMD	84-05-011	315-11-122	NEW-E	84-09-009
308-93-150	AMD	84-13-086	308-138A-025	AMD	84-05-011	315-11-122	NEW-P	84-09-085
308-93-150	AMD-E	84-13-087	308-138B-120	REP	84-05-011	315-11-122	NEW	84-12-057
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308-93-160	AMD	84-13-086	314-12-160	REP	84-11-093	315-11-132	NEW-P	84-12-056
308-93-160	AMD-E	84-13-087	314-16-040	AMD-P	84-09-022	315-11-132	NEW-E	84-12-070
308-93-165	NEW-P	84-10-081	314-16-040	AMD	84-11-092	315-12-030	AMD	84-05-008
308-93-165	NEW	84-13-086	314-16-110	AMD	84-02-066	315-30-080	NEW	84-05-008
308-93-165	NEW-E	84-13-087	314-16-110	AMD-P	84-12-075	315-30-090	NEW	84-05-008
308-93-215	NEW-P	84-10-081	314-16-200	AMD-W	84-03-019	315-32	NEW-C	84-12-055
308-93-215	NEW	84-13-086	314-16-200	AMD-P	84-07-052	315-32-010	NEW-P	84-09-084
308-93-215	NEW-E	84-13-087	314-16-200	AMD-W	84-09-077	315-32-010	NEW-E	84-12-070
308-93-225	NEW-P	84-10-081	314-16-200	AMD-P	84-12-076	315-32-020	NEW-P	84-09-084
308-93-225	NEW	84-13-086	314-16-205	NEW-P	84-06-063	315-32-020	NEW-E	84-12-070
308-93-225	NEW-E	84-13-087	314-16-205	NEW	84-09-024	315-32-030	NEW-P	84-09-084
308-93-260	AMD-P	84-10-081	314-18-040	AMD-P	84-06-064	315-32-030	NEW-E	84-12-070
308-93-260	AMD	84-13-086	314-18-040	AMD	84-09-025	315-32-040	NEW-P	84-09-084
308-93-260	AMD-E	84-13-087	314-20-010	AMD-P	84-06-062	315-32-040	NEW-E	84-12-070
308-93-270	AMD-P	84-10-081	314-20-010	AMD	84-09-023	315-32-050	NEW-P	84-09-084
308-93-270	AMD	84-13-086	314-24-110	AMD-P	84-06-062	315-32-050	NEW-E	84-12-070
308-93-270	AMD-E	84-13-087	314-24-110	AMD	84-09-023	315-32-060	NEW-P	84-09-084
308-93-290	AMD-P	84-10-081	314-38-020	AMD-P	84-11-039	315-32-060	NEW-E	84-12-070
308-93-290	AMD	84-13-086	314-38-020	AMD	84-14-028	316-02-001	NEW-P	84-04-081
308-93-290	AMD-E	84-13-087	315-04-070	AMD-E	84-06-045	316-02-001	NEW	84-07-037
308-93-310	AMD-P	84-10-081	315-04-070	AMD-E	84-09-009	316-02-003	NEW-P	84-04-081
308-93-310	AMD	84-13-086	315-04-070	AMD-P	84-09-085	316-02-003	NEW	84-07-037
308-93-310	AMD-E	84-13-087	315-04-070	AMD	84-12-057	316-02-007	NEW-P	84-04-081
308-93-350	AMD-P	84-10-081	315-04-120	AMD-P	84-05-050	316-02-007	NEW	84-07-037
308-93-350	AMD	84-13-086	315-04-120	AMD-E	84-06-045	316-02-010	NEW-P	84-04-081
308-93-350	AMD-E	84-13-087	315-04-120	AMD	84-09-008	316-02-010	NEW	84-07-037
308-93-360	AMD-P	84-10-081	315-04-120	AMD-P	84-09-085	316-02-020	NEW-P	84-04-081
308-93-360	AMD	84-13-086	315-04-120	AMD-E	84-11-012	316-02-020	NEW	84-07-037
308-93-360	AMD-E	84-13-087	315-04-120	AMD	84-12-057	316-02-030	NEW-P	84-04-081
308-93-500	AMD-P	84-10-081	315-04-132	NEW-E	84-06-045	316-02-030	NEW	84-07-037
308-93-500	AMD	84-13-086	315-04-132	NEW-P	84-09-085	316-02-040	NEW-P	84-04-081
308-93-500	AMD-E	84-13-087	315-04-132	NEW-E	84-11-012	316-02-040	NEW	84-07-037
308-93-560	AMD-P	84-10-081	315-04-132	NEW	84-12-057	316-02-100	NEW-P	84-04-081
308-93-560	AMD	84-13-086	315-04-133	NEW-E	84-06-045	316-02-100	NEW	84-07-037

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316-35-210	NEW-P	84-04-081	316-55-170	NEW	84-07-037	316-75-230	NEW-P	84-04-081
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316-35-230	NEW-P	84-04-081	316-55-500	NEW	84-07-037	316-75-250	NEW-P	84-04-081
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316-35-250	NEW-P	84-04-081	316-55-505	NEW	84-07-037	316-75-270	NEW-P	84-04-081
316-35-250	NEW	84-07-037	316-55-510	NEW-P	84-04-081	316-75-270	NEW	84-07-037
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316-45-030	NEW-P	84-04-081	316-55-520	NEW	84-07-037	326-02-030	AMD-P	84-05-033
316-45-030	NEW	84-07-037	316-55-525	NEW-P	84-04-081	326-02-030	AMD-E	84-05-034
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316-45-090	NEW-P	84-04-081	316-65-001	NEW	84-07-037	326-06-020	NEW-P	84-05-033
