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DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

## 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

## 5. EFFECTIVE DATE OF RULES

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

## 6. EDITORIAL CORRECTIONS

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

## 7. INDEX AND TABLES

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

# 1984

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

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

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

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

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

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

**WSR 84-13-001**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 84-14—Filed June 7, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to new sections WAC 296-62-054 through 296-62-05425 hazard communication in the general occupational and health standard, chapter 296-62 WAC. The purpose of the standard is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees within the manufacturing sector. It requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers in SIC Codes 20 through 39 to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition the distributors shall be required to transmit the required information to employers in SIC Codes 20 through 39. A list of affected standard industrial classification (SIC) employers follows:

Major group 20	Food and kindred products.
Major group 21	Tobacco manufacturers.
Major group 22	Textile mill products.
Major group 23	Apparel and other finished products made from fabrics and similar materials.
Major group 24	Lumber and wood products, except furniture.
Major group 25	Furniture and fixtures.
Major group 26	Paper and allied products.
Major group 27	Printing, publishing, and allied industries.
Major group 28	Chemicals and allied products.
Major group 29	Petroleum refining and related industries.
Major group 30	Rubber and miscellaneous plastics products.
Major group 31	Leather and leather products.
Major group 32	Stone, clay, glass, and concrete products.
Major group 33	Primary metal industries.
Major group 34	Fabricated metal products, except machinery and transportation equipment.
Major group 35	Machinery, except electrical.
Major group 36	Electrical and electronic machinery, equipment, and supplies.
Major group 37	Transportation equipment.
Major group 38	Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.
Major group 39	Miscellaneous manufacturing industries.

This action is taken pursuant to Notice No. WSR 84-09-029 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 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 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 7, 1984.

By Sam Kinville  
 Director

NEW SECTION

**WAC 296-62-054 HAZARD COMMUNICATION PURPOSE.** (1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees within the manufacturing sector. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.

(2) This occupational safety and health standard is intended to address comprehensively the issue of evaluating and communicating chemical hazards to employees in the manufacturing sector.

NEW SECTION

**WAC 296-62-05403 SCOPE AND APPLICATION.** (1) This section requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers in SIC Codes 20 through 39 to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers in SIC Codes 20-39.

(2) This section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This section applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees; and,

(c) Employers shall ensure that laboratory employees are apprised of the hazards of the chemicals in their workplaces in accordance with WAC 296-62-05415.

(4) This section does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(b) Any food, food additive, color additive, drug, or cosmetic, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act and regulations issued under the Act, when they are subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Food and Drug Administration;

(c) Any distilled spirits (beverage alcohols), wine, or malt beverages intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, and Firearms; and,

(d) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act and Federal Hazardous Substances Act respectively, when subject to a consumer product safety standard or labeling requirement of those Acts, or regulations issued under those Acts by the Consumer Product Safety Commission.

(5) This section does not apply to:

(a) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended when subject to regulations issued under that Act by the Environmental Protection Agency;

(b) Tobacco or tobacco products;

(c) Wood or wood products;

(d) Articles; and,

(e) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace.

#### NEW SECTION

WAC 296-62-05405 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Article – a manufactured item:

(a) which is formed to a specific shape or design during manufacture;

(b) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

(2) Chemical – any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer – an employer in SIC Codes 20 through 39 with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name – the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules or nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(5) Combustible liquid – any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with

flashpoints of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(6) Common name – any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

(7) Compressed gas

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(8) Container – any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems are not considered to be containers.

(9) Designated representative – any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(10) Director – the Director of the Department of Labor and Industries or his/her designee.

(11) Distributor – a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to manufacturing purchasers.

(12) Employee – a worker employed by an employer in a workplace in SIC Codes 20 through 39 who may be exposed to hazardous chemicals under normal operating conditions or foreseeable emergencies, including, but not limited to production workers, line supervisors, and repair or maintenance personnel. Office workers, grounds maintenance personnel, security personnel or nonresident management are generally not included, unless their job performance routinely involves potential exposure to hazardous chemicals.

(13) Employer – a person engaged in a business within SIC Codes 20 through 39 where chemicals are either used, or are produced for use or distribution.

(14) Explosive – a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(15) Exposure or exposed – an employee that is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g. accidental or possible) exposure.

(16) Flammable – a chemical that falls into one of the following categories:

(a) Aerosol flammable – an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a

flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen (13) percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve (12) percent by volume, regardless of the lower limit;

(c) Liquid, flammable – any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(d) Solid, flammable – a solid, other than a blasting agent or explosive as defined in s1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(17) Flashpoint – the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue Closed Tester – (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens Closed Tester – (see American National Standard Method of Test for Flash Point by Pensky-Martens closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash Closed Tester – (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(18) Foreseeable emergency – any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

(19) Hazardous chemical – any chemical which is a physical hazard or a health hazard.

(20) Hazard warning – any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazards of the chemical(s) in the container(s).

(21) Health hazard – a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

(22) Identify – any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

(23) Immediate use – that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

(24) Importer – the first business with employees within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or manufacturing purchasers within the United States.

(25) Label – any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(26) Manufacturing purchaser – an employer with a workplace classified in SIC Codes 20 through 39 who purchases a hazardous chemical for use within that workplace.

(27) Material safety data sheet (MSDS) – written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(28) Mixture – any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(29) Organic peroxide – an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(30) Oxidizer – a chemical other than a blasting agent or explosive as defined in WAC 296-52-030, that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(31) Physical hazard – a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(32) Produce – to manufacture, process, formulate, or repackage.

(33) Pyrophoric – a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(34) Responsible party – someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(35) Specific chemical identity – the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

(36) Trade secret – any confidential formula, pattern, process, device, information or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

(37) Unstable (reactive) – a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

(38) Use – to package, handle, react, or transfer.

(39) Water-reactive – a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(40) Work area – a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(41) Workplace – an establishment at one geographical location containing one or more work areas.

#### NEW SECTION

WAC 296-62-05407 HAZARD DETERMINATION. (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning such hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this section. WAC 296-62-05421, Appendix A, shall be consulted for the scope of health hazards covered, and WAC 296-62-05423, Appendix B, shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(a) Chapter 296-62 WAC, General Occupational Health Standards; or,

(b) Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with the requirements of this standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(a) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(b) International Agency for Research on Cancer (IARC) Monographs (latest editions); or

(c) Chapter 296-62 WAC, General Occupational Health Standards.

NOTE: The Registry of Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures or chemicals as follows:

(a) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(b) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under WAC 296-62-05407(4);

(c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and,

(d) If the employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established WISHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the director or his/her designee. The written description may be incorporated into the written hazard communication program required under WAC 296-62-05409.

#### NEW SECTION

WAC 296-62-05409 WRITTEN HAZARD COMMUNICATION PROGRAM. (1) Employers

shall develop and implement a written hazard communication program for their workplaces which at least describes how the criteria specified in WAC 296-62-05411, 296-62-05413 and 296-62-05415, for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

(a) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas);

(b) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas; and,

(c) The methods the employer will use to inform any contractor employers with employees working at the the employer's workplace of the hazardous chemicals their employees may be exposed to while performing their work, and any suggestions for appropriate protective measures.

(2) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this section.

(3) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, and the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

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

#### NEW SECTION

**WAC 296-62-05411 LABELS AND OTHER FORMS OF WARNING.** (1) The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s);

(b) Appropriate hazard warnings; and

(c) Name and address of the chemical manufacturer, importer, or other responsible party.

(2) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act and regulations issued under that Act by the Department of Transportation.

(3) If the hazardous chemical is regulated by WISHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

(4) Except as provided in subsection (5) and (6) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s) contained therein; and

(b) Appropriate hazard warnings.

(5) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection (4) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(6) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

(7) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(8) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

(9) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this section if existing labels already convey the required information.

#### NEW SECTION

**WAC 296-62-05413 MATERIAL SAFETY DATA SHEETS.** (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers shall have a material safety data sheet for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or,

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under

WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and,

(B) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA permissible exposure limit, ACGIH Threshold Limit Value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and,

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or

employer becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6) Chemical manufacturers or importers shall ensure that distributors and manufacturing purchasers of hazardous chemicals are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the manufacturing purchaser prior to or at the time of the shipment. If the material safety data sheet is not provided with the shipment, the manufacturing purchaser shall obtain one from the chemical manufacturer, importer, or distributor as soon as possible.

(7) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and manufacturing purchasers of hazardous chemicals.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

(9) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(10) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

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

## NEW SECTION

WAC 296-62-05415 **EMPLOYEE INFORMATION AND TRAINING.** Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area.

(1) Information. Employees shall be informed of:

(a) The requirements of this section;

(b) Any operations in their work area where hazardous chemicals are present; and,

(c) The location and availability of the written hazard communication program, including the required list(s) of

hazardous chemicals, and material safety data sheets required by this section.

(2) Training. Employee training shall include at least:

(a) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

(b) The physical and health hazards of the chemicals in the work area;

(c) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,

(d) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

#### NEW SECTION

WAC 296-62-05417 TRADE SECRETS. (1) The chemical manufacturer, importer or employer may withhold the specific chemical identity including the chemical name and other specific identification of a hazardous chemical, from the material safety data sheet, provided that:

(a) The claim that the information withheld is a trade secret can be supported;

(b) Information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(c) The material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and,

(d) The specific chemical identity is made available to health professionals, in accordance with the applicable provisions of this section.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of subsections (3) and (4) of this section, as soon as circumstances permit.

(3) In non-emergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under subsection (1) of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, or epidemiologist) providing medical or other occupational health services to exposed employee(s) if:

(a) The request is in writing;

(b) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(i) To assess the hazards of the chemicals to which employees will be exposed;

(ii) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;

(iii) To conduct pre-assignment or periodic medical surveillance of exposed employees;

(iv) To provide medical treatment to exposed employees;

(v) To select or assess appropriate personal protective equipment for exposed employees;

(vi) To design or assess engineering controls or other protective measures for exposed employees; and,

(vii) To conduct studies to determine the health effects of exposure.

(c) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information would not enable the health professional to provide the occupational health services described in subdivision (3)(b) of this section:

(i) The properties and effects of the chemical;

(ii) Measures for controlling workers' exposure to the chemical;

(iii) Methods of monitoring and analyzing worker exposure to the chemical; and,

(iv) Methods of diagnosing and treating harmful exposures to the chemical;

(d) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and,

(e) The health professional, and the employer or contractor of the health professional's services (i.e., downstream employer, labor organization, or individual employer), agree in a written confidentiality agreement that the health professional will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to the department, as provided in subsection (6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

(4) The confidentiality agreement authorized by subdivision (3)(d) of this section:

(a) May restrict the use of the information to the health purposes indicated in the written statement of need;

(b) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable pre-estimate of likely damages; and,

(c) May not include requirements for the posting of a penalty bond.

(5) Nothing in this standard is meant to preclude the parties from pursuing non-contractual remedies to the extent permitted by law.

(6) If the health professional receiving the trade secret information decides that there is a need to disclose it to the department, the chemical manufacturer, importer, or

employer who provided the information shall be informed by the health professional prior to, or at the same time as, such disclosure.

(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(a) Be provided to the health professional within thirty days of the request;

(b) Be in writing;

(c) Include evidence to support the claim that the specific chemical identity is a trade secret;

(d) State the specific reasons why the request is being denied; and,

(e) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

(8) The health professional whose request for information is denied under subsection (3) of this section may refer the request and the written denial of the request to the department for consideration.

(9) When a health professional refers the denial to the department under subsection (8) of this section, the director or his/her designee shall consider the evidence to determine if:

(a) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity is a trade secret;

(b) The health professional has supported the claim that there is a medical or occupational health need for the information; and,

(c) The health professional has demonstrated adequate means to protect the confidentiality.

(10)(a) If the director or his/her designee determines that the specific chemical identity requested under subsection (3) of this section is not a bona fide trade secret, or that it is a trade secret but the requesting health professional has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by the department.

(b) If a chemical manufacturer, importer, or employer demonstrates to the department that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the director or his/her designee may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

(11) If, following the issuance of a citation and any protective orders, the chemical manufacturer, importer, or employer continues to withhold the information, further action may be taken by the department in accordance with chapter 49.17 RCW.

(12) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the director or his/her

designee any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the director or his/her designee so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(13) Nothing in this section shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is trade secret.

#### NEW SECTION

WAC 296-62-05419 EFFECTIVE DATES. Employers shall be in compliance with this section within the following time periods:

(1) Chemical manufacturers and importers shall label containers of hazardous chemicals leaving their workplaces, and provide material safety data sheets with initial shipments by November 25, 1985.

(2) Distributors shall be in compliance with all provisions of this section applicable to them by November 25, 1985.

(3) Employers shall be in compliance with all provisions of this section by May 25, 1986, including initial training for all current employees.

#### NEW SECTION

WAC 296-62-05421 APPENDIX A—HEALTH HAZARD DEFINITIONS (MANDATORY). Although safety hazards related to the physical characteristics of a chemical can be objectively defined in terms of testing requirements (e.g. flammability), health hazard definitions are less precise and more subjective. Health hazards may cause measurable changes in the body—such as decreased pulmonary function. These changes are generally indicated by the occurrence of signs and symptoms in the exposed employees—such as shortness of breath, a non-measurable, subjective feeling. Employees exposed to such hazards must be apprised of both the change in body function and the signs and symptoms that may occur to signal that change.

The determination of occupational health hazards is complicated by the fact that many of the effects or signs and symptoms occur commonly in non-occupationally exposed populations, so that effects of exposure are difficult to separate from normally occurring illnesses. Occasionally, a substance causes an effect that is rarely seen in the population at large, such as angiosarcomas caused by vinyl chloride exposure, thus making it easier to ascertain that the occupational exposure was the primary causative factor. More often, however, the effects are common, such a lung cancer. The situation is further complicated by the fact that most chemicals have not been adequately tested to determine their health hazard potential, and data do not exist to substantiate these effects.

There have been many attempts to categorize effects and to define them in various ways. Generally, the terms "acute" and "chronic" are used to delineate between effects on the basis of severity or duration. "Acute" effects

usually occur rapidly as a result of short-term exposures, and are of short duration. "Chronic" effects generally occur as a result of long-term exposure, and are of long duration.

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-1982) — irritation, corrosivity, sensitization and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects which may occur as a result of occupational exposure, such as, for example, narcosis.

Similarly, the term chronic effect is often used to cover only carcinogenicity, teratogenicity, and mutagenicity. These effects are obviously a concern in the workplace, but again, do not adequately cover the area of chronic effects, excluding, for example, blood dyscrasias (such as anemia), chronic bronchitis and liver atrophy.

The goal of defining precisely, in measurable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them.

Appendix B, which is also mandatory, outlines the principles and procedures of hazard assessment.

For purposes of this section, any chemicals which meet any of the following definitions, as determined by the criteria set forth in Appendix B are health hazards:

(1) Carcinogen. A chemical is considered to be a carcinogen if:

(a) It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or

(b) It is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or,

(c) It is regulated by WISHA as a carcinogen.

(2) Corrosive. A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. For example, a chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described by the U.S. Department of Transportation in Appendix A to 49 CFR Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

(3) Highly toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD<sub>50</sub>) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD<sub>50</sub>) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC<sub>50</sub>) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(4) Irritant. A chemical, which is not corrosive, but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A chemical is a skin irritant if, when tested on the intact skin of albino rabbits by the methods of 16 CFR 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A chemical is an eye irritant is so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques.

(5) Sensitizer. A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

(6) Toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD<sub>50</sub>) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD<sub>50</sub>) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC<sub>50</sub>) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(7) Target organ effects. The following is a target organ categorization of effects which may occur, including examples of signs and symptoms and chemicals which have been found to cause such effects. These examples are presented to illustrate the range and diversity of effects and hazards found in the workplace, and the broad scope employers must consider in this area, but are not intended to be all-inclusive.

- |                   |  |
|-------------------|--|
| (a) Hepatotoxins: | Chemicals which produce liver damage.                  |
| Signs & Symptoms: | Jaundice, liver enlargement                            |
| Chemicals:        | Carbon tetrachloride, nitrosamines.                    |
| (b) Nephrotoxins: | Chemicals which produce kidney damage.                 |
| Signs & Symptoms: | Edema; proteinuria                                     |
| Chemicals:        | Halogenated hydrocarbons; uranium                      |
| (c) Neurotoxins:  | Chemicals which produce their primary toxic effects on |

- |   |   |
|---|---|
| Signs & Symptoms:   | the nervous system.<br>Narcosis; behavioral changes;<br>decrease in motor functions.  |
| Chemicals:  | Mercury, carbon disulfide   |
| (d) Agents which act on<br>the blood or hemato-<br>poietic system:<br>Signs & Symptoms:<br>Chemicals: | Decrease hemoglobin function;<br>deprive the body tissues<br>of oxygen.<br>Cyanosis; loss of consciousness<br>Carbon monoxide; cyanides   |
| (e) Agents which damage<br>the lung:<br><br>Signs & Symptoms:<br><br>Chemicals:                       | Chemicals which irritate<br>or damage the<br>pulmonary tissue.<br>Cough; tightness in chest;<br>shortness of breath.<br>Silica; asbestos  |
| (f) Reproductive toxins:<br><br><br>Signs & Symptoms:<br>Chemicals:                                   | Chemicals which affect the<br>reproductive capabilities<br>including chromosomal damage<br>(mutations) and effects<br>on fetuses (teratogenesis).<br>Birth defects; sterility<br>Lead; DBCP |
| (g) Cutaneous hazards:<br><br>Signs & Symptoms:<br><br>Chemicals:                                     | Chemicals which affect the<br>dermal layer of the body.<br>Defatting of the skin;<br>rashes; irritation<br>Organic solvents; acids  |

**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.

#### NEW SECTION

WAC 296-62-05423 APPENDIX B—HAZARD DETERMINATION (MANDATORY). The quality of a hazard communication program is largely dependent upon the adequacy and accuracy of the hazard determination. The hazard determination requirement of this standard is performance-oriented. Chemical manufacturers, importers, and employers evaluating chemicals are not required to follow any specific methods for determining hazards, but they must be able to demonstrate that they have adequately ascertained the hazards of the chemicals produced or imported in accordance with the criteria set forth in this Appendix.

Hazard evaluation is a process which relies heavily on the professional judgment of the evaluator, particularly in the area of chronic hazards. The performance-orientation of the hazard determination does not diminish the duty of the chemical manufacturer, importer or employer to conduct a thorough evaluation, examining all relevant data and producing a scientifically defensible evaluation. For purposes of this standard, the following criteria shall be used in making hazard determinations that meet the requirements of this standard.

(1) Carcinogenicity. As described in paragraph (d)(4) and Appendix A of this section, a determination by the National Toxicology Program, the International Agency for Research on Cancer, or WISHA that a chemical is a carcinogen or potential carcinogen will be considered conclusive evidence for purposes of this section.

(2) Human data. Where available, epidemiological studies and case reports of adverse health effects shall be considered in the evaluation.

(3) Animal data. Human evidence of health effects in exposed populations is generally not available for the majority of chemicals produced or used in the workplace. Therefore, the available results of toxicological testing in animal populations shall be used to predict the health effects that may be experienced by exposed workers. In particular, the definitions of certain acute hazards refer to specific animal testing results (see Appendix A).

(4) Adequacy and reporting of data. The results of any studies which are designed and conducted according to established scientific principles, and which report statistically significant conclusions regarding the health effects of a chemical, shall be a sufficient basis for a hazard determination and reported on any material safety data sheet.

The chemical manufacturer, importer, or employer may also report the results of other scientifically valid studies which tend to refute the findings of hazard.

#### NEW SECTION

WAC 296-62-05425 APPENDIX C—INFORMATION SOURCES (ADVISORY). The following is a list of available data sources which the chemical manufacturer, importer, or employer may wish to consult to evaluate the hazards of chemicals they produce or import:

(1) Any information in their own company files such as toxicity testing results or illness experience of company employees.

(2) Any information obtained from the supplier of the chemical, such as material safety data sheets or product safety bulletins.

(3) Any pertinent information obtained from the following source list (latest editions should be used):

Condensed Chemical Dictionary

Van Nostrand and Reinhold Co.  
135 West 50th Street  
New York, NY 10020

The Merck Index: An Encyclopedia of Chemicals and Drugs

Merck and Company, Inc.  
126 E. Lincoln Avenue  
Rahway, NJ 07065

IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man

Geneva: World Health Organization  
International Agency for Research on Cancer, 1972-1977  
(Multivolume work)  
49 Sheridan Street  
Albany, New York

Industrial Hygiene and Toxicology, by F.A. Patty

John Wiley & Sons, Inc.  
New York, NY  
(Five volumes)

Clinical Toxicology of Commercial Products

Gleason, Gosselin and Hodge

Casarett and Doull's Toxicology; The Basic Science of Poisons

Doull, Klaassen, and Amdur  
Macmillan Publishing Co., Inc.  
New York, NY

Industrial Toxicology, by Alice Hamilton and Harriet L. Hardy

Publishing Sciences Group, Inc.  
Action, MA

Toxicology of the Eye, by W. Morton Grant

Charles C. Thomas  
301-327 East Lawrence Avenue  
Springfield, IL

Recognition of Health Hazards in Industry

William A. Burgess  
John Wiley and Sons  
605 Third Avenue  
New York, NY 10158

Chemical Hazards of the Workplace

Nick H. Proctor and James P. Hughes  
J.P. Lipincott Company  
6 Winchester Terrace  
New York, NY 10022

Handbook of Chemistry and Physics

Chemical Rubber Company  
18901 Cranwood Parkway  
Cleveland, OH 44128

Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes

American Conference of Governmental Industrial Hygienists  
6500 Glenaway Avenue, Bldg. D-5  
Cincinnati, OH 45211

NOTE: The following documents are on sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Occupational Health Guidelines

NIOSH/OSHA (NIOSH Pub. No. 81-123)

NIOSH/OSHA Pocket Guide to Chemical Hazards

NIOSH Pub. NO. 78-210

Registry of Toxic Effects of Chemical Substances

U.S. Department of Health and Human Services  
Public Health Service  
Center for Disease Control  
National Institute for Occupational Safety and Health  
(NIOSH Pub. No. 80-102)

The Industrial Environment - Its Evaluation and Control

U.S. Department of Health and Human Services  
Public Health Service  
Center for Disease Control  
National Institute for Occupational Safety and Health  
(NIOSH Pub. No. 74-117)

Miscellaneous Documents - National Institute for Occupational Safety and Health

- (1) Criteria for a recommended standard... Occupational Exposure to " \_\_\_\_\_ "
- (2) Special Hazard Reviews
- (3) Occupational Hazard Assessment
- (4) Current Intelligence Bulletins

BIBLIOGRAPHIC DATA BASES

Service Provider	File Name
Bibliographic Retrieval Services (BRS) Corporation Park, Bldg. 702 Scotia, New York 12302	AGRICOLA BIOSIS PREVIEWS CA CONDENSATES

CA SEARCH  
DRUG INFORMATION  
MEDLARS  
MEDOC  
NTIS  
POLLUTION ABSTRACTS  
SCIENCE CITATION INDEX  
SSIE

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SSIE CURRENT RESEARCH

Lockheed - DIALOG  
Lockheed Missiles & Space  
Company, Inc.  
P.O. Box 44481  
San Francisco, CA 94144

SDC - ORBIT  
SDC Search Service  
Department No. 2230  
Pasadena, CA 91051

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BIOSIS/BIO6973  
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CAS77  
CHEMDEX  
CONFERENCE  
ENVIROLINE  
LABORDOC  
NTIS  
POLLUTION  
SSIE

Chemical Information System (CIS)  
Chemical Information Systems, Inc.  
7215 Yorke Road  
Baltimore, MD 21212

Structure & Nomenclature  
Search system  
Acute Toxicity (RTECS)  
Clinical Toxicology of  
Commercial Products  
Oil and Hazardous Materials  
Technical Assistance Data  
System

National Library of Medicine  
Department of Health and  
Human Services  
Public Health Service  
National Institutes of Health  
Bethesda, MD 20209

Toxicology Data Bank (TDB)  
MEDLINE  
TOXLINE  
CANCERLIT  
RTECS

**WSR 84-13-002**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1984 No. 13**  
[June 6, 1984]

COURTS—JUDGES—LAWYERS—MARRIAGE—SOLEMNIZATION OF MARRIAGE BY JUDGE OR JUSTICE PRO TEM

A lawyer (including a retired former judge) who does not otherwise hold a judicial office but who has been appointed to serve as a judge pro tem of a superior court pursuant to RCW 2.08.180, as a judge pro tem of the court of appeals pursuant to RCW 2.06.150, or as a justice pro tem of the State Supreme Court pursuant to Wash. Const., Art. IV, § 2(a) is not thereby authorized to solemnize marriages under RCW 26.04.050.

## Requested by:

Mr. James R. Larsen  
 Administrator for the Courts  
 1206 S. Quince, M.S. EZ-11  
 Olympia, WA 98504

**WSR 84-13-003**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed June 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries proposes to add new sections, amend, and repeal the present sections of chapter 296-13 WAC, Practice and procedures—Electrical advisory board and electrical examining board. The new proposed sections are: WAC 296-13-130 through 296-13-440 gives instructions to the boards regarding procedures in a contested case, hearing, revocation, or suspension of an electrical contractor's or an electrician's license, or an administrator's certificate. The procedures pertain to notices, services, subpoenas, or enforcement of subpoenas, depositions, and interrogations in contested cases, protection of parties and deponents and official notices, matters of law and material facts. WAC 296-13-035 sets the meeting dates for the examining board; WAC 296-13-045 lists the duties of the examining board; WAC 296-13-052 delegates the authority to preside over a hearing to an administrative law judge or a board member; WAC 296-13-053 describes the procedure in an appeal of a contested case; WAC 296-13-055 defines a quorum; WAC 296-13-057 specifies the place and time of filing a paper. The proposed amended sections are: WAC 296-13-001 conforms with chapter 19.28 RCW to provide for the establishment of an examining board and its duty to establish tests and test procedures and to act as a board of appeals, adds the responsibility to the advisory board to act as a board of appeal in contested cases, the same as the examining board, clarifies the wording with reference to adoption, amendment, or repeal of rules of this chapter; WAC 296-13-010 Definitions, adds new terms: Administrative law judge, advisory board, chapter, contested case, examining board, proceedings, clarifies the definition of the word "board," and deletes regular and special meetings; WAC 296-13-020 eliminates sexist language; WAC 296-13-030 exclusively adopts "Roberts Rules of Order, Revised"; WAC 296-13-035 clarifies dates of meetings; WAC 296-13-040 omits redundancy, clarifies, and adds a new duty to the advisory board, to hear formal appeal in contested cases; WAC 296-13-050 gives instructions to the board regarding formal and informal hearings, instructions to entities that desire a formal hearing, and the boards' license to assign the right to preside over a hearing to an administrative law judge or a board member; WAC 296-13-090 eliminates redundancy and adds the language "no former employee of the department

may appear as a representative for another party in any proceeding or contested case in which he or she previously took an active part"; WAC 296-13-110 clarifies computation of time. It is proposed to repeal WAC 296-13-070 Solicitation of business is unethical because the rule will now become moot; and WAC 296-13-120 Administrative Procedure Act will become redundant with the adoption of the new section;

that the agency will at 9:30, Wednesday, July 25, 1984, in the Director's Conference Room, General Administration Building, 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 27, 1984.

The authority under which these rules are proposed is RCW 19.28.123 and 19.28.590.

The specific statute these rules are intended to implement is RCW 19.28.123 and 19.28.590.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 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 person may contact the person named below.

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

Robert C. Cronkite, Administrator  
 Electrical Inspection, Plumber Certification  
 and Contractor Registration Sections  
 300 West Harrison, Room #509  
 Seattle, Washington 98119  
 (206) 281-5573

Dated: June 7, 1984

By: Sam Kinville  
 Director

#### STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapter: Chapter 296-13 WAC, Practice and procedure—Electrical advisory board and electrical examining board; WAC 296-13-001 Foreword; 296-13-010 Definitions; 296-13-020 Officers; 296-13-030 Internal management; 296-13-035 Dates of meetings; 296-13-040 Duties of advisory board; 296-13-045 Duties of examining board; 296-13-050 Hearings; 296-13-052 Hearing before administrative law judge or a board members; 296-13-053 Appeal of proposed decision to board; 296-13-055 Quorum; 296-13-057 Place and time of filing; 296-13-060 Appearance and practice before board; 296-13-080 Standards of ethical conduct; 296-13-090 Appearance by former employee; 296-13-100 Former employee as expert witness; 296-13-110 Computation of time; 296-13-130 Notice and opportunity for hearing; 296-13-140

Service of process—By whom served; 296-13-150 Service of process—Upon whom served; 296-13-160 Service of process upon parties; 296-13-170 Method of service of process; 296-13-180 When service of process is complete; 296-13-190 Subpoenas; 296-13-200 Subpoenas—Service and fees; 296-13-210 Quashing of subpoenas; 296-13-220 Enforcement of subpoenas; 296-13-230 Right to take depositions and interrogatories in contested cases; 296-13-240 Officer before whom depositions are taken; 296-13-250 Notice of depositions; 296-13-260 Depositions and interrogatories in contested cases—Protection of parties and deponents; 296-13-270 Oral examination and cross-examination in depositions; 296-13-280 Recording of depositions; 296-13-290 Depositions in contested cases—Signing attestation and return; 296-13-300 Use and effect of depositions; 296-13-310 Fees of deponents; 296-13-320 Submission of interrogatories; 296-13-330 Attestation and return of interrogatories; 296-13-340 Official notice—Matters of law; 296-13-350 Official notice—Material facts; 296-13-360 Presumptions; 296-13-370 Stipulations and admissions of record; 296-13-380 Form and content of board decisions in contested cases; 296-13-390 Definition of issues before hearing; 296-13-400 Prehearing conference; 296-13-410 Submission of documentary evidence in advance; 296-13-420 Continuances; 296-13-430 Rules of evidence—Admissibility criteria; 296-13-440 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections; 296-13-070 Solicitation of business unethical; and 296-13-120 Administrative Procedure Act.

Statutory Authority: RCW 19.28.123 and 19.28.590.

Specific Statute that Rules are Intended to Implement: RCW 19.28.123 and 19.28.590.

Summary of the Rules: See above.

Reasons Supporting the Proposed Rules: Are to conform with the amendments in the revised RCW of 1983. The effect of these amendments was to expand the duties of the electrical examining and electrical advisory boards. The new sections WAC 296-13-130 through 296-13-440 set up more adaptable guidelines for the boards to process formal hearings on contested cases than what is now available under the uniform procedural rules. WAC 296-13-010 Definitions is being amended because of the need for clarification of the present terms and the addition of new terms. Other changes to the text are to eliminate sexist language and to eliminate redundancy. WACs that are proposed for repeal either become redundant or moot with the adoption of the new section.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rules: Robert C. Cronkrite, Electrical Inspection, Plumber Certification and Contractor Registration Sections, 300 West Harrison, Room #509, Seattle, Washington 98119, (206) 281-5573.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules:

There will be no fiscal impact on the public by these rules.

The 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 Purpose: None.

A small business impact statement is not required because the rules do not have a negative fiscal impact.

Chapter 296-13 WAC  
PRACTICE AND PROCEDURE—ELECTRICAL ADVISORY  
BOARD AND ELECTRICAL EXAMINING BOARD

WAC

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296-13-030	Internal management.
296-13-035	Dates of meetings.
296-13-040	Duties of advisory board.
296-13-045	Duties of examining board.
296-13-050	Hearings.
296-13-052	Hearing before administrative law judge or a board member.
296-13-053	Appeal of proposed decision to board.
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296-13-230	Right to take depositions and interrogatories in contested cases.
296-13-240	Officer before whom depositions are taken.
296-13-250	Notice of depositions.
296-13-260	Depositions and interrogatories in contested cases—Protection of parties and deponents.
296-13-270	Oral examination and cross-examination in depositions.
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296-13-290	Depositions in contested cases—Signing attestation and return.
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296-13-340	Official notice—Matters of law.
296-13-350	Official notice—Material facts.
296-13-360	Presumptions.
296-13-370	Stipulations and admissions of record.
296-13-380	Form and content of board decisions in contested cases.
296-13-390	Definition of issues before hearing.
296-13-400	Prehearing conference.
296-13-410	Submission of documentary evidence in advance.
296-13-420	Continuances.
296-13-430	Rules of evidence—Admissibility criteria.
296-13-440	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.

AMENDATORY SECTION (Amending Foreword, filed 10/15/65)

WAC 296-13-001 FOREWORD. (1) The ((state electricians and)) electrical ((installations)) law, chapter 19.28 RCW, establishes the ((governor-appointed)) electrical advisory board and the electrical

examining board and fixes ~~((its administrative))~~ their responsibilities. The advisory board's principal function is to ~~((assist))~~ advise the ~~((director of labor and industries))~~ department in adopting ~~((and promulgating reasonable))~~ rules ~~((and regulations in furtherance of safety to life and property))~~ with respect to electrical installations and appliances. ~~((White))~~ The advisory board will ~~((upon request of the director of the department of labor and industries or the electrical inspection division thereof, aid in the administrative interpretation of the National Electrical Code and the rules and regulations covering standards for electrical installations in the state of Washington, it will not function))~~ also act as a board of appeals ~~((nor will it render decisions concerning))~~ in contested cases regarding the application or interpretation of ~~((any adopted rules and regulations to any person, firm or corporation engaged in the business of installing wires or equipment to convey electric current, or engaged in installing apparatus or appliances to be operated by such current))~~ a rule. The examining board's principal function is to establish tests and test procedures for electricians and administrators. The examining board will also act as a board of appeals in contested cases regarding the revocation or suspension of an electrical contractor's license or an electrician's or administrator's certificate.

(2) The ~~((primary))~~ purpose of ~~((the following rules))~~ this chapter is to provide a uniform procedure ~~((whereby))~~ for persons, firms ~~((or))~~, corporations ~~((interested in communicating))~~, or other entities to ~~((a))~~ communicate with the department ~~((of labor and industries on any subject matter relative to))~~ about rules ~~((or regulations which))~~ that should be adopted, amended, or repealed ~~((for electrical installations in the state of Washington or relative to the operation of the electrical inspection division of such department may be heard)),~~ ~~((b))~~ appeal an order of the department revoking or suspending a contractor's license, an electrician's certificate, or an administrator's certificate, and ~~((c))~~ appeal a ruling or interpretation of the provisions of chapter 19.28 RCW or chapter 296-46 WAC made by the department.

#### AMENDATORY SECTION (Amending Definitions, filed 10/15/65)

WAC 296-13-010 DEFINITIONS. Whenever used in these rules, the words:

(1) Administrative law judge: Means an administrative law judge appointed pursuant to chapter 34.12 RCW.

(2) Advisory board: Means the electrical advisory board established pursuant to RCW 19.28.065.

(3) Board: ~~((Shall))~~ Means the ~~((Washington state))~~ electrical advisory board ~~((appointed by the governor pursuant to RCW 19.28-065))~~ and the electrical examining board. The term "board" also includes an administrative law judge or a board member appointed by the board to hear a contested case.

(4) Chapter: Means chapter 296-13 WAC.

(5) Contested case: Means a contested case as defined by RCW 34.04.010(3). It includes appeals from decisions or orders of the department revoking or suspending an electrical contractor's license or an administrator's or electrician's certificate. It also includes challenges to the department's interpretation of the installation requirements of chapters 19.28 RCW and 296-46 WAC.

~~((2))~~ (6) Department: ~~((Shall))~~ Means the department of labor and industries of the state of Washington.

~~((3))~~ (7) Director: ~~((Shall))~~ Means the director of the department ~~((of labor and industries))~~.

~~((4))~~ Regular meeting: Shall mean the quarterly meetings held by the board on the last Friday of the first month of each calendar quarter, being January, April, July and October.

(5) Special meeting: Shall mean any meeting of the board called by the chairman thereof or the director and held at times other than the regular meetings.)

(8) Examining board: Means the electrical examining board established pursuant to RCW 19.28.123.

(9) Proceeding: Means any matter before the board other than a contested case.

#### AMENDATORY SECTION (Amending § I, filed 10/15/65)

WAC 296-13-020 OFFICERS. In addition to the ~~((chairman and secretary of the board, as provided for by RCW 19.28.065))~~ chairperson, the board shall elect from its members a vice ~~((chairman))~~ chairperson who shall perform all functions of the ~~((chairman))~~ chairperson in his or her absence.

#### AMENDATORY SECTION (Amending § II, filed 10/15/65)

WAC 296-13-030 INTERNAL MANAGEMENT. The board ~~((shall))~~ adopts ~~((written rules of procedure for its internal management which shall include))~~ "Roberts' Rules of Order, revised ~~((copies of which))~~" as its rules of procedure ~~((shall be made available to interested persons upon written request))~~.

#### NEW SECTION

WAC 296-13-035 DATES OF MEETINGS. (1) The advisory board shall hold regular meetings on the last Friday of January, April, July, and October of each year.

(2) The examining board shall hold regular meetings on the first Monday of February, May, August, and November of each year.

(3) The director or the chairperson of the board may call a special meeting at any other time.

#### AMENDATORY SECTION (Amending § III, filed 10/15/65)

WAC 296-13-040 DUTIES OF ADVISORY BOARD. (1) The advisory board shall study proposed rules ~~((and regulations))~~ submitted to it by the ~~((director or by the electrical inspection division of the))~~ department and shall make recommendations ~~((to the director))~~ concerning their adoption ~~((and promulgation))~~.

(2) The advisory board shall ~~((further))~~ develop and submit for consideration to the ~~((director))~~ department administrative procedures, organizational plans, and rules relating to improving the functions of the electrical ~~((inspection division))~~ section.

(3) The advisory board shall at each ~~((regular or special))~~ meeting consider any written proposals made by any persons, firms ~~((or))~~, corporations, or other entities for ~~((new))~~ electrical rules ~~((or regulations or for amendments to or repeal of existing electrical rules or regulations))~~ or for changes in administrative procedures of the electrical ~~((inspection division provided such proposals are submitted in writing to the secretary of the board at least fifteen days prior to any such meeting so that the same may be properly included on the agenda for such meeting))~~ section.

(4) The advisory board shall hear formal appeals in contested cases involving a ruling or interpretation of the provisions of chapters 19.28 RCW and 296-46 WAC made by the department.

#### NEW SECTION

WAC 296-13-045 DUTIES OF EXAMINING BOARD. (1) The examining board shall consider proposed expenditures from the electrical fund.

(2) The examining board shall establish tests and test procedures for journeyman and specialty electricians and for general and specialty administrators.

(3) The examining board will hear informal appeals, including those from persons who desire to contest:

(a) Decisions of the department that they do not qualify to take an examination;

(b) The loss of a certificate because of a failure timely to renew the certificate; and

(c) Grades given on examinations for administrator or specialty electrician certificates.

(4) The examining board will hear formal appeals in contested cases involving an order of the department that revokes or suspends an electrical contractor's license, an administrator's certificate, or an electrician's certificate, or lessens the number of hours of work a trainee electrician has accumulated.

#### AMENDATORY SECTION (Amending § IV, filed 10/15/65)

WAC 296-13-050 HEARINGS. ~~((Any))~~ (1) The board will grant a formal hearing on contested cases. It will grant an informal hearing on all other proceedings that are within its jurisdiction.

(2) A person, firm, corporation, or other entity that desires a formal hearing on a contested case must file a written appeal of the department's decision, order, or interpretation with the board. An appeal of a decision or order of the department must be filed within fifteen days of the day the appellant received notice of the department's decision or order.

(3) The board may delegate to an administrative law judge or a board member the responsibility to preside over the hearing and to issue a proposed decision and order. If the board does so, the administrative law judge or a board member shall set the time and place for

the hearing. If the board retains the responsibility to preside over the hearing, the board shall set the time and place.