316-45-090	NEW	84-07-037	316-65-010	NEW-P	84-04-081	326-06-020	NEW-E	84-05-034
316-45-110	NEW-P	84-04-081	316-65-010	NEW	84-07-037	326-06-020	NEW	84-09-002
316-45-110	NEW	84-07-037	316-65-030	NEW-P	84-04-081	326-06-020	NEW	84-09-002
316-45-130	NEW-P	84-04-081	316-65-030	NEW	84-07-037	326-06-030	NEW-P	84-05-033
316-45-130	NEW	84-07-037	316-65-050	NEW-P	84-04-081	326-06-030	NEW-E	84-05-034
316-45-150	NEW-P	84-04-081	316-65-050	NEW	84-07-037	326-06-030	NEW	84-09-002
316-45-150	NEW	84-07-037	316-65-090	NEW-P	84-04-081	326-06-040	NEW-P	84-05-033
316-45-170	NEW-P	84-04-081	316-65-090	NEW	84-07-037	326-06-040	NEW-E	84-05-034
316-45-170	NEW	84-07-037	316-65-110	NEW-P	84-04-081	326-06-040	NEW	84-09-002
316-45-190	NEW-P	84-04-081	316-65-110	NEW	84-07-037	326-06-050	NEW-P	84-05-033
316-45-190	NEW	84-07-037	316-65-130	NEW-P	84-04-081	326-06-050	NEW-E	84-05-034
316-45-210	NEW-P	84-04-081	316-65-130	NEW	84-07-037	326-06-050	NEW	84-09-002
316-45-210	NEW	84-07-037	316-65-150	NEW-P	84-04-081	326-06-060	NEW-P	84-05-033
316-45-230	NEW-P	84-04-081	316-65-150	NEW	84-07-037	326-06-060	NEW-E	84-05-034
316-45-230	NEW	84-07-037	316-65-500	NEW-P	84-04-081	326-06-060	NEW	84-09-002
316-45-250	NEW-P	84-04-081	316-65-500	NEW	84-07-037	326-06-070	NEW-P	84-05-033
316-45-250	NEW	84-07-037	316-65-510	NEW-P	84-04-081	326-06-070	NEW-E	84-05-034
316-45-270	NEW-P	84-04-081	316-65-510	NEW	84-07-037	326-06-070	NEW	84-09-002
316-45-270	NEW	84-07-037	316-65-515	NEW-P	84-04-081	326-06-080	NEW-P	84-05-033
316-45-290	NEW-P	84-04-081	316-65-515	NEW	84-07-037	326-06-080	NEW-E	84-05-034
316-45-290	NEW	84-07-037	316-65-525	NEW-P	84-04-081	326-06-080	NEW	84-09-002
316-45-310	NEW-P	84-04-081	316-65-525	NEW	84-07-037	326-06-090	NEW-P	84-05-033
316-45-310	NEW	84-07-037	316-65-530	NEW-P	84-04-081	326-06-090	NEW-E	84-05-034
316-45-330	NEW-P	84-04-081	316-65-530	NEW	84-07-037	326-06-090	NEW	84-09-002
316-45-330	NEW	84-07-037	316-65-535	NEW-P	84-04-081	326-06-100	NEW-P	84-05-033
316-45-350	NEW-P	84-04-081	316-65-535	NEW	84-07-037	326-06-100	NEW-E	84-05-034
316-45-350	NEW	84-07-037	316-65-540	NEW-P	84-04-081	326-06-100	NEW	84-09-002
316-45-370	NEW-P	84-04-081	316-65-540	NEW	84-07-037	326-06-110	NEW-P	84-05-033
316-45-370	NEW	84-07-037	316-65-545	NEW-P	84-04-081	326-06-110	NEW-E	84-05-034
316-45-390	NEW-P	84-04-081	316-65-545	NEW	84-07-037	326-06-110	NEW	84-09-002
316-45-390	NEW	84-07-037	316-65-550	NEW-P	84-04-081	326-06-120	NEW-P	84-05-033
316-45-410	NEW-P	84-04-081	316-65-550	NEW	84-07-037	326-06-120	NEW-E	84-05-034
316-45-410	NEW	84-07-037	316-65-555	NEW-P	84-04-081	326-06-130	NEW	84-09-002
316-45-430	NEW-P	84-04-081	316-65-555	NEW	84-07-037	326-06-130	NEW-P	84-05-033
316-45-430	NEW	84-07-037	316-65-560	NEW-P	84-04-081	326-06-130	NEW-E	84-05-034
316-45-550	NEW-P	84-04-081	316-65-560	NEW	84-07-037	326-06-140	NEW	84-09-002
316-45-550	NEW	84-07-037	316-75-001	NEW-P	84-04-081	326-06-140	NEW-P	84-05-033
316-55-001	NEW-P	84-04-081	316-75-001	NEW	84-07-037	326-06-160	NEW-E	84-05-034
316-55-001	NEW	84-07-037	316-75-010	NEW-P	84-04-081	326-06-160	NEW	84-09-002
316-55-010	NEW-P	84-04-081	316-75-010	NEW	84-07-037	326-08-010	NEW-P	84-05-033
316-55-010	NEW	84-07-037	316-75-030	NEW-P	84-04-081	326-08-010	NEW-E	84-05-034
316-55-020	NEW-P	84-04-081	316-75-030	NEW	84-07-037	326-08-010	NEW	84-09-002
316-55-020	NEW	84-07-037	316-75-050	NEW-P	84-04-081	326-08-010	NEW	84-09-002
316-55-030	NEW-P	84-04-081	316-75-050	NEW	84-07-037	326-08-020	NEW-P	84-05-033
316-55-030	NEW	84-07-037	316-75-070	NEW-P	84-04-081	326-08-020	NEW-E	84-05-034
316-55-050	NEW-P	84-04-081	316-75-070	NEW	84-07-037	326-08-020	NEW	84-09-002
316-55-050	NEW	84-07-037	316-75-090	NEW-P	84-04-081	326-08-020	NEW	84-09-002
316-55-070	NEW-P	84-04-081	316-75-090	NEW	84-07-037	326-08-030	NEW-P	84-05-033
316-55-070	NEW	84-07-037	316-75-110	NEW-P	84-04-081	326-08-030	NEW-E	84-05-034
316-55-090	NEW-P	84-04-081	316-75-110	NEW	84-07-037	326-08-030	NEW	84-09-002
316-55-090	NEW	84-07-037	316-75-130	NEW-P	84-04-081	326-08-040	NEW-P	84-05-033
316-55-110	NEW-P	84-04-081	316-75-130	NEW	84-07-037	326-08-040	NEW-E	84-05-034
316-55-110	NEW	84-07-037	316-75-150	NEW-P	84-04-081	326-08-040	NEW	84-09-002
316-55-130	NEW-P	84-04-081	316-75-150	NEW	84-07-037	326-08-050	NEW-P	84-05-033
316-55-130	NEW	84-07-037	316-75-170	NEW-P	84-04-081	326-08-050	NEW-E	84-05-034
316-55-150	NEW-P	84-04-081	316-75-170	NEW	84-07-037	326-08-050	NEW	84-09-002
316-55-150	NEW	84-07-037	316-75-190	NEW-P	84-04-081	326-08-060	NEW-P	84-05-033
316-55-160	NEW-P	84-04-081	316-75-190	NEW	84-07-037	326-08-060	NEW-E	84-05-034
316-55-160	NEW	84-07-037	316-75-210	NEW-P	84-04-081	326-08-060	NEW	84-09-002

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
326-08-070	NEW-P 84-05-033	330-01-050	NEW-E 84-03-042	332-40-350	REP-P 84-13-066
326-08-070	NEW-E 84-05-034	330-01-050	NEW 84-07-034	332-40-355	REP-P 84-13-066
326-08-070	NEW 84-09-002	330-01-060	NEW-P 84-03-041	332-40-360	REP-P 84-13-066
326-08-080	NEW-P 84-05-033	330-01-060	NEW-E 84-03-042	332-40-365	REP-P 84-13-066
326-08-080	NEW-E 84-05-034	330-01-060	NEW 84-07-034	332-40-370	REP-P 84-13-066
326-08-080	NEW 84-09-002	330-01-070	NEW-P 84-03-041	332-40-375	REP-P 84-13-066
326-08-090	NEW-P 84-05-033	330-01-070	NEW-E 84-03-042	332-40-400	REP-P 84-13-066
326-08-090	NEW-E 84-05-034	330-01-070	NEW 84-07-034	332-40-405	REP-P 84-13-066
326-08-090	NEW 84-09-002	330-01-080	NEW-P 84-03-041	332-40-410	REP-P 84-13-066
326-08-100	NEW-P 84-05-033	330-01-080	NEW-E 84-03-042	332-40-420	REP-P 84-13-066
326-08-100	NEW-E 84-05-034	330-01-080	NEW 84-07-034	332-40-425	REP-P 84-13-066
326-08-100	NEW 84-09-002	330-01-090	NEW-P 84-03-041	332-40-440	REP-P 84-13-066
326-08-110	NEW-P 84-05-033	330-01-090	NEW-E 84-03-042	332-40-442	REP-P 84-13-066
326-08-110	NEW-E 84-05-034	330-01-090	NEW 84-07-034	332-40-444	REP-P 84-13-066
326-08-110	NEW 84-09-002	332-21-010	NEW-P 84-13-039	332-40-446	REP-P 84-13-066
326-08-120	NEW-P 84-05-033	332-21-020	NEW-P 84-13-039	332-40-450	REP-P 84-13-066
326-08-120	NEW-E 84-05-034	332-21-030	NEW-P 84-13-039	332-40-455	REP-P 84-13-066
326-08-120	NEW 84-09-002	332-21-040	NEW-P 84-13-039	332-40-460	REP-P 84-13-066
326-08-130	NEW-P 84-05-033	332-21-050	NEW-P 84-13-039	332-40-465	REP-P 84-13-066
326-08-130	NEW-E 84-05-034	332-22-010	AMD-P 84-13-040	332-40-470	REP-P 84-13-066
326-08-130	NEW 84-09-002	332-22-020	AMD-P 84-13-040	332-40-480	REP-P 84-13-066
326-20-050	AMD-P 84-05-033	332-22-030	AMD-P 84-13-040	332-40-485	REP-P 84-13-066
326-20-050	AMD-E 84-05-034	332-22-040	AMD-P 84-13-040	332-40-490	REP-P 84-13-066
326-20-050	AMD 84-09-002	332-22-050	AMD-P 84-13-040	332-40-495	REP-P 84-13-066
326-20-060	AMD-P 84-05-033	332-22-060	AMD-P 84-13-040	332-40-500	REP-P 84-13-066
326-20-060	AMD-E 84-05-034	332-22-070	AMD-P 84-13-040	332-40-520	REP-P 84-13-066
326-20-060	AMD 84-09-002	332-22-080	AMD-P 84-13-040	332-40-530	REP-P 84-13-066
326-20-180	AMD-P 84-05-033	332-22-090	AMD-P 84-13-040	332-40-535	REP-P 84-13-066
326-20-180	AMD-E 84-05-034	332-22-100	AMD-P 84-13-040	332-40-540	REP-P 84-13-066
326-20-180	AMD 84-09-002	332-22-103	NEW-P 84-13-040	332-40-545	REP-P 84-13-066
326-20-210	AMD-P 84-05-033	332-22-105	NEW-P 84-13-040	332-40-570	REP-P 84-13-066
326-20-210	AMD-E 84-05-034	332-22-110	AMD-P 84-13-040	332-40-580	REP-P 84-13-066
326-20-210	AMD 84-09-002	332-22-120	AMD-P 84-13-040	332-40-600	REP-P 84-13-066
326-30-010	NEW 84-03-005	332-22-130	AMD-P 84-13-040	332-40-650	REP-P 84-13-066
326-30-020	NEW 84-03-005	332-22-140	AMD-P 84-13-040	332-40-652	REP-P 84-13-066
326-30-030	NEW 84-03-005	332-22-150	AMD-P 84-13-040	332-40-660	REP-P 84-13-066