(4) A person, firm ~~((or)), corporation, or other entity~~ desiring ~~((to be heard))~~ an informal hearing on ~~((any subject matter relative to rules or regulations which should be adopted, amended or repealed for electrical installations in the state of Washington, or relative to the operation of the electrical inspection division of such department at any regular meeting of the board))~~ a proceeding other than a contested case shall ~~((present))~~ file a written request to that effect ~~((to))~~ with the ~~((secretary of the))~~ board ~~((at least fifteen days prior to be next regular meeting, setting forth a summary of any and all proposals on))~~. The written request should describe concisely the matters or proposals on which the informal hearing is requested.

#### NEW SECTION

WAC 296-13-052 HEARING BEFORE ADMINISTRATIVE LAW JUDGE OR A BOARD MEMBER. An administrative law judge or a board member to whom the board has delegated the authority to preside over a hearing in a contested case may exercise all powers the board could exercise in the course of the hearing. After the hearing, the administrative law judge or a board member shall serve on each party and file with the board a proposed decision.

#### NEW SECTION

WAC 296-13-053 APPEAL OF PROPOSED DECISION TO BOARD. A party to a contested case may appeal a proposed decision to the full board within thirty days after a copy of the proposed decision is served upon that party. The appeal shall be filed with the board as provided in WAC 296-13-057. If no appeal is filed, the proposed decision becomes final with no further action on the part of the board.

The notice of appeal must specify the contentions of the appealing party, and must specify to which conclusions of law and findings of fact the party takes exception.

The appeal shall be based on the record of the hearing. The board shall not grant a hearing de novo.

#### NEW SECTION

WAC 296-13-055 QUORUM. A majority of the board constitutes a quorum for purposes of making a decision in a contested case. If a majority does not attend a hearing on a contested case, the board may either continue the hearing to a date certain or may hear the testimony and arguments. If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing.

#### NEW SECTION

WAC 296-13-057 PLACE AND TIME OF FILING. A paper that must be filed with the board shall be filed only at the Office of the Administrator, Electrical Section, 300 W. Harrison, Seattle, WA 98119. The paper may be filed by ordinary mail, certified or registered mail, telegram, or by personal delivery. The date of filing is the date the paper is actually received in the office of the administrator.

#### AMENDATORY SECTION (Amending § V, filed 10/15/65)

WAC 296-13-060 APPEARANCE AND PRACTICE BEFORE BOARD. No person may appear ~~((in))~~ as a representative ~~((capacity))~~ in a contested case before the board other than the following:

(1) Attorneys at law ~~((duty))~~ qualified ~~((and entitled))~~ to practice before the supreme court of the state of Washington.

(2) Attorneys at law ~~((duty))~~ qualified ~~((and entitled))~~ to practice before the highest court of record of ~~((any other))~~ another state, if the attorneys at law of the state of Washington are permitted to appear ~~((in a))~~ as representatives ~~((capacity))~~ before administrative agencies of ~~((such))~~ the other state, and if not otherwise prohibited by Washington ~~((state))~~ law.

(3) ~~((A bona fide))~~ An owner, officer, partner, or full-time employee of ~~((an individual))~~ a firm, association, organization, partnership, or corporation who appears for ~~((such individual))~~ the firm, association, organization, partnership, or corporation ~~((or a person other than an attorney at law as provided in subsections (1) and (2) above) appointed in writing to represent an individual, firm, association, organization, partnership or corporation))~~.

#### AMENDATORY SECTION (Amending § VII, filed 10/15/65)

WAC 296-13-080 STANDARDS OF ETHICAL CONDUCT. All persons appearing in proceedings or contested cases before the board ~~((in))~~ as a representative ~~((capacity))~~ shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If ~~((any such))~~ a person does not conform to ~~((such))~~ these standards, the board may decline to permit ~~((such))~~ the person to appear ~~((in))~~ as a representative ~~((capacity))~~ in any proceeding or contested case before the board.

#### AMENDATORY SECTION (Amending § VIII, filed 10/15/65)

WAC 296-13-090 APPEARANCE BY FORMER EMPLOYEE. No former employee of the board ~~((or member of))~~, the department, or the attorney general's staff may at any time after severing his or her employment with the board, the department, or the attorney general appear ~~((, except with the written permission of the board, in))~~ as a representative ~~((capacity on behalf of other parties))~~ for another party in any proceeding ~~((wherein))~~ or contested case in which he or she previously took an active part as a representative of the board or the department.

#### AMENDATORY SECTION (Amending § IX, filed 10/15/65)

WAC 296-13-100 FORMER EMPLOYEE AS EXPERT WITNESS. Except with the written permission of the board, no former employee of the board or the department shall ~~((at any time))~~ appear, after severing his or her employment with the board ~~((appear, except with the written permission of the board))~~ or the department, as an expert witness ~~((on behalf of other parties))~~ for another party in any proceeding ~~((wherein))~~ or contested case in which he or she previously took an active part in the investigation as a representative of the board or the department.

#### AMENDATORY SECTION (Amending § X, filed 10/15/65)

WAC 296-13-110 COMPUTATION OF TIME. In computing any period of time prescribed or allowed by ~~((the board))~~ any applicable statute or rule ~~((s, by order of the board or by any applicable statute))~~, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the next day that is not a Saturday, Sunday, or holiday.

#### NEW SECTION

WAC 296-13-130 NOTICE AND OPPORTUNITY FOR HEARING. (1) In any contested case the board shall serve all parties with a notice and opportunity for hearing not less than twenty days before the date set for hearing. The notice shall state the time and place of the hearing and the issues involved, as required by RCW 34.04.090.

(2) In any other proceeding before the board, the board shall give reasonable notice and an opportunity to be heard by mail or by telephone not less than two days before the date set for the informal hearing.

#### NEW SECTION

WAC 296-13-140 SERVICE OF PROCESS—BY WHOM SERVED. The board shall cause to be served all orders, notices, and other papers it issues that pertain to a contested case, together with any other papers it is required by law to serve. Every other paper that must be served shall be served by the party that files it.

#### NEW SECTION

WAC 296-13-150 SERVICE OF PROCESS—UPON WHOM SERVED. All papers served by either the board or a party shall be served upon all counsel of record at the time the paper is served and upon parties not represented by counsel or upon their representatives designated by them or by law. Any counsel that enters an appearance after the beginning of the contested case shall notify all other counsel then of record and all parties not represented by counsel of his or her appearance.

NEW SECTION

**WAC 296-13-160 SERVICE OF PROCESS UPON PARTIES.** The final order, and any other paper the board must serve upon a party, shall be served upon each party or upon his or her representative. If the board serves a paper on a party personally, the board shall furnish a copy to the representative of record of the party. Service on the counsel or other representative representing a party constitutes service on the party.

NEW SECTION

**WAC 296-13-170 METHOD OF SERVICE OF PROCESS.** Papers shall be served personally, by registered or certified mail, or by telegraph.

NEW SECTION

**WAC 296-13-180 WHEN SERVICE OF PROCESS IS COMPLETE.** Service upon a party shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

NEW SECTION

**WAC 296-13-190 SUBPOENAS.** (1) In a contested case, upon application of a party or a representative, the board shall issue to the party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in the contested case. The board may condition the issuance of the subpoenas upon a showing of the general relevance and reasonable scope of the testimony or evidence sought. An attorney of a party in a contested case may issue subpoenas under his or her own authority.

(2) Every subpoena shall state the name of the board and the title of the proceeding, and shall command the person to whom it is directed to attend at a specified time and place and give testimony or to produce designated books, documents, or things under his or her control.

(3) Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

NEW SECTION

**WAC 296-13-200 SUBPOENAS—SERVICE AND FEES.** (1) Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to the person and by tendering him or her on demand the fees for one day's attendance and the mileage allowed by law.

(2) Witnesses summoned before the agency shall be paid, by the party at whose instance they appear, the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington.

(3) The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the board. Failure to make proof of service does not affect the validity of the service.

NEW SECTION

**WAC 296-13-210 QUASHING OF SUBPOENAS.** Upon motion made at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the board may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

NEW SECTION

**WAC 296-13-220 ENFORCEMENT OF SUBPOENAS.** Upon application and for good cause shown a party may seek judicial enforcement of subpoenas that have been issued and that have not been quashed.

NEW SECTION

**WAC 296-13-230 RIGHT TO TAKE DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES.** (1) A party may take the testimony of any person, including a party, by deposition upon

oral examination or written interrogatories for use as evidence in a contested case, except that leave of the deponent must be obtained if a proponent serves notice of the deposition or interrogatories on the deponent within twenty days after the filing of an appeal. The attendance of the deponent may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

(2) Unless the board otherwise orders, the deponent may be examined regarding any matter that is relevant to the subject matter involved in the contested case and is not privileged.

NEW SECTION

**WAC 296-13-240 OFFICER BEFORE WHOM DEPOSITIONS ARE TAKEN.** Within the United States, or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held. Within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or before a person designated by the board or agreed upon by the parties by stipulation in writing filed with the board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the contested case.

NEW SECTION

**WAC 296-13-250 NOTICE OF DEPOSITIONS.** A party that desires to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the board and all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known. If the name is not known, the notice shall contain a general description sufficient to identify him or her or the particular class or group to which he or she belongs. On motion of a party upon whom the notice is served, the board may, for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner.

NEW SECTION

**WAC 296-13-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEONENTS.** After notice is served for taking a deposition or of written interrogatories, upon the board's own motion or upon motion made by any party or by the deponent and upon notice and for good cause shown, the board may order that: (1) The deposition or interrogatories shall not be taken, (2) the deposition may be taken only at some designated place other than that stated in the notice, (3) the deposition may be taken only on written interrogatories, (4) the examination shall be limited to certain matters, (5) the examination shall be held with no one present except the parties to the action and their officers or counsel, (6) after being sealed, a deposition shall be opened only by order of the board, (7) business secrets or secret processes, developments, or research need not be disclosed, or (8) the parties shall simultaneously file specified documents, or information enclosed in sealed envelopes to be opened as directed by the board. The board may make any other order that justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of a deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in a manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board may order the officer conducting the examination to cease taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subsections (1) through (8) of this section. If the order ends the examination, it shall be resumed thereafter only upon the order of the board. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to move for an order.

NEW SECTION

**WAC 296-13-270 ORAL EXAMINATION AND CROSS-EXAMINATION IN DEPOSITIONS.** Examination and cross-examination during oral examination shall proceed as at an oral hearing.

In lieu of participating in the oral examination, a party may transmit written interrogatories to the person taking the deposition who, without previously disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record the answers verbatim.

#### NEW SECTION

**WAC 296-13-280 RECORDING OF DEPOSITIONS.** The person before whom the deposition is to be taken shall put the deponent on oath and shall personally, or by someone acting under his or her direction and in his or her presence, record the testimony. Objections to the notice, the qualifications of the person taking the deposition, the manner of taking the deposition, to the evidence presented, or to the conduct of the person taking the deposition or of any party, shall be noted in the record. All objections by any party not made are waived.

#### NEW SECTION

**WAC 296-13-290 DEPOSITIONS IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.** (1) When the testimony of a deposition is fully transcribed, the deposition shall be submitted to the deponent for examination and shall be read to or by him or her, unless the examination and reading are waived by the deponent and by the parties. Any changes in form or substance that the deponent desires to make shall be entered upon the deposition by the person taking the deposition with a statement of the reasons given by the deponent for making them. The deposition shall then be signed by the deponent, unless the parties by stipulation waive the signing or the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign the deposition, the person taking the deposition shall sign it and state on the record whether the deponent did not sign because of a waiver, an illness or absence, or a refusal to sign together with the reason, if any, given for a refusal. The deposition may then be used as fully as though signed, unless on a motion to suppress, the board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The person taking the deposition shall certify on the deposition that the deponent was duly sworn by him or her and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the board, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties.

#### NEW SECTION

**WAC 296-13-300 USE AND EFFECT OF DEPOSITIONS.** Subject to rulings by the board upon objections, a deposition taken and filed as provided in WAC 296-13-290 will not become a part of the record in the proceeding until received in evidence by the board upon its own motion or the motion of a party. Except by agreement of the parties or ruling of the board, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness its witness by taking his or her deposition. A party may rebut any relevant evidence contained in a deposition whether introduced by him or her or by any other party.

#### NEW SECTION

**WAC 296-13-310 FEES OF DEONENTS.** Deponents are entitled to the same fees as are paid for similar services in the superior courts of the state of Washington. The fees shall be paid by the party at whose instance the depositions are taken.

#### NEW SECTION

**WAC 296-13-320 SUBMISSION OF INTERROGATORIES.** If a deposition is taken upon written interrogatories, the party offering the testimony shall consecutively number each interrogatory, file them with the board, and serve them on all parties and the person who is to answer them with a notice stating the name and address of the person who is to answer them.

#### NEW SECTION

**WAC 296-13-330 ATTESTATION AND RETURN OF INTERROGATORIES.** The person before whom the interrogatories are

answered shall (1) certify under his or her official signature and seal that the deponent was duly sworn by him or her, that the interrogatories and answers are a true record of the deponent's testimony, and (2) promptly file the original copy of the deposition and exhibits with his or her attestation to the board, serve one copy on the counsel who submitted the interrogatories, and serve a copy on the deponent and on each other party.

#### NEW SECTION

**WAC 296-13-340 OFFICIAL NOTICE—MATTERS OF LAW.** The board, upon request made before or during a hearing, will officially notice:

(1) Federal law. The constitution; congressional acts, resolutions, records, journals, and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders, and notices published in the Federal Register;

(2) State law. The constitution of the state of Washington, acts of the legislature, resolutions, records, journals, and committee reports; decisions of administrative agencies of the state of Washington, and executive orders and proclamations by the governor; and all rules, orders, and notices published in the Washington State Register.

(3) Governmental organization. The organization, territorial limitations, officers, departments, and general administration of the governments of the state of Washington, the United States, the several states, and foreign nations.

#### NEW SECTION

**WAC 296-13-350 OFFICIAL NOTICE—MATERIAL FACTS.**

(1) In the absence of controverting evidence, the board, upon request made before or during a hearing, may officially notice:

(a) The pendency of, the issues and position of the parties in, and the disposition of any proceeding then pending before or previously concluded by the board.

(b) General customs and practices followed in the transaction of business;

(c) Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts that are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency; and

(d) Matters within the technical knowledge of the board as a body of experts, or within the scope of its statutory duties, responsibilities, or jurisdiction.

(2) At any prehearing conference, or a hearing, or argument, a party may request, or the board may suggest, that official notice be taken of a material fact, which shall be stated on the record. A party or the board may also make such a request or suggestion by written notice, or in any pleading, motion, memorandum, or brief, served upon all parties, at any time before a final decision.

(3) If an initial or final decision of the board rests in whole or in part upon official notice of a material fact, the fact shall be clearly stated in the decision. In determining whether to take official notice of material facts, the board may consult any source of pertinent information, whether or not it is admissible under the rules of evidence.

(4) A party may controvert a request or a suggestion that official notice of a material fact be taken. If a decision is stated to rest in whole or in part upon official notice of a material fact that a party has not had a prior opportunity to controvert, the party may controvert the fact by exception if the decision is a proposed decision, or by a petition for reconsideration if the decision is a final decision. The controversion shall concisely and clearly set forth the sources, authority, and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

(5) Nothing herein shall be construed to preclude the board from using its experience, technical competence, and specialized knowledge in evaluating the evidence presented to them.

#### NEW SECTION

**WAC 296-13-360 PRESUMPTIONS.** Upon proof of the predicate facts specified in this section by clear and convincing evidence, and without substantial dispute, the board, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one that usually exists for at least that period of time;

(2) That persons or objects of the same name and description are identical;

(3) That mail matter, communications, express, or freight that are properly addressed, marked, billed, and delivered as appropriate to the post office, telegraph, cable or radio company, or authorized common carrier of property, and for which with all postage, tolls, or charges are properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact that, in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) That a person for whom an act is done or to whom a transfer is made has, does, or will accept the act or transfer where it is clearly in his or her own self-interest so to do;

(6) That evidence, with respect to a material fact which in bad faith is destroyed, eluded, suppressed, or withheld by a party in control of the fact, would, if produced, corroborate the evidence of the adversary party with respect to the fact.

#### NEW SECTION

WAC 296-13-370 STIPULATIONS AND ADMISSIONS OF RECORD. The existence or nonexistence of a fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound by the stipulation or admission, and no other evidence with respect to the fact will be received upon behalf of the party.

The stipulation or admission is binding upon the parties by whom it is made and their privies, and upon all other parties to the proceeding who do not expressly deny the existence or nonexistence of the fact, upon the making thereof, if made on the record at a prehearing conference, oral hearing, or oral argument, or by a writing filed and served upon all parties within five days after a copy of the stipulation or admission has been served upon them.

A party bound by a stipulation or admission of record at any time before the final decision may be permitted to withdraw it in whole or in part by showing to the satisfaction of the hearing officer of the agency that the stipulation or admission was made inadvertently or under a bona fide mistake of fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

#### NEW SECTION

WAC 296-13-380 FORM AND CONTENT OF BOARD DECISIONS IN CONTESTED CASES. (1) Every proposed and final decision and order in a contested case shall:

- (a) Contain the correct names of the board and the case;
- (b) Name all parties and counsel in the case;
- (c) State concisely the nature and background of the case; and
- (d) Contain numbered findings of fact and conclusions of law.

(2) Whenever practical, (a) the conclusions of law shall include the reasons for and precedents supporting the particular order or remedy afforded; and (b) the conclusions and order shall refer to the appropriate laws and rules.

#### NEW SECTION

WAC 296-13-390 DEFINITION OF ISSUES BEFORE HEARING. In all contested cases the issues to be adjudicated shall be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

#### NEW SECTION

WAC 296-13-400 PREHEARING CONFERENCE. (1) In a contested case the board, upon its own motion or the motion of one of the parties, may direct the parties to appear at a specified time and place for a conference to consider:

- (a) The settlement or simplification of issues;
- (b) The necessity of amendments to the pleadings;
- (c) The possibility of obtaining stipulations, or admissions of facts and of documents;

- (d) The limitation of the number of expert witnesses; or
- (e) Other matters that may help dispose of the proceeding.

(2) The board shall make an order that recites the action taken at a prehearing conference and the agreements made by the parties as to any of the matters considered and that limits the issues for hearing to those not disposed of by admission or agreement. The order shall control the subsequent course of the contested case unless modified for good cause by a later order.

#### NEW SECTION

WAC 296-13-410 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE. Where practicable the board may require that:

(1) All documentary evidence that is to be offered during a hearing, deposition, or prehearing conference be submitted to the board and to the other parties sufficiently in advance of the taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) Documentary evidence not submitted in advance, as required by subsection (1) of this section, be not received in evidence in the absence of a clear showing that the offering party had good cause for its failure to produce the evidence sooner;

(3) The authenticity of all documents submitted in advance, as required by subsection (1) of this section, be deemed admitted unless a written objection to admission is filed before the time for taking the evidence. A party will be permitted to challenge the authenticity at a later time upon a clear showing of good cause for failure to have filed a written objection.

#### NEW SECTION

WAC 296-13-420 CONTINUANCES. A party who wants a continuance shall, immediately upon receipt of notice of a hearing, prehearing conference, or deposition, or as soon thereafter as facts requiring a continuance come to his or her knowledge, notify the board of his or her desire, stating in detail the reasons why a continuance is necessary. A formal motion is not required. The board, in ruling on a request for continuance, shall consider whether the request was timely made. For good cause shown, the board may grant a continuance and may at any time order a continuance upon its own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the board may continue the hearing. Oral notice of a continuance, given at a hearing, shall constitute final notice of the continuance.

#### NEW SECTION

WAC 296-13-430 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. Subject to the other provisions of this chapter, all relevant evidence is admissible that, in the opinion of the board, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. In passing upon the admissibility of evidence, the board shall consider, but need not follow, the rules of evidence governing civil proceedings in the superior court of the state of Washington.

#### NEW SECTION

WAC 296-13-440 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS. When a party objects to the admissibility of evidence, the evidence may be received subject to a later ruling. The board may, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. A party that objects to the introduction of evidence shall state the precise grounds of the objection at the time the evidence is offered.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 296-13-070 SOLICITATION OF BUSINESS UNETHICAL.

(2) WAC 296-13-120 ADMINISTRATIVE PROCEDURE ACT.

**WSR 84-13-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 84-13—Filed June 7, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to chapter 296-46 WAC, safety standards, installing electric wires and equipment, and administrative rules; WAC 296-46-110 foreword is being amended to adopt the 1984 edition of the National Electrical Code and notice is being given of a location change from Olympia to Seattle. The immediate amendment to this rule is necessary because the adoption of the 1984 edition of the National Electrical Code was recommended and approved by the electrical advisory board at their January 27, 1984, meeting. The 1984 National Electrical Code becomes effective April 1, 1984, and the department will therefore need to comply with the code's requirements from April 1, 1984, until the permanent rule is adopted.

I, Sam Kinville, 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 that the department will begin making inspections and issuing permits on April 1, 1984, predicated on the 1984 edition of the National Electrical Code. The department by law must conform with the requirements of the 1984 edition of the National Electrical Code.

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

This rule is promulgated pursuant to RCW 19.28.010 and 19.28.060 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 7, 1984.

By Sam Kinville  
 Director

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

~~WAC 296-46-110 FOREWORD. ((These rules and regulations are issued by the Electrical Inspection Section of the Department of Labor and Industries under the authority of chapter 19.28 RCW, Electrical Installations Law. The department is empowered by law to enforce these rules and regulations and the National Electrical Code.))~~

~~The ((1984)) 1984 edition((;)) of the National Electrical Code((;)) is hereby adopted by reference as part of ((these rules and regulations)) this chapter. ((The rules and regulations are adopted for the safety of the public~~

~~and are to be used in connection with the 1981 edition of the National Electrical Code.)) Other codes, manuals, and reference works referred to in this ((code will be)) chapter are available for inspection and review in the Seattle office of the electrical ((inspection)) section of the ((Division of Building and Construction Safety Inspection Services, Olympia,)) department during business hours. Where there is any conflict between ((the rules and regulations)) a specific rule, this chapter and the National Electrical Code, ((the rules and regulations)) the specific rule shall be observed.~~

~~Electrical inspectors will give information as to the meaning or application of the National Electrical Code and ((these rules and regulations)) this chapter, but will not lay out work or act as consultants for contractors, owners, or users.~~

~~((A copy of chapter 19.28 RCW, Electrical Installations Law, may be obtained from the Department of Labor and Industries.))~~

**WSR 84-13-005**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 2102—Filed June 7, 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 community work experience program (CWEP), amending WAC 388-57-097.

This action is taken pursuant to Notice No. WSR 84-09-047 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 RCW 74.04.400 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 74.04.473.

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 30, 1984.

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

AMENDATORY SECTION (Amending Order 2047, filed 11/4/83)

~~WAC 388-57-097 COMMUNITY WORK EXPERIENCE PROGRAM (CWEP). The community work experience program (CWEP) is authorized under RCW ((74.04.)) (section 41, chapter 41, Laws of 1983 1st ex. sess.)) 74.04.473 and as provided for in 45 C.F.R. 238.~~

(1) The program has the following objectives:

(a) To provide work experience to recipients of AFDC unable to secure employment through other employment programs; and

(b) To determine the extent work experience will assist individuals participating in the program to secure unsubsidized employment.

(2) CWEP sites shall be located in the Moses Lake and Mount Vernon CSOs.

(3) Any AFDC recipient shall, as a condition of eligibility for AFDC, participate in CWEP unless the individual:

(a) Is participating in a WIN/E&T approved training plan; or

(b) Meets the WIN/E&T exemption criteria of WAC 388-24-107; or

(c) Is both currently (or becomes) employed at least eighty hours per month and earning not less than the legally established minimum wage for such employment. Persons employed at least eighty hours per month at jobs not having an established minimum wage shall be exempted regardless of wage level; or

(d) Is denied an AFDC grant for any month solely because the amount of the entitlement is less than ten dollars per month; or

(e) Resides in a non-CWEP CSO area.

(4) The department shall:

(a) Provide coordination between CWEP and the WIN/E&T program:

(i) To ensure that job placement will have priority over participation in CWEP; and

(ii) To ensure that aid may not be denied on the grounds of failure to participate in either WIN or CWEP if participants are actively and satisfactorily participating in the other program.

(b) Provide that CWEP work hour requirements may be met hour for hour by documented job search activity which has received prior approval by the CWEP service worker;

(c) Require appropriate standards of health, safety, and other conditions applicable to the performance of work;

(d) Ensure reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants;

(e) Ensure participants do not perform tasks in any way related to political, electoral, or partisan activities or which would result in displacement of persons currently employed or fill established unfilled position vacancies;

(f) Ensure tasks have not been developed in response to or in any way associated with, the existence of a strike, lockout, or other bona fide labor dispute or violate any existing labor agreement between employees and employers;

(g) Reimburse necessary transportation costs;

(h) Pay customary departmental scale costs of child care needed in order to participate in CWEP;

(i) Not require the use of the participant's assistance or income or resources to pay participation costs;

(j) Provide that assignments to CWEP projects will be made taking into consideration to the extent possible, the

prior training, proficiency, experience, and skills of a participant;

(k) Provide that assignment to CWEP projects shall not require participants to travel unreasonable distances from home or to remain away from home overnight without consent; and

(l) Provide worker's compensation coverage for participants through the department of labor and industries.

(5) CWEP participants shall be referred to and shall participate in work experience slots designed to serve a useful public purpose in public agencies or private non-profit organizations as agreed on by the agency and the department.

(6) The hours of CWEP participation required of any assistance unit, regardless of the number of participants in that unit, shall be no more than the number calculated by dividing the amount of the household's assistance grant by the greater of the federal or state minimum wage, not to exceed one hundred twenty-eight hours during a calendar month. The AFDC payment shall not be construed as compensation for work performed.

(7) If a recipient of AFDC-R fails or refuses without good cause to participate in the community work experience program, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. If a recipient of AFDC-E qualifying the family for AFDC-E fails or refuses without good cause to participate in the community work experience program, the entire assistance unit shall become ineligible for AFDC-E. These sanctions shall be consistent with the WIN sanction period in WAC 388-57-064. A recipient adversely affected shall have the opportunity for administrative review and/or fair hearing as provided by RCW 74.08.070 and chapter 388-08 WAC. Good cause provisions are included in WAC 388-57-064. WAC 388-57-064 (7)(d) shall not apply to CWEP participation.

(8) AFDC recipients who are not mandatory referrals to CWEP may volunteer for this program in CWEP sites. No sanctions in this chapter shall apply to CWEP volunteers for failure to participate in this program.

#### WSR 84-13-006

#### ADOPTED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (General Provisions)

[Order 2109—Filed June 7, 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.

This action is taken pursuant to Notice No. WSR 84-09-080 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 34.04.040(2).

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 May 30, 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))
	<u>69,999</u>
((3,500 to	<u>4,999</u>
5,000 to	<u>9,999</u>
10,000 to	<u>14,999</u>
15,000 to	<u>19,999</u>
20,000 to	<u>24,999</u>
25,000 to	<u>29,999</u>
30,000 to	<u>34,999</u>
35,000 to	<u>39,999</u>
40,000 to	<u>54,999</u>
55,000 to	<u>69,999</u>
70,000 to	<u>84,999</u>
	<u>1,670</u>
85,000 to	<u>99,999</u>
	<u>1,930</u>
100,000 to	<u>129,999</u>
	<u>2,215</u>
130,000 to	<u>159,999</u>
	<u>2,525</u>
160,000 to	<u>204,999</u>
	<u>2,875</u>
205,000 to	<u>249,999</u>
	<u>3,255</u>
250,000 to	<u>399,999</u>
	<u>3,680</u>
400,000 to	<u>549,999</u>
	<u>4,145</u>
550,000 to	<u>699,999</u>
	<u>4,655</u>
700,000 to	<u>849,999</u>
	<u>5,210</u>
850,000 to	<u>999,999</u>
	<u>(3,715))</u>

Proposed Capital Expenditure	Review Fee
1,000,000 to	<u>5,830</u>
	<u>((4,150))</u>
	<u>6,515</u>
1,300,000 to	<u>((4,625))</u>
	<u>7,260</u>
1,600,000 to	<u>((5,150))</u>
	<u>8,085</u>
2,000,000 to	<u>((5,725))</u>
	<u>8,990</u>
2,500,000 to	<u>((6,355))</u>
	<u>9,975</u>
3,000,000 to	<u>((7,045))</u>
	<u>11,060</u>
4,000,000 to	<u>((7,805))</u>
	<u>12,255</u>
5,000,000 to	<u>((8,645))</u>
	<u>13,570</u>
7,500,000 to	<u>((9,565))</u>
	<u>15,015</u>
10,000,000 to	<u>((10,605))</u>
	<u>16,650</u>
15,000,000 to	<u>((12,269))</u>
	<u>19,260</u>
20,000,000 to	<u>((13,085))</u>
	<u>20,545</u>
30,000,000 to	<u>((14,565))</u>
	<u>22,865</u>
40,000,000 to	<u>((16,105))</u>
	<u>25,285</u>
50,000,000 to	<u>((17,845))</u>
	<u>28,015</u>
65,000,000 to	<u>((19,785))</u>
	<u>31,060</u>
80,000,000 to	<u>((21,965))</u>
	<u>34,485</u>
100,000,000 and over	<u>((24,385))</u>
	<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 intensive 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	\$ <del>((75))</del> 80
Repacker	\$ <del>((200))</del> 215
Shellstock Shipper	
0 - 10 Acres	\$ <del>((75))</del> 80
11 - 49 Acres	\$ <del>((100))</del> 110
50 - 99 Acres	\$ <del>((125))</del> 135
100 + Acres	\$ <del>((175))</del> 190
Shucker-Packer	
1 - 5 Shuckers	\$ <del>((125))</del> 135
6 - 10 Shuckers	\$ <del>((150))</del> 165
11 - 15 Shuckers	\$ <del>((175))</del> 190
16 + Shuckers	\$ <del>((200))</del> 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 84-13-007**

**EMERGENCY RULES**

**DEPARTMENT OF CORRECTIONS**

[Order 84-08—Filed June 7, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New ch. 137-91 WAC Adult correctional institutions—Medical care—Health care.
- Rep ch. 275-91 WAC Adult correctional institutions—Medical care—Health care.

I, Amos E. Reed, 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 it is necessary to transfer the former regulations of the Department of Social and Health Services relative to medical and health care at adult correctional institutions to the title of the Washington Administrative Code assigned to the Department of Corrections so that these regulations will correctly reflect current Department of Corrections policies with respect to the health, welfare, and safety of individuals assigned to its custody and control.

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 Department of Corrections as authorized in RCW 72.01.050, 72.01.090 and 72.09.050.

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 7, 1984.

By Robert E. Trimble  
Deputy Secretary  
for Amos E. Reed  
Secretary

Chapter 137-91 WAC  
ADULT CORRECTIONAL INSTITUTIONS—  
MEDICAL CARE—HEALTH CARE

WAC

137-91-011	Medical/dental care—General policy.
137-91-021	Medical/dental services.
137-91-050	Use of allied health professionals.
137-91-060	Records.
137-91-070	Supplemental care.

NEW SECTION

**WAC 137-91-011 MEDICAL/DENTAL CARE—GENERAL POLICY.** The policy of the department of social and health services with regard to medical and dental care for inmates of adult correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

(1) Cause or allow to continue significant or debilitating pain; or

(2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration.

NEW SECTION

**WAC 137-91-021 MEDICAL/DENTAL SERVICES.** The medical/dental treatment program operated by the adult corrections division shall include the following services:

(1) Regular environmental health inspections and, where appropriate, recommendations.

(2) Initial examination when the inmate enters the adult correctional system. This examination shall include:

(a) A medical history;

(b) A physical examination, including funduscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;

(c) A chest film as indicated;

(d) Serology;

(e) Blood count;

(f) Urinalysis;

(g) Electrocardiogram as indicated;

(h) Visual and auditory acuity;

(i) Dental examination;

(j) For female residents, gonorrhea culture and Pap smear as indicated.

(3) Immunizations as indicated.

(4) Evaluation of capacity for work and recreation.

(5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 275-91-011.

NEW SECTION

**WAC 137-91-050 USE OF ALLIED HEALTH PROFESSIONALS.** Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks.

NEW SECTION

**WAC 137-91-060 RECORDS.** Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

(1) Detailed reports of admission medical evaluation and recommendations;

(2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;

(3) Reports made by outside consultants.

NEW SECTION

**WAC 137-91-070 SUPPLEMENTAL CARE.** Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by

the provisions of this chapter: *PROVIDED, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff.*

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 275-91-011 **MEDICAL/DENTAL CARE—GENERAL POLICY.**
- (2) WAC 275-91-021 **MEDICAL/DENTAL SERVICES.**
- (3) WAC 275-91-031 **RIGHT TO REFUSE TREATMENT.**
- (4) WAC 275-91-041 **INVOLUNTARY TREATMENT—APPEALS.**
- (5) WAC 275-91-050 **USE OF ALLIED HEALTH PROFESSIONALS.**
- (6) WAC 275-91-060 **RECORDS.**
- (7) WAC 275-91-070 **SUPPLEMENTAL CARE.**

**WSR 84-13-008**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 [Order 84-01—Filed June 8, 1984]

I, Keith A. Angier, director of the Department of General Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 236-47 WAC, State purchasing division, which sets forth the rules and regulations applicable to the acquisition, warehousing and distribution of federal surplus property by, through or under the authority delegated by the state purchasing division.

This action is taken pursuant to Notice No. WSR 84-07-024 filed with the code reviser on March 15, 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 39.32 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 7, 1984.**  
 By Keith A. Angier  
 Director

Chapter 236-47 WAC  
**DIVISION OF PURCHASING**

- WAC  
 236-47-001 Purpose.  
 236-47-002 Authority.

- 236-47-003 Designation of the state agency.
- 236-47-004 Statement of policy.
- 236-47-005 Eligibility.
- 236-47-006 Terms and conditions.
- 236-47-007 Compliance and utilization.
- 236-47-008 Financing and service charges.
- 236-47-009 Inventory controls and accounting systems.
- 236-47-010 Return of donated property.
- 236-47-011 Nonutilized donable property.
- 236-47-012 Audit.
- 236-47-013 Consultation with advisory bodies and private groups.
- 236-47-014 Cooperative agreements.
- 236-47-015 Forms.
- 236-47-016 Records retention.
- 236-47-017 Liquidation.

**NEW SECTION**

WAC 236-47-001 **PURPOSE.** The purpose of this chapter is to set forth rules and regulations applicable to the acquisition, warehousing, and distribution of federal surplus property by, through, or under the authority delegated by the state purchasing division. This chapter constitutes the state of Washington plan of operation required by 40 U.S.C. § 484 (j) and 41 C.F.R. § 101-44.202. (Exhibit 12).

**NEW SECTION**

WAC 236-47-002 **AUTHORITY.** The director, department of general administration, state of Washington, is authorized by RCW 39.32.010 through 39.32.060, to acquire, warehouse, and distribute surplus property to all eligible donees in the state. Authority is granted under RCW 39.32.020 to enter into cooperative agreements (Exhibit 1).

Prior to submission of this plan to the administrator of general services administration (GSA), general public notice of the proposed plan was published for a period of sixty calendar days and interested parties were given a period of thirty calendar days in which to submit comments. These comments, as well as the relative needs and resources of all public agencies and other eligible donees, were considered in developing the plan of operation.

**NEW SECTION**

WAC 236-47-003 **DESIGNATION OF THE STATE AGENCY.** The plan shall be administered by the property redistribution office (PRO), material management center, department of general administration. This office has complete responsibility and authority to carry out the requirements of acquiring, warehousing, and distributing federal surplus property in the state of Washington pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended. This office is supervised by the surplus commodities supervisor for state/federal surplus property. Staffing, structure, and organizational status are shown in Exhibit 2.

NEW SECTION

WAC 236-47-004 STATEMENT OF POLICY. The state agency operates a "want list" oriented system to serve eligible donees and will aim for direct shipment of allocated items from the holding agencies to the donee's place of intended use. Donees are encouraged to submit a listing of items needed. The state agency employees will be guided by these requests in their search and selection of property. This equipment will be distributed on the basis of need, resources, and ability to utilize the property.

Small miscellaneous items will be available from the distribution center, eight hours per day, five days per week. Bulletins are mailed to all donees listing property available in the distribution center. They are mailed on Fridays to provide equal opportunity for all donees on Monday to telephone their requests.

The state agency will recommend to GSA the certification of donee screeners which are qualified and required in accordance with FPMR 101-44.116.

The state agency will make distribution of available property to eligible organizations in the state on a fair and equitable basis determined by their relative needs, resources, and ability to utilize the property. Elements of these are as follows:

- (1) Relative needs:
  - (a) Interest and expression of need on the part of the donee in the property available;
  - (b) Type and quantity of property received by donee to date;
  - (c) Economic condition of agency, activity, or institution;
  - (d) Critical or urgent need;
  - (e) Geographic location (urban, suburban, or rural).
- (2) Relative resources:
  - (a) Availability and sources of funds (grants, donations, taxes);
  - (b) Equipment availability;
  - (c) Alternate resources available.
- (3) Ability to utilize:
  - (a) Ability of the donee to select and remove property from the distribution center or federal activity on a timely basis;
    - (b) Contemplated length of time and frequency of use;
    - (c) When item can be put in use;
    - (d) Ability to repair or maintain property.

Where competing requests are received for property items, the state agency will make a determination as to the donee based on the evaluation of the criteria above.

Donees which suffer or experience a loss of property due to a local disaster such as fire, flood, tornado, etc., will be given a temporary priority for all requested property. Special efforts will be made to locate and distribute needed property to them.

NEW SECTION

WAC 236-47-005 ELIGIBILITY. The state agency will contact and instruct all known potential donees in the state on the procedures to follow in establishing their eligibility to participate in the surplus property program.

Contacts will be made by letter, telephone calls, meetings and conferences with the groups listed below, supplemented when necessary by news releases and informational bulletins.

(1) In establishing a listing of the potential donees the state agency will use the standards and guidelines set forth in FPMR 101-44.207 as well as the following sources:

- (a) Public agencies:
  - (i) Listings of cities and towns;
  - (ii) Listings of counties, judiciary, state departments, divisions, councils, commissions, institutions, etc.;
  - (iii) Listings of local departments, divisions, commissions, councils, etc.
- (b) Nonprofit tax-exempt units:
  - (i) State departments and others for listings of all local units approved or licensed by them;
  - (ii) Existing listings of units now eligible to participate in the surplus property program;
  - (iii) Inquiries, letters, telephone calls, etc., received relative to eligibility.

(2) As a condition of eligibility each unit will be required to file with the state agency:

- (a) An Application for Eligibility signed by the chief executive/administrative officer accepting the terms and conditions under which the property will be transferred.
- (b) A written authorization signed by the chief executive/administrative officer of the donee activity, or a resolution of a governing board designating one or more representatives to act for the applicant, obligate any necessary funds and execute issue sheets.
- (c) An Assurance of Compliance in accordance with GSA regulations and requirements indicating acceptance of the civil rights law which states they will not discriminate on the basis of race, color, national origin, sex, age, or handicap.

(d) The legal name of applicant, address, and telephone number and their status as a public agency or nonprofit tax-exempt educational or public health unit.

(e) Proof of tax exemption under Section 501 of the Internal Revenue Code of 1954 (for nonprofit units only).

(f) Proof that the applicant is approved, accredited, or licensed in accordance with FPMR 101-44.207.

(g) Details and scope of their program including different activities and functions.

(h) Listing as to the types and kinds of equipment, vehicles, machines, or other items needed.

(i) Financial information to help in evaluating their relative needs and resources.

Eligibility approvals of all skilled nursing homes, intermediate care facilities, alcohol and drug abuse centers, programs for older individuals, and any other programs that are certified, approved, and/or licensed will be updated each year. All other approvals of eligibility will be updated every three years.

NEW SECTION

WAC 236-47-006 TERMS AND CONDITIONS. As a condition of eligibility, the donee will be required to file an application for eligibility with the state agency.

Each form must be signed by the chief executive/administrative officer of the donee organization agreeing to the requirements prior to the donation of any surplus property. The certifications and agreements, and the terms, conditions, reservations and restrictions are printed on this document and on the reverse side of each state agency warehouse issue sheet and invoice (Exhibit 3).

The state agency will impose the statutory requirement that all property acquired by donees must be placed into use within one year of donation and be used for one year thereafter.

Following are periods of additional restriction established by the state agency:

(1) All passenger motor vehicles and items with a unit acquisition cost of three thousand dollars or more – an additional six-month period of restriction will be added, making a total of eighteen months from the date the property is placed in use.

(2) Aircraft (except combat-type) and vessels (fifty feet or more in length) with a unit acquisition cost of three thousand dollars or more – a total of sixty months from the date the property is placed in use. Such donations shall be subject to the requirements of the conditional transfer document (Exhibits 4 and 5).

(3) Aircraft (combat-type) – restricted in perpetuity. Donations of combat-type aircraft shall be subject to the requirements of a conditional transfer document (Exhibit 6).

When considered appropriate, the state agency may impose such terms, conditions, reservations, and restrictions as it deems reasonable on the use of donable property other than passenger motor vehicles or items with a unit acquisition cost of three thousand dollars or more.

The state agency will impose on the donation of any surplus item of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as the general services administration may determine necessary because of the characteristics of the property.

The state agency may amend, modify, or grant release of any term, condition, reservation, or restriction it has imposed on donated item of personal property.

**NEW SECTION**

**WAC 236-47-007 COMPLIANCE AND UTILIZATION.** At least once during the period of restriction, state agency personnel will review all passenger motor vehicles and issued items with an original acquisition cost of three thousand dollars or more to determine that these items are being utilized in accordance with the purposes for which acquired. Review will consist of physical inspections and written certification or utilization of property by donees.

Also during the physical review, the state agency representative will insure that the donee is complying with any special handling conditions or use limitations imposed on items of property by GSA in accordance with FPMR 101-44.108. The review will include a survey of donee compliance with the statutory requirement that all items of property acquired by the donee since the last utilization survey have been placed into use within one year of acquisition and used for one year thereafter.

Written reports on utilization and compliance review will be made and placed on file.

The state agency shall provide adequate assurance that they will initiate appropriate investigations of alleged fraud in the acquisition of donated property or misuse of such property. The FBI and GSA will be notified immediately of any cases involving alleged fraud. Further, GSA shall be advised of any misuse of donated property. The state agency will take necessary actions to prosecute cases of fraud or misuse and will assist GSA and other federal and state agencies in investigating such cases.

All passenger motor vehicles and all items having an acquisition cost of three thousand dollars or more will be identified at the distribution center by a blue stock tag. Separate warehouse issue sheets will be prepared for each of these items and will include the following statement:

NOTE: Compliance Item  
See Terms and Conditions on the reverse side of this form

All passenger motor vehicles registered by the department of licensing will show the state agency as lien holder. When the vehicle has been used in compliance with the terms and conditions, and eighteen months of use have expired, the state agency will release the title to the donee.

**NEW SECTION**

**WAC 236-47-008 FINANCING AND SERVICE CHARGES.** A revolving fund established by legislative action finances the acquisition and distribution of federal surplus property and is designed to maintain a working capital reserve to cover one year of operational expenses. These reserve moneys are invested in interest-bearing accounts and certificates as authorized by state law.

To maintain the revolving fund, service charges are assessed at a rate designed to cover all direct and indirect costs involved in acquiring and distributing federal surplus property. Emphasis will be placed on keeping the service charge to a minimum but at the same time providing the necessary service to donees and operating the agency on a sound financial basis. Factors considered in applying service charges are: Original acquisition cost, present value, screening cost, quantity, condition, desirability of property, transportation cost, loading and unloading cost, and administrative costs. Service charge funds may be used to improve or acquire office and warehouse facilities and to purchase necessary equipment and supplies to repair and rehabilitate equipment and to purchase replacement parts.

When the working capital reserve reflects an insufficient or excessive amount, service charges will be adjusted accordingly.

As a general guide and based on the listed factors and the following exceptions, the following schedule will be used in determining service charges:

<u>Percent</u>	<u>Acquisition Cost</u>
0-30	\$ 0.00 – 200.00
0-25	\$ 201.00 – 2500.00
0-15	\$ 2501.00 – 10000.00

0-7.5                      \$ 10001.00 - 25000.00  
 0-3 (not to exceed \$5000.00) above \$25001.00

**EXCEPTIONS.**

The following exceptions to the above schedule have been developed to address two important areas which are frequently encountered. These two areas are incorrect condition code assignment and acquisition cost. Corrections of condition code or adjustment of acquisition costs will be coordinated with the GSA regional office.

**Condition Code** - When an obviously incorrect condition code has been assigned, the correct code will be used for discount purposes.

**Acquisition Cost** - When an incorrect acquisition cost has been detected, there will be an adjustment for service charge purposes which will reflect the correct acquisition cost. This figure will be assigned by research of available records for similar equipment or supplies, including federal stock/pricing manuals.

Special or extraordinary costs may be added to the service charge as follows:

(1) **Rehabilitated Property** - Direct costs for rehabilitating property will be added to the service charge.

(2) **Overseas Property** - Additional direct costs for returning the property may be added.

(3) **Long-haul Property** - Charges for major items with unusual costs may be added. Any such costs which are anticipated will be discussed with the donee prior to shipment.

(4) **Special Handling** - An additional charge may be made for dismantling, packing, crating, shipping, delivery, and other extraordinary handling charges.

(5) **Screening** - Extraordinary costs incurred in screening property may be added.

Minimum service charges are assessed in cases where the state agency provides document processing only and no other direct costs are involved. Based on an analysis of state agency expenses, where direct transfers of property to eligible donees are made, the service charge will be discounted approximately twenty-five percent for locating and screening the material, and ten percent for direct pickup by the donee, based on the service charge that would have been assessed if the property had been transferred from the state agency distribution center.

**NEW SECTION**

**WAC 236-47-009 INVENTORY CONTROLS AND ACCOUNTING SYSTEMS.** Inventory Control.

The following actions will be the responsibility of the state agency in acquiring items for the distribution center inventory and subsequent reallocation to donees.

Immediately upon receipt, property is moved into a receiving area for check-in. Shipping documents and the applicable S.F. 123 and its attachments are used to check and identify property. Overage and shortage reports, and supplemental S.F. 123's will be prepared in accordance with the requirements of the Federal Property Management Regulations (FPMR) 101-44.115 and mailed to the GSA regional office. Upon verification of the description, condition, and quantity, a stock tag is prepared and attached to the commodity with the following data:

- Allocation number.
- Item number.
- Unit acquisition cost.
- Description, including serial number if applicable.
- Unit of measure.
- Unit service and handling charge.

Following verification of receiving information, individual stock record cards are prepared on all items having an individual acquisition cost of five dollars or more. All actions, including receipt, issue and inventory status, are recorded on this card. The stock record card will be retained on file for not less than three years after the property has been issued.

A complete physical inventory will be taken annually of all material in possession of the state agency. Shortages and overages are listed on the annual inventory report which is used to record inventory adjustments and must be approved by the supervisor before posting to stock cards. Adjustments are made only when all reasonable efforts have been exhausted to determine the reason for variance. A statement explaining the variances will be included in the corrected inventory report.

**Accounting Systems.**

A state approved double entry accounting system will be used. It will include a chart of accounts, a general ledger with accounts for all assets, liabilities, income and expense, and journals for all original record of transactions. It will identify and separately account for funds accumulated from service charges. Monthly and year-end reports will be provided for management visibility and program control.

**NEW SECTION**

**WAC 236-47-010 RETURN OF DONATED PROPERTY.** When a determination has been made that property has not been put into use by a donee within one year from the date of receipt of the property or has not used the property for one year thereafter under terms and conditions of the application for eligibility, if the property is still usable the donee must:

- (1) Return the property at its own expense to the state agency distribution center. Property returned by a donee will be received into inventory stock control for reissuance to other donees; or
- (2) Retransfer the property to another eligible donee as directed by the state agency; or
- (3) Make such other disposal as the state agency may direct.

The state agency will periodically emphasize this utilization requirement when corresponding and meeting with donees and when surveying the utilization of donated property at donee facilities.

**NEW SECTION**

**WAC 236-47-011 NONUTILIZED DONABLE PROPERTY.** All property in the possession of the state agency for six months which cannot be utilized by eligible donees shall be reported to GSA for disposal authorization in accordance with FPMR 101-44.205. In accordance with this regulation the state agency shall:

(1) Transfer the property to another state agency or federal agency; or

(2) Sell the property by public sale; or

(3) Abandon or destroy the property.

In the event of disposal by transfer to another state agency or by public sale, the state agency may seek such reimbursement as is authorized in accordance with FPMR 101-44.205.

#### NEW SECTION

**WAC 236-47-012 AUDIT.** An internal audit of the state agency will be conducted by the department of general administration annually.

A fiscal audit and a performance review (external audit) will be conducted every two years by the state auditor's office in accordance with normal audit procedures for a public agency. The fiscal audit and the performance review will cover the conformance of the state agency with the state plan of operation and the requirements of FPMR 101-44.202. Copies of all audits will be made available to GSA, with a full report of corrective actions taken with respect to any exceptions or violations.

GSA representatives shall review state agency operations periodically and may, for appropriate reasons, conduct its own audit of the state agency following due notice to the governor of the reasons for such audit. Financial records and all other books and records of the state agency shall be made available to all authorized federal activities.

#### NEW SECTION

**WAC 236-47-013 CONSULTATION WITH ADVISORY BODIES AND PRIVATE GROUPS.** An advisory board will be established representing both public and nonprofit donee agencies, institutions, and organizations and will be comprised of donee representatives from the various geographic locations of the state. The supervisor of the property redistribution office (PRO) will act as chairperson.

The board will meet annually or at the discretion of the chairperson. The membership may fluctuate to fully meet the interests of eligible activities in the state. The minutes of the meetings will be used to report on the donation program to the groups concerned, and the board will solicit expressions of need and interest from eligible donees so that the state agency and GSA may be advised of such requirements, including requirements for specific items of property.

Additionally, state agency staff will speak at meetings and public and private groups representing donee activities to explain the program, encourage participation and to obtain expressions of need and interest for surplus property.

#### NEW SECTION

**WAC 236-47-014 COOPERATIVE AGREEMENTS.** The property redistribution office of the state of Washington is authorized to enter into cooperative agreements through and by the director of the department of general administration with GSA for use of

property, facilities, personnel, and services, with or without payment or reimbursement, for use by the state agency of any surplus personal property in its possession subject to conditions imposed by GSA. It is the desire of the agency to continue, renew, or enter into such agreements authorized under Section 203(n) of the act.

#### NEW SECTION

**WAC 236-47-015 FORMS.** Application for eligibility (Exhibit 7).

Assurance of compliance (Exhibit 8).

Resolution (Exhibit 9).

Request for surplus personal property (donee want card - SASP-117) (Exhibit 10).

Donee identification card (Exhibit 11).

Copy of terms, conditions, reservations, and restrictions on reverse side of warehouse issue/invoice document (Exhibit 3).

Conditional transfer document - noncombat type aircraft (Exhibit 4).

Conditional transfer document - vessels (Exhibit 5).

Conditional transfer document - combat type aircraft (Exhibit 6).

#### NEW SECTION

**WAC 236-47-016 RECORDS RETENTION.** Copies of all S.F. 123 allocations, warehouse issue sheets, invoice documents, log books, and all other official records of the agency will be maintained for no less than three years. Documents concerning items subject to restriction will be maintained for one year beyond the expiration of the restriction period. Whenever property is in compliance status, records will be maintained for one year after the case is closed.

#### NEW SECTION

**WAC 236-47-017 LIQUIDATION.** Should a determination be made to liquidate the state agency, advance notice will be given to GSA in accordance with the specific requirements of FPMR 101-44.202(c)(14) indicating the reason for such action including a schedule of time to effect the closure and a report of the property on hand for retransfer, sale, or destruction. Assets will be converted to cash and will be divided among the participating donees of the past two years based on a proration of the amount of service charges paid by each donee during the period. Records and accounting information will be retained for two years after closure.

**WSR 84-13-009**

**ADOPTED RULES**

**HOSPITAL COMMISSION**

[Order 84-01, Resolution No. 84-01—Filed June 8, 1984]

Be it resolved by the Washington State Hospital Commission, acting at the Vance Airport Inn, Seattle, Washington, that it does adopt the annexed rules relating to the repealing of the Washington State Hospital Commission *Accounting and Reporting Manual* as filed

by the Washington State Hospital Commission in accordance with the provisions of the Administrative Procedure Act by Emergency Order 74-06; and Permanent Order 74-07, filed October 1, 1974, and all amendments to the manual, specifically Permanent Order 75-03, filed August 22, 1975; Order 79-02 and Resolution 79-03, filed June 19, 1979; Order 81-02, Resolution R-81-02, filed February 20, 1981; and Washington State Register 83-04-032, Order and Resolution No. R-83-01, filed January 28, 1983, and adopting the Washington State Hospital Commission *Accounting and Reporting Manual*, second edition. The manual has been revised and updated to incorporate all of the amendments and revisions since adoption in 1974 and to reflect the changing health care environment.

This action is taken pursuant to Notice No. WSR 84-10-013 filed with the code reviser on April 25, 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 70.39 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 7, 1984.

By Maurice A. Click  
Executive Director

**Reviser's note:** The text of the adopted 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 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 84-13-010

#### EMERGENCY RULES HOSPITAL COMMISSION

[Order 84-02, Resolution No. 84-02—Filed June 8, 1984]

Be it resolved by the Washington State Hospital Commission, acting at the Vance Airport Inn, Seattle, Washington, that it does adopt the annexed rules relating to this order adds a new chapter to Title 261 WAC, Washington State Hospital Commission. These rules require hospitals to report certain patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

We, the Washington State Hospital Commission, 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 in order for

the commission to establish hospital rates for inpatient care on the basis of an appropriate measure of hospital efficiency, collection of patient discharge data must be initiated by July 1, 1984. These rules are adopted as emergency rules because development of hospital measures of efficiency, required by July 1, 1985, necessitate an adequate sample of discharge data which can only be ensured by initiating data collection by 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 70.39.100, as amended by section 10(5), chapter 288, 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 7, 1984.

By Maurice A. Click  
Executive Director

#### 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)lpha, (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: "Jone" 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 "12-08-83". 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 providing the total number of patient discharges for the particular hospital expressed on an annual basis (determined on the basis of the hospital's commission-approved budget in effect as of July 1, 1984) do not exceed 5,000;

(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

(2) Any group of six or more hospitals, or any group of hospitals which in the aggregate have more than 30,000 patient discharges per year (determined on the basis of each hospital's commission-approved budget in effect as of July 1, 1984), may in writing request a waiver from the commission to the required record layout of WAC 261-50-045(1) providing such hospitals have a common alternative record layout with the required data set elements set forth in WAC 261-50-030.

**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.

**WSR 84-13-011**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed June 8, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning political advertising, new WAC 390-18-010; that the agency will at 9 a.m., Tuesday, August 28, 1984, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1984.

Dated: June 8, 1984  
By: Graham E. Johnson  
Administrator

### STATEMENT OF PURPOSE

Title: WAC 390-18-010.

Description of Purpose: To implement provisions of chapter 216, Laws of 1984 (HB 1133).

Statutory Authority: Chapter 216, Laws of 1984 (HB 1133) and RCW 42.17.370(1).

Summary of Rule: Defines "sponsor" of political advertising; lists items on which sponsor identification is not required; and lists acceptable party identification abbreviations.

Reasons Supporting Proposed Action: Required by the act or necessary to provide guidance and clarification.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Administrator.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: PDC staff.

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

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: N/A.

### NEW SECTION

WAC 390-18-010 **POLITICAL ADVERTISING.** Identification of Sponsor. (1) For the purpose of chapter 216, Laws of 1984 and this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) Printed advertising shall clearly state that it has been paid for by the sponsor (Example: Paid for by the XYZ Committee, mailing address, city, state, zip code). Broadcast advertising shall conform to the requirements of the Federal Communications Commission.

(3) If more than one person sponsors advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of the advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4)(a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) need not contain the sponsor's identification on more than one page. Identification on an envelope alone is not sufficient.

(b) Political advertising which is a collection of several items and distributed simultaneously must show the respective sponsor on the respective items.

(5) The following forms of political advertising need not include the sponsor's name and address because such identification is impractical: ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers (4" x 15" or smaller), buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads (1/2 col. inch or less), noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in moveable letters,

ribbons, 12-inch (or shorter) rulers, shoe horns, skywriting, staple removers, stickers (2-3/4" x 1" or smaller), sunglasses, sunvisors, swizzle sticks, water towers, whistles, yard signs, yo-yos, and all other similar items.

(6) The commission shall publish a suggested list of abbreviations or symbols which may be used by candidates and political committees which the commission finds will clearly identify political party affiliation.

### WSR 84-13-012

#### PROPOSED RULES

### STATE EMPLOYEES INSURANCE BOARD

[Filed June 11, 1984]

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

that the agency will at 9:00 a.m., Thursday, June 28, 1984, in the Department of Personnel, Board Room, 600 South Franklin, 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 chapter 41.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 25, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-10-020 filed with the code reviser's office on April 26, 1984.

Dated: June 11, 1984

By: C. H. Shay  
Group Insurance Analyst

### WSR 84-13-013

#### NOTICE OF PUBLIC MEETINGS

### HOSPITAL COMMISSION

[Memorandum—June 8, 1984]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, June 28, 1984, at 9:30 a.m., in the Seattle Room. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are also scheduled for July 12 at the Airport Hilton and August 23, 1984, at the Vance Airport Inn.

**WSR 84-13-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1830—Filed June 12, 1984]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to phytosanitary inspections, chapter 16-316 WAC.

I, M. Keith Ellis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is Saudi Arabia requires that all wheat seed being exported to their country must have a phytosanitary certification. Inspections of wheat fields will begin almost immediately; therefore, this fee will cover the department's costs. Fees already established are for the inspection of vegetable seed fields.

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

This rule is promulgated pursuant to chapter 15.49 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 12, 1984.

By M. Keith Ellis  
Director

AMENDATORY SECTION (Amending Order 1737, filed 5/15/81)

**WAC 16-316-315 FEE AND CHARGES.** (1) *Fee for area and field inspection:*

(a) *Field inspection (payable with application):*

(i) All seed except wheat seed. For each required inspection (per acre or fraction thereof) . . \$ 4.00 (with minimum fee of \$20.00 per field per inspection)

(ii) Wheat seed only. For each required inspection (per acre or fraction thereof) . . . . . \$ .50 (with minimum fee of \$20.00 per field per inspection)

An additional charge of (~~(\$-0.50)~~) fifty cents per acre shall be charged for each disease requested in excess of two.

(b) Area inspection ((per 100 lbs)) (per one hundred pounds) . . . . . \$ 0.05 Billed at time certificate is issued with a minimum of (~~(\$20.00)~~) twenty dollars and a maximum of (~~(\$150.00)~~) one-hundred fifty dollars per certificate.

(2) Late application penalty fee . . . . . \$10.00 This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains ((per 100 lbs)) (per one hundred pounds) . . . . \$ 0.05

(b) Other crops ((per 100 lbs)) (per one hundred pounds) . . . . . \$ 0.15

(4) Serology test: . . . . . Fee to be established by the state of Idaho.

An official ((5)) five pound sample is required from each ((10,000)) ten thousand pounds or portion thereof. Officially drawn samples will be submitted to: State plant pathologist, Idaho department of agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(5) Fees for services not listed in this ((order)) rule shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

(6) Laboratory analysis of plant material: An additional fee of (~~(\$18.00)~~) eighteen dollars per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

**WSR 84-13-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-48—Filed June 13, 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 late molting northern Puget Sound crab stocks are in need of protection.

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 11, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

**WAC 220-56-33000D CRAB-AREAS AND SEASONS.** Notwithstanding the provisions of WAC 220-56-330, effective June 15 until 11:59 p.m. June 30, 1984, it is unlawful to have in the water, fish for or possess crab taken with shellfish pot gear in Puget Sound waters north of a line projected from Point Partridge on Whidbey Island northerly to the southern tip of Smith Island thence due west to the International boundary and contiguous waters north of a line from Sandy Point

*on Whidbey Island due east through the southern tip of Priest Point to the mainland, including all waters of Holmes Harbor.*

**REPEALER**

The following section of the Washington Administrative Code is repealed effective June 15, 1984:

WAC 220-56-33000C CRAB-AREAS AND SEASONS (84-43)

**WSR 84-13-016  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Filed June 13, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special service program—Remediation assistance, chapter 392-162 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 26, 1984.

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

This notice is connected to and continues the matter in Notice No. WSR 84-10-073 filed with the code reviser's office on May 2, 1984.

Dated: June 13, 1984  
By: Frank Brouillet  
Superintendent of Public Instruction

**WSR 84-13-017  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Filed June 13, 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 26, 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 84-10-074 filed with the code reviser's office on May 2, 1984.

Dated: June 13, 1984  
By: Frank Brouillet  
Superintendent of Public Instruction

**WSR 84-13-018  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Filed June 13, 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 26, 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 84-10-075 filed with the code reviser's office on May 2, 1984.

Dated: June 13, 1984  
By: Frank Brouillet  
Superintendent of Public Instruction

**WSR 84-13-019  
ADOPTED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Order 84-9—Filed June 13, 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.

This action is taken pursuant to Notice No. WSR 84-10-076 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 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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 81-15, filed 10/6/81)

WAC 392-121-195 FIRE DISTRICT ALLOCATION. In addition to those ~~((funds))~~ moneys distributed for basic education purposes, school districts are entitled per RCW 52.36.020 to be reimbursed for ~~((funds))~~ moneys expended for the purchase of fire protection services from fire protection districts. Only school plants located in ~~((unincorporated areas))~~ a fire protection district established pursuant to chapter 52.04 RCW shall be eligible for such ~~((funds))~~ moneys.

Payment to districts shall be made each July as a part of the monthly apportionment allocation. The amount of payment shall be ~~((\$1.00))~~ the rate per student referenced in the appropriations act for those students enrolled in each eligible school plant.

The headcount enrollment ~~((count))~~ used to compute each district's reimbursement will be ~~((taken each))~~ as of October 1 of the ~~((calendar))~~ school year ~~((preceding the month of))~~ for which the allocation is being made. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any ~~((funds))~~ moneys allocated to school districts for the purpose stated in this rule and not used for this purpose shall be recovered by the superintendent of public instruction from a district's monthly apportionment allocation.

If the ~~((funds))~~ moneys appropriated by the legislature for fire protection service reimbursement are insufficient to support the allocation rate ~~((of \$1.00))~~ per student, the rate shall be reduced equally for all eligible districts on a pro rata basis.

#### WSR 84-13-020

##### ADOPTED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-10—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Categorical apportionment, chapter 392-122 WAC.

This action is taken pursuant to Notice No. WSR 84-10-065 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 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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

#### Chapter 392-122 WAC

#### FINANCE—CATEGORICAL APPORTIONMENT

##### NEW SECTION

WAC 392-122-005 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of chapter 28A.41 RCW.

##### NEW SECTION

WAC 392-122-010 PURPOSE. The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts for programs authorized by RCW 28A.41.162 other than basic education apportionment and transportation allocations.

##### NEW SECTION

WAC 392-122-600 REMEDIATION ASSISTANCE PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the remediation assistance program:

- (1) WAC 392-122-600 through 392-122-610; and
- (2) WAC 392-122-900 through 392-122-905.

##### NEW SECTION

WAC 392-122-605 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR A REMEDIATION ASSISTANCE PROGRAM. (1) As used in this section, the term "basic skills test" shall mean the approved fourth grade test administered by districts pursuant to RCW 28A.03.060.

(2) A district's entitlement for state moneys for a remediation assistance program shall be calculated as follows:

(a) Multiplying the percentage of students taking the basic skills test for last year that scored in the lowest quartile as determined by the nationally normed scores by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six: PROVIDED, That if the district did not have any student score in the lowest quartile as defined above in the basic skills test, the district shall use the average percentage of students so scoring for the previous five years state-wide averages;

(b) Multiply the number of students obtained in the above calculation by the per pupil allocation established in the state appropriation act for a remediation assistance program; and

(c) The product is the district's entitlement subject to WAC 392-122-610, 392-122-900 and its provision for enrollment adjustment.

##### NEW SECTION

WAC 392-122-610 DISTRIBUTION OF STATE MONEYS FOR A REMEDIATION ASSISTANCE PROGRAM. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-122-605 in monthly payments according to the schedule depicted in RCW 28A.48.010 that shall be adjusted in intervals to accurately reflect the changes in each district's grades two through six annual average full time enrollment.

##### NEW SECTION

WAC 392-122-700 TRANSITIONAL BILINGUAL PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are

applicable to the distribution of state funds for the transitional bilingual program:

- (1) WAC 392-122-700 through 392-122-710; and
- (2) WAC 392-122-900 through 392-122-905.

#### NEW SECTION

WAC 392-122-705 FORMULA FOR THE DISTRIBUTION OF STATE MONEYS FOR THE TRANSITIONAL BILINGUAL PROGRAM. (1) As used in this section the term "eligible student" shall mean those students defined under WAC 392-160-005(c).

(2) A district's entitlement for state moneys for a transitional bilingual program shall be calculated as follows:

(a) Multiplying the number of eligible students by the per pupil allocation established in the state appropriation act for a transitional bilingual program.

(b) The result of the calculation provided in (a) of this subsection is the district's entitlement subject to WAC 392-122-710 and its provision for enrollment adjustment.

#### NEW SECTION

WAC 392-122-710 DISTRIBUTION OF STATE MONEYS FOR A TRANSITIONAL BILINGUAL PROGRAM. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-122-700 according to the apportionment schedule provided in RCW 28A.48.010. The amount apportioned may be adjusted intermittently to reflect changes in the district's reported eligible students as reported on the P223SN, Special Needs Enrollment Reporting Form.

#### NEW SECTION

WAC 392-122-800 STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state funds for the state highly capable students education program:

- (1) WAC 392-122-800 through 392-122-810; and
- (2) WAC 392-122-900 through 392-122-905.

#### NEW SECTION

WAC 392-122-805 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR A STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM. (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-105(3).

(2) A district's entitlement for state moneys for a state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district by one percent;

(b) Multiplying the number of students obtained in the above calculation by the per pupil allocation established in the state operating appropriations act in effect at the time the apportionment is due; and

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

#### NEW SECTION

WAC 392-122-810 DISTRIBUTION OF STATE MONEYS FOR A STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-122-805 according to the apportionment schedule provided in RCW 28A.48.010. The amount apportioned may be adjusted intermittently to reflect changes in the district's AAFTE students as reported on the P223, Monthly Report of School District Enrollment Form.

#### NEW SECTION

WAC 392-122-900 GENERAL PROVISION—CARRYOVER PROHIBITION. Categorical apportionment moneys shall not be carried over from one fiscal school year to another. Moneys distributed by the state for a categorical program which remain unspent during the applicable school district fiscal in expenditure classifications deemed allowable by the superintendent of public instruction—i.e., an unrestricted fund balance—at close of the fiscal shall revert to the state.

#### NEW SECTION

WAC 392-122-905 GENERAL PROVISION—MAXIMUM CONTROL FACTOR—PRORATION. The maximum rate of allocation specified in this chapter shall be allocated by the superintendent of public instruction to school districts unless the state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds appropriated for allocation to school districts for such programs. All such prorations shall be announced to school districts through official agency bulletins.

### **WSR 84-13-021**

#### **ADOPTED RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 84-11—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—School district budgeting, chapter 392-123 WAC.

This action is taken pursuant to Notice No. WSR 84-10-066 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 RCW 28A.65-.465 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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-054 TIME SCHEDULE FOR BUDGET. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part.	Same as first-class.

Final Date For Action	First-Class Districts	Second-Class Districts
July 15	The last notice shall be published no later than seven days immediately prior to the hearing.	Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.
July 20	Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.	
July 25		Final date for educational service district to notify districts of problems noted in review.
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget.  Such hearing may be continued not to exceed a total two days: PROVIDED, That the budget must be adopted no later than August 1st.  Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.
August 3		Last date to forward four copies of said adopted budget to educational service district for review, alteration and approval.

Final Date For Action	First-Class Districts	Second-Class Districts
August 10	Final date for educational service district to notify districts of review problems noted in review.	
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: <b>PROVIDED</b> , That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	<p>Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th.</p> <p>Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.</p>
September 3	Final date for district to file three copies of said adopted budget with their educational service district.	
September 10	Last date for educational service district to file <del>((copies))</del> a copy of said adopted budgets with the superintendent of public instruction <del>((and the appropriate county auditor))</del> . One copy will be retained by educational service district.	Same as first-class except one copy of adopted and approved budget must be returned to local school district by this date.

**AMENDATORY SECTION** (Amending Order 83-12, filed 10/10/83)

**WAC 392-123-071 BUDGET EXTENSIONS—FIRST-CLASS SCHOOL DISTRICTS.** Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

~~((Three))~~ **Two** copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy ~~((each))~~ to the superintendent of public instruction ~~((and the appropriate county auditor))~~. One copy shall be retained by the educational service district. The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30. The final date for adopting appropriation resolutions extending budgets for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution and a copy of the latest budget status report. The revised budget shall be in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

**AMENDATORY SECTION** (Amending Order 83-12, filed 10/10/83)

**WAC 392-123-072 BUDGET EXTENSIONS—SECOND-CLASS SCHOOL DISTRICTS.** If a second-class school district needs to increase the amount of the appropriation from any fund the school district

board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made in the format prescribed by the superintendent of public instruction. ~~((Four))~~ Three copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

~~((Copies))~~ A copy of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district ~~((, and the appropriate county auditor))~~.

## WSR 84-13-022

### ADOPTED RULES

## SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-12—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Educational service district budgeting, chapter 392-125 WAC.

This action is taken pursuant to Notice No. WSR 84-10-067 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 RCW 28A.21-135 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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

### NEW SECTION

WAC 392-125-003 AUTHORITY. The authority for this chapter is RCW 28A.21.135 which authorizes the superintendent of public instruction to promulgate rules and regulations for the adoption of budgeting procedures for educational service districts modeled after the statutory procedure for school districts.

AMENDATORY SECTION (Amending Order 81-19, filed 9/4/81)

WAC 392-125-011 BASIS OF BUDGETING AND ACCOUNTING. Revenue and expenditures shall be recognized on the ~~((cash basis and expenditures shall be recognized on the))~~ accrual basis.

### NEW SECTION

WAC 392-125-012 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS. As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of an educational service district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from school districts that are due, but are not collected by the end of the fiscal period; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

(4) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(5) "Cash basis expenditures" shall mean actual disbursements during a given fiscal period regardless of when liabilities are incurred or the period of incurrence of expenditures.

(6) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(7) "Disbursements" shall mean payments in cash, including but not limited to issuance of warrants.

AMENDATORY SECTION (Amending Order 81-19, filed 9/4/81)

WAC 392-125-020 BUDGET PREPARATION, HEARING AND ADOPTION. On or before the 1st day of May, each educational service district shall prepare a budget for the operation of the educational service district for the ensuing fiscal year and immediately following completion of the budget, shall publish a notice stating that the budget is completed and placed on file in the district headquarters office with copies available for any interested person or organization. The notice shall state the date, time, and place the educational service district board will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Said meeting shall occur on or before the third Friday in May. The notice shall also state that any person may appear during the meeting and be heard for or against any part of such budget. The notice shall be published once each week for two consecutive weeks immediately following the completion of the budget in a newspaper of general circulation in the district.

An educational service district board shall secure the signature of the chairman of the superintendents' advisory committee as an indication that the budget has been reviewed by the committee. At the conclusion of the hearing which shall not exceed two days, the board of directors shall adopt the budget by resolution. After the budget has been adopted by the board at the public hearing, ~~((four))~~ two certified copies shall be forwarded to the superintendent of public instruction on or before the fourth Monday in May in order that the superintendent may revise and fix the budget according to statute.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-025 BUDGET APPROVAL. The superintendent of public instruction shall revise and fix the annual budget of each educational service district, establish the appropriation and return ~~((two))~~ one approved ~~((copies))~~ copy of the budget to the district prior to the 30th day of June. ~~((One of the copies returned to the district shall be forwarded to the county auditor of the headquarters county of the district. The other copy returned to the district shall be for district use. The superintendent shall submit a copy of the district's approved budget to the state auditor.))~~

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-030 TIME SCHEDULE FOR BUDGET PROCESS. The time schedule for preparation of the annual budget of an educational service district follows: If the superintendent of public instruction deems it necessary to request a second and revised budget, the timing of the process shall be similar and shall be outlined specifically in the request.

ON OR BEFORE	REQUIREMENT
May 1	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
2 weeks preceding public hearing	Copies of budget made available to interested citizens.
<del>((May 18))</del> <u>3rd Friday in May</u>	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
<del>((May 20))</del> <u>4th Monday in May</u>	Forward <del>((four))</del> <u>two</u> properly signed copies of budget to superintendent of public instruction.
June <del>((30))</del>	Superintendent revises, fixes and approves budget and returns two copies to the district (one for county auditor of headquarters county).

AMENDATORY SECTION (Amending Order 80-15, filed 5/13/80)

WAC 392-125-035 BUDGET CONTENT. (1) The budget prepared by an educational service district shall set forth the complete financial program and consider all activities of the district for the ensuing fiscal year in detailed expenditures by program and the sources of revenue from which it is to be financed.

(2) The revenue section of a budget shall set forth the estimated ~~((receipts))~~ revenue from all sources for the ensuing fiscal year, the estimated ~~((receipts))~~ revenue for the fiscal year current at the time of the budget preparation, the actual ~~((receipts))~~ revenue for the last completed fiscal year, and the probable net cash and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue which cannot reasonably be anticipated to be received in cash during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the expenditures for the last completed fiscal year. Expenditures shall be broken out by program, activity, and object of expenditure. ~~((Each salary shall be set out separately, together with the title or position, in a salary exhibit.))~~ Total salary amounts, full-time equivalents and the high, low, and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

The salary exhibits shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are professional and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. ~~((All budgets shall be prepared on the modified accrual basis. Accruals of expenditures for the beginning of the fiscal year and estimates of ending accrued expenditures shall be displayed in the budget document with the difference between these amounts being an adjustment to expenditures to calculate disbursements.))~~

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-040 OVEREXPENDING AND EXCEEDING THE BUDGET. The budget as fixed and

approved by the superintendent of public instruction shall constitute the appropriation from the general expense fund for an educational service district for the ensuing fiscal year. A budget is overexpended and is exceeded if expenditures are made in excess of the amount of the appropriation including budget extensions. ~~((Expenditures are liabilities incurred for budgetary charges during the fiscal year whether paid or unpaid.))~~

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-045 A BALANCED BUDGET. The estimated ~~((disbursements))~~ expenditures for the ensuing fiscal year shall not be greater than the total of the estimated ~~((cash receipts))~~ revenues for the ensuing fiscal year plus the probable (for the initial budget) or actual (or budgets developed after ~~((cash))~~ fund balance is known) ~~((net cash balance and investments))~~ fund balance at the close of the fiscal year preceding the ensuing fiscal year. A budget is considered a balanced budget if the above requirement is met.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-065 CONTENT OF THE MONTHLY BUDGET STATUS. The monthly budget status report shall contain the most current approved budget amounts by summary level accounts and the ~~((cash and investment))~~ fund balance at the beginning and end of the period being analyzed. Encumbrances also shall be reflected in the report. The report shall display activity on a fiscal year-to-date basis on both revenues and expenditures and the "as of" date shall be indicated at the top of the report. The report shall be signed by the educational service district superintendent.

**WSR 84-13-023****ADOPTED RULES****SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 84-13—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Emergency school closure, chapter 392-129 WAC.

This action is taken pursuant to Notice No. WSR 84-10-068 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 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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

#### NEW SECTION

WAC 392-129-013 APPLICATION TO SUPERINTENDENT OF PUBLIC INSTRUCTION. The following information shall be contained in each application to the superintendent of public instruction for a determination of eligibility:

- (1) Name of the district;
- (2) Name of the superintendent of the district;
- (3) Statement by the superintendent of the district that the board of directors has reviewed the application and supports its submittal;
- (4) The unforeseen condition(s) which cause a district and/or individual building closure (see WAC 392-129-010);
- (5) The specific dates on which the district and/or building was closed;
- (6) The specific dates the district shall schedule for making up the days of school closure.

#### WSR 84-13-024

#### ADOPTED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-14—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Nonhigh participatory finance—including transfer of M & O levy authority from high to nonhigh districts, chapter 392-132 WAC.

This action is taken pursuant to Notice No. WSR 84-10-069 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 RCW 28A.44.230 and 84.52.053(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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

#### Chapter 392-132 WAC

#### FINANCE—NONHIGH PARTICIPATORY FINANCE—INCLUDING TRANSFER OF M AND O LEVY AUTHORITY FROM HIGH TO NONHIGH DISTRICTS

#### NEW SECTION

WAC 392-132-010 AUTHORITY. This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.44.230 and 84.52.0531(7). RCW 28A.44.230 provides that the superintendent of public instruction may adopt rules and regulations for the payments to high school districts for educating nonhigh district students. RCW 84.52.0531(7) provides that the superintendent of public instruction shall develop rules and regulations for the calculation of the excess maintenance and operation levy transfer from high school districts to nonhigh school districts.

#### NEW SECTION

WAC 392-132-020 PURPOSES. The purposes of this chapter are to provide the annual procedure that the superintendent of public instruction shall use for:

- (1) Determining the amount due from nonhigh school districts for educating and transporting nonhigh district students; and
- (2) Transferring maintenance and operating excess levy authority from the high to nonhigh district.

#### NEW SECTION

WAC 392-132-030 DEFINITIONS. (1) "Estimated amount due" for a school year shall mean the result of the following calculation:

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ends is divided by the estimated number of average annual full time equivalent (AAFTE) students who reside within the boundaries of the high school district. That quotient is multiplied by the estimated number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on form P-213.

(2) "Actual amount due" for a school year shall mean the result of the following calculation:

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ended is divided by the actual number of AAFTE students who resided within the boundaries of the high school district. That quotient is multiplied by the actual number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on form P-213.

(3) "Estimated number of AAFTE students who reside within the boundaries of the high school district" during a school year shall mean the result of the following calculation:

Average the number of students reported on the forms P-223 available at the time of the calculation of the nonhigh billing. Subtract from this average the average number of students attending the high school district's cooperative programs as reported on forms P-223NR available at the time of the calculation of the nonhigh bill. Also subtract all the estimated nonhigh enrollment as reported on forms P-213. Add the average number of students who reside within the high school district who

attended cooperative programs in other districts as reported on the partial year P-223NR forms available at the time of the calculation of the nonhigh billing.

(4) "Actual number of AAFTE students who resided within the boundaries" during a school year shall mean the result of the following calculation:

Subtract from the AAFTE for a school year as reported on forms P-223 the AAFTE students for a school year as reported on forms P-223NR. Added to the resident enrollment count of the high school district is the number of AAFTE students who reside within the high school district who attended cooperative programs in other districts as reported on forms P-223NR.

(5) "Nonhigh billing" shall mean the amount due to a high school district from a nonhigh school district for educating and transporting nonhigh district students.

(6) "P-213" shall have the same meaning as this is given in WAC 392-139-017.

(7) "P-223NR" shall have the same meaning as this is given in WAC 392-139-017.

(8) "Average annual full time equivalent students (AAFTE)" shall have the same meaning as this is given in WAC 392-121-105.

(9) "Annual determination of the excess maintenance and operation levy transfer from the high school district to the nonhigh school district for educating nonhigh school district students" shall have the same meaning as this is given in WAC 392-139-037.

#### NEW SECTION

WAC 392-132-040 DETERMINING LEVY CAPACITY TRANSFER AND AMOUNT DUE. Pursuant to WAC 392-139-037, annually, the superintendent of public instruction shall make the necessary determinations and calculate (1) the excess maintenance and operation levy transfer from the high school district to the nonhigh school district, and (2) the amount due to the high school district by the nonhigh school district. The respective high and nonhigh school district shall be notified of the results of such determinations and calculations.