326-30-035	NEW 84-03-005	332-26-010	NEW-E 84-09-014	332-40-690	REP-P 84-13-066
326-30-036	NEW-P 84-14-002	332-26-015	NEW-E 84-11-053	332-40-695	REP-P 84-13-066
326-30-036	NEW-E 84-14-003	332-30-108	NEW-P 84-06-068	332-40-700	REP-P 84-13-066
326-30-040	NEW 84-03-005	332-30-108	NEW-C 84-11-027	332-40-710	REP-P 84-13-066
326-30-050	NEW 84-03-005	332-40-010	REP-P 84-13-066	332-40-800	REP-P 84-13-066
326-30-060	NEW 84-03-005	332-40-020	REP-P 84-13-066	332-40-830	REP-P 84-13-066
326-30-070	NEW 84-03-005	332-40-025	REP-P 84-13-066	332-40-840	REP-P 84-13-066
326-30-080	NEW 84-03-005	332-40-030	REP-P 84-13-066	332-40-910	REP-P 84-13-066
326-30-090	NEW 84-03-005	332-40-035	REP-P 84-13-066	332-41-010	NEW-P 84-13-066
326-30-100	NEW 84-03-005	332-40-037	REP-P 84-13-066	332-41-020	NEW-P 84-13-066
326-30-100	AMD-P 84-03-048	332-40-040	REP-P 84-13-066	332-41-030	NEW-P 84-13-066
326-30-100	AMD-E 84-03-049	332-40-045	REP-P 84-13-066	332-41-040	NEW-P 84-13-066
326-30-100	AMD-P 84-05-033	332-40-050	REP-P 84-13-066	332-41-055	NEW-P 84-13-066
326-30-100	AMD-E 84-05-034	332-40-055	REP-P 84-13-066	332-41-310	NEW-P 84-13-066
326-30-100	AMD 84-06-017	332-40-060	REP-P 84-13-066	332-41-350	NEW-P 84-13-066
326-30-100	AMD 84-09-002	332-40-100	REP-P 84-13-066	332-41-420	NEW-P 84-13-066
326-30-100	AMD-P 84-14-002	332-40-160	REP-P 84-13-066	332-41-504	NEW-P 84-13-066
326-30-100	AMD-E 84-14-003	332-40-170	REP-P 84-13-066	332-41-508	NEW-P 84-13-066
326-30-110	NEW 84-03-005	332-40-175	REP-P 84-13-066	332-41-510	NEW-P 84-13-066
326-40	NEW-C 84-03-002	332-40-177	REP-P 84-13-066	332-41-665	NEW-P 84-13-066
326-40-010	NEW-E 84-05-034	332-40-180	REP-P 84-13-066	332-41-833	NEW-P 84-13-066
326-40-010	NEW 84-05-054	332-40-190	REP-P 84-13-066	332-41-910	NEW-P 84-13-066
326-40-020	NEW-E 84-05-034	332-40-200	REP-P 84-13-066	332-41-920	NEW-P 84-13-066
326-40-020	NEW 84-05-054	332-40-203	REP-P 84-13-066	332-41-950	NEW-P 84-13-066
326-40-100	NEW-P 84-05-033	332-40-205	REP-P 84-13-066	332-41-960	NEW-P 84-13-066
326-40-100	NEW-E 84-05-034	332-40-210	REP-P 84-13-066	332-41-970	NEW-P 84-13-066
326-40-100	NEW 84-09-002	332-40-215	REP-P 84-13-066	332-41-980	NEW-P 84-13-066
330-01	NEW-C 84-07-008	332-40-220	REP-P 84-13-066	332-41-985	NEW-P 84-13-066
330-01-010	NEW-P 84-03-041	332-40-225	REP-P 84-13-066	332-41-990	NEW-P 84-13-066
330-01-010	NEW-E 84-03-042	332-40-230	REP-P 84-13-066	332-54-010	NEW-E 84-13-034
330-01-010	NEW 84-07-034	332-40-240	REP-P 84-13-066	332-54-020	NEW-E 84-13-034
330-01-020	NEW-P 84-03-041	332-40-245	REP-P 84-13-066	332-54-030	NEW-E 84-13-034
330-01-020	NEW-E 84-03-042	332-40-260	REP-P 84-13-066	335-06	NEW-C 84-11-073
330-01-020	NEW 84-07-034	332-40-300	REP-P 84-13-066	335-06-010	NEW-P 84-10-035
330-01-030	NEW-P 84-03-041	332-40-305	REP-P 84-13-066	335-06-010	NEW-E 84-10-036
330-01-030	NEW-E 84-03-042	332-40-310	REP-P 84-13-066	335-06-010	NEW 84-14-001
330-01-030	NEW 84-07-034	332-40-315	REP-P 84-13-066	335-06-020	NEW-P 84-10-035
330-01-040	NEW-P 84-03-041	332-40-320	REP-P 84-13-066	335-06-020	NEW-E 84-10-036
330-01-040	NEW-E 84-03-042	332-40-330	REP-P 84-13-066	335-06-020	NEW 84-14-001
330-01-040	NEW 84-07-034	332-40-340	REP-P 84-13-066	335-06-030	NEW-P 84-10-035
330-01-050	NEW-P 84-03-041	332-40-345	REP-P 84-13-066	335-06-030	NEW-E 84-10-036

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
335-06-030	NEW	84-14-001	352-74-020	NEW-P	84-12-073	356-05-387	NEW-P	84-14-081
335-06-040	NEW-P	84-10-035	352-74-030	NEW-P	84-12-073	356-05-390	NEW-P	84-14-081
335-06-040	NEW-E	84-10-036	352-74-040	NEW-P	84-12-073	356-05-395	NEW-P	84-14-081
335-06-040	NEW	84-14-001	352-74-050	NEW-P	84-12-073	356-05-400	NEW-P	84-14-081
335-06-050	NEW-P	84-10-035	352-74-060	NEW-P	84-12-073	356-05-405	NEW-P	84-14-081