#### NEW SECTION

WAC 392-132-050 ANNUAL DETERMINATION OF THE BILLING AMOUNTS DUE IN MAY AND NOVEMBER INSTALLMENTS OF EACH YEAR TO A SERVING HIGH SCHOOL DISTRICT FROM A SERVED NONHIGH SCHOOL DISTRICT. During the month of May of the school year for which the amount is due, each served nonhigh district shall pay by warrant to each serving high school district fifty percent of the total estimated amount due for the school year. During the following November, each served nonhigh district shall pay by warrant to each serving high school district the actual amount due for the school year less the fifty percent of the total estimated amount due which was paid in the preceding May installment.

#### NEW SECTION

WAC 392-132-060 NOTICE OF ASSESSMENT BY HIGH SCHOOL DISTRICT OF A LESSER AMOUNT OR WAIVER OF THE ENTIRE AMOUNT. A high school district board of directors may elect to assess a nonhigh school district an amount which is less than the amount calculated in WAC 392-132-050 or waive the entire amount. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount or waiver no later than September first following the school year for which the amount is due.

#### NEW SECTION

WAC 392-132-070 AMOUNT DUE INCLUDES EXPENDITURES FOR EDUCATION AND TRANSPORTATION. Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts established as due by WAC 392-132-050 shall be the entire amount due from a nonhigh school district for the school year for the education and transportation of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district.

#### **WSR 84-13-025**

##### **ADOPTED RULES**

##### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 84-15—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Associated student body moneys, chapter 392-138 WAC.

This action is taken pursuant to Notice No. WSR 84-10-070 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 RCW 28A.58.115 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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

#### NEW SECTION

WAC 392-138-003 AUTHORITY. The authority for this chapter is RCW 28A.58.115 which authorizes the superintendent of public instruction to promulgate

rules and regulations regarding the administration and control of associated student body moneys.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-010 DEFINITIONS. (1) "Associated student body organization" means a formal organization of students, including subcomponents or affiliated student groups such as student clubs, which is formed with the approval, and operated subject to the control, of the board of directors of a school district in compliance with this chapter.

(2) "Associated student body program" means any activity which (a) is conducted in whole or part by or in behalf of an associated student body during or outside regular school hours and within or outside school grounds and facilities, and (b) is conducted with the approval, and at the direction or under the supervision, of the school district.

(3) "Central district office" means the board of directors and/or their official designee to whom authority has been delegated to act in their behalf.

(4) "Associated student body public moneys" means ~~((a) donations made for the support of an associated student body program, (b))~~ fees collected from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature, ~~((c))~~ revenues derived from "associated student body programs" as defined in subsection (2)~~((; above))~~ of this section, and ~~((d))~~ any other moneys received by an associated student body, not specified in subsection (5) of this section and WAC 392-138-100, for the support of an associated student body program.

(5) "Associated student body private moneys" means bona fide voluntary donations that are identified as donations at the time of collection.

(6) "Associated student body governing body" means the student council, student activities board, or other officially recognized group of students appointed or elected to represent the entire associated student body within a school in accordance with procedures established by the board of directors of the school district.

(7) "Bona fide voluntary donations" means collections of money freely given without commensurate goods or services being received directly or indirectly by the donor. Bona fide voluntary donations must be intentional, real, actual, genuine, and not feigned.

NEW SECTION

WAC 392-138-012 FEES OPTIONAL NON-CREDIT EXTRACURRICULAR EVENTS. The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families,

by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt regulations which state that: (1) Attendance and the fee are optional, and (2) the district will waive and reduce fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies.

NEW SECTION

WAC 392-138-016 SCHOLARSHIPS, STUDENT EXCHANGE AND CHARITABLE PURPOSES—ASB PRIVATE MONEYS. Associated student body moneys which constitute bona fide voluntary donations at the time of collection are private moneys and may be used for scholarship, student exchange, and charitable purposes as the appropriate governing body representing the associated student body shall determine: For such purposes, said moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution but shall be deemed "associated student body private moneys."

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-025 FORMATION OF ASSOCIATED STUDENT BODIES REQUIRED. The formation of an associated student body shall be mandatory and a prerequisite whenever one or more students of a school district engage in money-raising activities with the approval and at the direction or under the supervision of the district: PROVIDED, That the ~~((establishment of an associated student body in schools of the elementary grade levels (K-6) shall not be mandatory: PROVIDED FURTHER, That money raised by elementary students with the approval and at the direction or under the supervision of the school district shall nevertheless be deposited, invested, budgeted, disbursed, and accounted for in a manner consistent with this chapter. The board of directors of a school district shall determine when the amount of money generated by extracurricular activities and/or the best interest of students warrant the formation of an associated student body for elementary grade levels))~~ board of directors of a school district may act, or delegate the authority to an

employee(s) of the district to act, as the associated student body governing body for any school plant facility within the district containing no grade higher than the sixth grade.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-030 POWERS—AUTHORITY AND POLICY OF BOARD OF DIRECTORS. The board of directors of each school district shall: (1) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.58.010 (Corporate powers), RCW 28A.02.020 (General public school system administration), RCW 28A.58.030 (Gifts, conveyances, etc., for scholarship and student aid purposes), RCW 28A.58.101 (Government of schools, pupils, and employees), RCW 28A.58.110 (Bylaws of board and school government), RCW 28A.58.150 (2), (3) and (8) (Superintendent's duties), RCW 28A.58.200 (Pupils to comply with rules and regulations), RCW 43.09.200 (Division of municipal corporations—Uniform system of accounting), RCW 36.22.090 (Warrants of political subdivisions), and chapter 28A.65 RCW (School district budgets);

(2) Approve the constitution and bylaws of each district associated student body and establish policies and guidelines relative to:

(a) The identification of those activities which shall constitute the associated student body program;

(b) The establishment of an official governing body representing the associated student body;

(c) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

~~((c))~~ (d) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student subgroup organizations affiliated with an associated student body;

(3) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level; and

(4) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body moneys shall be budgeted and disbursed.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-035 DEPOSIT AND INVESTMENT OF ASSOCIATED STUDENT BODY MONEYS. All associated student body moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the "associated student body program fund" of the school district and

shall be accounted for, expended, and invested subject to the practices and procedures governing other ~~((public))~~ moneys of the district except as such practices and procedures are modified by or pursuant to this chapter.

NEW SECTION

WAC 392-138-047 SEGREGATION OF ACCOUNTS—PUBLIC AND PRIVATE MONEYS. When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010 (4) and (5), two separate sets of accounts shall be maintained for each associated student body organization for budgets, revenues, expenditures and fund balances in such a manner that there is a complete segregation by accounting records for each associated student body organization including clubs, classes, athletic events and general associated student body.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-050 DISBURSEMENT APPROVAL—TOTAL DISBURSEMENTS. Associated student body moneys shall be disbursed subject to the following conditions:

(1) No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-040;

(2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe, and as provided for in subsection (4) of this section for scholarships, student exchange, or charitable purposes;

(3) ~~((The))~~ All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Supporting documentation of the vouchers shall bear evidence of ((student)) approval by the associated student body governing body in accordance with associated student body by-laws;

(4) Vouchers authorizing disbursements for scholarship, student exchange, or charitable purposes shall be accompanied by:

(a) A petition to the associated student body governing body requesting disbursement if the request was originated by an associated student body organization other than the governing body (—i.e., a subcomponent or an affiliated student group); and

(b) A written communication adopted by the associated student body governing body authorizing the disbursement;

(5) When a fund balance account of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the account balance: PROVIDED, That a transfer of fund balance between associated student body organizations may be made pursuant to the associated student body by-laws and as approved by the associated student body governing body;

~~((4))~~ (6) Warrants shall not be issued in excess of the moneys on deposit with the county treasurer in the associated student body program fund; and

~~((5))~~ (7) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter.

#### NEW SECTION

WAC 392-138-071 PUBLIC MONEYS—PREVIOUS LAW. All moneys expended from associated student body program funds prior to June 10, 1982, shall be considered public moneys.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-075 TITLE TO PROPERTY—DISSOLUTION OF ASSOCIATED STUDENT BODY OR AFFILIATED GROUP. The purchase of vehicles, furniture, fixtures, equipment, and real property with associated student body private moneys is an act of conversion of private money to public property. Title to all such property acquired through the expenditure of associated student body private moneys shall be vested in the school district. Title to all property acquired through the expenditure of associated student body public moneys shall be vested in the school district.

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then (a) the school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization, and (b) the records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of public records.

#### NEW SECTION

WAC 392-138-100 STUDENT AID DONATIONS AND OTHER NONASSOCIATED STUDENT BODY MONEYS. The board of directors of a school district may accept money donated for scholarship and student aid purposes and deposit, invest, and expend the same within the associated student body program fund pursuant to the school district's rules and regulations adopted in compliance with RCW 28A.58.030.

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-138-015 DISTINCTION BETWEEN PUBLIC AND PRIVATE MONEYS—DUTIES OF ADVISORS.

(2) WAC 392-138-020 PRIVATE MONEYS NOT TO BE COMMINGLED—EXCEPTION IN CASE OF STUDENT AID DONATIONS.

#### WSR 84-13-026

#### ADOPTED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-16—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Transportation—Replacement and depreciation allocation, chapter 392-142 WAC.

This action is taken pursuant to Notice No. WSR 84-10-071 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 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 13, 1984.

By Frank Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 83-16, filed 10/26/83)

WAC 392-142-020 VEHICLE CATEGORIES.  
(1) By May 1st of each school year, the superintendent of public instruction shall develop preliminary categories of student transportation vehicles. The categories shall include, but not be limited to, variables such as vehicle capacity, type of fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The categories shall be determined pursuant to the definitions set forth in WAC 392-142-020 and 392-143-010 and shall be applicable to the following school year.

(2) As used in this section, the terms:

(a) "School bus student capacity" shall mean the maximum allowable number of students that can be seated on a school bus using 21-inch seat spacing from the seating reference point;

(b) "Seating reference point" shall mean the point of intersection of horizontal and vertical axis measured as follows:

(i) The horizontal distance is 5.0 to 5.4 inches from the front surface of the seat back; and

(ii) The vertical distance is 2.5 inches above the top of the seat cushion.

(c) "Gasoline engine" shall mean a spark ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination thereof;

(d) "Diesel engine" shall mean a compression ignited engine using diesel fuel;

(e) "Transmission" shall mean either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box;

(f) "Engine location" shall mean that the engine is located in the front, midship, or rear section of transit (Type D) school buses; and

(g) "Special handicapped equipment" shall mean wheelchair lifts, passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

(3) Replacement vehicle categories are as follows:

TYPE A:

- 1. Student capacity 10-24
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

TYPE B:

- 1. Student capacity 18-22
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic
- 2. Student capacity 23-27
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic
- 3. Student capacity 28-32
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

TYPE C:

- 1. Student capacity 29
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic
- 2. Student capacity 35
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic
- 3. Student capacity 41
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic
- 4. Student capacity 47
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

- 5. Student capacity 53
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

- 6. Student capacity 59
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

- 7. Student capacity 65
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

- 8. Student capacity 71
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

- 9. Student capacity 77
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic

TYPE D:

- 1. Student capacity 78  
Front engine
  - a. Diesel manual
  - b. Diesel automatic
- 2. Student capacity 78  
Midship engine
  - a. Diesel manual
  - b. Diesel automatic
- 3. Student capacity 78  
Rear engine
  - a. Diesel manual
  - b. Diesel automatic
- 4. Student capacity 84-89  
Front engine
  - a. Diesel manual
  - b. Diesel automatic
- 5. Student Capacity 84  
Rear engine
  - a. Diesel manual
  - b. Diesel automatic
- 6. Student capacity 90  
Midship engine
  - a. Diesel manual
  - b. Diesel automatic

Any approved school bus used to transport students with handicapping conditions must have special handicapped equipment affixed to the vehicle. Replacement costs of special handicapped equipment shall be determined annually and added to the state-determined purchase price. The useful life of the special handicapped equipment shall be the same as the useful vehicle life to which the special equipment is affixed.

(4) By June 15th of each school year, the superintendent shall notify school districts of the preliminary vehicle categories for the ensuing school year. By October 15th of each school year, the superintendent shall finalize the student transportation vehicle categories and notify the school districts of any changes which affects that school year.

**WSR 84-13-027**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 84-17—Filed June 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to transitional bilingual instruction program, chapter 392-160 WAC.

This action is taken pursuant to Notice No. WSR 84-10-072 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 RCW 28A.58-.800 through 28A.58.810 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 13, 1984.

By Frank Brouillet  
 Superintendent of Public Instruction

Chapter 392-160 WAC  
SPECIAL SERVICE PROGRAM—TRANSITIONAL BILINGUAL INSTRUCTION (~~(PROGRAM)~~)

NEW SECTION

WAC 392-160-003 **AUTHORITY.** The authority for this chapter is RCW 28A.58.808 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a transitional bilingual instructional program.

NEW SECTION

WAC 392-160-004 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures for the implementation of a transitional bilingual instructional program.

AMENDATORY SECTION (Amending Order 80-21, filed 6/17/80)

WAC 392-160-005 **DEFINITIONS.** As used in this chapter:

(1) "Transitional bilingual instruction" (~~(and "bilingual instruction" each)~~) means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a pupil to achieve competency in English;

(b) Introduces concepts and information in the primary language of a pupil and reinforces them in the English language; and

(c) Tests pupils in the subject matter in English.

(2) "Primary language" means the language most often used by a pupil (not necessarily by parents, guardians, or others) for communication in the pupil's place of residence.

(3) "Eligible pupil" means any pupil who meets the following ~~((three))~~ two conditions:

(a) The primary language of the pupil must be other than English; and

(b) The pupil's English skills must be sufficiently deficient or absent to ~~((the extent that))~~ impair learning ~~((on the part of the pupil would be impaired if he or she is taught only in English; and~~

~~(c) The pupil must not be equally or almost equally competent in English and his or her non-English primary language or more competent in English)).~~

~~(4) ("Limited number of eligible pupils" means nineteen or fewer eligible pupils in a single school district whose non-English primary language is the same.~~

~~(5))~~ "Alternative instructional program" means a program of instruction which may include((s)) English as a second language and is designed to enable the pupil to achieve competency in English.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-010 **SCHOOL DISTRICT BOARD OF DIRECTORS DUTIES.** Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible pupil a transitional bilingual instruction or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program in a language they can understand; and

(3) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials and program models.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-015 **IDENTIFICATION OF ELIGIBLE PUPILS.** (1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each pupil's primary language and the determination of which pupils with a primary language other than English are eligible pupils. Such procedures shall include:

(a) Provisions for the identification of a pupil's primary language pursuant to an interview with or a written questionnaire directed to the pupil and the pupil's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and

(b) Provisions for testing pupils as provided for in this section, WAC 392-160-020 and 392-160-035.

(2) Deadline for determining eligibility of newly enrolled pupils: The primary language and eligibility of each newly enrolled pupil shall be established no later than the twentieth school day after the date upon which the pupil commences attendance at a particular school district.

(3) Newly enrolled pupils who speak little or no English—Determination of eligibility: The eligibility of a newly enrolled pupil whose eligibility is reasonably apparent by reason of:

(a) The pupil's ability to communicate reasonably well in his or her non-English primary language; and

(b) The pupil's inability to communicate in English to any practical extent (~~(shall be)~~) as determined ((pursuant to)) by an interview with the pupil by appropriate school district staff. (~~The interview shall be conducted by a person with sufficient skill in both English and the non-English language of the pupil, if a person with such qualifications is reasonably available. If a qualified interviewer is not reasonably available, school personnel shall exercise their best judgment based upon observations of a newly enrolled pupil to determine the pupil's eligibility.~~) No other approved test need be administered if the professional judgment of the school personnel (~~based upon the interview or observations~~) is that the pupil is eligible as defined in WAC 392-160-005(3).

(4) All other newly enrolled pupils—Determination of eligibility: The eligibility of all newly enrolled pupils:

(a) Who have a primary language other than English; and

(b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

(5) Annual reassessment of all pupils required: Each school year each pupil who has previously been identified as eligible and admitted to a bilingual instruction or alternative instruction program shall be identified as eligible or ineligible each school year pursuant to the administration of a standardized test as set forth in WAC 392-160-035.

#### AMENDATORY SECTION (Amending Order 80-21, filed 6/17/80)

WAC 392-160-020 APPROVED TESTS FOR DETERMINING INITIAL ELIGIBILITY—ENGLISH PROFICIENCY SCORES. (1) Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled pupils (other than those who speak little or no English) whose primary language is other than English:

- (a) Language assessment scales (LAS);
- (b) Basic inventory of natural language (BINL); and
- (c) Bilingual syntax measure (BSM).

(2) Scores which establish an English skills deficiency: In the event a pupil scores within one of the following ranges the pupil's English skills shall be deemed sufficiently deficient or absent to impair learning (~~when taught only in English~~):

- (a) Language assessment scales. Three or below;

(b) Basic inventory of natural language;

(i) Grades K-2, 0-50;

(ii) Grades 3-8, 0-75;

(iii) Grades 9-12, 0-100;

(c) Bilingual syntax measure:

(i) Level II, four or below; and

(ii) Level I, three or below.

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

(a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;

(b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and

(c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

~~((4) Determination of "dominant" language:~~

~~(a) Pupils whose test results establish an English skill deficiency pursuant to subsection (2) or (3)(b) shall also be administered the same test in their non-English primary language, if available, to determine whether the pupil is equally or almost equally competent in English and the pupil's primary language or more competent in English;~~

~~(b) If no test is available in a pupil's non-English primary language, the pupil shall be interviewed by a person with sufficient skill in both English and the non-English primary language of the pupil, if a person with such qualifications is reasonably available; and~~

~~(c) A pupil shall be deemed an eligible pupil if the test results or the professional judgment of school personnel based upon an interview when no test is available establish that the pupil is not equally or almost equally competent in English and the pupil's non-English primary language or more competent in English:))~~

#### NEW SECTION

WAC 392-160-026 DISTRICT APPLICATION. Each school district that seeks an allocation of state funds for a transitional bilingual instruction program shall submit a program approval application to the superintendent of public instruction no later than August 1 of each year: PROVIDED, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible pupils the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

NEW SECTION

WAC 392-160-027 BOARD APPROVAL. The district's annual application shall be approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-160-028 CONTENT OF DISTRICT APPLICATION. The districts annual application shall contain the following:

(1) The number of eligible pupils served during the current school year and the estimated number to be served in the next school year for each non-English primary language spoken;

(2) A description of the approved tests to be used in the next school year to determine pupil eligibility;

(3) The estimated number of pupils who will be enrolled during the next school year in a program funded pursuant to this chapter in excess of three school years (i.e., 540 school days or portions thereof). The numbers of such pupils shall be identified by the non-English primary language spoken and the type of program to be provided (i.e., bilingual or alternative instructional program);

(4) The number of pupils who have been enrolled in a program funded pursuant to this chapter in excess of three school years who are currently served identified by the non-English primary language spoken by each pupil and the type of program provided each pupil;

(5) A description of the bilingual instruction and alternative instructional programs planned for the next school year; and

(6) A description of the in-service training program that is planned for the next school year.

NEW SECTION

WAC 392-160-029 PROGRAM APPROVAL. Program approval by the superintendent of public instruction shall be as follows:

(1) Each application that is submitted as required by and pursuant to this chapter shall be approved: PROVIDED, That approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application.

(2) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-035 THREE YEAR LIMITATION—TESTING—PROGRAM EXIT REQUIREMENTS. (1) No pupil shall continue to be entitled to a

transitional bilingual or alternative instructional program after the pupil has received instruction in a transitional bilingual or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): PROVIDED, That each such pupil who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the pupil's learning impairment (~~when taught only in English~~) (i.e., unable to score above the 35th percentile on an approved test) shall continue to be entitled to an approved bilingual instruction or alternative instructional program.

(2) The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its pupils.

(3) No pupil shall be entitled to continued enrollment in a transitional bilingual or alternative program once the pupil has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the pupil's age and grade level.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-040 (~~ELIGIBILITY FOR AN OPTIONAL~~) ALTERNATIVE INSTRUCTIONAL PROGRAM. (~~(1) Districts with a limited number of pupils. Each school district with a limited number of eligible pupils may elect to provide such pupils an alternative instructional program.~~

~~(2) Districts with more than a limited number of pupils.)~~ School districts (~~with more than a limited number of eligible pupils and~~) under one or more of the following conditions may elect to provide an alternative instructional program:

~~((a))~~ (1) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success; (~~or~~

~~(b))~~ (2) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible pupils; (~~or~~

~~(c))~~ (3) Bilingual instruction cannot be provided affected pupils without substantially impairing their basic education program because of their disbursement throughout many grade levels or schools, or both; or

~~((d))~~ (4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-160-001 PURPOSE—SUPPLEMENTAL FEDERAL REQUIREMENTS.

**WSR 84-13-028**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2111—Filed June 13, 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 refugee assistance, amending chapter 388-55 WAC.

This action is taken pursuant to Notice No. WSR 84-10-003 filed with the code reviser on April 20, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 43.20A.550.

The undersigned hereby declares that 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 David A. Hogan, Director  
 Division of Administration and Personnel

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

WAC 388-55-010 COMMON ELIGIBILITY CONDITIONS. (1) Assistance shall be granted to refugees within the provisions of P.L. 96-212, the Refugee Assistance Program.

(2) For the purpose of the refugee assistance program, a refugee is defined as a person who has fled from and cannot return to his or her country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the following individuals shall be eligible to apply for assistance and/or services under the refugee assistance program:

(a) A person from Cambodia, Laos, or Vietnam receiving Indochinese refugee assistance because he or she was:

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

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

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

(iv) A person admitted to the United States with permanent resident status on or after April 8, 1975 (the date the president designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551.

(v) A person having permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.

(b) A person from Cuba receiving assistance or services under the Cuban phase-down program, who entered the United States on or after October 1, 1978. Such persons must have:

(i) A registration card issued by the United States Cuban Refugee Center in Miami on or after October 1, 1978, and

(ii) INS documentation sufficient to establish the person entered the United States on or after October 1, 1978, or verification with the United States Cuban Refugee Center of the refugee's date of entry.

(c) A person from Cambodia, Laos, or Vietnam having parole status.

(i) Such persons must have a Form I-94 indicating the person has been paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA).

(ii) If the Form I-94 was issued on or after June 1, 1980, the form must clearly indicate the person has been paroled as a refugee or asylee.

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

(i) Such persons must have a Form I-94 indicating the person has been paroled under Section 212(d)(5) of the INA.

(ii) If the Form I-94 was issued on or after April 21, 1980, the form must clearly indicate the person has been paroled as a refugee or asylee.

(e) An individual from any country other than Cambodia, Laos, Vietnam, or Cuba having parole status as a refugee or asylee as evidenced by a Form I-94 indicating the person has been paroled under Section 212(d)(5) of the INA as a refugee or asylee.

(f) An individual admitted from any country as a conditional entrant under Section 203(a)(7) of the INA. This must be indicated on the Form I-94.

(g) An individual from any country admitted as a refugee under Section 207 of the INA. This must be indicated on Form I-94.

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

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

(3) Refugee assistance cases eligible for the AFDC and/or Medicaid programs shall be transferred to such programs retroactively effective October 1, 1977, or as of such date as the case qualified for refugee assistance, whichever is later.

(a) Refugees must meet AFDC or Medicaid eligibility criteria to be transferred.

(b) A refugee cash assistance case being transferred to AFDC shall be regarded as a recipient rather than a new applicant so the income shall be disregarded accordingly.

(4) Applications from refugees not currently receiving refugee cash and/or medical assistance shall be determined for AFDC or Medicaid eligibility before determining eligibility for the refugee assistance program.

(a) If the applicant is determined not eligible for AFDC, eligibility shall then be determined under the refugee assistance program.

(b) If the applicant is determined not eligible for Medicaid, eligibility shall be determined under the refugee assistance program.

(5) Requirements of categorical relatedness of federal assistance programs are waived for refugees under the refugee assistance program.

(6) Refugees terminated from the AFDC program because of refusal to comply with requirements shall not be eligible for refugee assistance.

(7) Except as specified in subsection (8) of this section, assistance to all types of refugee cases, regardless of family composition, shall be provided at the AFDC monthly standards; income and resources will be treated according to AFDC standards. Resources not available, including property remaining in Vietnam, Laos, or Cambodia, shall not be considered in determining eligibility for financial assistance.

(8) Applicants for and recipients of refugee assistance shall not be eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

(9) The refugee family unit including United States citizen's children, by virtue of being born in this country, shall be treated as a single assistance unit under the refugee assistance program in accordance with the provisions of WAC 388-24-050.

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

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

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

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

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

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

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

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

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

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

(e) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause;

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

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

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

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

(4) Refusal of an employable adult refugee to register with the employment service without good cause shall result in the following actions. In addition, refusal to accept, continue, or participate in a training or employment opportunity or referral, from any source, determined appropriate for the refugee by the CSO shall also result in the following actions:

(a) An employable adult refugee applicant refusing a work or training opportunity or referral without good cause, as stated in this section within thirty days prior to application, shall be ineligible for refugee assistance for thirty days from the date of the refusal. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible.

(b) If an employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated the first of the following month after the date of his or her original refusal. The refugee shall be given at least ten days written notice of the termination of assistance and the reason therefore. This sanction shall be applied in the following manner:

(i) If the assistance unit includes other individuals, the grant shall be reduced by the amount included on behalf of the refugee.

(ii) If such individual is the only individual in the assistance unit, the grant shall be terminated.

(iii) The recipient's voluntary agency (VOLAG) shall be notified if action is taken according to subsection (4)(b)(i) or (ii) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met.

(iv) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.

(v) An employable refugee shall be ineligible ~~((for a period of thirty days))~~ after the termination of assistance because of refusal to accept or continue employment or training as follows: For three months after the first occurrence and six months for the second and subsequent occurrences.

**WSR 84-13-029**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**

[Order 2112—Filed June 13, 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 workshops in institutions of the mental health division, new chapter 275-60 WAC.

This action is taken pursuant to Notice No. WSR 84-10-009 filed with the code reviser on April 24, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.05.560 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 43.20A.445.

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 David A. Hogan, Director  
 Division of Administration and Personnel

Chapter 275-60 WAC  
**WORKSHOPS IN INSTITUTIONS OF THE MEN-  
 TAL HEALTH DIVISION**

**NEW SECTION**

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

**NEW SECTION**

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

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

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

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

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

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

(7) "Fair value" means the sale price of articles produced by the workshop, taking into account the cost of

production as determined by the institution, and the market price of similar articles offered for sale by other sellers.

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

**NEW SECTION**

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

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

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

**NEW SECTION**

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

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

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

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

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

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

**NEW SECTION**

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

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

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

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

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

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

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

#### NEW SECTION

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

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

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

#### NEW SECTION

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

(1) Individual treatment plan;

- (2) Records of attendance;
- (3) Records of measurement of productivity;
- (4) Periodic progress reviews;
- (5) Records of progress in attaining basic work habits;
- (6) Records of progress in adhering to standards of personal behavior;
- (7) Reports of unusual occurrences;
- (8) Discharge summaries, to include staff recommendations regarding post-institution vocational or training plans.

#### NEW SECTION

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

(1) Records of all purchases of materials and supplies to include documentation that such materials and supplies were purchased at fair market value or the best available price;

(2) Records of all purchases of workshop equipment and equipment maintenance;

(3) Records of all contractual agreements for instructional or other services;

(4) Inventory records of unused materials and finished products awaiting sale;

(5) Records of items sold and cash received for sales;

(6) Records of sales tax collected for items sold;

(7) Records of incentive payments received by individual patients or clients.

#### NEW SECTION

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

#### NEW SECTION

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

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

### WSR 84-13-030

#### ATTORNEY GENERAL OPINION

Cite as: AGO 1984 No. 14

[June 13, 1984]

AGRICULTURE—DAIRIES AND FOODS—LIENS—APPLICABILITY OF PREPARER LIEN TO DAIRY LICENSES

RCW 20.01.030 does not exempt persons or businesses licensed under the dairy laws of Washington from the "preparer lien" provided for in RCW 20.01.630.

Requested by:

Honorable M. Keith Ellis, Director  
Washington State Department  
of Agriculture, AX-41  
General Administration Building  
Olympia, Washington 98504

**WSR 84-13-031**  
**EMERGENCY RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 84-18—Filed June 14, 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.

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 the OSPI has signed a compliance agreement with the United States Office of Civil Rights which provided for the adoption of emergency rules within ten days of signing to require school districts to assess handicapped children for the need for extended school year programming. Section 504 of the Rehabilitation Act of 1973 conditions federal funds upon compliance with the nondiscrimination provision of the act.

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.13.070(7) and 28A.02.100 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 13, 1984.

By Frank B. Brouillet  
Superintendent of Public Instruction

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 group of professionals including at least one teacher or other specialist with knowledge in the area of the suspected disability. Each

member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules: **PROVIDED**, That in assessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team:

(a) The student's regular teacher, or  
(b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or

(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 the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory. All tests and other evaluation materials shall have been validated for the specific purpose for which they are used, shall be administered by trained personnel in conformance with the instructions of their producer, and shall accurately reflect whatever factors the tests purport to measure.

(4) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as best to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(5) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including previous assessments, health, and cumulative records; and

(b) Conduct such current assessment activities as are required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to corroborate the validity of standardized measures, including but not limited to parent and/or teacher interviews and current classroom performance data.

(6) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location and source person. The summaries shall specify

the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days: PROVIDED, 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 condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, if any, of cultural, environmental, economic, and behavioral factors to the assessment results;

(f) 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 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 of the student;

(b) The relationship of that behavior to the student's academic functioning; and

(c) The educationally relevant medical findings, if any.

(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).

**AMENDATORY SECTION** (Amending Order 80-31, filed 8/19/80)

WAC 392-171-461 INDIVIDUALIZED EDUCATION PROGRAM. (1) Each handicapped student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included.

The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: PROVIDED, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(d) The projected dates for the initiation of services and the anticipated duration of the services, including the 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) 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.*

**WSR 84-13-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-49—Filed June 14, 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 this regulation is necessary to allow taxidermic preparation of trophy fish.

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 13, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

**WAC 220-56-20100A MARKING SPORT CAUGHT FISH.** *Notwithstanding the provisions of WAC 220-56-201, effective immediately until further notice, it is unlawful to possess salmon taken for personal use from Punch Card Areas 5 and 6 unless the top half of the tail fin has been removed, except for fish for which documents are provided within 10 days of landing showing delivery to a licensed taxidermist for the purpose of permanent preservation.*

**WSR 84-13-033**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**  
[Filed June 14, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Forest Practices

Board intends to adopt, amend, or repeal rules concerning Forest Practices Board State Environmental Policy Act (SEPA) procedures, amending WAC 222-10-050, 222-10-070, 222-10-090, 222-10-110 and 222-10-120; Forest Practices Board SEPA policies, amending WAC 222-10-010; and Forest Practices Board practices and procedures adding a new section establishing regular meeting schedule authorized by the Open Public Meetings Act, chapter 42.30 RCW.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 8, 1984.

Adoption will take place at a special meeting of the board to be held August 8, 1984, 1:30 p.m. in Colville, Washington, at the National Guard Armory.

The authority under which these rules are proposed is RCW 43.21C.120 and 76.09.040.

The specific statute these rules are intended to implement is chapter 43.21C RCW, RCW 76.09.040 and 42.30.075.

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:

Arden Olson Executive Secretary  
Forest Practices Board  
Department of Natural Resources  
Division of Private Forestry and Recreation  
120 East Union Avenue, Room 109  
Mailstop EK-12  
Olympia, WA 98504  
(206) 753-5315

Dated: June 14, 1984

By: Brian J. Boyle  
Chairman, Forest Practices Board  
Commissioner of Public Lands

**STATEMENT OF PURPOSE**

Title and Number of Rule Sections or Chapter: Chapter 222-08 WAC, Practices and procedures; includes WAC 222-08-040 Regular meetings. Chapter 222-10 WAC, State Environmental Policy Act - SEPA guidelines; includes WAC 222-10-010 Policies and authorities; 222-10-050 Adoption by reference; 222-10-070 Additional definitions; 222-10-080 Designation of responsible official; 222-10-110 Board's SEPA public information center; and 222-10-120 Exemption for emergency actions.

Statutory Authority: RCW 43.21C.120 and 76.09.040.

Specific Statute that Rule is Intended to Implement: Chapter 43.21C RCW, RCW 76.09.040 and 42.30.075.

Summary of the Rules: WAC 222-08-040 establishes a schedule for regular meetings of the Forest Practices Board. Meetings will be held quarterly on the second Wednesday of February, May, August and November. Chapter 222-10 WAC adopts SEPA policies and procedures. Chapter 197-11 WAC, "SEPA rules," is adopted by reference. Additional rules include definitions of board and SEPA rules, designation of the board as responsible official, location of the board's SEPA public information center, an exemption from SEPA for emergency rules adoption and identification of SEPA policies.

Reasons Supporting the Proposed Rules: The regular meeting rule will standardize meeting dates and give interested parties greater certainty when making arrangements to attend board meetings. By October 1, 1984, the Forest Practices Board is required to adopt rules consistent with chapter 197-11 WAC. SEPA rules are required by statute to provide full public disclosure of proposed governmental actions. They also provide environmental decision-making information to responsible government officials.

Agency Personnel Responsible for Drafting: William Baxter, Assistant Manager, Division of Private Forestry and Recreation, Department of Natural Resources, Olympia, Washington 98504, Telephone: (206) 753-5315; Implementation and Enforcement: Arden Olson, Manager, (Executive Secretary for the Forest Practices Board), Division of Private Forestry and Recreation, Department of Natural Resources, Olympia, Washington 98504, Telephone: (206) 753-5315.

Proponent of the Rules: The rules are proposed by the Forest Practices Board.

Agency Comments: None.

Court Action or Federal Law: The rule is not necessary to comply with federal law or a federal or state court decision.

Other Information: None.

Small Business Economic Impact Statement: None required.

#### NEW SECTION

WAC 222-08-040 REGULAR MEETINGS. Regular meetings of the forest practices board shall be held quarterly on the second Wednesday of February, May, August and November, at a location to be designated by the forest practices board. Any person may obtain information as to said location and meeting time by contacting the Department of Natural Resources Division of Private Forestry and Recreation, Olympia, Washington 98504. A schedule of meetings will be published in the Washington Register in January of each year.

#### AMENDATORY SECTION (Amending Order 258, filed 5/21/76)

WAC 222-10-010 POLICIES AND AUTHORITIES. (1) This chapter is promulgated pursuant to the authority granted in RCW (~~(43.21C.110)~~) 43.21C.120 and chapter 197-~~(10)~~11 WAC.

(2) The forest practices board, according to RCW 76.09.040, possesses the authority to promulgate forest practices regulations establishing minimum standards for forest practices and setting forth necessary administrative provisions. (~~{Order 258, § 222-10-010, filed 5/21/76.}~~)

(3) The forest practices board adopts by reference the policies of SEPA as set forth in RCW 43.21C.020.

(4) A Class IV-Special forest practice approval will be conditioned when necessary to mitigate specific adverse impacts which are identified in the environmental documents prepared under SEPA. An application for a Class IV-Special forest practice will be denied when the proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under SEPA, and reasonable mitigation measures are insufficient to mitigate the identified impacts.

(5) SEPA policies and procedures required for administration of Class IV-Special forest practices shall be implemented by the Department of Natural Resources.

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 258, filed 5/21/76)

WAC 222-10-050 ADOPTION BY REFERENCE. Except to those rules that may not be applicable, the forest practices board hereby adopts by reference chapter 197-~~(10)~~11 WAC, the "SEPA (~~(guidelines)~~) Rules" adopted by the State of Washington (~~(council on environmental policy)~~) Department of Ecology.

#### AMENDATORY SECTION (Amending Order 258, filed 5/21/76)

WAC 222-10-070 ADDITIONAL DEFINITIONS. In addition to those definitions contained within WAC 197-~~(10-040)~~ 11-700 through -799, the following terms shall have the following meanings:

(1) "Board" means the forest practices board, as defined by RCW 76.09.

(2) "SEPA (~~(guidelines)~~) Rules" means chapter 197-~~(10)~~11 WAC adopted by the (~~(council on environmental policy)~~) State of Washington Department of Ecology.

#### AMENDATORY SECTION (Amending Order 258, filed 5/21/76)

WAC 222-10-090 DESIGNATION OF RESPONSIBLE OFFICIAL. The board shall act as the responsible official for the purpose of complying with the SEPA (~~(guidelines)~~) Rules, or the board may designate the chairperson of the forest practices board or his/her designee to serve as such responsible official.

#### AMENDATORY SECTION (Amending Order 258, filed 5/21/76)

WAC 222-10-110 BOARD'S SEPA PUBLIC INFORMATION CENTER. There is hereby established in the Public Lands Building, 2nd Floor, Olympia, Washington, the location of the board's SEPA public (~~(information center)~~) records in accordance with chapter 42.17 RCW.

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 258, filed 5/21/76)

WAC 222-10-120 EXEMPTION (~~(FROM)~~) FOR EMERGENCY ACTIONS. The board may promulgate rules which must be promulgated immediately, or within a time too short to allow full compliance with this chapter of the SEPA (~~(guidelines)~~) Rules where such action is required to avoid an imminent threat to public health or safety, to prevent imminent danger to public or private property or prevent imminent threat of serious environmental degradation without complying with the procedural requirements of this chapter of the SEPA (~~(guidelines)~~) Rules.

**WSR 84-13-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Order 410—Filed June 14, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at the Public Lands Building, Olympia, Washington 98504, the annexed rules relating to prohibition of entry by the public for use of that portion of the Milwaukee Railroad right of way under the jurisdiction of the Department of Natural Resources without a permit. Entry without a permit is a misdemeanor.

I, Brian J. Boyle, Commissioner of Public Lands, 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 authority was given to the Department of Natural Resources to manage a portion of the Milwaukee Railroad right of way as of June 7, 1984. Public entry for use is not allowed without a permit and such use should be prohibited immediately until a permit system is established allowing for an orderly and safe use of the right of way and protection of adjoining landowners.

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

This rule is promulgated pursuant to RCW 43.30.310 and section 7, chapter 174, 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 14, 1984.

By Brian J. Boyle  
Commissioner of Public Lands

#### NEW SECTION

*WAC 332-54-010 MILWAUKEE RIGHT OF WAY CLOSURE. Public entry for use of that portion of the Milwaukee Corridor beginning at the Idaho border and concluding at the western end of the tunnel located in the Southeast corner of Section 20, Township 19 North, Range 17 East, W.M. is prohibited unless the user first obtains a permit from the Department of Natural Resources.*

#### NEW SECTION

*WAC 332-54-020 CLOSURE CONSTITUTES A RULE UNDER RCW 43.30.310. The provisions of WAC 332-54-010 shall be deemed to constitute a rule and regulation under RCW 43.30.310. A violation of such a rule constitutes a misdemeanor.*

#### NEW SECTION

*WAC 332-54-030 MILWAUKEE CORRIDOR DEFINITION. The Milwaukee Corridor is the approximate two hundred thirteen mile corridor of land purchased by the State from the Milwaukee Railroad Company under section 17(21), chapter 143, Laws of 1981.*

**WSR 84-13-035**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed June 15, 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 city of Blaine, amending WAC 173-19-4502.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 18, 1984.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 84-09-086 filed with the code reviser's office on April 18, 1984.

Dated: June 14, 1984  
By: Glen H. Fiedler  
Deputy Director

**WSR 84-13-036**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 84-25—Filed June 15, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to model ordinance for adoption of State Environmental Policy Act (SEPA) procedures, adopting chapter 173-806 WAC, and model ordinance for use in integration of SEPA guidelines, repealing chapter 173-805 WAC.

This action is taken pursuant to Notice No. WSR 84-10-049 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 RCW 43.21C-.130 which directs that the Department of Ecology has authority to implement the provisions of RCW 43.21C.130.

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 7, 1984.