335-06-050	NEW-E	84-10-036	352-74-070	NEW-P	84-12-073	356-05-410	NEW-P	84-14-081
335-06-050	NEW	84-14-001	356-05-001	NEW-P	84-14-081	356-05-415	NEW-P	84-14-081
335-06-060	NEW-P	84-10-035	356-05-005	NEW-P	84-14-081	356-05-420	NEW-P	84-14-081
335-06-060	NEW-E	84-10-036	356-05-010	NEW-P	84-14-081	356-05-425	NEW-P	84-14-081
335-06-060	NEW	84-14-001	356-05-015	NEW-P	84-14-081	356-05-430	NEW-P	84-14-081
335-06-070	NEW-P	84-10-035	356-05-020	NEW-P	84-14-081	356-05-435	NEW-P	84-14-081
335-06-070	NEW-E	84-10-036	356-05-025	NEW-P	84-14-081	356-05-440	NEW-P	84-14-081
335-06-070	NEW	84-14-001	356-05-030	NEW-P	84-14-081	356-05-445	NEW-P	84-14-081
335-06-080	NEW-P	84-10-035	356-05-035	NEW-P	84-14-081	356-05-450	NEW-P	84-14-081
335-06-080	NEW-E	84-10-036	356-05-040	NEW-P	84-14-081	356-05-455	NEW-P	84-14-081
335-06-080	NEW	84-14-001	356-05-045	NEW-P	84-14-081	356-05-460	NEW-P	84-14-081
335-06-090	NEW-P	84-10-035	356-05-050	NEW-P	84-14-081	356-05-465	NEW-P	84-14-081
335-06-090	NEW-E	84-10-036	356-05-055	NEW-P	84-14-081	356-05-470	NEW-P	84-14-081
335-06-090	NEW	84-14-001	356-05-060	NEW-P	84-14-081	356-05-475	NEW-P	84-14-081
335-06-100	NEW-P	84-10-035	356-05-065	NEW-P	84-14-081	356-05-480	NEW-P	84-14-081
335-06-100	NEW-E	84-10-036	356-05-070	NEW-P	84-14-081	356-05-485	NEW-P	84-14-081
335-06-100	NEW	84-14-001	356-05-075	NEW-P	84-14-081	356-05-490	NEW-P	84-14-081
352-04-010	AMD	84-04-035	356-05-080	NEW-P	84-14-081	356-05-495	NEW-P	84-14-081
352-12-020	AMD-P	84-04-082	356-05-085	NEW-P	84-14-081	356-05-500	NEW-P	84-14-081
352-12-020	AMD	84-09-045	356-05-090	NEW-P	84-14-081	356-05-505	NEW-P	84-14-081
352-16-020	AMD-C	84-04-036	356-05-095	NEW-P	84-14-081	356-06-010	AMD-E	84-04-021
352-16-020	AMD	84-08-016	356-05-100	NEW-P	84-14-081	356-06-100	AMD-P	84-04-073
352-28	AMD-C	84-04-037	356-05-105	NEW-P	84-14-081	356-06-010	AMD-P	84-06-049
352-28-005	NEW	84-08-017	356-05-110	NEW-P	84-14-081	356-06-010	AMD-C	84-07-003
352-28-010	AMD	84-08-017	356-05-115	NEW-P	84-14-081	356-06-010	AMD-C	84-09-049
352-28-020	AMD	84-08-017	356-05-120	NEW-P	84-14-081	356-06-010	AMD-E	84-10-007
352-32-035	AMD-P	84-04-082	356-05-125	NEW-P	84-14-081	356-06-010	AMD-P	84-10-038
352-32-035	AMD	84-09-045	356-05-130	NEW-P	84-14-081	356-06-010	AMD	84-11-003
352-32-250	AMD-P	84-04-082	356-05-135	NEW-P	84-14-081	356-06-010	AMD	84-12-079
352-32-250	AMD	84-09-045	356-05-140	NEW-P	84-14-081	356-06-010	AMD	84-14-006
352-32-290	NEW-P	84-12-074	356-05-145	NEW-P	84-14-081	356-06-010	AMD-E	84-14-062
352-32-290	NEW-C	84-13-074	356-05-150	NEW-P	84-14-081	356-06-010	REP-P	84-14-081
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388-92-025	AMD	84-02-056	388-92-025	AMD	84-02-056
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388-92-025	AMD-E	84-13-069	388-92-025	AMD-E	84-13-069
388-92-030	AMD	84-02-055	388-92-030	AMD	84-02-055
388-92-043	AMD	84-04-068	388-92-043	AMD	84-04-068
388-92-045	AMD	84-02-055	388-92-045	AMD	84-02-055
388-92-045	AMD-P	84-14-013	388-92-045	AMD-P	84-14-013
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388-96-502	NEW	84-12-039	388-96-502	NEW	84-12-039
388-96-508	NEW-E	84-08-041	388-96-508	NEW-E	84-08-041
388-96-508	NEW-P	84-08-056	388-96-508	NEW-P	84-08-056
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388-96-509	NEW-E	84-08-041	388-96-509	NEW-E	84-08-041
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388-96-509	NEW	84-12-039	388-96-509	NEW	84-12-039
388-96-525	AMD-E	84-08-041	388-96-525	AMD-E	84-08-041
388-96-525	AMD-P	84-08-056	388-96-525	AMD-P	84-08-056
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388-96-580	NEW	84-12-039	388-96-580	NEW	84-12-039
388-96-585	AMD-E	84-08-041	388-96-585	AMD-E	84-08-041
388-96-585	AMD-P	84-08-056	388-96-585	AMD-P	84-08-056
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388-96-719	AMD	84-12-039	388-96-719	AMD	84-12-039