By Donald W. Moos  
Director

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) 173-805-010 POLICIES AND AUTHORITY.
- (2) 173-805-020 ADOPTION BY REFERENCE.
- (3) 173-805-030 ADDITIONAL DEFINITIONS.
- (4) 173-805-040 TIME LIMITS APPLICABLE TO THE SEPA PROCESS.
- (5) 173-805-050 ENVIRONMENTALLY SENSITIVE AREAS.
- (6) 173-805-060 USE OF EXEMPTIONS.
- (7) 173-805-070 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES.
- (8) 173-805-080 TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.
- (9) 173-805-090 ENVIRONMENTAL CHECKLIST.
- (10) 173-805-100 PREPARATION OF EIS.
- (11) 173-805-105 ADDITIONAL ELEMENTS TO BE COVERED IN AN EIS.

- (12) 173-805-110 DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE CITY/COUNTY.
- (13) 173-805-115 DESIGNATION OF RESPONSIBLE OFFICIAL.
- (14) 173-805-120 (OPTIONAL) SEPA PUBLIC INFORMATION CENTER.
- (15) 173-805-121 RESPONSIBILITY OF AGENCIES—SEPA PUBLIC INFORMATION.
- (16) 173-805-130 FEES.
- (17) 173-805-135 NOTICE/STATUTE OF LIMITATIONS.
- (18) 173-805-140 SEVERABILITY.

Chapter 173-806 WAC  
MODEL ORDINANCE

PART ONE  
AUTHORITY

NEW SECTION

WAC 173-806-010 AUTHORITY. The city/county of \_\_\_\_\_ adopts this ordinance under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904.

This ordinance contains this city's/county's SEPA procedures and policies.

The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this ordinance.

PART TWO  
GENERAL REQUIREMENTS

NEW SECTION

WAC 173-806-020 PURPOSE OF THIS PART AND ADOPTION BY REFERENCE. This part contains the basic requirements that apply to the SEPA process. The city/county adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC	
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.

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NEW SECTION

WAC 173-806-030 ADDITIONAL DEFINITIONS. In addition to those definitions contained within WAC 197-11-700 through 799, when used in this ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.

(2) "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.

(3) "Ordinance" means the ordinance, resolution, or other procedure used by the city/county to adopt regulatory requirements.

(4) "Early notice" means the city's/county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

NEW SECTION

WAC 173-806-040 DESIGNATION OF RESPONSIBLE OFFICIAL. (1) (Note: Use Option 1 or 2, but not both.) (Option 1) For those proposals for which the city/county is the lead agency, the responsible official shall be (Note: Indicate position title, level within city's/county's organization, elected official title or legislative body) \_\_\_\_\_.

(Option 2) For public proposals, the head (administrative official) of the department making the proposal shall be the responsible official. For private proposals, the head (administrative official) of the department with primary responsibility for approving the permits and licenses for the proposal shall be the responsible official. When multiple officials have permitting authority, the assignment of responsibility shall be reached by agreement.

(2) For all proposals for which the city/county is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

(3) The city/county shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW.

NEW SECTION

WAC 173-806-050 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES. (1) The department within the city/county receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

(2) When the city/county is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the city/county is not the lead agency for a proposal, all departments of the city/county shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city/county department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city/county may conduct supplemental environmental review under WAC 197-11-600.

(4) If the city/county or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city/county must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city/county may be initiated by \_\_\_\_\_.

(5) Departments of the city/county are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: PROVIDED, That the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).

#### NEW SECTION

WAC 173-806-053 TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY. (Optional for cities or towns under 5,000 population and counties of fifth through ninth class.) For any proposal for a private project where the city/county would be the lead agency and for which one or more state agencies have jurisdiction, the city's/county's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city/county shall be an agency with jurisdiction. To transfer lead agency duties, the city's/county's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city/county shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

#### NEW SECTION

WAC 173-806-055 ADDITIONAL CONSIDERATIONS IN TIME LIMITS APPLICABLE TO THE SEPA PROCESS. The following time limits (expressed

in calendar days) shall apply when the city/county processes licenses for all private projects and those governmental proposals submitted to the city/county by other agencies:

(1) (Optional. Not required under act or rules.) Categorical exemptions. The city/county shall identify whether an action is categorically exempt within seven days of receiving a completed application.

(2) Threshold determinations.

(a) (Optional. Further clarification of fifteen-day period for threshold determination.) The city/county should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen days of the date an applicant's adequate application and completed checklist are submitted.

(b) (Optional. Not required.) When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:

(i) The city/county should request such further information within fifteen days of receiving an adequate application and completed environmental checklist;

(ii) The city/county shall wait no longer than thirty days for a consulted agency to respond;

(iii) The responsible official should complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency.

(c) (Optional. Not required.) When the city/county must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city/county should complete the studies within thirty days of receiving an adequate application and a completed checklist.

(d) (Optional.) The city/county shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist.

#### NEW SECTION

WAC 173-806-058 ADDITIONAL TIMING CONSIDERATIONS. (1) For nonexempt proposals, the DNS or (Note: Select either draft or final EIS.) \_\_\_\_\_ EIS for the proposal shall accompany the city's/county's staff recommendation to any appropriate advisory body, such as the Planning Commission.

(2) If the city's/county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city/county conduct environmental review prior to submission of the detailed plans and specifications. (Note: The following may be added.) The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is \_\_\_\_\_.

**PART THREE  
CATEGORICAL EXEMPTIONS AND  
THRESHOLD DETERMINATIONS**

**NEW SECTION**

WAC 173-806-065 PURPOSE OF THIS PART AND ADOPTION BY REFERENCE. This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city/county adopts the following sections by reference, as supplemented in this part:

**WAC**

- 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.

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**NEW SECTION**

WAC 173-806-070 FLEXIBLE THRESHOLDS FOR CATEGORICAL EXEMPTIONS. (Note: This section is optional. The lowest exempt level in the ranges below apply unless the city/county raises the level based on local conditions, such as previous DNSs on the activities or city/county development codes. The city/county may raise the level for an exemption to any point up to the maximum specified in WAC 197-11-800 (1)(c); once levels are established in this ordinance, the city/county must apply a level to all projects within the geographic area to which the level applies.) (1) \_\_\_\_\_ city/county establishes the following exempt levels for minor new construction under WAC 197-11-800 (1)(b) based on local conditions:

- (a) For residential dwelling units in WAC 197-11-800 (1)(b)(i) (Note: Range 4 - 20 units): Up to \_\_\_\_\_ dwelling units.
- (b) For agricultural structures in WAC 197-11-800 (1)(b)(ii) (Note: Range 10,000 - 30,000 square feet): Up to \_\_\_\_\_ square feet.
- (c) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 (1)(b)(iii) (Note: Range 4,000 - 12,000 square feet and 20 - 40 parking spaces): Up to \_\_\_\_\_ square feet and up to \_\_\_\_\_ parking spaces.
- (d) For parking lots in WAC 197-11-800 (1)(b)(iv) (Note: Range 20 - 40 parking spaces): Up to \_\_\_\_\_ parking spaces.
- (e) For landfills and excavations in WAC 197-11-800 (1)(b)(v) (Note: Range 100 - 500 cubic yards): Up to \_\_\_\_\_ cubic yards.

(2) Whenever the city/county establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800 (1)(c).

**NEW SECTION**

WAC 173-806-080 USE OF EXEMPTIONS. (1) Each department within the city/county that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The city/county shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the city/county may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

- (a) The city/county shall not give authorization for:
  - (i) Any nonexempt action;
  - (ii) Any action that would have an adverse environmental impact; or
  - (iii) Any action that would limit the choice of alternatives.

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

**NEW SECTION**

WAC 173-806-090 ENVIRONMENTAL CHECKLIST. (1) (Use Option 1 or 2, but not both) (Option 1, using checklist from the rules without changes.) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city/county shall use the environmental checklist to determine the lead agency and, if the city/county is the lead agency, for determining the responsible official and for making the threshold determination.

(Option 2, adding questions to the checklist.) A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The checklist shall be in the form of WAC 197-11-960 with the following additions: (Indicate city's/county's additions.) \_\_\_\_\_.

(2) For private proposals, the city/county will require the applicant to complete the environmental checklist, providing assistance as necessary. For city/county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) (Optional.) The city/county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs: (Either one or both of the following may be included.)

(a) The city/county has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

**NEW SECTION**

WAC 173-806-100 MITIGATED DNS. (1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the city's/county's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within \_\_\_\_\_ working days. The response shall:

(a) Be written;

(b) State whether the city/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city/county to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the city/county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city/county shall base its threshold determination on the changed or clarified proposal and should

make the determination within fifteen days of receiving the changed or clarified proposal:

(a) If the city/county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city/county shall issue and circulate a DNS under WAC 197-11-340(2).

(b) If the city/county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city/county shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day comment period and public notice.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city/county.

(8) If the city's/county's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city/county should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) (withdrawal of DNS).

(9) The city's/county's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city/county to consider the clarifications or changes in its threshold determination.

**PART FOUR**

**ENVIRONMENTAL IMPACT STATEMENT (EIS)**

**NEW SECTION**

WAC 173-806-110 PURPOSE OF THIS PART AND ADOPTION BY REFERENCE. This part contains the rules for preparing environmental impact statements. The city/county adopts the following sections by reference, as supplemented by this part:

WAC

- 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.

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- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

**NEW SECTION**

WAC 173-806-120 PREPARATION OF EIS—ADDITIONAL CONSIDERATIONS. (1) Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of (department) under the direction of the responsible official. Before the city/county issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and chapter 197-11 WAC.

(2) The DEIS and FEIS or draft and final SEIS shall be prepared by city/county staff, the applicant, or by a consultant selected by the city/county or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city/county will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's/county's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(3) The city/county may require an applicant to provide information the city/county does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the city/county may request under another ordinance or statute.)

**NEW SECTION**

WAC 173-806-125 ADDITIONAL ELEMENTS TO BE COVERED IN AN EIS. (This entire section is optional. If used, you may select any of the listed elements or add your own.) The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this ordinance:

- (1) Economy.
- (2) Social policy analysis.
- (3) Cost-benefit analysis.

**PART FIVE**  
**COMMENTING**

**NEW SECTION**

WAC 173-806-128 ADOPTION BY REFERENCE. This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city/county adopts the following sections by reference, as supplemented in this part:

**WAC**

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

**NEW SECTION**

WAC 173-806-130 PUBLIC NOTICE. (This section is required. Subsections (1) and (2) of this section may be combined.) (1) Whenever \_\_\_\_\_ city/county issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city/county shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(b) If no public notice is required for the permit or approval, the city/county shall give notice of the DNS or DS by: (Note: Select at least one of the following)

- (i) Posting the property, for site-specific proposals;
- (ii) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
- (iv) Notifying the news media;
- (v) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
- (vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas);
- (vii) (or, specify other method) \_\_\_\_\_.

(c) Whenever the city/county issues a DS under WAC 197-11-360(3), the city/county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(2) Whenever the city/county issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and (Note: In addition select at least one of the following or insert all of the list and require that at least one method be used.)

- (b) Posting the property, for site-specific proposals;
- (c) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(e) Notifying the news media;

(f) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(g) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas); and/or

(h) specify other \_\_\_\_\_.

(3) Whenever possible, the city/county shall integrate the public notice required under this section with existing notice procedures for the city's/county's nonexempt permit(s) or approval(s) required for the proposal.

(4) The city/county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.

**PART SEVEN  
SEPA AND AGENCY DECISIONS**

NEW SECTION

WAC 173-806-155 PURPOSE OF THIS PART AND ADOPTION BY REFERENCE. This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The city/county adopts the following sections by reference:

- WAC 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

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NEW SECTION

WAC 173-806-140 DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE CITY/COUNTY. (1) The \_\_\_\_\_ (position title, department, or office) shall be responsible for preparation of written comments for the city/county in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(2) This (person, department or office) shall be responsible for the city's/county's compliance with WAC 197-11-550 whenever the city/county is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city/county.

**PART SIX  
USING EXISTING ENVIRONMENTAL DOCUMENTS**

NEW SECTION

WAC 173-806-150 PURPOSE OF THIS PART AND ADOPTION BY REFERENCE. This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's/county's own environmental compliance. The city/county adopts the following sections by reference:

- WAC 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.

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(3) The (city/county) may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The city/county designates and adopts by reference the following policies as the basis for the city's/county's exercise of authority pursuant to this section:

(a) The city/county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The city/county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(c) (Optional.) The city/county adopts by reference the policies in the following city/county (codes, ordinances, resolutions, plans) \_\_\_\_\_: (List the codes, ordinances, resolutions, or plans you have selected, such as zoning ordinance, building codes or comprehensive plans.)

(d) (Optional.) The city/county establishes the following additional policies: \_\_\_\_\_.

(5) (Note: Required by RCW 43.21C.060, unless the city/county council/commission elects to eliminate such appeals and states so in this ordinance.) Except for permits and variances issued pursuant to Chapter \_\_\_\_\_ of the City/County Code (chapter relating to Shoreline Management), when any proposal or action not requiring a decision of the City/County Council/Commission is conditioned or denied on the basis of SEPA by a non-elected official, the decision shall be appealable to the City/County Council/Commission. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the City/County Council/Commission shall be on a de novo basis.

#### NEW SECTION

WAC 173-806-170 APPEALS. (1) (Agency administrative appeal is optional. If allowed, the statute requires that all of this subsection be included, except (c) of this subsection which is optional.)

\_\_\_\_\_ city/county establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

(a) Any agency or person may appeal the city's/county's procedural compliance with chapter 197-

11 WAC for issuance of the following: (Note: Select one or more.)

(i) A final DNS: (Note: Choose one of the following options.)

(Option 1) Appeal of the DNS must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the DNS is final (see WAC 197-11-390 (2)(a)).

(Option 2) Appeal of the DNS must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the DNS is final. Appeal of the substantive determination on the action must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the issuance of the permit or other license.

(Option 3) Appeal of the (city/county must specify DNS, substantive determination on action, or both. If both are allowed, they must be consolidated.) must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the permit or other approval is issued.

(ii) A DS: The appeal must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the DS is issued.

(iii) An EIS: Appeal of the (city/county must specify FEIS, substantive determination on the action, or both. If both are allowed, they must be consolidated) \_\_\_\_\_ must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the permit or other approval is issued.

(b) For any appeal under this subsection, the city/county shall provide for a record that shall consist of the following:

(i) Findings and conclusions;

(ii) Testimony under oath; and

(iii) A taped or written transcript.

(c) (Optional.) The city/county may require the appellant to provide an electronic transcript.

(d) The procedural determination by the city's/county's responsible official shall carry substantial weight in any appeal proceeding.

(2) The city/county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. (The following is optional.) The following permits or approvals require official notice: \_\_\_\_\_.

#### NEW SECTION

WAC 173-806-173 NOTICE/STATUTE OF LIMITATIONS. (Optional.) (1) The city/county, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW 43.21C.080.

#### PART EIGHT DEFINITIONS

#### NEW SECTION

WAC 173-806-175 PURPOSE OF THIS PART AND ADOPTION BY REFERENCE. This part contains uniform usage and definitions of terms under

SEPA. The city/county adopts the following sections by reference, as supplemented by WAC 173-806-040:

- WAC
- 197-11-700 Definitions.
  - 197-11-702 Act.
  - 197-11-704 Action.
  - 197-11-706 Addendum.
  - 197-11-708 Adoption.
  - 197-11-710 Affected tribe.
  - 197-11-712 Affecting.
  - 197-11-714 Agency.
  - 197-11-716 Applicant.
  - 197-11-718 Built environment.
  - 197-11-720 Categorical exemption.
  - 197-11-722 Consolidated appeal.
  - 197-11-724 Consulted agency.
  - 197-11-726 Cost-benefit analysis.
  - 197-11-728 County/city.
  - 197-11-730 Decision maker.
  - 197-11-732 Department.
  - 197-11-734 Determination of nonsignificance (DNS).
  - 197-11-736 Determination of significance (DS).
  - 197-11-738 EIS.
  - 197-11-740 Environment.
  - 197-11-742 Environmental checklist.
  - 197-11-744 Environmental document.
  - 197-11-746 Environmental review.
  - 197-11-748 Environmentally sensitive area.
  - 197-11-750 Expanded scoping.
  - 197-11-752 Impacts.
  - 197-11-754 Incorporation by reference.
  - 197-11-756 Lands covered by water.
  - 197-11-758 Lead agency.
  - 197-11-760 License.
  - 197-11-762 Local agency.
  - 197-11-764 Major action.
  - 197-11-766 Mitigated DNS.
  - 197-11-768 Mitigation.
  - 197-11-770 Natural environment.
  - 197-11-772 NEPA.
  - 197-11-774 Nonproject.
  - 197-11-776 Phased review.
  - 197-11-778 Preparation.
  - 197-11-780 Private project.
  - 197-11-782 Probable.
  - 197-11-784 Proposal.
  - 197-11-786 Reasonable alternative.
  - 197-11-788 Responsible official.
  - 197-11-790 SEPA.
  - 197-11-792 Scope.
  - 197-11-793 Scoping.
  - 197-11-794 Significant.
  - 197-11-796 State agency.
  - 197-11-797 Threshold determination.
  - 197-11-799 Underlying governmental action.

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NEW SECTION

WAC 173-806-180 ADOPTION BY REFERENCE. The city/county adopts by reference the following rules for categorical exemptions, as supplemented in this ordinance, including WAC 173-806-070 (flexible thresholds), WAC 173-806-080 (use of exemptions), and WAC 173-806-190 (environmentally sensitive areas):

- WAC
- 197-11-800 Categorical exemptions.
  - 197-11-880 Emergencies.
  - 197-11-890 Petitioning DOE to change exemptions.

OK  
DIX  
7/31

PART TEN  
AGENCY COMPLIANCE

NEW SECTION

WAC 173-806-185 PURPOSE OF THIS PART AND ADOPTION BY REFERENCE. This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city/county adopts the following sections by reference, as supplemented by WAC 173-806-045 through 173-806-043 and this part:

- WAC
- 197-11-900 Purpose of this part.
  - 197-11-902 Agency SEPA policies.
  - 197-11-916 Application to ongoing actions.
  - 197-11-920 Agencies with environmental expertise.
  - 197-11-922 Lead agency rules.
  - 197-11-924 Determining the lead agency.
  - 197-11-926 Lead agency for governmental proposals.
  - 197-11-928 Lead agency for public and private proposals.
  - 197-11-930 Lead agency for private projects with one agency with jurisdiction.
  - 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
  - 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
  - 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
  - 197-11-938 Lead agencies for specific proposals.
  - 197-11-940 Transfer of lead agency status to a state agency.
  - 197-11-942 Agreements on lead agency status.
  - 197-11-944 Agreements on division of lead agency duties.

OK  
DIX  
7/31

PART NINE  
CATEGORICAL EXEMPTIONS

- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

NEW SECTION

WAC 173-806-190 ENVIRONMENTALLY SENSITIVE AREAS. (Optional. If used, all subsections must be included.) (1) (Use Option 1 or 2, but not both.)

(Option 1: If maps have been prepared.) The map(s) filed under \_\_\_\_\_ designate the location of environmentally sensitive areas within the city/county and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for that area are: \_\_\_\_\_. Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city/county.

(Option 2: If environmentally sensitive areas have not been designated.) \_\_\_\_\_ shall designate environmentally sensitive areas under the standards of WAC 197-11-908 and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with \_\_\_\_\_ and the Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.

(2) The city/county shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this ordinance, making a threshold determination for all such proposals. The city/county shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

(3) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

NEW SECTION

WAC 173-806-200 FEES. (This entire section is optional. You may use any or none of subsections (1), (2) or (4) of this section but you must use subsection (3) of this section if other subsections are used.) The city/county shall require the following fees for its activities in accordance with the provisions of this ordinance:

(1) Threshold determination. For every environmental checklist the city/county will review when it is lead agency, the city/county shall collect a fee of (\$50.00 or enter a different amount) \_\_\_\_\_ from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee. (Note: The following option may be added: When the city/county completes the environmental checklist at the applicant's request or under WAC 173-806-090(3) of this ordinance, an additional \$ \_\_\_\_\_ shall be collected.)

(2) Environmental impact statement.

(a) When the city/county is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees

of the city/county, the city/county may charge and collect a reasonable fee from any applicant to cover costs incurred by the city/county in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

(b) The responsible official may determine that the city/county will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city/county and may bill such costs and expenses directly to the applicant. The city/county may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city/county and applicant after a call for proposals.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.

(3) The city/county may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this ordinance relating to the applicant's proposal.

(4) The city/county shall not collect a fee for performing its duties as a consulted agency.

(5) The city/county may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by chapter 42.17 RCW.

NEW SECTION

WAC 173-806-205 EFFECTIVE DATE. (Optional.) The effective date of this ordinance is \_\_\_\_\_.

NEW SECTION

WAC 173-806-220 SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

PART ELEVEN  
FORMS

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NEW SECTION

WAC 173-806-230 ADOPTION BY REFERENCE. The city/county adopts the following forms and sections by reference:

- WAC
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

**WSR 84-13-037**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 84-21—Filed June 15, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Washington Department of Ecology SEPA procedures, adopting chapter 173-802 WAC, and Department of Ecology "SEPA" guidelines, repealing chapter 173-801 WAC.

This action is taken pursuant to Notice No. WSR 84-09-081 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 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21C.120 and 43.21C.135 which directs that the Department of Ecology has authority to implement the provisions of the State Environmental Policy Act, chapter 43.21C 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 7, 1984.

By Donald W. Moos  
 Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- (1) 173-801-010 AUTHORITY.
- (2) 173-801-020 ADOPTION BY REFERENCE.
- (3) 173-801-030 PURPOSE.
- (4) 173-801-040 EFFECT OF SEPA.
- (5) 173-801-045 INTEGRATION OF SEPA PROCEDURES WITH OTHER DEPARTMENTAL OPERATIONS.
- (6) 173-801-050 DESIGNATION OF RESPONSIBLE OFFICIAL.
- (7) 173-801-060 TIMING.
- (8) 173-801-070 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.
- (9) 173-801-080 SENSITIVE AREAS.
- (10) 173-801-090 INDIVIDUALS MAKING SEPA-RELATED DETERMINATIONS.
- (11) 173-801-100 THRESHOLD DETERMINATION APPEAL PROCEDURES.
- (12) 173-801-110 STATUTE OF LIMITATION.
- (13) 173-801-120 COORDINATION ON COMBINED DOE-FEDERAL ACTION.
- (14) 173-801-130 SEVERABILITY.

**NEW SECTION**

WAC 173-802-010 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 173-802-020 ADOPTION BY REFERENCE. The department of ecology adopts the following sections or subsections of chapter 197-11 WAC by reference.

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on 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)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.
- 197-11-500 Purpose of this Part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.
- 197-11-650 Purpose of this Part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.
- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-722 Consolidated appeal.

197-11-724 Consulted agency.  
 197-11-726 Cost-benefit analysis.  
 197-11-728 County/city.  
 197-11-730 Decisionmaker.  
 197-11-732 Department.  
 197-11-734 Determination of nonsignificance (DNS).  
 197-11-736 Determination of significance (DS).  
 197-11-738 EIS.  
 197-11-740 Environment.  
 197-11-742 Environmental checklist.  
 197-11-744 Environmental document.  
 197-11-746 Environmental review.  
 197-11-748 Environmentally sensitive area.  
 197-11-750 Expanded scoping.  
 197-11-752 Impacts.  
 197-11-754 Incorporation by reference.  
 197-11-756 Lands covered by water.  
 197-11-758 Lead agency.  
 197-11-760 License.  
 197-11-762 Local agency.  
 197-11-764 Major action.  
 197-11-766 Mitigated DNS.  
 197-11-768 Mitigation.  
 197-11-770 Natural environment.  
 197-11-772 NEPA.  
 197-11-774 Nonproject.  
 197-11-776 Phased review.  
 197-11-778 Preparation.  
 197-11-780 Private project.  
 197-11-782 Probable.  
 197-11-784 Proposal.  
 197-11-786 Reasonable alternative.  
 197-11-788 Responsible official.  
 197-11-790 SEPA.  
 197-11-792 Scope.  
 197-11-793 Scoping.  
 197-11-794 Significant.  
 197-11-796 State agency.  
 197-11-797 Threshold determination.  
 197-11-799 Underlying governmental action.  
 197-11-800 Categorical exemptions.  
 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.  
 197-11-855 Department of ecology.  
 197-11-880 Emergencies.  
 197-11-890 Petitioning DOE to change exemptions.  
 197-11-900 Purpose of this Part.  
 197-11-908 Environmentally sensitive areas.  
 197-11-912 Procedures on consulted agencies.  
 197-11-916 Application to ongoing actions.  
 197-11-917 Relationship to chapter 197-10 WAC.  
 197-11-920 Agencies with environmental expertise.  
 197-11-922 Lead agency rules.  
 197-11-924 Determining the lead agency.  
 197-11-926 Lead agency for governmental proposals.  
 197-11-928 Lead agency for public and private proposals.  
 197-11-930 Lead agency for private projects with one agency with jurisdiction.  
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.  
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.  
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.  
 197-11-938 Lead agencies for specific proposals.  
 197-11-940 Transfer of lead agency status to a state agency.  
 197-11-942 Agreements on lead agency status.  
 197-11-944 Agreements on division of lead agency duties.  
 197-11-946 DOE resolution of lead agency disputes.  
 197-11-948 Assumption of lead agency status.  
 197-11-960 Environmental checklist.  
 197-11-965 Adoption notice.  
 197-11-970 Determination of nonsignificance (DNS).  
 197-11-980 Determination of significance and scoping notice (DS).  
 197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

#### NEW SECTION

WAC 173-802-030 PURPOSE. This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the department of ecology.

#### NEW SECTION

WAC 173-802-040 ADDITIONAL DEFINITIONS. In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) "Office" means one of the five offices in the department of ecology supervised by an assistant director.

(2) "Region" means any one of the four regional offices of the department.

(3) "Program" means any one of the department's headquarters sections or divisions that administers a program, such as water quality, water resources, shorelands, and hazardous waste.

#### NEW SECTION

WAC 173-802-050 DESIGNATION OF RESPONSIBLE OFFICIAL. Within the department of ecology, the ultimate responsible official is the director. The responsible official for a specific proposal shall be a supervisor of a regional office branch or a division supervisor, unless more than one division or regional office branch is involved in a proposal; if so, the responsible official shall be the next higher supervisor common to all involved divisions. When two or more offices are involved, or an office and a division supervised by a special assistant are involved, the deputy director shall designate the responsible official.

#### NEW SECTION

WAC 173-802-060 ADDITIONAL TIMING CONSIDERATIONS. (1) Department staff receiving a permit application will determine whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the staff person should ask the applicant to complete an environmental checklist. A checklist is not needed if the department and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application. The applicant should also complete an environmental checklist if the staff person is unsure whether the proposal is exempt.

(2) Department staff receiving a completed permit application and environmental checklist should determine whether WDOE or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If WDOE is not the lead agency, the staff person shall send the completed environmental checklist, a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.

(3) When the department has prepared a draft regulation, the draft EIS or determination of nonsignificance

(DNS) shall accompany the draft regulation to the ecological commission for its review.

(4) If the only nonexempt action is department approval of detailed project plans and specifications, an applicant may request that the department complete SEPA compliance before the applicant submits the detailed plans and specifications. If the applicant asks for early environmental review, the department shall complete such review at the final engineering report stage, but not earlier.

(5) Whenever possible, the department shall coordinate the comment periods for environmental documents and the planning documents and/or regulations for which they were written, circulating both documents together.

#### NEW SECTION

WAC 173-802-070 THRESHOLD DETERMINATION PROCESS—ADDITIONAL CONSIDERATIONS. When reviewing a completed environmental checklist to make the threshold determination, the responsible official or his designee will:

(1) Independently evaluate the responses of the applicant and note comments, concerns, corrections, or new information in the right margin of the checklist.

(2) Conduct the initial review of the checklist and any supporting documents without requiring additional information from the applicant.

#### NEW SECTION

WAC 173-802-080 MITIGATED DNS. (1) An applicant may ask the department whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(c) Precede the department's actual threshold determination for the proposal.

(2) The responsible official or his designee shall respond to the request within ten working days of receipt of the letter; the response shall:

(a) Be written;

(b) State whether the department is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led the department to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The department shall not continue with the threshold determination until after receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the department will make its threshold determination based on the changed or clarified proposal.

(a) If the department's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the department shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-350(2).

(b) If the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The department may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the department shall issue a DNS and circulate it for review under WAC 197-11-350(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the department may require the applicant to submit a new checklist.

(7) The department may change or clarify features of its own proposals before making the threshold determination.

(8) The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the department to consider the clarifications or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

#### NEW SECTION

WAC 173-802-090 EIS PREPARATION. (1) Preparation of draft and final EISs and SEISs is the responsibility of the environmental review section. Before the department issues an EIS, the responsible official shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The department normally will prepare its own draft and final EISs. It may require an applicant to provide information that the department does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under these rules.

(3) If the department would be unable to prepare a draft and/or final EIS due to its commitments or other constraints or when a local agency transfers lead agency status to the department under WAC 197-11-940, the department may allow an applicant the following option for preparation of the draft and/or final EIS for the applicant's proposal:

(a) The department retains a mutually agreed upon and independent outside party to prepare the document.

(b) The applicant and the department agree upon a method of funding in which the applicant will bear the expense of the EIS preparation, but the consultant will work directly for the department.

(c) The outside party will prepare the document under the supervision of the environmental review section and the responsible official.

(d) Normally, the department will print and distribute the documents.

(4) Whenever someone other than the department prepares a draft or final EIS, the department shall:

(a) Direct the areas of research and examination to be undertaken and the content and organization of the document.

(b) Initiate and coordinate scoping, ensuring that the individual preparing the EIS receives all substantive information submitted by any agency or person.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the EIS.

(d) Allow the person preparing the EIS access to department records relating to the EIS (under chapter 42.17 RCW—Public Disclosure and Public Records Law).

#### NEW SECTION

WAC 173-802-100 PUBLIC NOTICE REQUIREMENTS. (1) The department shall give public notice when issuing a DNS under WAC 197-11-350(2), a scoping notice under WAC 173-802-090, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the department shall integrate the public notice required under this section with existing notice procedures for the department's permit or approval required for the proposal.

(a) When more than one permit or approval required from the department has public notice requirements, the notice procedures that would reach the widest audience should be used, if possible.

(b) If the public notice requirements for the permit or approval must be completed at a specific time in the permitting process and that timing does not coincide with the timing requirements for SEPA public notice, the department must use one or more public notice methods in subsection (4) of this section.

(c) If there are no public notice requirements for any of the permits/approvals required for a proposal, the department must use one or more public notice methods in subsection (4) of this section.

(3) The department may require an applicant to perform the public notice requirement at his or her expense.

(4) The department shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the

size and complexity of the proposal, the public notice requirements for the permit or approval required from the department, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Mailing to persons or groups who have expressed interest in the proposal, that type of proposal, or proposals in the geographic area in which the proposal will be implemented if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property, for site-specific proposals.

#### NEW SECTION

WAC 173-802-110 POLICIES AND PROCEDURES FOR CONDITIONING OR DENYING PERMITS OR OTHER APPROVALS. (1)(a) The overriding policy of the department of ecology is to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(b) The department of ecology shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) 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.

(d) 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.

(2)(a) When the environmental document for a proposal shows it will cause significant adverse impacts that the proponent does not plan to mitigate, 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 subsection (1) of this section.

(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 subsection (1) of 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 173-802-120 ENVIRONMENTALLY SENSITIVE AREAS.** (1) In determining whether a proposal is exempt from SEPA, the department shall respect "environmentally sensitive area" designations made by local governments under WAC 197-11-908.

(2) The department shall maintain files of the maps and SEPA procedures that cities/counties must send to the department under WAC 197-11-908. The department shall allow the public, groups, and agencies to review these SEPA procedures and maps during normal business hours.

#### NEW SECTION

**WAC 173-802-130 THRESHOLD LEVELS ADOPTED BY CITIES/COUNTIES.** (1) In determining whether a proposal is exempt from SEPA, the department shall respect the threshold levels adopted by cities/counties under WAC 197-11-800(1).

(2) The department shall maintain files of the SEPA procedures that cities/counties must send to the department under WAC 197-11-800(1)(c). The department shall allow the public, groups, and agencies access to these SEPA procedures during normal business hours.

#### NEW SECTION

**WAC 173-802-140 RESPONSIBILITIES OF INDIVIDUALS AND WORK UNITS WITHIN THE DEPARTMENT.** (1) The environmental review section of the department shall be responsible for the following:

(a) Coordinating agency activities to comply with SEPA, encouraging consistency in SEPA compliance among all regions and programs.

(b) Providing information and guidance on SEPA and the SEPA rules to department staff, agencies, groups, and citizens.

(c) Receiving all SEPA documents sent to the department for review and comment, distributing documents and coordinating review with appropriate regions and programs, preparing the department's response, ensuring a timely response, and requesting extensions to the comment period of an EIS, when needed.

(d) Preparing and publishing the SEPA register weekly as required under WAC 197-11-508.

(e) Maintaining the department's files for EISs, DNSs, scoping notices, and notices of action sent to the department under SEPA and the SEPA rules.

(f) Maintaining files for the city/county SEPA procedures designating environmentally sensitive areas and flexible thresholds and making the information available to department staff and the public.

(g) Writing and/or coordinating EIS preparation, including scoping and the scoping notice, making sure to work with appropriate regions and programs.

(h) Preparing for, coordinating, and presenting annual SEPA workshops and publishing an annual SEPA handbook.

(i) Publishing and distributing the SEPA rules and amending the SEPA rules, as necessary.

(j) Responding to petitions for changes in exemptions from SEPA.

(k) Responding to petitions to resolve lead agency disputes.

(1) Fulfilling the department's other general responsibilities under SEPA and the SEPA rules.

(2) Regional offices and programs of the department shall be responsible for the following:

(a) Determining whether their decision on a permit or other approval, program, policy, plan, or regulation is an "action" under SEPA and, if so, whether it is exempt from SEPA's requirements (the first department official contacted may make these determinations).

(b) Determining whether WDOE or another agency is SEPA lead agency, contacting the environmental review section if there is a question about which agency is the lead agency.

(c) Making the threshold determination (made by the responsible official, see WAC 173-802-050).

(i) Issuing a determination of nonsignificance, if appropriate (issued by responsible official) and ensuring compliance with the public notice requirements of WAC 173-802-100; or

(ii) Contacting the environmental review section if a determination of significance is appropriate.

(d) Reviewing SEPA documents and submitting comments to the environmental review section in a timely fashion, recognizing that SEPA and the SEPA rules impose strict time limits on commenting.

(e) Working with the environmental review section on preparation of EISs.

(f) Ensuring that permit decisions are consistent with the final EIS and DNS.

#### NEW SECTION

**WAC 173-802-150 COORDINATION ON COMBINED DEPARTMENT—FEDERAL ACTION.** When the department is considering an action which also involves federal actions, it shall attempt to coordinate the two governmental processes so that only one environmental impact statement need be prepared for that proposal.

#### NEW SECTION

**WAC 173-802-190 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 84-13-038**  
ADOPTED RULES  
**GAMBLING COMMISSION**  
[Order 140—Filed June 15, 1984]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to WAC 230-04-065, 230-04-125, 230-04-193, 230-04-197, 230-04-201, 230-04-290, 230-04-300, 230-04-310, 230-04-320, 230-04-325, 230-04-340, 230-04-350, 230-08-170, 230-25-030, 230-25-065, 230-25-200, 230-25-260, 230-30-015, 230-30-016, 230-30-018, 230-30-030, 230-30-060, 230-30-103, 230-40-331 and 230-42-010.

This action is taken pursuant to Notice Nos. WSR 84-09-064, 84-10-006 and 84-10-040 filed with the code reviser on April 18, 1984, and 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 pursuant to RCW 9.46.070 (5), (7), (8), (9), (11), (14) and (19) 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 15, 1984.

By Keith Kisor  
Director

AMENDATORY SECTION (Amending Order 127, filed 3/2/83)

WAC 230-04-065 LESSER REQUIREMENTS FOR APPLICANTS FOR CERTAIN CLASSES OF LICENSES TO OPERATE BINGO, RAFFLES, AMUSEMENT GAMES AND FUND RAISING EVENTS. Notwithstanding the provisions of WAC 230-04-060, the following provisions shall apply to:

- (1) Fund raising events. (All classes)
- (2) Bingo. (Classes A and B)  
((a) Class A = \$500 or less annual net receipts.  
(b) Class B = over \$500 through \$5000 annual net receipts.))
- (3) Raffles. (Classes C and D)  
((a) Class C = \$500 or less annual net receipts.  
(b) Class D = over \$500 but not over \$5000 annual net receipts.))
- (4) Amusement games. Those amusement games which are conducted under a Class A, B, or C license on the premises of property owned by a corporation sole or ((property owned)) by a public school (kindergarten

through grade 12), college, or university where the annual net receipts of the licensee from the licensed activity do not exceed \$5000 and where the licensed activity is conducted by a bona fide charitable or nonprofit organization.

(5) ((As to)) For the above categories only, the director may prepare a simplified form which all applicants ((for license for the above categories)) shall submit to the office of the commission in Olympia. The information requested on the simplified application form shall be submitted to the commission by the applicant's highest ranking executive officer. At the minimum, each applicant shall provide the following information on or attached to the application:

(a) Copy of a corporate applicant's articles of incorporation and by-laws; a partnership applicant's articles and partnership agreement; copies of any by-laws and other documents which set out the organizational structure and purposes for which a noncorporate organization applicant was formed and operates; or, if the above are not available, an affidavit of the chief officer or responsible person with the organization setting out the purpose for which the organization exists and operates;

(b) Information as to whether or not a tax exemption letter from the United States Internal Revenue Service has been obtained or denied;

(c) The name, address and date of birth of each employee who will participate in the operation of, and of each person who will participate in the management of, the activity for which the license is sought;

(d) The name, address and date of birth of each person who has any interest in the gambling activity for which the license is sought, the building within or premises upon which the activity will occur or the equipment to be used for such gambling activity;

(e) When information filed with the commission becomes inaccurate in any way, the applicant or licensee shall submit full details of any such change and correct any inaccuracy, together with copies of any new required documents with the commission within 30 days following the change.

(6) Refer to WAC 230-20-400 for certain other exemptions subsequent to issuance of license(s). These exemptions and those referred to in WAC 230-08-015, do not apply to fund raising events.

AMENDATORY SECTION (Amending Order 14, filed 3/27/74)

WAC 230-04-125 DISTRIBUTOR'S REPRESENTATIVE LICENSE MAY BE REISSUED WHEN CHANGING DISTRIBUTORS. In the event that a licensed distributor's representative ceases to represent the distributor under whom his license was granted, the license shall be automatically suspended and he shall return it to the commission forthwith: PROVIDED, That if such person is employed to represent a different distributor within the term otherwise remaining under the license, he may apply to the commission to have his license reissued as a representative of that distributor for such remaining term. The fee for this transfer shall be ((ten dollars)) as required by

WAC 230-04-201. The distributor which the distributor's representative seeks to represent shall sign the application for transfer acknowledging that the applicant for transfer will be representing the distributor with the distributor's knowledge and consent.

AMENDATORY SECTION (Amending Order 53, filed 5/25/76)

WAC 230-04-193 PERSONS MAY OBTAIN AN ANNUAL PERMIT TO CONDUCT BINGO AT AGRICULTURAL FAIRS ONLY. (1) An operator of bingo games may apply to the commission for a permit approving that operator to conduct bingo games at licensed agricultural fairs only. Such a permit shall be valid only when such games are conducted under an agreement with a fair holding a bingo license from the commission.

(2) It shall not be necessary for a licensed fair to obtain a permit on behalf of an operator under WAC 230-04-191 when the operator possesses a permit including the applicable event and location which has been obtained under this rule. However, the management of each agricultural fair licensee shall not be relieved from full and concurrent responsibility for the fair and lawful operation of bingo conducted under the authority of its license and any violation by any one of the permittees of any of the provisions of chapter 9.46 RCW, or any amendments thereto, or of the rules of the commission, shall be grounds for the suspension or revocation of the license.

(3) Applications for these annual permits shall be submitted by the operator upon the application forms ~~((developed therefor))~~ provided by the commission, and accompanied by the required fee. All information required by the commission or its staff shall be submitted in accordance with the procedures and subject to the same conditions as an application for a license under these rules. A change in the information furnished to the commission shall be made known to the commission in writing by the owner or chief executive officer of the operator within ten days of the change.

(4) Persons holding these permits who have contracted with a licensee to operate bingo shall notify, in writing, the county sheriff of each county, or the chief of police of each city, in which he will operate these games, of the times and locations at which they will be operated not later than ten days prior to operating any such games in that jurisdiction. The employment records of the permittee shall be made available to such local law enforcement officers upon demand.

~~((5) The fee for each annual permit obtained under this section shall be \$100, which shall be tendered together with the application. The fee is not refundable irrespective of whether or not a permit is granted or later revoked.))~~

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-04-197 PERMITS FOR RAFFLES ON SEPARATE PREMISES. A person holding Class "C" through Class "F" licenses to conduct raffles may hold drawings connected with such raffles at a location other than the premises for which the license is issued only after obtaining a permit to do so from the commission in advance of conducting each such raffle.

Application for such permit must be made by the licensee no later than thirty days prior to any promotion or sale of tickets connected with the raffle and no such activity shall be undertaken prior to receipt by the licensee of the permit. Application shall be made upon a form provided by the commission and submitted with the fee required for each such permit. The form shall require, among other things, the following:

(a) The name of the applicant-licensee, the number of its license to conduct raffles and the address for which the license is issued;

(b) The address of the premises upon which it will conduct the drawing for the subject raffle and a list of the name and address of each owner of such premises;

(c) Details of any rental or lease arrangements between the applicant-licensee or any of its members and the owner(s) of the premises upon which the drawing is to be held;

(d) The inclusive dates that the raffle will be conducted and the date the drawing will be held;

(e) If the raffle is being held by a subdivision of the licensee, then the name of the subdivision and an explanation of the subdivision's status as a part of the applicant-licensee;

(f) The name and address of each person who will participate in managing the raffle or is responsible for keeping the financial records of the applicant-licensee with respect to the proceeds of the raffle together with a "personal information form" for each such person if one has not been filed with the commission.

~~((A fee of ten dollars shall be included with each application for each raffle, which shall be in addition to the license fee previously paid.))~~

The permit issued by the commission shall be conspicuously posted and displayed upon the premises at all times during the occasion when the drawing is being conducted.

AMENDATORY SECTION (Amending Order 139, filed 12/12/83)

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 ((actions)) 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	\$ ((25)) <u>35</u>
Class B	\$501 - 1,000	((30)) <u>50</u>
Class C	\$1,001 - 5,000	((50)) <u>75</u>
Class D	\$5,001 - 15,000	((200)) <u>250</u>
Class E	over \$15,000	<u>350</u>
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	\$ ((+00)) <u>150</u> ((50)) <u>75</u>
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)	((+00)) <u>150</u>
Class C	Tournament only - no more than ten consec. days per tournament	((35)) <u>50</u>
Class D	General (No fee to play charged)	((35)) <u>50</u>
Class R	Primarily for recreation (WAC 230-04-199)	((+0)) <u>25</u>
5. CHANGES		
NAME	(See WAC 230-04-310)	\$ ((+0)) <u>25</u>
LOCATION	(See WAC 230-04-320)	<u>25</u>
FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	((20)) <u>25</u>
LICENSE CLASS	(See WAC 230-04-260) New class fee less previous fee paid, plus	((+0)) <u>25</u>
<u>DUPLICATE LICENSE</u>	(See WAC 230-04-290)	<u>25</u>
<u>REPLACEMENT IDENTIFICATION STAMPS</u>	(See WAC 230-30-016)	<u>25</u>
6. FUND RAISING EVENT		
Class ((A=t)) <u>A</u>	One event not more than 24 consec. hrs.	\$ ((200)) <u>300</u>

<del>((Class A=2</del>	<del>Not more than two events - 24 consec. hrs. each</del>	<del>300))</del>
Class <del>((B=1))</del> <u>B</u>	One event not more than 72 consec. hrs.	<del>((300))</del> <u>500</u>
<u>Class C</u>	<u>Additional participant in joint event</u> <u>(not lead organization)</u>	<u>150</u>

7.	PERMITS	Agricultural fair/special property bingo	
	Class A	One location and event only (see WAC 230-04-191)	<del>((+0))</del> <u>25</u>
	Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	<del>((+00))</del> <u>150</u>

8.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	\$ <del>((+50))</del>
	Class A	<u>Up to \$50,000</u>	<u>\$ 450</u>
	Class B	<u>\$50,000 to 100,000</u>	<u>950</u>
	Class C	<u>\$100,001 to 200,000</u>	<u>1,350</u>
	Class D	<u>\$200,001 to 300,000</u>	<u>1,750</u>
	Class E	<u>\$300,001 to 500,000</u>	<u>2,150</u>
	Class F	<u>Over \$500,000</u>	<u>3,000</u>

9.	RAFFLES	(Fee based on annual net receipts)	
	Class C	\$500 or less	\$ <del>((25))</del> <u>50</u>
	Class D	\$501 - 5,000	<del>((75))</del> <u>100</u>
	Class E	\$5,001 - 15,000	<del>((300))</del> <u>400</u>
	Class F	Over \$15,000	<del>((500))</del> <u>600</u>

10.	SEPARATE PREMISES		
	BINGO	Occasion (See WAC 230-04-300)	\$ <del>((5))</del> <u>25</u>
	RAFFLES	(See WAC 230-04-197)	<del>((+0))</del> <u>25</u>

11.	SPECIAL FEES	<del>((See WAC 230-04-240))</del>	<del>((Varies))</del>
	INVESTIGATION	<u>(See WAC 230-04-240)</u>	
	<del>((FEES))</del>		
	<u>IDENTIFICATION AND INSPECTION</u>		
	<u>STAMP</u>	<u>(See WAC 230-30-015 and WAC 230-30-030)</u>	

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1.	CARD GAMES	
	Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage
		\$ <del>((+00))</del> <u>150</u>
	Class C	Tournament only, no more than ten consec. days per tournament
		<del>((+00))</del> <u>150</u>
	Class D	General (No fee to play charged)
		<del>((35))</del> <u>75</u>
	Class E	General (Fee to play charged)
	E-1	One table only
		<del>((250))</del> <u>350</u>
	E-2	Up to two tables
		<del>((500))</del> <u>600</u>
	E-3	Up to three tables
		<del>((750))</del> <u>1,000</u>
	E-4	Up to four tables
		<del>((+500))</del> <u>2,000</u>
	E-5	Up to five tables
		<del>((2,000))</del> <u>3,000</u>
2.	CHANGES	
	NAME	(See WAC 230-04-310)
		\$ <del>((+0))</del> <u>25</u>
	LOCATION	(See WAC 230-04-320)
		<u>25</u>
	BUSINESS	(Same owners - See WAC 230-04-340(3))
		<del>((35))</del> <u>50</u>

	CLASSIF.		
	LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	((+)) 25
	<u>DUPLICATE LICENSE REPLACEMENT</u>	(See WAC 230-04-290)	25
	<u>IDENTIFICATION STAMPS</u>	(See WAC 230-30-016)	25
	<u>LICENSE TRANSFERS</u>	(See WAC 230-04-125, WAC 230-04-340 and WAC 230-04-350)	50
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3.	DISTRIBUTOR	<u>Original</u>	\$((+000)) 2,500
		<u>Renewal</u>	1,250
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4.	DISTRIBUTOR'S REPRESENTATIVE	Original	\$ ((+50)) 200
		Renewal	((75)) 100
<hr/>			
((5.))	<u>LICENSE TRANSFERS</u>	(See conditions in WAC 230-04-340 and 230-04-350))	\$ 35
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((6.))	5. MANUFACTURER	<u>Original</u>	\$((+250)) 3,000
		<u>Renewal</u>	1,500
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((7.))	6. MANUFACTURER'S REPRESENTATIVE	Original	\$ ((+50)) 200
		Renewal	((75)) 100
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((8.))	7. PERMITS	Agriculture fair/special property bingo	
	Class A	One location and event only (see WAC 230-04-191)	\$ ((+0)) 25
	Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	((+00)) 150
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((9.))	8. PUBLIC CARD ROOM EMPLOYEE	Original	\$ ((+00)) 150
		Renewal	((50)) 75
<hr/>			
((10.))	9. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	\$ ((+50))
	Class A	Up to \$50,000	\$ 450
	Class B	\$50,000 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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((11.))	10. SPECIAL FEES INVESTIGATION ((FEES)) IDENTIFICATION AND INSPECTION STAMP	((See WAC 230-04-240)) (See WAC 230-04-240) (See WAC 230-30-015 and WAC 230-30-030)	((Varies))

~~((+2:))~~

<p><u>11.</u> SPECIAL LOCATION AMUSEMENT GAMES Class A  Class B Class C Class D Class E</p>	<p>(Fee based on annual net receipts)</p> <p>One event per year lasting no longer than 12 consec. days \$25,000 or less \$25,001 - 100,000 \$100,001 - 500,000 Over \$500,000</p>	<p>\$ 500  500 1,500 3,000 5,000</p>
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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 85, filed 5/25/78)

WAC 230-04-290 LOSS OR DESTRUCTION OF LICENSES(~~(:)~~) OR PERMITS(~~(, ETC. = FEES)~~). Upon the loss or destruction of any license or permit granted by the commission to conduct gambling activities in the state of Washington, application for a duplicate copy of the license or permit must be made to the commission upon a form to be supplied by the commission. (~~(A notarized)~~) Such application shall include an affidavit signed by the licensee, chief executive officer of a corporation, or by each of the owners of a profit making business which details the circumstances under which the license was lost or destroyed (~~(and certifies that such license was, in fact, lost or destroyed, shall accompany such application)~~). The fee for replacement of a license shall be (~~(ten dollars)~~) as required by WAC 230-04-201.

AMENDATORY SECTION (Amending Order 29, filed 1/23/75)

WAC 230-04-300 ONE ANNUAL CHANGE OF PREMISES ALLOWED FOR BINGO. A bona fide charitable or (~~(bona fide)~~) nonprofit organization, except agricultural fairs, which has obtained an annual license from the commission to conduct bingo games upon a specified premise may, not more often than once during each annual period for which it is licensed, make written application to the commission for permission to conduct bingo, not to exceed three consecutive days, and not to exceed (~~(twelve)~~) sixteen consecutive hours (~~(per)~~) each day, at a location other than is authorized under its license.

Such application may be by letter, signed by the chief executive officer of the organization. The letter shall set out the name and address of the location upon which the bingo occasion would be conducted, the desired inclusive dates, the names and addresses of all persons who have an interest of any kind in those premises, the amount of rent, if any, that would be paid for the use of the premises, (~~(and)~~) the basis upon which that rent was computed, and a detailed explanation of why the change of location is being requested.

The application shall be made not less than fifteen calendar days prior to the date of the bingo occasion, and shall be accompanied by the required fee.

If the commission approves, the applicant will be notified by mail and provided with a permit for the event by the commission. The permit shall be prominently displayed upon the premises during the event.

~~((The fee of five dollars shall be charged for processing the application, which shall accompany the written application letter and which shall be retained by the commission whether or not the permit is issued.))~~

AMENDATORY SECTION (Amending Order 85, filed 5/25/78)

WAC 230-04-310 CHANGE OF NAME. No licensee shall adopt or make a change in his or her given name or a trade or corporate name without notifying the commission at least thirty days prior to the effective date of such change. Each such change shall be made subject to the approval of the commission. The fee for such adoption or change of name shall be (~~(ten dollars)~~) as required by WAC 230-04-201.

AMENDATORY SECTION (Amending Order 60, filed 9/10/76)

WAC 230-04-320 CHANGE OF LOCATION. No change of location of licensed premises shall be made without the written consent of the commission. The fee for such change will be (~~(twenty-five dollars)~~) as required by WAC 230-04-201: PROVIDED, That persons operating amusement games under a special amusement game license issued pursuant to WAC 230-04-190(2) shall pay no fee for adding to or deleting from the list of locations for which that license was issued.

AMENDATORY SECTION (Amending Order 112, filed 9/15/81)

WAC 230-04-325 CANCELLATION, CHANGE OF DATE OR LOCATION OF FUND RAISING EVENT. A cancellation or a change in date and/or location of a fund raising event as defined in RCW 9.46-.020 requires:

(1) For cancellation, the licensee shall notify the commission and the appropriate law enforcement agency in advance of the date upon which the event is scheduled.

(2) For change of date or location, the licensee shall:

(a) Give at least ten days written notice to the commission in advance of the new date or location, together with a signed statement from the chief executive officer that the appropriate law enforcement agency has been notified of the change;

(b) Pay a fee ~~((of twenty dollars))~~ as required by WAC 230-04-201 to the commission for each such date or location change.

(3) For a cancellation or change in date and/or location, the permit form authorizing the event for the specific date or location shall be returned to the commission.

AMENDATORY SECTION (Amending Order 136, filed 9/13/83)

WAC 230-04-340 TRANSFER OF LICENSES—CONDITIONS. Transfers of licenses issued by the commission shall be permitted only under the following circumstances and conditions and those set out in WAC 230-04-350, upon approval by the director or the commission. Otherwise, no transfer of any license issued by the commission shall be permitted.

(1) If the licensee is a corporation, except as provided in subsection (2) below, a change in ownership of stock shall not be deemed a transfer of a license: PROVIDED, That any change in the ownership of any stock in such corporation which results in any person or organization becoming the owner of a substantial interest therein who was not the owner of a substantial interest immediately preceding the transaction, or which involves ten percent or more of any class of stock, shall be reported to the commission, in writing, within ten days of the close of such transaction, together with such information concerning the person or persons receiving such stock as the director may require.

(2) Where a change in the ownership of the stock of any corporate licensee results in any person, together with any members of his or her immediate family, or results in any organization, becoming the owner of a majority of the voting shares of that corporation who or which had not held a substantial interest in the corporation immediately prior to the change in ownership, gambling licenses held by that corporation shall immediately terminate and be void. In such cases a new license must be obtained from the commission prior to the operation of any gambling activity requiring a license.

(3) Licenses issued to other than bona fide charitable or bona fide nonprofit organizations may be transferred to a business entity wholly owned by the same person or persons who owned the business entity to which the license was originally issued, or by their spouses or children under the age of eighteen and residing at the family home or by others possessing less than a substantial interest in the business to which the license transfer is sought, but only when the licensed activity will be conducted on the same premises as that for which the license was issued.

(4) Transfers will not be permitted when any person owning or holding a substantial interest in any of the entities to which transfer is sought is not qualified to hold a gambling license.

The license or licenses of any corporation in which a person holds or acquires a substantial interest will be revoked when such person is not qualified to hold a gambling license.

The fee for transfer of the license under this rule shall be ~~((35))~~ as required by WAC 230-04-201.

AMENDATORY SECTION (Amending Order 68, filed 4/25/77)

WAC 230-04-350 DEATH OR INCAPACITY OF LICENSEE. In the event of the proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors of any licensee, upon approval of the director or commission the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the provisions of chapter 9.46 RCW and the commission's rules.

The person to whom a license is transferred hereunder must be otherwise qualified to hold a gambling license.

The license following transfer shall be subject to regular renewal based upon its original expiration date and shall be void upon that person ceasing to hold such a court appointed, or court confirmed, position.

The fee for transfer of the license under this rule shall be ~~((35))~~ as required by WAC 230-04-201.

AMENDATORY SECTION (Amending Order 114, filed 10/15/81)

WAC 230-08-170 PUNCHBOARD AND PULL TAB RETENTION. (1) Each punchboard which is removed from operation for any reason, except for surrender to the commission, shall be retained by the operator for at least six months following the last day of operation of said board and the board so removed with the prize flare attached thereto, together with the winning punches of \$5 and above from said board, shall remain available for inspection by the commission or its agents and local law enforcement agencies and taxing agencies.

(2) Each pull tab series which is removed from operation for any reason, except for surrender to the commission, the prize display flare for that pull tab series containing the gambling commission identification stamp, together with the unused pull tabs and winning pull tabs of \$5 and above in that series, shall be retained by the operator for at least six months following the last day of operation of said pull tab series and remain available for inspection by the commission or its agents and local law enforcement and taxing agencies.

(3) Licensees shall account for each punchboard and pull tab series purchased. Punchboards or pull tab series not placed out for public play or returned to the distributor or manufacturer must be retained. A punchboard or pull tab series deemed by the licensee to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without the written approval of the Gambling Commission. When a punchboard or pull tab series is found to be defective after it has been put into play, the licensee will record the defective

punchboard or pull tab series on the monthly report required by WAC 230-08-010 and retain for six months unless released by the Gambling Commission. All punchboards and pull tab series returned to distributors and manufacturers shall be listed by commission stamp number on an invoice used in connection with the transaction.

**AMENDATORY SECTION** (Amending Order 124, filed 7/9/82)

**WAC 230-25-030 FUND RAISING EVENT—((FIVE)) TEN THOUSAND DOLLARS ANNUAL NET RECEIPT MAXIMUM.** (1) No licensee authorized to conduct one fund raising event for a period of seventy-two consecutive hours once during a calendar year shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed ((five)) ten thousand dollars at the conclusion of such fund raising event.

(2) No licensee authorized to conduct a fund raising event on two occasions during a calendar year for not more than twenty-four consecutive hours each shall conduct such event in any manner so as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid by the licensee as winnings and for the purchase cost of prizes given as winnings to exceed ((five)) ten thousand dollars either at the end of any twenty-four consecutive hours upon which such event is conducted, or during the calendar year in which such activity is authorized.

(3) The licensee shall develop and post conspicuously and in detail in the area in which the gambling is taking place a scheme for the distribution to the participants of any receipts beyond those permitted to the organization by this rule, and shall offer all participants at the event an equal opportunity to participate in such scheme. The scheme must provide for such distribution to be money, payable to the winner by a check. The scheme may provide for such distribution to be of more money than is necessary to ensure ((that)) that the licensee will not retain greater receipts than are permitted by law, but, at minimum, must ensure that the limit is not exceeded.

(4) Winners of all prizes shall be determined during the fund raising event. All cash prizes shall be paid by check, and merchandise prizes distributed to the winners not later than 30 calendar days following the conclusion of the event.

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

#### NEW SECTION

**WAC 230-25-065 LICENSEES MAY JOIN TOGETHER TO CONDUCT A FUND RAISING EVENT.** (1) Organizations holding a license to conduct a fund raising event may join together with other organizations holding such a license to jointly conduct a fund

raising event providing that the following conditions are met:

(a) Prior approval to do so is received by each licensee from the Commission for that particular fund raising event;

(b) The method by which the income and expenditures will be received, expended, and apportioned among the licensees conducting the fund raising event is disclosed in writing to the Commission, together with the application for the fund raising event;

(c) A lead organization and an event manager are designated in the application, with the lead organization having the responsibility for the central accounting system required by WAC 230-25-070, the activity report to the commission required by WAC 230-08-260, and compliance with WAC 230-25-030(3) regarding the distribution of receipts beyond those permitted in (2) below.

(d) Records are kept by each of the participating licensees which clearly disclose the amount of money received and expended in connection with the joint fund raising event;

(e) Each licensee shall prepare a list of all persons from their organization taking part in the management or operation of the fund raising event. Such list shall be available on the premises and contain, at a minimum, the name, address, telephone number, and a brief statement signed by the chief executive officer certifying that each member listed is a bona fide member as specified in RCW 9.46.020(15) and WAC 230-25-260.

(2) The amount of income derived from the joint fund raising event will not exceed the event limit of \$10,000. In addition, each participating organization must comply with annual limits imposed by RCW 9.46.020(23) and WAC 230-25-030. The joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the allowable proceeds for the purposes of determining the number of such events an organization may conduct each year.

**AMENDATORY SECTION** (Amending Order 78, filed 11/17/77)

**WAC 230-25-200 BINGO AT FUND RAISING EVENT.** (1) Bingo games conducted solely at, and as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and need not be reported, or accounted for, as required for bingo games conducted under a bingo license issued by the commission, or under a different statutory authority: **PROVIDED,** That the provisions of WAC 230-20-100 shall apply to bingo games conducted at such fund raising events.

Income from bingo games conducted at, and as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission rules.

(2) All of the commission's rules applicable to the conduct of bingo games, whether general or specific, shall apply to the conduct of bingo games at, or as a part of, a fund raising event, except as provided in subsection (1) above and except the following rules which shall not be applicable:

- (a) WAC 230-20-070;
- (b) WAC 230-20-090;
- (c) ~~((WAC 230-20-150;~~
- ~~((d)))~~ WAC 230-20-170;
- ~~((e)))~~ (d) WAC 230-20-190;
- ~~((f)))~~ (e) WAC 230-20-220;
- ~~((g)))~~ (f) WAC ~~((230-20-251))~~ 230-04-061.

**AMENDATORY SECTION** (Amending Order 83, filed 3/16/78)

WAC 230-25-260 BONA FIDE MEMBER OF ORGANIZATION CONDUCTING FUND RAISING EVENT. (1) For the purposes of eligibility to participate in managing or otherwise assisting in the operation of a fund raising event, a person is a bona fide member of a bona fide charitable or bona fide nonprofit organization only when he or she:

~~((1))~~ (a) Has become a member prior to the commencement of the fund raising event and such membership was not dependent upon, or in any way related to the payment of consideration to participate in, any gambling activity; and

~~((2))~~ (b) Has ~~((a))~~ (i) been admitted upon written application, only after investigation and ballot, with such action being recorded in the official minutes of a regular meeting, or ~~((b))~~ (ii) has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to the subject fund raising event; and

~~((3))~~ (c) Has paid reasonable initiation or admission fees for membership, and/or dues, consistent with the nature and purpose of the organization and with the type of membership obtained and is not in arrears in payment of such fees or dues; and

~~((4))~~ (d) Has met all other conditions required by the organization for membership and is in all respects a member in good standing at the time of the subject fund raising event.

~~((A person may also be a bona fide member of a bona fide charitable or bona fide nonprofit organization affiliated with or auxiliary to his or her own organization, or to which his or her own organization is auxiliary, to the extent specifically provided for in RCW 9.46.020(15) defining "member," when he or she meets all of the standards set out above respecting his or her own organization:))~~

(2) Member or bona fide member shall include only members of an organization's specific chapter or unit licensed by the commission or otherwise actively conducting the fund raising event: PROVIDED, That

(a) Members of chapters or local units of a state, regional, or national organization may be considered members of the parent organization for the purpose of a fund raising event conducted by the parent organization, if the rules of the parent organization so permit;

(b) Members of a bona fide auxiliary to a principal organization may be considered members of the principal organization for the purpose of a fund raising event conducted by the principal organization. Members of the principal organization may also be considered members of its auxiliary for the purpose of a fund raising event conducted by the auxiliary; and

(c) Members of any chapter or local unit within the jurisdiction of the next higher level of the parent organization, and members of a bona fide auxiliary to that chapter or unit, may assist any other chapter or local unit of that same organization licensed by the commission in the conduct of a fund raising event.

**AMENDATORY SECTION** (Amending Order 114, filed 10/15/81)

WAC 230-30-015 IDENTIFICATION AND INSPECTION SERVICES STAMP(S) AND SUBSTITUTE FLARES. (1) No punchboard, series of pull tabs, or device for the dispensing of pull tabs shall be sold or purchased within this state or knowingly for use within this state or put out for play unless and until a stamp obtained from the commission containing an identifying number, symbol or combination thereof has been permanently and conspicuously affixed thereto. Once placed, such stamp shall not be removed or tampered with by any person.

With respect to punchboards, the stamp shall be placed so the complete number, together with any symbol appearing thereon, is plainly visible.

With respect to series of pull tabs, the stamps shall be placed upon the dispensing device sold together with, and for that specific series or upon a flare furnished by the manufacturer for that series.

(2) A substitute flare may be utilized on punchboards or pull tabs. Substitute flares shall have the Washington state identification stamp number assigned to the punchboard or pull tab series permanently recorded in ink on the face of the substitute flare. Such flare shall also show the series number assigned to that series by the manufacturer. If a different flare than the flare so stamped is used for display when the series of pull tabs is put out for play, then the manufacturer's flare, with the manufacturer's series number and with the identification stamp obtained from the commission thereon, shall be attached to the back of the substitute flare in such a manner as to be clearly visible to a person playing the device.

The responsibility for placing the Washington state identification stamp number on the substitute flare shall rest with the licensed operator.

(3) Stamps shall be placed only on items which conform to all requirements of this state's laws and the rules of this commission, and shall not be placed upon items not authorized for use within this state. Stamps shall be placed only upon those pull tab dispensing devices which have been approved by the commission pursuant to WAC 230-30-095.

(4) Identification stamps ~~((may))~~ shall be obtained only from the commission, by a licensed manufacturer only, for ~~((ten))~~ twenty-five cents each. Fees obtained from the sale of such stamps shall be used to offset the

cost of the stamps and their distribution as well as the punchboard/pull tab special inspection services set forth in WAC 230-30-030. Such stamps shall be placed by the licensed manufacturer only on items which he, himself, sells or furnishes, and shall not be transferred or furnished to any other person unless already placed upon a punchboard, series of pull tabs or pull tab dispensing device.

(5) No person not a licensed manufacturer shall obtain such stamps from any source, nor shall he affix such a stamp to any punchboard, series of pull tabs or pull tab dispensing device, after November 1, 1974.

AMENDATORY SECTION (Amending Order 48, filed 3/23/76)

WAC 230-30-016 REPLACEMENT OF COMMISSION IDENTIFICATION STAMPS ON PULL TAB DISPENSING DEVICES. (1) Notwithstanding any other provisions in these rules, a licensed operator or distributor of pull tab dispensing devices may obtain a commission identification stamp to replace an identification stamp affixed to a pull tab dispensing device that has become unidentifiable due to wear: PROVIDED, That the operator or distributor furnish to the commission:

(a) The invoice from the operator, distributor or manufacturer for the purchase of the dispensing device in question, or

(b) A complete notarized description of the pull tab dispensing device, serial number, manufacturer, and the commission stamp number previously affixed to the device.

(2) The request for replacement of the commission identification stamp shall be submitted on a form provided by the commission. The fee for replacement of the commission identification stamps shall be ~~((ten dollars))~~ as required by WAC 230-04-201.

AMENDATORY SECTION (Amending Order 23, filed 9/23/74)

WAC 230-30-018 SELLERS OF PUNCHBOARDS, PULL TABS, OR PULL TAB DISPENSING DEVICES TO PUT COMMISSION STAMP NUMBERS ON INVOICES. Persons selling or otherwise furnishing punchboards, pull tabs, or pull tab dispensing devices shall set out the commission stamp number of each item sold on each invoice and other documents used in connection with the sale.

Distributors shall account for each punchboard, pull tab series, and mechanical pull tab dispensing device which has a commission identification stamp affixed thereto. All punchboards, pull tab series, and mechanical pull tab dispensing devices returned to the manufacturer shall be listed by the commission identification stamp on an invoice used in connection with the transaction.

AMENDATORY SECTION (Amending Order 5, filed 12/19/73)

WAC 230-30-030 PUNCH BOARD AND PULL TAB SPECIAL INSPECTION. (1) In addition to any

other authority of the commission or its agents to conduct inspections, the commission or its agents, shall have the authority to select any punch board or pull tab series, whether held by an operator (~~(or not)~~), distributor, or manufacturer and to examine the quality and/or integrity of the punch board or pull tab series in any manner, including punching out or pulling all chances remaining thereon: PROVIDED, That if the punch board or pull tab series so inspected is thereby altered in any manner and no defect, alteration, deceptive condition, or other violation is discovered, then the owner shall be reimbursed by the commission for his cost for the punch board or pull tab series, and the device shall become the property of the commission.

(2) Fees to cover the cost of punchboard and pull tab special inspection services shall be combined with identification stamp fees and collected as prescribed in WAC 230-30-015.

AMENDATORY SECTION (Amending Order 5, filed 12/19/73)

WAC 230-30-060 PUNCH BOARD RESTRICTIONS. No operator shall display, and no manufacturer shall sell or furnish to any person, any punch board:

(1) To which any key to any winning number, or symbol, exists other than a key which is furnished to the operator, which key designates the color codes for all chances on that board without regard to whether or not such chances are designated winners.

(2) Which has taped sides, corners, or edges.

(3) Wherein the winning punches or approximate location of any winning punches can be determined in advance of punching the punchboard in an manner or by any device, including, but not limited to, any patterns in manufacture, assembly, packaging or by markings. Winning punches shall be distributed and mixed among all other punches in the punchboard. The punchboard shall be manufactured with special care so as to eliminate any pattern as between punchboards, or portions of punchboards, from which the location or approximate location of the winning punches may be determined.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-30-103 STANDARDS FOR CONSTRUCTION OF PULL TABS. (1) Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, or set of symbols, on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

(2) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(3) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark

identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(4) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

(5) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(6) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington State Gambling Commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington State Gambling Commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(7) Length and width.

(a) Vendable pull tabs

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 1/2 inches by 1 7/8 inches plus or minus 1 inch.

(b) Nonvendable pull tabs - manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(8) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning

pull tabs cannot be determined prior to being opened through the use of high intensity lights or any other method.

Reviser's note: 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 78, filed 11/17/77)

WAC 230-40-331 BONA FIDE NONPROFIT OR CHARITABLE ORGANIZATIONS—MEMBERS ONLY TO PLAY SOCIAL CARD AND DICE GAMES—EXCEPTION. No bona fide charitable or nonprofit organization shall permit any person other than its members and members of a chapter or unit organized under the same state, regional, or national charter or constitution to play social card games or social dice games on its premises: PROVIDED, That such organizations, when licensed to allow a social card room on its premises may permit no more than twenty-five percent of the persons playing in the licensed card room at any one time to be guests of members.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-42-010 TAX ON COIN OPERATED GAMBLING DEVICE.

WSR 84-13-039  
PROPOSED RULES  
DEPARTMENT OF  
NATURAL RESOURCES  
(Board of Natural Resources)  
[Filed June 15, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources intends to adopt, amend, or repeal rules concerning the adoption of rules and regulations concerning the management of certain state trust lands that may be in transition from forest or agricultural uses to urban uses including commercial, industrial and residential, pursuant to chapter 79.66 RCW;

that the agency will at 1:00 p.m., Tuesday, August 14, 1984, in the Public Lands Building, Room 301, 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 September 4, 1984.

The authority under which these rules are proposed is chapter 79.66 RCW.

The specific statute these rules are intended to implement is chapter 79.66 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: June 14, 1984

By: Brian J. Boyle

Secretary, Board of Natural Resources

### STATEMENT OF PURPOSE

Title and Purpose of Rules: WAC 332-21-010 Introduction; 332-21-020 Identification of urban lands; 332-21-030 Management of urban lands; 332-21-040 Marketing lands not sold at public auctions; and 332-21-050 Land bank technical advisory committee.

The purpose of the proposed regulations is to implement the provisions of SSHB 181 passed by the 1984 legislature. The bill amends chapter 79.66 RCW providing the Department of Natural Resources added flexibility in the management of urban lands, subject to certain approvals by the Board of Natural Resources.

Summary of Rules: The regulations establish policy of the Board of Natural Resources concerning the management of state trust lands that may be in transition from forest or agricultural uses to urban uses including commercial, industrial, and residential, pursuant to chapter 79.66 RCW.

Proponent of Rules: The Department of Natural Resources.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kenneth E. Solt, Manager, Lands Division, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, (206) 753-2989.

Proponents of Rules: The Department of Natural Resources.

Agency Comments: These rules are necessary for the orderly implementation of SSHB 181 as passed by the 1984 legislature, providing for the management of trust lands that are urban in character in order to better meet the fiduciary responsibilities of the Department of Natural Resources.

Small Business Impact Statement: The Board of Natural Resources proposes to adopt rules and regulations for the implementation of SSHB 181 passed by the Washington state legislature in 1984. It is determined that neither 20 percent of all industries nor 10 percent of one industry are significantly impacted by the proposed rules and regulations. The rules and regulations, in part, facilitate the implementation of the 1984 legislation authorizing the Board of Natural Resources to sell unmanageable tracts of lands located in urbanizing areas and to acquire other manageable lands in order to maintain the state lands base.

### ADOPTION OF CHAPTER 332-21 WAC STATE URBAN LANDS

#### NEW SECTION

WAC 332-21-010 PROMULGATION. This chapter is promulgated by the board of natural resources pursuant to the authority of RCW 79.66 to establish procedures for the department of natural resources management of state-owned urban lands. These rules and regulations are designed to establish practical procedures to achieve the best possible return to the designated trust beneficiary consistent with any other obligations imposed by law on such lands.

#### NEW SECTION

WAC 332-21-020 IDENTIFICATION OF URBAN LANDS  
The department shall, at intervals not greater than once every two years, identify trust lands expected to convert to commercial, residential, or industrial uses within ten years as provided in RCW 79.66.010. The board shall designate such trust lands as urban land if deemed suitable.

#### NEW SECTION

WAC 332-21-030 MANAGEMENT OR URBAN LANDS (1)  
The department, in addition to the economic evaluation required by RCW 79.01.095, shall periodically evaluate urban properties to determine the appropriate management prescription for each parcel.

(2) The department shall, as a part of its periodic evaluation, review the appropriate uses of urban lands with local governments in accordance with RCW 79.01.784.

(3) Where urban property is to be exchanged or sold, other than by public auction, the department shall have the value ascertained by a qualified appraiser. All appraisals shall be sent to the board at least ten days in advance of any board action on such exchange or sale.

(4) The department shall annually report to the board on its major activities and accomplishments in the past year and its plans for the ensuing year.

#### NEW SECTION

WAC 332-21-040 MARKETING LANDS NOT SOLD AT PUBLIC AUCTION. The department may, upon approval of the board, market lands not sold at public auction in accordance with RCW 79.01.612. Such property may not be offered at less than the appraised price approved by the board. The department shall select the marketing proposal that demonstrates likelihood of successful marketing at the lowest cost. The department shall report completed sales to the board.

#### NEW SECTION

WAC 332-21-050 LAND BANK TECHNICAL ADVISORY COMMITTEE. The technical advisory committee authorized by RCW 79.66.010 shall provide professional advice and counsel to the board regarding land bank sales, purchases, and exchanges involving urban property.

**WSR 84-13-040**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**  
[Filed June 15, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources intends to adopt, amend, or repeal rules concerning the amending of chapter 332-22 WAC, State land leasing program guidelines, pursuant to the authority of RCW 79.01.242;

that the agency will at 10:00 a.m., Tuesday, August 14, 1984, in the Public Lands Building, Room 301, 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 September 4, 1984.

The authority under which these rules are proposed is RCW 79.01.242.

The specific statute these rules are intended to implement is RCW 79.01.242.

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 14, 1984

By: Brian J. Boyle

Secretary, Board of Natural Resources

### STATEMENT OF PURPOSE

Title and Purpose of Amendatory Rules: WAC 332-22-010 Introduction; 332-22-020 Definitions; 332-22-040 Lease auction procedure; 332-22-050 Lease procedure—Amendment and conversions; 332-22-060 Lease procedure—Rental adjustments; 332-22-070 Lease procedure—Notice; 332-22-080 Rights to re-lease defined; 332-22-090 Notice to leasee of public auction; 332-22-100 Existing lease negotiation; 332-22-103 Bonus bid; 332-22-105 Initial lease for commercial, industrial or residential uses by negotiation; 332-22-110 Mandatory lease terms; 332-22-120 Assignment; 332-22-130 Residential leases; 332-22-140 Expired leases—Occupancy; and 332-22-150 Temporary use permits.

The purpose of the proposed amendments to regulations is to clarify leasing procedures and add new sections pertinent to the leasing of urban lands.

Summary of Rules: Establishes amended procedures for public auction leasing, on lease negotiations for use of state trust lands.

Proponent of Rules: The Department of Natural Resources.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kenneth E. Solt, Manager, Lands Division, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, (206) 753-2989.

Proponent of Rules: The Department of Natural Resources.

Agency Comments: These amendments are necessary to continue the implementation of chapter 79.01 RCW, to accomplish the fiduciary responsibilities of the Department of Natural Resources in management of state trust lands through a leasing program.

Small Business Economic Impact Statement: The Department of Natural Resources proposes to adopt amendments to chapter 332-22 WAC, State land leasing program guidelines. It is determined that neither 20 percent of all industries nor 10 percent of one industry are significantly impacted by the proposed regulation amendment. The changes being considered will not significantly alter the methods by which state lands are leased, nor the methods of establishing lease rentals.

#### REVISION OF CHAPTER 332-22 WAC

#### STATE LAND LEASING PROGRAM GUIDELINES

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-010 PROMULGATION. This chapter is promulgated by the board of natural resources pursuant to the authority granted by RCW 79.01.242 to establish procedures for ((implementing)) the department's state land leasing program. The board of natural resources recognizes that in order to obtain a fair market return to the trust, certain of its lands should be retained and managed through leasing. These rules and regulations are designed to establish practical

leasing guidelines and achieve the best possible return to the designated trust beneficiary consistent with any other obligations imposed by law on such lands.

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

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-020 DEFINITIONS. Insofar as these rules and regulations shall apply, these definitions will be utilized.

(1) "Commissioner" ((~~shall~~)) means the commissioner of public lands.

(2) "Department" ((~~shall~~)) means the department of natural resources as defined in RCW 43.30.030.

(3) "Board" ((~~shall~~)) means the board of natural resources as defined in RCW 43.30.040.

(4) "Fair market rental value" ((~~shall~~)) means the ((rental from the lease based on the highest and best use as determined by an analysis of all relevant land use and economic factors:)) total rental that a property would most probably command on the open market as determined by either comparable rental rates being paid for comparable uses or by the current fair market value of the property times the department's applicable capitalization rate.

(5) "Fair market value for improvements" is as defined in RCW 79.01.136.

(6) "Highest and best use" ((~~shall~~)) means the most profitable legal use that will produce the highest return to the trust over an extended period of time, including interim use.

(7) "Interim use" ((~~shall~~)) means any use of the land for which a rent can be charged before the planned use ((~~has been~~)) is attained.

(8) "State lands" ((~~shall~~)) means those lands defined as state lands in RCW 79.01.004, state forest board transfer land and state forest board purchased land.

(9) "Person" ((~~shall~~)) means a person 18 years of age or older, partnership, firm, corporation, government agency or other entity.

(10) "Qualified person" ((~~shall~~)) means those persons who meet the qualifications set forth in the notice of leasing.

(11) "Bonus bid" means the dollar amount offered, to be paid one time only, over and above the annual rent or the share of the crop.

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

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-030 APPLICATIONS ((~~FOR~~)) TO LEASE. (1) Application to lease will be considered only for state lands as may be shown to be available for lease in department((~~at~~)) records or ((~~under~~)) when an existing lease ((~~which~~)) will expire within ((~~ninety~~ ~~90~~)) one hundred twenty (120) days or leases which ((~~with~~)) can ((~~allow~~)) be considered for conversion to a higher and better use.

(2) Application to lease will be considered for ((~~±~~))lands owned by other governmental entities, which are being managed by the department, ((~~may be leased~~)) only after the owner has made a written request to the department or entered into an agreement with the department to make the same available for leasing pursuant to these rules and regulations.

(3) An application to lease shall be made upon forms prescribed by the department which shall be accompanied by fees prescribed by the board. The fee shall not be refunded unless the state lands applied for are not available for leasing. Applications not accompanied by the proper fees shall ((~~not~~)) be ((~~accepted~~)) rejected.

(4) The commissioner may withhold from leasing any state land either before or after an application to lease is made. The commissioner may reject any and all applications to lease.

(5) Any person authorized to do business in the state of Washington ((~~shall be qualified to~~)) may apply for a lease of state lands.

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

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-040 LEASE AUCTION PROCEDURE. (1) The department will ascertain those parcels of state land which will be offered for public auction from:

- (a) Applications received;  
 (b) Land ~~((to be offered for lease))~~ not presently leased; and  
 (c) Expiring existing leases which are in the best interest of the state to offer at auction for the same or different uses.