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388-96-750	AMD-P	84-08-056	388-96-750	AMD-P	84-08-056
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388-96-762	NEW-P	84-08-056	388-96-762	NEW-P	84-08-056
388-96-762	NEW	84-12-039	388-96-762	NEW	84-12-039
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389-12-020	AMD-E	84-13-046	392-109-090	AMD	84-11-038	392-126-010	NEW-E	84-14-051
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389-12-030	AMD-E	84-13-046	392-109-095	AMD	84-11-038	392-126-100	NEW-E	84-14-051
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390-37-060	AMD	84-12-017	392-122-610	NEW-P	84-10-065	392-126-225	NEW-P	84-14-055
390-37-060	AMD	84-12-029	392-122-610	NEW	84-13-020	392-126-230	NEW-E	84-14-051
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390-37-200	REP	84-12-017	392-122-805	NEW	84-13-020	392-126-255	NEW-E	84-14-051
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390-37-205	REP	84-12-017	392-122-810	NEW	84-13-020	392-126-260	NEW-E	84-14-051
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390-37-215	REP	84-12-017	392-122-905	NEW	84-13-020	392-126-270	NEW-E	84-14-051
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392-138-010	AMD	84-13-025	392-143-070	AMD	84-03-001	392-162-115	NEW-P	84-10-073
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392-140-010	REP-P	84-14-057	392-160-035	AMD	84-13-027	392-165-322	NEW	84-06-019
392-140-011	REP-E	84-14-053	392-160-040	AMD-P	84-10-072	392-165-325	NEW	84-06-019
392-140-011	REP-P	84-14-057	392-160-040	AMD	84-13-027	392-165-327	NEW	84-06-019
392-140-012	REP-E	84-14-053	392-162	NEW-C	84-11-084	392-165-330	NEW	84-06-019
392-140-012	REP-P	84-14-057	392-162	NEW-C	84-13-016	392-165-332	NEW	84-06-019
392-140-013	REP-E	84-14-053	392-162	NEW-C	84-14-016	392-165-340	NEW	84-06-019
392-140-013	REP-P	84-14-057	392-162-005	NEW-P	84-10-073	392-165-345	NEW	84-06-019
392-140-014	REP-E	84-14-053	392-162-005	NEW	84-14-038	392-165-350	NEW	84-06-019
392-140-014	REP-P	84-14-057	392-162-010	NEW-P	84-10-073	392-165-360	NEW	84-06-019
392-140-015	REP-E	84-14-053	392-162-010	NEW	84-14-038	392-165-365	NEW	84-06-019
392-140-015	REP-P	84-14-057	392-162-015	NEW-P	84-10-073	392-165-425	NEW	84-06-019
392-140-016	REP-E	84-14-053	392-162-015	NEW	84-14-038	392-165-430	NEW	84-06-019
392-140-016	REP-P	84-14-057	392-162-020	NEW-P	84-10-073	392-165-440	NEW	84-06-019
392-140-017	REP-E	84-14-053	392-162-020	NEW	84-14-038	392-165-445	NEW	84-06-019
392-140-017	REP-P	84-14-057	392-162-025	NEW-P	84-10-073	392-165-450	NEW	84-06-019
392-140-018	REP-E	84-14-053	392-162-025	NEW	84-14-038	392-165-455	NEW	84-06-019
392-140-018	REP-P	84-14-057	392-162-030	NEW-P	84-10-073	392-165-460	NEW	84-06-019
392-140-019	REP-E	84-14-053	392-162-030	NEW	84-14-038	392-165-500	NEW	84-06-019
392-140-019	REP-P	84-14-057	392-162-035	NEW-P	84-10-073	392-170	NEW-C	84-11-086
392-140-020	REP-E	84-14-053	392-162-035	NEW	84-14-038	392-170	NEW-C	84-13-017
392-140-020	REP-P	84-14-057	392-162-040	NEW-P	84-10-073	392-170	NEW-C	84-14-017
392-140-021	REP-E	84-14-053	392-162-040	NEW	84-14-038	392-170-005	NEW-P	84-10-074
392-140-021	REP-P	84-14-057	392-162-045	NEW-P	84-10-073	392-170-005	NEW	84-14-037
392-140-022	REP-E	84-14-053	392-162-045	NEW	84-14-038	392-170-010	NEW-P	84-10-074
392-140-022	REP-P	84-14-057	392-162-050	NEW-P	84-10-073	392-170-010	NEW	84-14-037
392-140-023	REP-E	84-14-053	392-162-050	NEW	84-14-038	392-170-015	NEW-P	84-10-074
392-140-023	REP-P	84-14-057	392-162-055	NEW-P	84-10-073	392-170-015	NEW	84-14-037
392-141	AMD-P	84-12-002	392-162-055	NEW	84-14-038	392-170-020	NEW-P	84-10-074
392-141-105	NEW-P	84-12-002	392-162-060	NEW-P	84-10-073	392-170-020	NEW	84-14-037
392-141-110	NEW-P	84-12-002	392-162-060	NEW	84-14-038	392-170-025	NEW-P	84-10-074