(2) The department will establish the minimum requirements ~~((for))~~ to qualify persons ~~((qualified))~~ to bid at public auction.

~~((3))~~ ~~Lease auctions will normally be held on the fourth Thursday of a month or on the next business day following where the fourth Thursday falls on a holiday. Special lease auctions may be called on other dates:)~~

~~((4))~~ (3) Sealed bids will be ~~((received))~~ accepted up to the time set and at the location specified in the notice of leasing ~~((by the auctioneer))~~ (RCW 79.01.252). The ~~((lease))~~ successful bidder will be ~~((awarded to))~~ the ~~((bidder))~~ person with the most acceptable proposal which complies with the criteria set forth in the notice of public auction. ~~((The commissioner may reject any or all bids, if it is deemed in the best interests of the state or the trust to do so:))~~

~~((5))~~ (4) ~~((In the event the auction is to be oral, it))~~ Oral auctions will be conducted by the auctioneer (RCW 79.01.252) at the time and place designated in the notice of leasing and the lease shall be awarded ~~((by the commissioner or his designee))~~ to the highest bidder, ~~((within ten (10) days, if it is determined that the best interests of the state or the trust would be served by doing so:))~~

(5) The commissioner may reject any or all bids, if it is deemed in the best interest of the state.

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

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-050 LEASE PROCEDURE - AMENDMENT AND CONVERSIONS. Existing leases may be amended by negotiation between the lessee and the department but the term of any such amendment shall not exceed the specified maximum lease period as set forth in RCW 79.01.096. ~~((The two-year conversion privilege under RCW 79.01.277 only applies to leases in effect September 26, 1979 and which expire after September 26, 1981:))~~

**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 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-060 LEASE PROCEDURE - RENTAL ADJUSTMENTS. All leases shall provide for periodic rental re-evaluation and adjustment, except percentage rental leases may be exempt from this requirement.

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

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-070 LEASE PROCEDURE - NOTICE. Notice of all existing leases which will be negotiated by the department shall be published in two newspapers of general circulation in the ~~((area where))~~ locality of the state land ~~((is located))~~, one of which shall be ~~((located))~~ in the county where the land is located.

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

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-080 RIGHTS TO RE-LEASE DENIED. Claimed rights to re-lease or to renew a lease will not be authorized or recognized by the department.

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

**Reviser's note:** The above section was filed as an amendatory section, however there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-090 NOTICE TO LESSEE OF PUBLIC AUCTION. The current lessee will be notified if the state intends to offer the leased land at public auction.

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

**Reviser's note:** The above section was filed as an amendatory section, however there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

**AMENDATORY SECTION** (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-100 EXISTING LEASE NEGOTIATION ~~((PROCEDURE))~~. (1) Those leases which will be used generally for the same broad purposes as the current lease may be offered for negotiations.

(2) A notice of intention to negotiate a lease must be published once in two newspapers of general circulation in the locality of the land, one of which shall be in the county where the land is located, within ~~((thirty))~~ ninety days of the date of negotiation of the existing lease. Such notice shall give the legal description, the date of expiration, the intended land use, the office to which application can be made, ~~((: F))~~ the final date to file a written request to lease, and such other information as deemed necessary. The notice must ~~((further))~~ state that any qualified person interested in acquiring the lease must notify the designated office of their interest in such lease.

(3) A written request to lease must be received in the designated office by close of business on the specified date to be considered and must state the proposed terms and conditions and the contemplated use of the land ~~((:))~~ together with a certified check or money order, payable to the department of natural resources in the amount of a \$100.00 deposit and the full amount of a bonus bid. The envelope must be marked sealed bid with the lease number, applicant's name and expiration date of the lease being considered.

This sealed bid deposit will be returned if negotiations with the existing lessee is successfully completed. If negotiations are not successful, the lease will be offered at public auction and if there are several deposits, the highest qualified offer will be kept and all others will be returned. The tract will be offered at public auction as set forth in WAC 332-22-040 with the highest offered amount considered as a minimum bid. If there are no bidders at the auction, the lease will be awarded to the applicant. If the applicant is not the successful bidder, the deposit will be returned to the applicant. If the applicant is the successful bidder and the total lease payment is less than the deposit, the deposit will be credited to the payment and the balance refunded to the applicant.

~~((3))~~ (4) The department shall review all ~~((such notices and either))~~ written requests to lease before negotiations with the present lessee are commenced. If negotiations are satisfactorily completed award of the lease will be made to the ~~((prior))~~ present lessee, ~~((or offer the land))~~ If negotiation with the present lessee cannot be completed, the lease will be offered at public auction. ~~((if the best interest of the state and trust would be served:))~~

~~((4))~~ (5) The ~~((existing))~~ present lessee ~~((will be considered as a qualified person and))~~ will be mailed the criteria for leasing concurrent with mailing of the notice of intention to negotiate to the newspaper.

~~((5))~~ (6) Negotiated leases may not exceed the maximum term authorized by RCW 79.01.096 and must have a term commencing within ~~((ninety (90)))~~ one hundred twenty (120) days of date of starting negotiations.

**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.

NEW SECTION

WAC 332-22-103 BONUS BID. On a new lease or an existing lease advertised for negotiation there may be a bonus bid, payable in cash as a one time payment, made over and above the established rent or percentage rental.

NEW SECTION

WAC 332-22-105 INITIAL LEASE FOR COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL USES BY NEGOTIATION. The department may negotiate initial leases to authorize commercial, industrial, or residential uses provided:

(1) No more than one application is received by the department to lease property zoned for commercial, industrial, or residential use.

(2) The department determines that fair market rental can be obtained by negotiation.

(3) The department shall publish a notice of intent to lease showing legal description, zoning, the office to which application to lease can be made, and the final date to file the written request to lease. The notice shall be published within thirty days immediately preceding commencement of negotiations in two newspapers of general circulation in the locality of the state land, one of which shall be in the county where the land is located.

(4) The department shall provide the board of natural resources a report on each initial lease entered into by negotiation showing fair market value of the property and lease terms.

AMENDATORY SECTION (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-110 MANDATORY LEASE TERMS. Each lease negotiated or placed at public auction pursuant to these regulations shall contain terms and conditions relating to the following ~~((subjects))~~:

(1) Every lease shall contain a provision setting out the use or uses to which the land is to be employed.

(a) Any lawful use may be authorized for state lands, ~~((and forest board lands.))~~

(b) Adequate provision must be made to protect the department against ~~((potential))~~ third-party claims ~~((by virtue))~~ because of liability or the uses made of the property by the lessee.

(c) ~~((Liability))~~ insurance may be ~~((utilized to satisfy this))~~ a requirement.

(2) Improvements existing on the land at the time of ~~((negotiating or))~~ lease negotiation or ~~((at))~~ public auction shall be specifically described and, unless other ownership was authorized shall be considered as a part of the value of the land.

(a) Improvements may be required to be constructed as a condition of a lease.

(b) All existing improvements ~~((existing))~~ or those authorized under the conditions of the lease must be maintained at the sole cost of the lessee, unless otherwise specifically provided in the lease.

(c) All improvements must be protected against casualty loss in a manner satisfactory to the department unless otherwise specified in the lease.

(d) Improvements placed upon the land by the lessee, shall become the property of the state at the end of lease term unless specifically provided by the lease or ~~((department letter to remain in))~~ lease supplement as to lessee ownership.

~~((Improvements owned by lessee may, at any time, be acquired by the department at fair market value if it determines it is in the best interest of the state or the trust to do so upon agreement with lessee.))~~

(3) Any lease ~~((issued pursuant to these regulations in excess of))~~ for more than a ten-year term, ~~((must contain))~~ shall require an approved plan of development with a scheduled completion date for ~~((any))~~ all required activities, improvements, or other actions.

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

AMENDATORY SECTION (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-120 ASSIGNMENT. All assignments of ~~((leases))~~ leasehold rights, whether total or partial, must be approved in writing by the department. Departmental approval of assignments may be

conditioned upon a number of factors including, but not limited to, rental adjustment; ~~((increased))~~ insurance coverage adjustment; renegotiation of improvement ownership or changes in authorized land use. The department may require assurance of the performance capability of the proposed assignee by any feasible means, including the filing of ~~((a performance bond))~~ acceptable surety.

An assignment will not be considered to be a termination of the lease within the meaning of RCW 79.01.092.

**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 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-130 RESIDENTIAL LEASES. A lessee desiring a waiver or modification of a residential lease term, as set forth in RCW 79.01.242(4), may make a written request to the board and to the department setting forth the proposed change and the reasons therefore. The department may make recommendations to the board on the request which shall be considered by the board prior to rendering its decision.

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

**Reviser's note:** The above section was filed as an amendatory section, however there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-140 EXPIRED LEASES - OCCUPANCY. (1) ~~((An))~~ Extension of ~~((the))~~ any expired lease may be authorized by the department for a maximum of one year from date of expiration if it is deemed to be in the best interest of the state, ~~((or the trust to do so.))~~ Such extension shall be issued upon ~~((such rent.))~~ terms and conditions as the department may prescribe which may include an adjustment in rent.

(2) If a proposed use for the lands has not been determined, the department may issue a permit for an interim use to the last lessee for up to a maximum period of five years from date of expiration of the lease, ~~((for an interim use.))~~

The permit may be issued in the same general form as a lease for a similar use of the land under such terms and conditions as the department may prescribe. Upon expiration or termination of the permit, the land and improvements can only be leased at public auction as set forth in WAC 332-12-030 and 332-12-040.

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

AMENDATORY SECTION (Amending Order 350, Resolution No. 351 [321], filed 1/20/81)

WAC 332-22-150 TEMPORARY USE PERMITS. The board authorizes the department to issue temporary use permits of state land not to exceed one year which may not be renewed. This permit will only be issued upon receipt of fair market value for the period of occupancy.

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

**Reviser's note:** The above section was filed as an amendatory section, however there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

**WSR 84-13-041**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1831—Filed June 15, 1984]

I, Mike Schwisow, deputy director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to seed certification fees and standards; corn seed certification and fees, chapter 16-316 WAC.

This action is taken pursuant to Notice No. WSR 84-10-078 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 15.49 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 15, 1984.

By Michael V. Schwisow  
 Deputy Director

AMENDATORY SECTION (Amending Order 1599, filed 4/30/79)

WAC 16-316-0401 CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower . . . . . \$((+0.00))  
 15.00

(b) Late seedling penalty fee: . . . . . \$((+0.00))  
 15.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(2) Renewal applications: Due May 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower . . . . . \$((+0.00))  
 15.00

(b) Late renewal penalty fee: . . . . . \$10.00

This additional fee shall be charged per grower for renewal applications received after May 1.

(3) Reinspection: Other than isolation (each field) . . . . . \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) Inspection and final certification fees:

Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests.

(a) Inspection and final certification fee: . . . . \$ 0.60 per ((+00)) one hundred pounds.

(If no seed is tagged, ((20¢)) twenty cents of the final certification fee is refundable upon request.)

(b) Service fee for out-of-state origin . . . . . \$ 0.30 per ((+00)) one hundred pounds.

(c) Blend fee shall be as established by blend ((regulation)) rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(d) Payment of fees shall be the responsibility of the person signing the application. However the ((processor)) conditioner may assume responsibility.

(5) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(6) Purity and germination test . . . . . fees as established by the director

(7) Fees for retagging, or services not listed in this ((order)) rule shall be the most applicable fee established by the director of agriculture.

(8) Fees for reissue of tags shall be ((-\$0.05)) five cents a tag with minimum fee of ((+\$5.00)) five dollars.

AMENDATORY SECTION (Amending Order 1689, filed 5/30/80)

WAC 16-316-0601 SEED STANDARDS. Seed standards shall be as follows:

Bentgrass				
Specific Seed Standards		Founda-tion	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	98.00%	98.00%	98.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	2.00%	2.00%	2.00%
Weed Seed	(Maximum)	.30%	.30%	.40%*
-----				
Germination	(Minimum)	85.00%	85.00%	85.00%

Redtop				
Specific Seed Standards		Founda-tion	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	96.00%	96.00%	((92.00%)) 95.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	4.00%	4.00%	((8.00%)) 5.00%
Weed Seed	(Maximum)	.30%	.30%	.50%
-----				
Germination	(Minimum)	80.00%	80.00%	80.00%

(a) Blue tag seed shall not contain over ((900)) nine hundred seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) Seed must not contain more than ((90)) ninety per pound for blue tag, singly or collectively of objectionable weeds (see general rules). Seed must be free of the seed of weeds listed as prohibited noxious.

- \* A maximum of .50% weed seed will be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.
- \*\* 1.50% other fine bentgrasses and .50% redtop will be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

**AMENDATORY SECTION** (Amending Order 1735, filed 5/15/81)

**WAC 16-316-230 CERTIFICATION FEES.**

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower ..... (~~(\$10.00)~~)  
\$15.00

(b) Late seedling penalty fee: ..... (~~(\$10.00)~~)  
\$15.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre) ..... \$ 1.50  
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with (~~(\$10.00)~~) ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 7, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower ..... (~~(\$10.00)~~)  
\$15.00

(b) Renewal acreage fee: (per acre) ..... \$ 1.50  
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: ..... \$10.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) ..... \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: ..... \$ 0.40

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, (~~(\$ 0.10)~~) ten cents of the (~~(\$ 0.30)~~) thirty cents cwt. production fee charged is refundable.

(5) Purity and germination test: ..... Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this (~~(order)~~) rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be (~~(\$ 0.05)~~) five cents a tag with a minimum fee of (~~(\$5.00)~~) five dollars.

**AMENDATORY SECTION** (Amending Order 1757, filed 3/31/82, effective 5/1/82)

**WAC 16-316-270 CERTIFICATION FEES.**

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:

Per variety, per grower ..... (~~(\$10.00)~~)  
\$15.00

(b) Acreage fee:

(i) One inspection: (per acre) ..... \$ 1.50  
One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre) ..... \$ 3.00  
Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: ..... \$10.00  
This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) ..... \$20.00

If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: ..... \$ 0.30  
The production fees are billed at (~~(completion of tests)~~) final certification and tagging.

(4) Purity and germination tests: ..... Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this (~~(order)~~) rule shall be the most applicable fee established by the director of agriculture.

**AMENDATORY SECTION** (Amending Order 1798, filed 5/16/83)

**WAC 16-316-350 CERTIFICATION FEES.**

(1) Seedling applications: Due within sixty days after planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) Seedling application fee:

Per variety, per grower ..... (~~(\$10.00)~~)  
\$15.00

(b) Late seedling penalty fee: (per kind) (~~(\$10.00)~~)  
\$15.00

This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) Seedling producing application fee:  
Per variety, per grower . . . . . (~~(\$10.00)~~)  
\$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31: PROVIDED, That such application may be accepted after due date with (~~(\$10.00)~~) ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal application fee:  
Per variety, per grower . . . . . (~~(\$10.00)~~) \$15.00

(b) Late renewal penalty fee: (per kind) . . . \$10.00  
This additional fee shall be charged for renewal applications received after May 1.

(3) Reinspection: Other than isolation (each field) . . . . . \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) Inspection and final certification fees: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Inspection and final certification fee . . . . . \$ 0.60  
per one hundred pounds. (If no seed is tagged, (~~(\$0.20)~~) twenty cents of the final certification fee is refundable upon request.)

(ii) Service fee for out-of-state origin . . . . . \$ 0.30  
per one hundred pounds.

(iii) Blend fee shall be as established by blend (~~(regulation)~~) rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee . . . . . \$ 1.00  
per one hundred pounds. (Minimum fee per tagging) . . . . . \$10.00

(ii) Service fee for out-of-state origin . . . . . \$ 0.65  
per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend . . . . . \$ 0.95  
per one hundred pounds.

(B) Out-of-state origin certified seed used in blend . . . . . \$ 0.60  
per one hundred pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit will be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds must be made by June 30 following final disposition of the blend.

(5) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(6) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(7) Purity and germination test fees shall be as established by the director of agriculture.

(8) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(9) Fees for reissue of tags shall be (~~(\$0.10)~~) ten cents per tag with a minimum fee of (~~(\$10.00)~~) ten dollars.

**AMENDATORY SECTION** (Amending Order 1734, filed 5/15/81)

**WAC 16-316-440 CERTIFICATION FEES.**

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:  
Per variety, per grower . . . . . (~~(\$10.00)~~)  
\$15.00

(b) Late seedling penalty fee: . . . . . (~~(\$10.00)~~)  
\$15.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

- (c) Seedling acreage fee: (per acre) . . . . . \$ 1.50  
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ~~((10.00))~~ ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:  
Per variety, per grower . . . . . ~~((10.00))~~  
\$15.00
- (b) Renewal acreage fee: (per acre) . . . . . \$ 1.50  
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: . . . . . \$10.00  
This additional fee shall be charged for each renewal application received after June 15.
- (3) Reinspection: Other than isolation (each field) . . . . . \$20.00  
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.
- (4) Production fee: Includes sampling and tagging per cwt.: . . . . . \$ 0.40  
The production fee is billed at completion of tests. If none of the seed is tagged, ~~((0.10))~~ ten cents of the ~~((0.30))~~ thirty cents cwt. production fee charged is refundable.

(5) Purity and germination test: . . . . . Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this ~~((order))~~ rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((0.05))~~ five cents a tag with a minimum fee of ~~((5.00))~~ five dollars.

**AMENDATORY SECTION** (Amending Order 1738, filed 5/15/81)

**WAC 16-316-660 CERTIFICATION FEES.**

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:  
Per variety, per grower . . . . . ~~((10.00))~~  
\$15.00
- (b) Late seedling penalty fee: . . . . . ~~((10.00))~~  
\$15.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

- (c) Seedling acreage fee: (per acre) . . . . . \$ 1.50  
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ~~((10.00))~~ ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:  
Per variety, per grower . . . . . ~~((10.00))~~  
\$15.00
- (b) Renewal acreage fee: (per acre) . . . . . \$ 1.50  
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: . . . . . \$10.00  
This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) . . . . . \$20.00  
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging per cwt.: . . . . . \$ 0.40  
The production fee is billed at completion of tests. If none of the seed is tagged, ~~((0.10))~~ ten cents of the ~~((0.30))~~ thirty cents cwt. production fee charged is refundable.

(5) Purity and germination test: . . . . . Fees as established by the director of agriculture.

(6) Fees for retagging or services not listed in this ~~((order))~~ rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((0.05))~~ five cents a tag with a minimum fee of ~~((5.00))~~ five dollars.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-715 MISCELLANEOUS FIELD AND SEED INSPECTION STANDARDS. (1) The field inspection will be made:

- (a) For field pea - when seedcrop is in full bloom;
- (b) For lentil - when seedcrop is in full bloom;
- (c) For soybean - when seedcrop is in full bloom and/or of mature color;
- (d) For sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;
- (e) For small grains - when seedcrop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection. Fields rejected for other causes will remain eligible for reinspection.

(3) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(4) Germination minimum refers to germination when sampled.

(5) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

NEW SECTION

WAC 16-316-901 CORN SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the list of varieties eligible and the following specific rules constitute the standards for corn seed certification.

NEW SECTION

WAC 16-316-906 CERTIFICATION FEES.

- (1) Fees for applications for each separate combination and/or isolation ..... \$15.00
- (2) Acreage fee:
  - (a) First acre ..... \$25.00
  - (b) Each additional acre ..... \$10.00

NEW SECTION

WAC 16-316-911 ELIGIBILITY—FOUNDATION CORN INBRED LINES. (1) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.

(2) An inbred line must be a relatively true breeding strain of corn resulting from (a) at least five successive generations of controlled self-fertilization or (b) at least five generations of backcrossing to a recurrent parent with selection or (c) its equivalent.

(3) Inbred seed must meet one of the following requirements:

- (a) Be in the hands of the originator.

(b) Be a line obtained directly from a state agricultural experiment station.

(c) Be a line obtained from the United States department of agriculture.

(d) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

(4) Inbred lines increased by hand pollination will be eligible for certification.

(5) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.

(6) Addition of specific genetic factors to a line.

(a) When a specific genetic factor(s) is added to an inbred line, the line must have been backcrossed to its recurrent parent at least five generations. The line must be homozygous for the specific genetic factor(s) except for (i) the pollen restoration factor(s) and (ii) the genic male sterile maintainer line.

(b) For a recovered pollen restorer inbred line, selection must be relative to a specific cytoplasmic male sterile source.

(c) Proof of the genetic nature of a recovered line will be supplied by the originator.

(d) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

(i) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

(ii) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(iii) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(e) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

(f) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

NEW SECTION

WAC 16-316-916 FIELD INSPECTION. At least three field inspections shall be made by a representative of the certifying agency during the pollinating period. When the previous crop was corn, at least one additional inspection shall be made to verify that the field is sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving previous notice to the grower.

NEW SECTION

WAC 16-316-921 FIELD STANDARDS.

- (1) Isolation:

(a) An inbred must be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field must be entered for certification, inspected, and meet all field requirements for certification.

(i) Differential maturity dates are permitted for modifying isolation distances provided there are no receptive silks in the ear parent at the same time pollen is being shed in the contaminating field.

(ii) Foundation inbred production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(b) Corrections for improper isolation must be made by one of the following methods:

(i) By completely destroying or by detasseling, the necessary contaminating corn before silks appear in the ear parent in the field to be certified; or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) Roguing:

(a) Definitely off-type plants must be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred being inspected shall be classified as definitely off-type.

(b) An isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) Sucker tassels and portions of tassels of off-type plants will be counted as shedding pollen when two inches or more of the central stem, the side branches, or

a combination of the two has the anthers extended from the glumes.

**WSR 84-13-042**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1832—Filed June 15, 1984]

I, Mike Schwisow, deputy director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to seed testing lab fees, chapter 16-304 WAC.

This action is taken pursuant to Notice No. WSR 84-10-079 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 15.49 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 15, 1984.

By Michael V. Schwisow  
Deputy Director

AMENDATORY SECTION (Amending Order 1797, filed 5/16/83)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds
Bentgrass	2 oz.	\$26.00	\$13.00	\$14.00	\$40.00	\$18.00
Bluegrass	4 oz.	18.00	11.00	12.00	30.00	18.00
Bromegrass	6 oz.	19.00	11.00	10.00	30.00	18.00
Fescue	4 oz.	18.00	11.00	10.00	28.00	18.00
Orchardgrass	4 oz.	21.00	13.00	11.00	32.00	18.00
Ryegrass	4 oz.	18.00	11.00	9.50	27.50	18.00
Crested Wheatgrass	4 oz.	21.50	13.00	11.00	32.50	18.00
Other Wheatgrasses	6 oz.	31.00	19.00	11.00	42.00	18.00
Other grasses	4 oz.	15.00	9.50	9.50	24.50	18.00
Beans and peas	1 1/4 lb.	11.00	6.50	10.00	21.00	18.00
Cereals	1 1/4 lb.	11.50	8.00	10.00	21.50	18.00
Other crops	4 oz.	11.50	8.00	10.00	21.50	18.00

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds
Mixture (for each additional kind)		9.50		11.00		18.00
Beets		12.00	7.50	15.00	27.00	

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: ((+)) One gram - bluegrass; ((5)) five grams - alfalfa; and ((+00)) one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: ((+0)) Ten grams - bluegrass; ((50)) fifty grams - alfalfa; ((500)) five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on ((400)) four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam . . . . . Noxious only fee plus \$ 3.50 (or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each ((5)) five grams . . . . . \$14.00

Poa annua check for other grasses - each 10 grams . . . . . \$14.00

(c) Sod seed analysis -  
Bluegrass . . . . . \$49.00  
Fescue . . . . . \$35.00  
Ryegrass . . . . . \$28.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, ((25)) twenty-five gram all weed/all crop, except ((+0)) ten gram Poa annua exam. Ryegrass and Fescue test includes purity, ((+00)) one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

(d) Fluorescent test - (((400)) four hundred seed test) . . . . . \$11.00

(e) Pest and disease, soil exam or similar . . . . \$14.00 (Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - ((50)) fifty gram exam to evaluate if a lot appears to be sod quality (phone report only) . . . . . \$13.00

(g) Variety separation of Kentucky bluegrass . \$16.00  
If separated at time of purity analysis . . . . . \$ 8.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

(a) Reports will not be mailed until all tests are completed.

(b) Samples must be plainly labeled "inventory samples."

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:  
(a) Rush samples (including phone report if requested at time sample is submitted) . . . . . \$ 8.00

(b) Phone reports on test result, per call . . . . \$ 2.50

(c) Preliminary report on germination (phone report only) . . . . . \$ 7.00

(d) Morphological test . . . . . \$ 7.00 (alfalfa or clover examined under magnification for combine damage.)

(e) Additional mailing of report (each destination) . . . . . \$ 1.50

(f) Recopies of reports (minimum fee) . . . . . \$ 2.50 (or hourly fee when applicable)

(g) ISTA test - purity and germination fee plus ((50)) fifty percent

(h) Seed count . . . . . \$14.00

(i) Extra charge for samples requiring special preparation for germination, i.e. ((beets)), New Zealand spinach, pelleted seeds, spinach, chard, etc. . . . . \$ ((5.50))

(j) Hourly fee for miscellaneous services . . . . \$16.00

(k) Service charge for submitted federal phytosanitary certificates, per certificate . . . . . \$5.00

**AMENDATORY SECTION** (Amending Order 1764, filed 5/5/82, effective 7/1/82)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of ~~((+10))~~ ten cents per one hundred dollars gross annual dollar sales in excess of ~~((+\$10,000))~~ ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the ~~((producer=processor))~~ producer-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ~~((1981))~~ 1983 through June 30, ~~((1982))~~ 1984 shall be due August 1, ~~((1982))~~ 1984 and payable by February 1, ~~((1983))~~ 1985. The assessment fees for the period beginning July 1, ~~((1982))~~ 1984 through June 30, ~~((1983))~~ 1985 shall be due August 1, ~~((1983))~~ 1985 and payable by February 1, ~~((1984))~~ 1986.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ~~((+\$10.00))~~ ten dollars, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

**AMENDATORY SECTION** (Amending Order 1764, filed 5/5/82, effective 7/1/82)

WAC 16-304-130 EFFECTIVE DATES. This ~~((regulation))~~ rule is effective through June 30, ~~((1984))~~ 1986. Between January 1, ~~((1984))~~ 1986 and March 1, ~~((1984))~~ 1986, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.04 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the

seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.

**WSR 84-13-043**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
(Order 1833—Filed June 15, 1984)

I, Mike Schwisow, deputy director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to grass seed certification, chapter 16-316 WAC.

This action is taken pursuant to Notice No. WSR 84-10-080 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 15.49 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 15, 1984.  
By Michael V. Schwisow  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1757, filed 3/31/82, effective 5/1/82)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- |  |   |
|--|---|
| Bentgrass:<br>(subject to poa annua quarantine)          | Astoria Colonial***<br>Bardot Colonial*<br>Highland Colonial**<br>Seaside Creeping***<br>Emerald Creeping**   |
| Big Bluegrass:   | Sherman**   |
| Canada Bluegrass:<br>(subject to poa annua quarantine)   | Reubens**   |
| Canby Bluegrass:   | Canbar**  |
| Kentucky Bluegrass:<br>(subject to poa annua quarantine) | A-20-6*<br>A-34 (Bensun)**<br>Adelphi**<br>Argyle**<br><u>Barblue*pvvV</u><br>Baron**<br>Birka*<br>Bonnieblue (Pac)**<br>Bono (Birdie)*<br>Bristol*<br>Cheri (Golf)*<br>Cougar*<br>Delta* |

Eclipse\*  
 Enmundi\*pvpV  
 Fylking\*\*  
 Georgetown\*\*  
 Geronimo\*  
 Glade\*\*  
Haga\*  
 Holiday\*  
 Kenblue\*  
 I-13\*\*  
 Majestic\*\*  
 Merion\*\*  
 Mystic\*  
Nassan\*\*pvpV  
Newport\*\*  
 Nugget\*  
 Pacific\*pvpV  
 Parade\*  
 Park\*\*  
 Pennstar\*  
 Plush\*  
 Ram I\*pvpV  
 Rugby\*  
Swing  
Sydsport\*  
 S-21\*\*  
 Touchdown\*\*  
 Troy\*\*  
 Victa\*  
 Wabash\*  
 Meadow Brome: Regar\*\*  
 Mountain Brome: Bromar\*\*  
 Smooth Brome: Baylor\*  
 Blair\*  
 Bromex\*  
 Manchar\*\*  
 Sac\*\*  
 Saratoga\*  
 Deertongue: Tioga\*  
 Fescue: Cascade Chewings\*\*  
 (subject to poa annua Countess Chewing\*\*pvpV  
 quarantine - except tall Jamestown Chewings\*pvpV  
 fescue) Barcel Tall\*\*pvpV  
 Durar Hard\*\*  
 Scaldis Hard\*  
 Dawson Red\*  
Nezpurs Idaho\*pvpV  
 Novorubra Red\*  
Logro Slender Creeping  
Red\*\*pvpV  
 Pennlawn Red\*  
 Ruby Red\*  
 Wintergreen Red\*  
 Covar Sheep\*\*  
 Alta Tall\*\*  
 Fawn Tall\*  
First Meadow\*\*pvpV  
 Forager Tall\*  
 Orchardgrass: Hay King\*

Latar\*\*  
Pairte\*\*  
Pennlate\*  
 Potomac\*  
 Redtop: Streaker  
 Indian Ricegrass: Nezpar\*\*  
 Perennial Ryegrass: Belle\*  
 (subject to poa annua Cropper\*  
 quarantine) Diplomat\*pvpV  
 Elka\*  
Friend\*\*pvpV  
 Jackpot  
 NK-100\*  
 Yorktown\*pvpV  
 Norlea\*  
 Pennfine\*pvpV  
 Pelo\*\*  
 Yorktown II  
 (({\*pvpV}))\*pvpV  
 Manhattan\*  
 LP-20\*  
 Puccinellia distans: Fults\*  
 Timothy: Champlain\*  
 Climax\*  
 Clair\*  
 Mohawk\*\*  
 Pronto\*  
 Wheatgrass: Whitmar Beardless\*\*  
 Secar Bluebunch\*\*  
 Fairway Crested\*  
Ruff Crested\*  
 Nordan Crested\*\*  
Ephraim Rhizomatous  
Crested\*\*  
 Amur Intermediate\*\*\*  
 Greнар  
 Intermediate\*\*  
 Oahe Intermediate\*  
 Tegmar Intermediate\*  
 Siberian\*\*  
 Greenleaf Pubescent\*  
 Luna Pubescent\*\*  
 Topar Pubescent\*\*  
 Primar Slender\*\*  
 P-27 Siberian  
 Sodar Streambank\*\*  
 Critana Thickspike\*\*  
 Alkar Tall\*\*  
 Basin Wild Rye: Magnar\*\*

(2) Variety restrictions.

(a) Kentucky Bluegrass:	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
Baron	5	5
Birka	2 + 3 Cert.	5
Bonnieblue	2 + 5 Cert.	5
Bristol	4	4
Cougar	3	6
Enmundi	4	5
Georgetown	5	5

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
(a)	Kentucky	Bluegrass:
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Pacific	5	5
Parade	5	5
Ram-1	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) Deertongue:		
Tioga		6
(c) Orchardgrass:		
Pennlate	3	6
(d) Perennial Ryegrass:		
Belle	4 + 2 Cert.	5
Diplomat	5 + 2 Cert.	5
Elka	4	4
Pennfine	2 + 2 Cert.	4
Yorktown II	4 + 3 Cert.	4
Manhattan	2 + 5 Cert.	5

- Expo\*
- G-777\*
- G-7730\*
- Gladiator\*
- Hi-Phy\*
- Honeoye\*pvvV
- Iroquois\*
- Ladak\*\*
- Ladak 65\*
- Liberty\*\*
- Maverick\*
- Marathon\*
- Mesilla\*\*
- Multileaf\*pvvV
- Narragansett\*\*
- Nomad\*\*
- NS-79-P<sub>2</sub>
- Nugget\*
- Olympic\*
- Oneida\*pvvV
- Peak\*
- Perry\*
- Phytor\*
- Polar II\*
- Preserve
- Primal\*
- Prowler\*
- Raidor\*
- Ramsey\*
- Ranger\*\*
- Saranac\*
- Saranac AR\*pvvV
- Shenandoah\*
- Spredor 2\*
- SX-10\*
- SX-418\*
- Team\*
- Tempo\*
- Thor\*
- Titan\*
- Trident\*
- Trumpetor\*
- Vernal\*
- Vancor\*
- Vanguard\*
- Vernema\*
- Vista\*
- Voris A77\*
- WL-220\*
- Washoe\*
- Weevlchek\*
- WL-215\*
- WL-219\*
- WL-221\*
- WL-311\*
- WL-312\*
- WL-313\*
- WL-315\*
- WL-316\*
- WL-318\*
- 120\*
- 123\*

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82, effective 5/1/82)

WAC 16-316-815 OTHER CLOVER VARIETIES. Following are the other clover varieties eligible and the certification scheme for each:

- White Clover: Sacramento Ladino\*  
 Star\*  
Aran\*\*pvvV

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

- A-24\*\*
- A-59\*\*
- Agate\*
- Anchor\*
- Answer\*
- Apalachee\*
- Aquarius\*
- Apollo\*
- Apollo II\*
- Arc\*
- Atlas\*
- Atra-55\*
- Baker\*pvvV
- Big Ten\*
- Blazer\*
- Challenger\*
- Cimarron\*
- Citation\*
- Classic\*
- ((~~Conquest\*~~))
- ((~~Dawson\*~~))
- Defender\*
- Delta\*\*
- Drummor\*
- Duke\*
- Dupuits\*
- Epic\*

130\*  
521\*  
520\*  
526\*  
530\*  
531  
532\*\*

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	<u>2</u>	<u>3</u>		<u>5</u>
Defender	<u>2</u>	<u>3</u>		<u>5</u>
Drummor	<u>2</u>	<u>3</u>		<u>5</u>
Duke		<u>3</u>		<u>5</u>
Epic		4		6
Expo		3		5
G-7730		3		5
Honeoye		3		6
Iroquois		3		6
Maverick		3		5
Multileaf		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	<u>2</u>	<u>3</u>		<u>5</u>
Polar II	<u>2</u>	<u>3</u>		<u>5</u>
Prowler	2	3		5
Raidor	2	3		5
<del>((Ranger (beginning with 1980 plantings)</del>				<del>6)</del>
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Trident		2		5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
Voris A-77		2		5
WL-221		3		
WL-313		3		
WL-315		3		5
WL-316		3		5
Wrangler				<u>6</u>
120		3		
123		2		4
130		3		5
526		<u>3</u>		<u>5</u>

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	Bigbend** NW-59** NW-63** Rufus**
Pinto:	NW-410 NW-590 Nodak** Olathe**pvpV
	Pindak** U of I 114*** Wyo 166**
Pink:	Gloria** Harold** Roza** Victor** Viva**
Small White:	Chief** Aurora** Bonus**
Kidney:	Royal Red**, Pilgrim*, Carmine*
Snap Bean:	Yakima** Apollo** Epoch**
Navy:	NW 395**, Duty*
Great Northern:	Harris**, Emerson*
Black Turtle:	Black Turtle Soup** #39
	Black Beauty** Ebony**pvpV
Large, Round White	Snowball*

NEW SECTION

WAC 16-316-833 MISCELLANEOUS CROP VARIETIES ELIGIBLE. Following are the miscellaneous crop varieties eligible and the certification scheme for each:

Burnett  
Flax

Delar Small Burnett\*\*  
Appar Lewis Flax\*\*

**WSR 84-13-044**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-50—Filed June 15, 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, and Lake Washington and Baker River sockeye while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5, 6, 6C provide protection for Puget Sound and Canadian stocks and Lake Washington and Baker River sockeye while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Area 6A provide protection for Puget Sound and Canadian chinook stocks and Baker River sockeye. Restrictions in Areas 7 and 7A provide protection for Puget Sound and Canadian origin chinook and sockeye and subsequent protection for Puget Sound and Canadian origin chinook. 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 8 and the Skagit River provide protection for spring chinook and Baker River sockeye and subsequent protection for Baker River sockeye. Restrictions in Areas 6D, 7B, 7C, 13A and the Elwha, Dungeness, Nooksack, Puyallup 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 14, 1984.

By Frank Haw  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-28-404 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective 2:00 PM June 16, 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 through June 23, closed to drift gill net gear, and troll gear must release all sockeye when open. Effective June 24, until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.

\*Areas 6, 6A, 7 and 7A - Closed to all net gear, and troll gear must release all sockeye when open. Effective June 24, until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.

\*Area 6B, 9 - closed to all commercial fishing.

Area 6D - Closed to all commercial fishing.

Areas 7B, 7C, - Closed to all commercial fishing.

\*Area 8 - Effective through June 16, closed to all commercial fishing. Effective June 17, gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.

\*Skagit River - 1) Mouth to Mount Vernon - Effective through June 16, closed to all commercial fishing. Effective June 17, gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.

2) Mount Vernon to Gilligan Creek - Effective through June 23, closed to all commercial fishing. Effective June 24, gill net restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.

3) Gilligan Creek to Hamilton - Effective through June 30, closed to all commercial fishing. Effective July 1, gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open.

4) 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.

5) 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.

Elwha River, Dungeness River, Nooksack River, Stillaguamish River, Puyallup River, White River, Minter Creek - Closed to all commercial fishing.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 2:00 PM June 16, 1984.

WAC 220-28-403 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-47)

**WSR 84-13-045**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 84-51—Filed June 15, 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 new area designations necessary to provide for accurate catch reporting during the interim portion of the 1984 Puget Sound commercial salmon season until the permanent area changes become effective.

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

This rule is promulgated pursuant to RCW 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 15, 1984.

By Frank Haw  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-22-03000A PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island

light; thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit Light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit Light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point light, northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point of Guemes Island, thence to March Point on Fidalgo Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point light.

(10) Area 7B shall include those waters of Puget Sound southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line projected from Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi

Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected southeasterly from the Sandy Point light to the most westerly point of Gooseberry Point.

(13) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the State Highway 532 bridges between Camano Island and the mainland.

(14) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, and southerly of the State Highway 532 bridges between Camano Island and the mainland.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to Edwards Point.

(16) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to Edwards Point, westerly of a line projected 233° true from the Acapulco restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head light to Pier 91, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected

true west from Agate Point on Bainbridge Island to the mainland.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head light to Pier 91.

(19) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(20) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(21) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(22) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the Acapulco restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington ship canal and those waters of the Lake Washington ship canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship canal, Lake Union and Portage Bay.

(23) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(24) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(25) Area 11A shall include those waters of Puget Sound southerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay.

(26) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(27) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(28) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(29) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the fishing boundary marker at Union.

(30) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the fishing boundary market at Union.

(31) Area 13 shall include those waters of Puget Sound southerly of The Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(32) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(33) Area 13C shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(34) Area 13D shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(35) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(36) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(37) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(38) Area 13H shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(39) Area 13I shall include those waters of Puget Sound southwesterly of a line projected 64° true from Kamilche Point to the opposite shore.

(40) Area 13J shall include those waters of Puget Sound northwesterly of a line projected from the light at Arcadia to Hungerford Point.

(41) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

**WSR 84-13-046**  
**EMERGENCY RULES**  
**PUBLIC DEPOSIT**  
**PROTECTION COMMISSION**

[Order 84-1, Resolution No. 84-1—Filed June 15, 1984]

Be it resolved by the Washington Public Deposit Protection Commission, acting at the Office of State Treasurer, Legislative Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Practice and procedure—Public depositaries, chapter 389-12 WAC.

We, the Washington Public Deposit Protection Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is revision of chapter 389-12 WAC is necessary to provide an orderly implementation of the provisions of chapter 177, Laws of 1984.

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

This rule is promulgated under the general rule-making authority of the Washington Public Deposit Protection Commission as authorized in RCW 39.58.040.

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

APPROVED AND ADOPTED June 12, 1984.