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392-170-035	NEW-P	84-10-074	392-171-416	REP	84-14-036	434-24-120	AMD-P	84-12-086
392-170-035	NEW	84-14-037	392-171-416	REP-P	84-10-075	434-24-130	AMD-P	84-12-086
392-170-040	NEW-P	84-10-074	392-171-418	NEW-P	84-10-075	434-24-140	AMD-P	84-12-086
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392-170-075	NEW-P	84-10-074	392-171-566	AMD	84-11-037	434-28-040	REP-P	84-12-084
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392-170-080	NEW-P	84-10-074	392-171-731	AMD-P	84-03-013	440-44-030	AMD	84-13-006
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392-170-085	NEW	84-14-037	392-171-731	AMD	84-14-036	440-44-040	AMD	84-13-006
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392-170-090	NEW	84-14-037	392-184-005	NEW	84-05-026	440-44-045	AMD-P	84-09-080
392-170-095	NEW-P	84-10-074	392-184-010	NEW	84-05-026	440-44-048	AMD-P	84-09-080
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392-171	AMD-C	84-11-087	392-184-020	NEW	84-05-026	440-44-057	AMD-P	84-09-080
392-171	AMD-C	84-13-018	392-184-025	NEW	84-05-026	440-44-065	AMD-P	84-09-080
392-171	AMD-C	84-14-018	392-185-003	NEW	84-05-016	440-44-065	AMD	84-13-006
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392-171-295	NEW-W	84-09-001	392-185-140	REP	84-05-016	440-44-070	AMD-P	84-09-080
392-171-295	NEW-P	84-10-075	415-104-510	AMD	84-03-047	446-50-080	AMD-P	84-02-069
392-171-295	NEW	84-14-036	419-14-030	AMD-E	84-08-008	446-50-080	AMD	84-05-010
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392-171-325	AMD	84-14-036	419-14-030	AMD	84-12-043	458-20-114	AMD-P	84-02-045
392-171-331	AMD-P	84-03-013	419-14-060	AMD-E	84-08-008	458-20-114	AMD-C	84-05-027
392-171-331	AMD-W	84-09-001	419-14-060	AMD-P	84-09-056	458-20-114	AMD-C	84-05-067
392-171-331	AMD-P	84-10-075	419-14-060	AMD	84-12-043	458-20-114	AMD	84-08-012
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392-171-351	AMD-P	84-03-013	419-14-070	AMD-E	84-03-044	458-20-183	AMD-C	84-08-033
392-171-351	AMD-W	84-09-001	419-14-070	AMD-E	84-09-057	458-20-183	AMD	84-12-046
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392-171-351	AMD	84-14-036	419-14-075	NEW-P	84-09-056	458-40-18600	AMD-E	84-14-048
392-171-366	AMD-P	84-03-013	419-14-075	NEW	84-12-043	458-40-18600	AMD	84-14-049
392-171-366	AMD-W	84-09-001	419-14-085	NEW-P	84-03-043	458-40-18700	AMD-P	84-10-052
392-171-366	AMD-P	84-10-075	419-14-085	NEW-E	84-03-044	458-40-18700	AMD-E	84-14-048
392-171-366	AMD-E	84-13-031	419-14-085	NEW-E	84-09-057	458-40-18700	AMD	84-14-049
392-171-366	AMD	84-14-036	419-14-085	NEW	84-09-058	458-40-18701	REP-P	84-10-052
392-171-381	AMD-P	84-10-075	419-14-120	NEW-E	84-08-009	458-40-18701	REP-E	84-14-048
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392-171-382	NEW-P	84-10-075	419-14-120	NEW	84-12-042	458-40-18702	REP-P	84-10-052
392-171-382	NEW	84-14-036	434-20-010	REP-P	84-12-086	458-40-18702	REP-E	84-14-048
392-171-383	NEW-P	84-10-075	434-20-020	REP-P	84-12-086	458-40-18702	REP	84-14-049
392-171-383	NEW	84-14-036	434-20-030	REP-P	84-12-086	458-40-18703	REP-P	84-10-052
392-171-384	NEW-P	84-10-075	434-20-040	REP-P	84-12-086	458-40-18703	REP-E	84-14-048
392-171-384	NEW	84-14-036	434-20-050	REP-P	84-12-086	458-40-18703	REP	84-14-049
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392-171-386	AMD	84-14-036	434-24-010	AMD-P	84-12-086	458-40-18704	AMD-E	84-14-048
392-171-391	AMD-P	84-10-075	434-24-015	AMD-P	84-12-086	458-40-18704	AMD	84-14-049
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392-171-406	AMD-W	84-09-001	434-24-040	AMD-P	84-12-086	458-40-18706	AMD-E	84-14-048
392-171-406	AMD-P	84-10-075	434-24-055	AMD-P	84-12-086	458-40-18706	AMD	84-14-049
392-171-406	AMD	84-14-036	434-24-057	NEW-P	84-12-086	458-40-18711	AMD-P	84-05-022
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392-171-411	AMD-P	84-10-075	434-24-080	REP-P	84-12-086	458-40-18713	NEW-P	84-10-052
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392-171-413	NEW-P	84-10-075	434-24-100	AMD-P	84-12-086	458-40-18714	NEW-E	84-14-048
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458-40-19005	NEW	84-08-021	468-300-070	AMD-P	84-06-050	480-95-080	NEW-E	84-04-013
458-53-020	AMD-P	84-11-065	468-300-070	AMD-C	84-10-001	480-95-080	NEW-C	84-07-045
458-53-030	AMD-P	84-11-065	468-300-070	AMD	84-11-052	480-95-080	NEW-E	84-07-047
458-53-030	AMD	84-14-039	478-116-010	AMD-P	84-06-046	480-95-080	NEW	84-10-017
458-53-060	REP-P	84-11-065	478-116-010	AMD	84-10-030	480-95-090	NEW-E	84-04-013
458-53-060	REP	84-14-039	478-116-240	AMD-P	84-06-046	480-95-090	NEW-C	84-07-045
458-53-070	AMD-P	84-11-065	478-116-240	AMD	84-10-030	480-95-090	NEW-E	84-07-047
458-53-080	AMD-P	84-11-065	478-116-440	AMD-P	84-06-046	480-95-090	NEW	84-10-017
458-53-080	AMD	84-14-039	478-116-511	NEW-P	84-06-046	480-95-100	NEW-E	84-04-013
458-53-090	AMD-P	84-11-065	478-116-511	NEW	84-10-030	480-95-100	NEW-C	84-07-045
458-53-090	AMD	84-14-039	478-116-588	AMD-P	84-06-046	480-95-100	NEW-E	84-07-047
458-53-100	AMD-P	84-11-065	478-116-600	AMD-P	84-06-046	480-95-100	NEW	84-10-017
458-53-100	AMD	84-14-039	478-116-600	AMD-E	84-04-090	480-95-110	NEW-E	84-04-013
458-53-110	AMD-P	84-11-065	478-116-600	AMD-E	84-08-052	480-95-110	NEW-C	84-07-045
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458-53-130	AMD-P	84-11-065	478-116-600	AMD-P	84-11-062	480-95-110	NEW	84-10-017
458-53-130	AMD	84-14-039	478-210-010	NEW	84-09-020	480-95-120	NEW-E	84-04-013
458-53-140	AMD-P	84-11-065	478-210-020	NEW	84-09-020	480-95-120	NEW-C	84-07-045
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458-53-141	AMD-P	84-11-065	479-13-010	AMD	84-11-014	480-95-120	NEW	84-10-017
458-53-141	AMD	84-14-039	479-13-060	AMD-P	84-06-032	480-95-125	NEW-C	84-07-045
458-53-150	AMD-P	84-11-065	479-13-060	AMD	84-11-014	480-95-125	NEW-E	84-07-047
458-53-150	AMD	84-14-039	480-30-010	AMD-P	84-12-081	480-95-125	NEW	84-10-017
458-53-160	AMD-P	84-11-065	480-30-010	AMD-E	84-12-082	480-120-088	AMD-C	84-02-068
458-53-160	AMD	84-14-039	480-30-020	AMD-P	84-12-081	480-120-088	AMD-C	84-03-051
458-53-163	NEW-P	84-11-065	480-30-020	AMD-E	84-12-082	480-120-088	AMD-C	84-05-062
458-53-163	NEW	84-14-039	480-30-030	AMD-P	84-12-081	480-120-088	AMD-P	84-06-057
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458-53-170	REP	84-14-039	480-30-050	AMD-P	84-12-081	480-149-060	AMD-E	84-12-082
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458-53-180	AMD	84-14-039	480-30-060	AMD-P	84-12-081	480-149-070	AMD-E	84-12-082
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458-53-190	REP	84-14-039	480-30-070	AMD-P	84-12-081	490-300-010	NEW	84-07-006
458-53-200	AMD-P	84-11-065	480-30-070	AMD-E	84-12-082	490-300-020	NEW-E	84-03-024
458-53-200	AMD	84-14-039	480-30-090	AMD-P	84-12-081	490-300-020	NEW	84-07-006
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458-61-030	AMD-P	84-11-040	480-30-100	AMD-E	84-12-082	490-300-040	NEW-E	84-03-024
458-61-060	AMD-P	84-11-040	480-30-110	AMD-P	84-12-081	490-300-040	NEW	84-07-006
458-61-080	AMD-P	84-11-040	480-30-110	AMD-E	84-12-082	490-300-050	NEW-E	84-03-024
458-61-100	AMD-P	84-11-040	480-30-120	AMD-P	84-12-081	490-300-050	NEW	84-07-006
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458-61-230	AMD-P	84-11-040	480-30-130	AMD-E	84-12-082	490-300-070	NEW-E	84-03-024
458-61-320	AMD-P	84-11-040	480-40-080	AMD-P	84-12-077	490-300-070	NEW	84-07-006
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458-61-680	AMD-P	84-11-040	480-95-010	NEW-E	84-07-047	490-300-090	NEW-E	84-03-024
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