By Robert S. O'Brien  
 State Treasurer and Chairman

AMENDATORY SECTION (Amending Order 84-01, filed 1/13/84)

WAC 389-12-010 *PROMULGATION*. The public deposit protection commission, hereinafter referred to as the "commission," after due and proper notice, and pursuant to the provisions of chapter 193, Laws of 1969 1st ex. sess., as last amended by chapter ((66)) 177, Laws of ((+983)) 1984, hereinafter referred to as the "act," hereby adopts and promulgates the following emergency rules and regulations, effective ((January)) June 12, 1984.

AMENDATORY SECTION (Amending Order 84-01, filed 1/13/84)

WAC 389-12-020 *DEFINITIONS*. Unless the context requires otherwise:

(1) *Qualified public depositary*. "Qualified public depositary" means a financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than

its maximum liability and which has been approved by the commission to hold public deposits.

(2) *Financial institution*. A "financial institution" means any of the following which are located in this state and are lawfully engaged in business:

(a) *Bank depositaries*—Any branch of a bank engaged in the banking business in this state in accordance with RCW 30.04.300, and any state bank or trust company or national banking association.

(b) *Thrift depositaries*—Any state chartered mutual savings bank or stock savings bank, any state or federally chartered savings and loan association (including federally chartered savings bank).

(3) *Investment deposits*. The term "investment deposit" shall mean time deposits and savings deposits of public funds available for investment. Savings deposit shall mean an interest bearing deposit of public funds that is subject to withdrawal and that is not payable on a specified date or at the expiration of a specified time after the date of deposit. Time deposit shall mean a single maturity or multiple maturity interest bearing investment deposit of public funds, which is either evidenced by a certificate of deposit issued by a qualified public depositary, or reflected in a book-entry system of such depositary approved by federal regulatory authorities, state supervisor of banking and/or state supervisor of savings and loan associations, and which is payable to a treasurer on a date certain. Such certificate shall not be negotiable, nor an interest in an investment deposit transferable, except between treasurers and/or qualified public depositaries.

(4) ~~((Call report. "Call report" shall mean the formal accounting rendered by commercial banks to the comptroller of the currency or state supervisor of banking. The "call report due date" is the last day for timely filing of a call report.~~

~~((5)))~~ *Commission report*. The "commission report" shall mean a formal accounting rendered by ~~((savings banks and savings and loan associations))~~ qualified public depositaries to the commission, which details pertinent information of each depositary as of the close of the last business day of each calendar quarter; the commission report is due in the office of the commission not later than thirty days after the end of the calendar quarter.

~~((6)))~~ (5) *Date of loss*. The term "date of loss" shall mean the date on which a loss shall be deemed to have occurred within the meaning of the act, and shall be the first to happen of the following:

(a) The date of the taking of possession of the financial institution by a supervisory agency; or

(b) The date of the appointment of the receiver or conservator for a financial institution; or

(c) The date of the commencement of a voluntary liquidation proceeding for a financial institution; or

(d) The date of an order issued by a regulatory authority or a court of competent jurisdiction restraining a financial institution from making payments on deposit liabilities; or

(e) The date on which the commission declares that a financial institution no longer has the ability to repay public deposits in full.

~~((7))~~ (6) Depository pledge agreement. "Depository pledge agreement" means a written tri-party agreement, on a form supplied by the commission, wherein a financial institution, in compliance with the act and as a condition precedent to becoming or continuing to be a qualified public depository, transfers and delivers securities which are eligible collateral to a corporate fiduciary under the exercise of its trust powers, to a federal reserve bank or any branch thereof or federal home loan bank or any branch thereof, which agrees to safekeep such securities for the primary benefit of the commission under the terms and conditions of the agreement and for the purposes set forth by the act and the regulations of the commission. Such agreement shall be executed on behalf of the commission by the chairman, who shall be the state treasurer.

~~((8))~~ (7) Segregation of collateral. "Segregation of collateral" means the transfer and delivery of eligible securities by a ~~((financial institution))~~ qualified public depository pursuant to a depository pledge agreement (RCW 39.58.050). A depository wishing to reduce the amount of securities pledged as collateral must submit a written request to the commission. The trustee holding the collateral shall not allow a reduction of securities without the prior written approval of the commission. Eligible securities shall not include coupon securities from which have been detached any coupon which is not matured at the time of transfer and delivery of such securities as segregated collateral. When a qualified public depository pledges eligible securities whose payments include a periodic principal reduction, the depository shall promptly advise the commission of the dates and amounts of such principal payments.

~~((9))~~ (8) Net worth. "Net worth" of a qualified public depository means:

(a) For a bank depository, the aggregate of capital, surplus, undivided profits and all capital notes and debentures which are subordinate to the interest of depositors;

(b) For a thrift depository, the aggregate of such capital stock, guaranty fund, general reserves, surplus, undivided profits, and all capital notes and debentures which are subordinate to the interest of depositors, as are eligible for inclusion in otherwise determining the net worth of a mutual savings bank, stock savings bank, or savings and loan association, excluding appraised equity capital and income capital and net worth certificates.

~~((10))~~ (9) Corporate fiduciary. "Corporate fiduciary" for the purposes of these rules means a financial institution as defined herein which is possessed of statutorily granted trust authority provided that for the purposes of this definition such financial institution need not be located or doing business in the state of Washington.

AMENDATORY SECTION (Amending Order 84-01, filed 1/13/84)

WAC 389-12-030 NEW ((FINANCIAL INSTITUTIONS)) QUALIFIED PUBLIC DEPOSITARIES. Any financial institution in the state of Washington eligible under the act, in order to become a qualified public depository, must be approved by the commission and

segregate collateral in the manner as set forth in these rules prior to the receipt of public deposits. Until such time as ((new)) qualified depositories have submitted four consecutive reports to the commission as required by RCW 39.58.100, they shall at all times be required to pledge and segregate eligible securities, valued at market value, in an amount equal to not less than 10% of all public funds on deposit in said depository. During the interim period in which a financial institution is required to file four consecutive reports, each such institution shall report to the commission on each commission report date on forms supplied by the commission.

AMENDATORY SECTION (Amending Order 84-01, filed 1/13/84)

WAC 389-12-040 COMPUTATION AND REPORT OF MAXIMUM LIABILITY. On each ~~((call report or))~~ commission report date each public depository shall recompute its maximum liability on a form to be supplied by the commission. Such report shall, in addition to other information, show the current amount of ((<sup>a</sup>)) deposits of ((states)) Washington state and its political subdivisions(<sup>a</sup>)) for the most recent ((call or)) commission report date, ((the<sup>a</sup>)) such deposits ((of states and political subdivisions<sup>a</sup>)) as shown on the four most recent reports (i.e., current report and three immediately preceding reports), the average of these deposits for the four report periods, and the depository's maximum liability as defined in RCW 39.58.010(6).

The report to the commission ~~((for commercial banks))~~ shall be received in the office of the commission not later than ((the due date for filing of reports of condition with the comptroller of the currency of the United States or the Washington state supervisor of banking)) thirty days following each calendar quarter end, and shall have attached a completed copy of the balance sheet portion of the depository's most recent consolidated report of condition ((domestic subsidiaries)) or most recent report to the Federal Home Loan Bank, whichever is applicable.

~~((The report to the commission for thrift depositories shall be received in the office of the commission not later than thirty days after the end of each calendar quarter, and shall have attached a completed copy of the most recent financial report as submitted to appropriate regulatory authority.))~~ At the end of each calendar quarter, the commission shall provide appropriate reporting forms to each qualified public depository and the amount constituting thirty percent of total public funds on deposit in Washington state for the preceding quarter. Depositories will use this figure for the current report period and to monitor their total public funds on deposit for the ensuing quarter, unless notified of a revised figure by the commission.

Upon written request from a depository the commission may, for good cause shown, extend the due date for ((qualified public depository liability)) commission reports for a period not to exceed ten days.

If the maximum liability has increased from the previous report or if aggregate public deposits exceed the limitations prescribed in section 19, chapter 177, Laws

of 1984, the depository shall immediately increase its collateral and the commission shall be so notified.

Each public depository shall provide to the commission a copy of any changes, amendments, or alterations to the depository's financial report as submitted to appropriate regulatory authority which relate to (a) deposits of states and political subdivision, and/or (b) net worth.

AMENDATORY SECTION (Amending Order 84-01, filed 1/13/84)

WAC 389-12-050 VALUATION. Securities pledged as collateral by a qualified public depository ~~((may)) shall be reported at ((par value or)) market value ((at the option of the reporting depository. This valuation option may be utilized only by those financial institutions who have been qualified public depositories for one full year and who have previously submitted four consecutive reports to the commission)).~~

~~((1)) Market value. Securities pledged as collateral shall be valued at)) Market value shall be computed ~~((on)) as of the date of segregation or the last preceding ((call or)) commission report date, whichever is later. When the ((public depository liability)) commission report is submitted, ((any depository choosing to evaluate their securities pledged as collateral based on market value)) each depository shall provide on a form supplied by the commission a current listing of those securities pledged and their then current market and par value. ((Securities pledged as collateral at market value must at least be equal to the maximum liability of the public depository (RCW 39.58.010(6)).~~~~

~~(2) Par value. A financial institution may value its securities pledged as collateral at par if it maintains a segregation of collateral equal to at least 120% of its maximum liability.))~~

NEW SECTION

WAC 389-12-065 AGGREGATE DEPOSIT LIMITATIONS. Whenever the public funds on deposit in a qualified public depository exceed the limits set forth in section 19, chapter 177, Laws of 1984, such depository shall immediately:

- (1) Notify the commission; and
- (2) Provide additional collateral, if necessary, to provide one hundred percent collateralization of such excess deposits.

When a depository's net worth position is reduced, such depository shall determine if any public treasurer's funds on deposit exceed the revised net worth. If any such excess deposits exist, the depository shall immediately notify the commission and provide the commission with a detailed accounting of deposits. The depository shall also advise the commission of its intent to:

- (1) Provide one hundred percent collateralization of the excess deposits; or
- (2) Allow the treasurer to withdraw such deposits in accordance with section 18, chapter 177, Laws of 1984.

AMENDATORY SECTION (Amending Order 84-01, filed 1/13/84)

WAC 389-12-080 MAXIMUM DEPOSIT LIMITATION. In determining the maximum deposit limitation of any financial institution, a treasurer, unless advised to the contrary by the commission, may assume that each depository's net worth has remained unchanged from that stated in the most recently rendered ~~((call or)) commission report.~~

AMENDATORY SECTION (Amending Order 84-01, filed 1/13/84)

WAC 389-12-230 OPERATIONS AND PROCEDURES. The Washington public deposit protection commission is charged with the duty of protecting public funds on deposit ~~((s for)) by Washington's public treasurers in the event of a default of a qualified public depository, and such other duties as set forth in chapter 39.58 RCW ((39.58.010 through 39.58.040)).~~

**WSR 84-13-047**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed June 18, 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 Eligibility determination—Medically needy in own home, amending WAC 388-99-020;

that the agency will at 2:00 p.m., Wednesday, July 25, 1984, in the General Administration Building Auditorium, 11th and Columbia, 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 1, 1984.

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

The specific statute these rules are intended to implement is RCW 74.09.700.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 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 11, 1984. The meeting site is in a location which is barrier free.

Dated: June 15, 1984  
 By: David A. Hogan, Director  
 Division of Administration and Personnel  
**STATEMENT OF PURPOSE**

**WSR 84-13-048**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed June 18, 1984]

This statement is filed pursuant to RCW 34.04.045.  
 Re: Amending WAC 388-99-020.  
 Purpose of the Rule or Rule Change: To increase the medically needy income levels.

The Reason(s) These Rules are Necessary: Grant payment standards are being changed effective July 1, 1984.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Increases the medically needy income levels to reflect changes in grant payment standards effective July 1, 1984.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Phone 3-7313, Mailstop: LK-11.

These rules are not necessary as a result of federal law.

**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	\$	<del>(527)</del>	535
(d) Four persons	\$	<del>(544)</del>	561
(e) Five persons	\$	<del>(627)</del>	646
(f) Six persons	\$	<del>(710)</del>	731
(g) Seven persons	\$	<del>(822)</del>	847
(h) Eight persons	\$	<del>(909)</del>	936
(i) Nine persons	\$	<del>(998)</del>	1,028
(j) Ten persons and above	\$	<del>(1,084)</del>	1,117

(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.

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 long-term care ombudsman program, new chapter 388-18 WAC;

that the agency will at 2:00 p.m., Wednesday, July 25, 1984, in the General Administration Building Auditorium, 11th and Columbia, 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 1, 1984.

The authority under which these rules are proposed is chapter 43.190 RCW.

The specific statute these rules are intended to implement is chapter 43.190 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 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 11, 1984. The meeting site is in a location which is barrier free.

Dated: June 14, 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: Chapter 388-18 WAC.

Purpose of These Rules: To implement the long-term care ombudsman program in DSHS.

The Reason These Rules are Necessary: To implement the program, as required by state law.

Statutory Authority: Chapter 43.190 RCW, RCW 36.39.060, 74.38.040 and 74.38.050.

Chapter 388-18 WAC implements the long-term care ombudsman program as provided by state statute. This chapter defines the duties of the state ombudsman, local ombudsmen, and certified volunteer ombudsmen; sets out certification procedures for volunteer ombudsmen; provides for ombudsmen access to residents, facilities and records; provides procedures to be followed by ombudsmen when entering facilities; establishes reporting requirements; provides that ombudsmen entering a facility to hear, investigate and resolve complaints or render

advice will secure privacy for the visit; provides confidentiality of information secured by ombudsmen, provides that the state ombudsman will develop procedures with regard to referrals to other public and private agencies; sets out requirements that long-term care facilities will post a notice of the nursing home complaint toll-free telephone number and the name, address and telephone number of the office of the long-term care ombudsman and a description of the services provided by that office and describe the format of such notice.

Person Responsible for the Drafting, Implementation and Enforcement of These Rules: Yong O. Hall, State Long-Term Care Ombudsman, State Long-Term Care Ombudsman Program, DSHS Audit Division, Phone: 754-2258 or 1-800-562-6028 or 753-0401 or 753-0658, Mailstop: OB-33B, Olympia, Washington 98504.

Small Business Economic Impact Statement: Chapter 388-18 WAC will have no significant, meaningful impact.

Chapter 388-18 WAC  
LONG-TERM CARE OMBUDSMAN PROGRAM

NEW SECTION

WAC 388-18-010 PURPOSE. The purpose of this chapter is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW, RCW 36.39.060, RCW 74.38.040, and RCW 74.38.050.

NEW SECTION

WAC 388-18-020 DEFINITIONS. When used in this chapter, unless otherwise required from the context:

(1) "Administrative action" means any action or decision made by an agent of a facility as defined in RCW 43.190.020 affecting the provisions of service to residents but does not include complaints of negligence or other tortious conduct of direct-care staff.

(2) "Legal representative" includes attorneys at law, attorneys in fact, trustees, and, in the case of the estate of a decedent, personal representatives as defined by RCW 11.02.005(1).

(3) "Long-term care facility" is defined under RCW 43.190.020.

(4) "Ombudsman" means any long-term care ombudsman, including the director of the long-term care ombudsman project, ombudsmen employed by the state office, ombudsmen employed by local ombudsman programs authorized by RCW 36.39.060(2) or RCW 74.38.040(9), and volunteer ombudsmen associated with either state or local programs.

(5) "Resident" means any client, patient, or other resident of a facility.

(6) "State office" means the office of the state long-term care ombudsman.

(7) "Volunteer ombudsmen" means any volunteer ombudsman certified by the ombudsman program.

NEW SECTION

WAC 388-18-030 DUTIES—STATE OMBUDSMAN. (1) Investigate and resolve complaints on behalf of long-term care residents.

(2) Monitor laws, regulations, and policies affecting the residents of long-term care facilities.

(3) Provide the public with information and education programs about long-term care facilities.

(4) Promote the development of consumer organizations, i.e., resident councils, family councils, family support groups, citizen advocacy groups, etc.

(5) Identify major issues relating to long-term care.

(6) Assist in recruiting and training of volunteer ombudsmen.

(7) Coordinate the activities of long-term care ombudsmen throughout the state.

(8) Establish procedures for ombudsmen access to long-term care facilities.

(9) Establish a state-wide uniform complaint reporting system.

(10) Establish procedures to ensure confidentiality of complaint files and appropriate release of file content to interested parties.

(11) Prepare an annual report by January 1st of each year.

(12) Carry out such activities as the secretary deems appropriate.

NEW SECTION

WAC 388-18-040 DUTIES—LOCAL OMBUDSMAN. (1) Investigate and resolve complaints on behalf of long-term care residents.

(2) Monitor laws, regulations, and policies affecting the residents of long-term care facilities.

(3) Provide the public with information and education programs about long-term care facilities.

(4) Promote the development of consumer organizations, i.e., resident councils, family councils, family support groups, citizen advocacy groups, etc.

(5) Identify major issues relating to long-term care.

(6) Recruit and train volunteer ombudsmen.

(7) Submit monthly report to state ombudsman office.

(8) Carry out activities as the state ombudsman deems appropriate.

NEW SECTION

WAC 388-18-050 DUTIES—CERTIFIED VOLUNTEER OMBUDSMEN. (1) Act as an information liaison between the community and the ombudsman.

(2) Participate in resident councils and/or develop a resident council.

(3) Participate in family council and/or develop a family council.

(4) Make regular visits to long-term care facilities including:

(a) Meeting new residents;

(b) Visiting residents, per request of residents' family, staff, or others;

(c) Verifying facts related to concerns brought to the attention of the volunteer ombudsman;

(d) Linking/referring long-term care residents and family members to appropriate long-term care services and assisting them to obtain needed information/help.

(5) Refer complaints requiring investigation or arbitration to appropriate ombudsman.

(6) Participate in training programs provided by state and local ombudsmen.

(7) Submit monthly activities report to volunteer coordinator.

NEW SECTION

WAC 388-18-060 CERTIFICATION PROCEDURES FOR VOLUNTEER OMBUDSMEN. (1) All prospective volunteer ombudsmen shall be screened by local screening committee.

(2) Selected applicants shall receive thirty hours of training provided by the state ombudsman office.

(3) Upon successful completion, the ombudsman office shall issue a certificate of completion and an identification card.

(a) Local ombudsman programs certifying their own volunteers shall issue their own certificate and shall bear the authorizing agent of the local ombudsman office and its director. Volunteers shall become the agent of the local ombudsman office.

(b) State-certified volunteer ombudsmen shall receive the certificate and identification card from DSHS. Identification card shall bear the authorizing agent of the state ombudsman office and its director. Volunteers shall become the agent of the state of Washington, department of social and health services.

NEW SECTION

WAC 388-18-070 ACCESS TO RESIDENTS, FACILITIES, AND RECORDS. (1) All ombudsmen shall have appropriate access to residents, facilities, and records.

(2) The following times are necessary and reasonable for ombudsman access to residents, facilities, and records:

(a) Any time during a facility's regular business day, regular visiting hours, or other period the facility is open to the public.

(b) Any other time access may be required by the particular condition to be investigated or monitored.

(3) Prior to seeking access to a facility, resident, or record at a time provided for in subsection (1)(b) of this section, the ombudsman shall make a written entry in an ombudsman program file of the reason or reasons a particular condition requires access at such time.

(4) Resident visits by an ombudsman may be restricted or terminated by the resident without cause. A facility may restrict or terminate such visits only upon a documented physician's order so providing in express terms which shall be placed in the resident's file. However, if a resident freely and knowingly chooses to disregard such an order and to request continued visits, the ombudsman will honor the resident's choice. In such a case, the ombudsman may request the resident to sign a written statement indicating the resident's choice and stating the choice was freely and knowingly made.

(5) Access to a resident's records may be required by ombudsmen only upon obtaining written consent from the resident, or the resident's guardian, limited guardian, or legal representative.

(6) Ombudsmen shall not seek access to resident records if, in so doing, there is a reasonable likelihood the resident's identity may be disclosed without authorization in accordance with the provisions of this chapter.

(7) Ombudsmen shall treat all information contained in residents' records as confidential.

#### NEW SECTION

WAC 388-18-080 REPORTING REQUIREMENTS. (1) All local ombudsmen programs shall submit monthly reports to the state ombudsman office. All ombudsmen programs shall use the reporting forms provided by the state ombudsman office.

(2) Volunteer ombudsmen shall submit a monthly activities report to volunteer coordinator.

(3) Volunteer coordinator shall submit volunteer ombudsmen activities report to the state ombudsman.

(4) Failure to submit monthly report to the state ombudsman office shall be a sufficient reason to revoke certification status.

#### NEW SECTION

WAC 388-18-090 FACILITY ENTRY—REPORT AND IDENTIFICATION—DISCLOSURE OF PURPOSE. (1) Upon reporting to a facility or as soon as is practicable after entering a facility, all ombudsmen will report their presence to the facility administration and present identification issued and certified by the state office.

(2) Ombudsman identification shall be issued by the ombudsman office and include at least the following information:

- (a) The name of the ombudsman;
- (b) The name, address, and telephone number of the agency with which the ombudsman is associated; and
- (c) The ombudsman's status as a volunteer ombudsman, if applicable.

(3) Nothing in this section shall be construed as authorizing disclosure of identities or other confidential information without authorization of the resident, guardian, or personal representative.

#### NEW SECTION

WAC 388-18-100 PRIVACY DURING OMBUDSMAN VISITS. (1) The provisions of this section apply to ombudsman visits to residents for the purpose of hearing, investigating and resolving complaints, or rendering advice.

(2) When making such visits, ombudsmen will take appropriate measures to secure privacy for the visit.

(3) Generally, securing privacy during such visits will require the visit be conducted as a one-to-one conference between an ombudsman and a resident out of the presence of facility staff and any other person except the guardian or personal representative. By way of example, such conferences may be conducted in the following settings:

- (a) A resident's enclosed, private room;
- (b) A resident's shared room, when roommates or others are not present;
- (c) A facility common area if adequate safeguards against inadvertent or other disclosure exist; or
- (d) A facility office or other room if made available by the facility under conditions ensuring privacy.

(4) Conferences between an ombudsman and two or more residents or residents and facility administration may be necessary or appropriate to carry out the provisions of this chapter and applicable law. The ombudsman shall have discretion to seek such a conference, provided that if there is a reasonable likelihood private, privileged, or confidential information may be revealed at the conference, the ombudsman shall obtain written authorization for release of such information,

signed by appropriate parties in accordance with the provisions of this chapter and applicable law, before proceeding with the conference.

(5) Ombudsman shall comply with the expressed wishes or preferences of residents with regard to visits and shall exercise due regard for the rights of other residents and facility schedules and routines, subject only to the requirements of this chapter and applicable law.

#### NEW SECTION

WAC 388-18-110 CONFIDENTIALITY OF INFORMATION. (1) The following limitations on disclosure shall be strictly observed:

(a) No records or files of ombudsmen relating to any complaint or investigation shall be disclosed unless disclosure is authorized by the resident or by the resident's guardian, limited guardian, or legal representative.

(b) The identity of any complainant, witness, patient, or resident shall not be disclosed unless:

- (i) Such informant or guardian, limited guardian, or legal representative thereof, consents in writing to such disclosure; or
- (ii) The disclosure is required by court order.

(2) The files and records of all ombudsmen programs shall be kept locked at all times when not in use, and access to these files shall be limited to ombudsmen.

(3) Each ombudsman program shall designate one or more ombudsmen to have authority over the disposition of records and files.

(4) All ombudsmen programs shall have and keep in force written procedures and forms relating to the disclosure of confidential information. Such procedures and forms shall be reviewed by and subject to the approval of the state office.

#### NEW SECTION

WAC 388-18-120 REFERRALS. (1) The state office shall develop procedures to be followed by all ombudsmen and ombudsman programs with regard to referrals to other public and private agencies.

(2) No referral shall be made to any public or privacy agency in a manner compromising any individual's rights to anonymity, privacy, or confidentiality unless authorized in accordance with the provisions of this chapter and applicable law.

(3) The ombudsman office shall make appropriate referrals to other public and private agencies.

#### NEW SECTION

WAC 388-18-130 POSTING REQUIREMENTS. (1) Every long-term care facility shall post in a prominent location a notice of the nursing home complaint toll-free number and the name, address, and telephone number of the office of the long-term care ombudsman and a description of the services provided by the office.

(2) The office shall provide a form of the notice approved by the office and the bureau of nursing home affairs.

(3) Except as otherwise authorized by the office, the poster shall be yellow, shall be of certain dimensions, and shall contain lettering of a certain size. If a long-term care facility wishes to post a different form of notice, the facility must receive prior approval from the office and the bureau of nursing home affairs, and in the meantime, the facility must post approved form of notice described in this subsection.

### WSR 84-13-049

#### ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2104—Filed June 18, 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.

This action is taken pursuant to Notice No. WSR 84-09-079 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 34.04.040(2).

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

The undersigned hereby declares that 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 30, 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)) Need 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	((1,430)) 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	((State)) Payment ((Levels)) Standard
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	8 ((9-10)) or more \$((909-909-909)) 936

(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((s)) 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
10)) 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	
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))	40	46	52	60	((66))
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
Household									
Maint.	((30-38-47-55-63-72-83-92))	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.

**WSR 84-13-050**

**ADOPTED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Order 4-84-Filed June 18, 1984]

I, Norward J. Brooks, commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 192-12-151 Payment of benefits—Not a determination of allowance.
- New WAC 192-23-001 through 192-23-900 Conditional payment regulations.
- New WAC 192-24-001 through 192-24-030 Claimant information.
- Rep WAC 192-12-131 Pending of benefit claims—Notice.
- Rep WAC 192-12-132 Pending of benefit claims—Notice—Advice on rights.

This action is taken pursuant to Notice Nos. WSR 84-09-034 and 84-10-022 filed with the code reviser on April 13, 1984, and April 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 under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED June 18, 1984.

By Ernest F. LaPalm  
for Norward J. Brooks  
Commissioner

NEW SECTION

WAC 192-12-151 BENEFIT PAYMENTS—NOT A DETERMINATION OF ALLOWANCE. Benefit payments which are identified as "conditional payments" in the message portion of the mailer will not be deemed determinations of allowance under RCW 50.20.160(3).

REPEALER

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

(1) WAC 192-12-131 PENDING OF BENEFIT CLAIMS—NOTICE.

(2) WAC 192-12-132 PENDING OF BENEFIT CLAIMS—NOTICE—ADVICE ON RIGHTS.

Chapter 192-23

CONDITIONAL PAYMENT REGULATIONS

WAC

- 192-23-001 FAILURE TO RESPOND TO REQUEST FOR INFORMATION RESULTS IN A PRESUMPTION OF DISQUALIFYING INFORMATION
- 192-23-002 FAILURE TO RESPOND DEFINED
- 192-23-011 FAILURE TO PROVIDE DETAILS OF EMPLOYMENT
- 192-23-012 FAILURE TO PROVIDE DETAILS ON HOLIDAY AND/OR VACATION PAY
- 192-23-013 FAILURE TO REPORT IN PERSON
- 192-23-014 FAILURE TO ESTABLISH ABILITY TO WORK
- 192-23-015 FAILURE TO ESTABLISH ACTIVE SEARCH FOR WORK
- 192-23-016 FAILURE TO MEET WORK SEARCH REQUIREMENTS
- 192-23-017 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LATE FILING OF CLAIMS
- 192-23-051 FAILURE TO PROVIDE DETAILS ON SEPARATION FROM EMPLOYMENT
- 192-23-052 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING VOLUNTARY QUIT
- 192-23-061 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING A DISCHARGE FROM WORK
- 192-23-081 FAILURE TO PROVIDE DETAILS ON A REFUSAL OF AN OFFER OF WORK
- 192-23-082 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING FAILURE TO APPLY FOR WORK
- 192-23-091 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING LABOR DISPUTE
- 192-23-096 FAILURE TO PROVIDE INFORMATION REGARDING ATTENDANCE AT SCHOOL
- 192-23-113 FAILURE TO RESPOND TO A REQUEST TO PROVIDE INFORMATION REGARDING ATHLETIC EMPLOYMENT
- 192-23-301 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING REASONABLE

## ASSURANCE OF RETURN TO WORK

- 192-23-320 FAILURE TO RESPOND TO A REQUEST FOR DOCUMENTATION OF A SYSTEMATIC AND SUSTAINED WORK SEARCH
- 192-23-350 FAILURE TO RESPOND TO A REQUEST FOR PENSION INFORMATION
- 192-23-800 CLAIMANT CERTIFICATION OF INELIGIBILITY
- 192-23-810 CLAIMANT CERTIFICATION OF RETURN TO FULL TIME WORK
- 192-23-900 CLAIMANT LIABLE FOR REPAYMENT OF OVERPAYMENTS CAUSED BY CONDITIONAL PAYMENT

NEW SECTION

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

NEW SECTION

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

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

NEW SECTION

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

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

NEW SECTION

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

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

NEW SECTION

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

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

NEW SECTION

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

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

NEW SECTION

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

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

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

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

#### NEW SECTION

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

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

#### NEW SECTION

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

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

#### NEW SECTION

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

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

- (a) An employee is not scheduled to work for a period of one week or more.
- (b) A claimant has a week with no earnings following a week in which the claimant had earnings.

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

- (a) Name of employer,
- (b) Complete address of employer,
- (c) Last day worked,
- (d) Reason for separation from employment,
- (e) Information on hours worked and earnings if not previously reported.

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

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

#### NEW SECTION

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

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

#### NEW SECTION

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

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

#### NEW SECTION

**WAC 192-23-081 FAILURE TO PROVIDE DETAILS ON A REFUSAL OF AN OFFER OF WORK.**

(1) If a claimant certifies that he or she refused an offer of work or fails to certify whether he or she refused an offer of work, and fails to respond to a notice to report or request to provide details relating to refusing an offer of work, the individual will be presumed to have refused an offer of available, suitable work without good cause and will be subject to denial of benefits pursuant to RCW 50.20.080.

(2) The denial of benefits under this section is indefinite in nature and will be applied until the claimant meets the requalification provisions of RCW 50.20.080.

The beginning date of the denial will be the first day of week in which the claimant certified that he or she refused an offer of work or failed to indicate whether he or she refused an offer of work.

#### NEW SECTION

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

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

#### NEW SECTION

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

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

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

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

#### NEW SECTION

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

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

#### NEW SECTION

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

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

#### NEW SECTION

**WAC 192-23-301 FAILURE TO RESPOND TO A REQUEST FOR INFORMATION REGARDING REASONABLE ASSURANCE OF RETURN TO WORK.** (1) In the case of a claimant whose benefits are based on services for an educational institution, and whose employer has provided information that the claimant has reasonable assurance of returning to employment during the following term, academic year or period following holiday or vacation, failure of the claimant to respond to a request for information concerning such assurance will result in a denial pursuant to the applicable section of RCW 50.44.050.

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

#### NEW SECTION

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

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

#### NEW SECTION

**WAC 192-23-350 FAILURE TO RESPOND TO A REQUEST FOR PENSION INFORMATION.** (1) If a claimant certifies that he or she has applied for a retirement pension or that his or her retirement pension has changed since his or her last claim or the claimant has failed to indicate whether he or she has applied for a pension or his or her pension changed, and fails to respond to a request for pension information, or responds with inadequate pension information, the individual will be presumed to be receiving a pension in an amount

greater than his or her weekly benefit amount and contributed to solely by a base year employer and be subject to denial of benefits pursuant to RCW 50.04.323.

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

#### NEW SECTION

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

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

#### NEW SECTION

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

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

#### NEW SECTION

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

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

#### NEW SECTION

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

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

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

#### NEW SECTION

WAC 192-24-010 CLAIMANT INFORMATION BOOKLET. (1) The department will publish an "Information for Claimants" booklet, form number EMS 8139 to provide basic information on the law, rules and procedures related to claims for unemployment insurance benefits. Single copies of the booklet will be available to the public at no charge.

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

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

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

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

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

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

#### NEW SECTION

WAC 192-24-020 PRESENTATION OF BENEFIT RIGHTS. (1) The department will give each person filing a claim for benefits a presentation of benefit rights.

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

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

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

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

**NEW SECTION**

WAC 192-24-030 CLAIMANT DIRECTIVE. RCW 50.20.010(3) provides that to be eligible for benefits, an individual must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents.

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

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

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

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

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

**WSR 84-13-051**  
**PROPOSED RULES**  
**BOXING COMMISSION**  
 [Filed June 18, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Boxing Commission intends to adopt, amend, or repeal rules concerning practice and procedure, amending chapter 36-08 WAC, and boxing and wrestling, amending chapter 36-12 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 25, 1984.

The authority under which these rules are proposed is chapter 337, Laws of 1981.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1984.

Dated: June 18, 1984  
 By: Eddie Cotton, Jr.  
 Chairman

**STATEMENT OF PURPOSE**

Title: Chapter 36-08 WAC, Practice and procedure, and chapter 36-12 WAC, Boxing and wrestling.

Description of Purpose: Changing name of agency.

Statutory Authority: Chapter 337, Laws of 1981.

Summary of Rule: Changing name of agency.

Reasons Supporting Proposed Action: Legislative action.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Hurn, 414 12th Avenue #6, Olympia, WA 98502, 753-3713.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: N/A.

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

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Actions: No.

Small Business Economic Impact Statement: N/A.

**AMENDATORY SECTION** (Amending Rule .08.010, filed 3/17/60)

WAC 36-08-010 APPEARANCE AND PRACTICE BEFORE COMMISSION—WHO MAY APPEAR. No person may appear in a representative capacity before the Washington state (~~athletic~~) boxing commission or its designated hearing officer 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 our state law.

(3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

**AMENDATORY SECTION** (Amending Rule .08.590, filed 3/17/60)

WAC 36-08-590 FORMS. Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "before the Washington state (~~athletic~~) boxing commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11 or 8 1/2" x 13" in size.

Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "before the Washington state (~~athletic~~) boxing commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

AMENDATORY SECTION (Amending Rule .04.010, filed 9/22/60)

WAC 36-12-010 PENALTIES. In cases of infraction of the law, the rules and regulations, orders of the state ((athletic)) boxing commission, or the failure to fulfill any contracts or agreements, it shall rest with the commission to impose such penalties as may be deemed expedient.

AMENDATORY SECTION (Amending Order 80-2, filed 2/6/81)

WAC 36-12-190 DUTIES OF STATE INSPECTOR. (1) They shall attend to the forwarding of all reports to the executive secretary of the commission; prepare reports on suspensions, applications for reinstatement, and all other matters arising in their respective districts which require joint action by the commission.

(2) They shall have under their charge the issuing of licenses to boxers, managers, seconds, wrestlers, referees, timekeepers, clubs, physicians, judges, announcers and trainers. They shall investigate applications for club licenses and report same to the commission but shall not issue club licenses except upon the order of the commission. They shall not reinstate anyone under suspension or release fines or money held for forfeiture, these being matters for action by the commission's representative in the form of certified checks made payable to the order of the state ((athletic)) boxing commission of Washington.

(3) Inspectors shall report directly to the chief inspector of the district and be under his authority.

(4) Inspectors shall be in charge of all details of the contest that do not come under the jurisdiction of the other officials.

(5) Inspectors shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the doctor's report and the statement of weights are delivered to the referee, and that all regulations pertaining to the proper conduct of the bout are enforced.

(6) Inspectors shall insist that clubs enforce the rule against gambling.

(7) Inspectors shall see that all seconds present a neat appearance and are attired according to the requirements of the rules.

(8) The referee's report shall be made on the form supplied for that purpose by the inspector. The referee shall sign the report in the presence of a state inspector after the termination of the show.

(9) In accordance with the law, each inspector shall receive for each contest officially attended a fee not to exceed one percent of the net gate of such contest up to a maximum of one hundred fifty dollars for closed circuit televised contests and three hundred dollars for all other contests. Fifty dollars shall be the minimum charge for such fee with respect to closed circuit televised contests and twenty dollars for all other contests.

(10) Inspectors will check the number and places of ticket cans at the gates and see that they are sealed and padlocked. After the show have them opened and tickets counted under their supervision.

AMENDATORY SECTION (Amending Order 74-1, filed 11/19/74)

WAC 36-12-330 CONTRACTS. (1) All contracts between clubs and boxers or their managers must be drawn in triplicate on the official forms supplied by the commission. The original copy for the state ((athletic)) boxing commission must be filed at the commission office at least five days before the bout.

(2) All contracts must name the opponent and fix a certain date for the contest. If a boxer is signed for a series of bouts, dates and names of opponents must be a part of the agreement and a separate contract signed for each bout. Each contract shall be accompanied by an affidavit, signed by the boxer or manager and properly attested, giving an accurate account of his ring record. Such affidavit shall be in a form and style prescribed by the commission.

(3) It is provided, however, that should the club desire to rematch the boxer with the winner of an ensuing contest that may be done by writing in the space reserved for opponent's name, as follows: "(Name) or (name) or the winner of their contest on (date)." In signing the opponent in the case the matchmaker of the club may sign both principals in the said ensuing contest and with consent of all parties to the contract, have written in the blank space below, in each of their official contracts the provisions: "This contract shall become null and void if the boxer loses the contest with (name of opponent) on (date) and may be declared null and void at the pleasure of the club in the event of a "draw" decision, or a decision of "no decision."

(4) All papers filed with the commission, shall be the property of the commission.

(5) No verbal agreement or written agreement other than the contract on the official contract form, and no "blanket contract" or option on a boxer's services will be recognized by the commission. Such options and contracts are expressly prohibited.

(6) All contracts shall be paid in full according to their contracts, and no part or percentage of their remuneration may be withheld except by order of the commission or its referee, nor shall any part thereof be returned through arrangement with the boxer and his manager, to any matchmaker or club official.

(7) As a matter of record all communications to the commission regarding contracts, or violations or threatened violations thereof, must be made in writing or by telegraph to the commission through its nearest chief inspector, and rulings of the chief inspector or the commission must be made only in writing or by telegraph.

(8) If, through inclement weather (in case of an outdoor show), or other happening not within the control of the club, a postponement becomes necessary, the commission may grant an extension of the contracts and set a new date, and the action of the commission shall be binding upon all parties to the contracts. A small advance sale shall not be regarded as a legitimate reason for a postponement.

AMENDATORY SECTION (Amending Order 80-1, filed 7/16/80)

WAC 36-12-350 TICKETS. (1) The sale of tickets for any proposed exhibition is prohibited until plans showing the seating arrangement, aisle spacing, exit facilities, and the location of fire appliances have been approved by the fire department.

(2) Clubs may use only tickets obtained from a printer approved by the commission. Authorized printers shall send by mail to the commission office, not less than twenty-four hours before the exhibition for which the tickets have been printed a sworn inventory of all tickets delivered to any licensed club. This inventory shall account also for any over prints, changes or extras. Clubs will notify printers of this requirement.

(3) No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies must be returned to the box office not later than two hours after the show has started.

(4) All tickets, exclusive of working press, official, employee, and photographer, shall have the price and name of club and date of show printed plainly thereon. Changes in ticket prices or dates of shows must be referred to the commission for approval.

(5) No ticket shall be sold except at the price printed on it.

(6) Every club holding either boxing or wrestling matches must have printed on the stub of every ticket sold the following advice:

"Retain this coupon in event of postponement or no contest. Refund \$....."

The price paid for the ticket shall be printed in the foregoing blank space and the coupon detached and returned to the ticket holder at the entrance gate. This coupon check shall also show the name of the club, and date of the exhibition, and shall be redeemed at its face value by the club upon presentation by the purchaser if the advertised main event is postponed or does not take place as advertised.

(7) Tickets of different prices must be printed on cardboard of different colors.

(8) Inspectors will check numbers and places of ticket cans at gates and see that they are sealed and padlocked, and after the show have them opened and tickets counted under their supervision.

(9)(a) All tickets issued to the press shall be marked "press." Working press tickets shall be consecutively numbered to correspond to the seats and shall not be issued to exceed the comfortable seating capacity of the press box surrounding the ring, and no one, except the officials designated by the commission and the timekeeper, shall be allowed to sit at the press table unless actually engaged in reporting the contest.

(b) All complimentary and attache tickets shall be marked "complimentary" and "attache" in large letters. Attache tickets must be made available for commission use.

(c) No person shall be admitted to any wrestling show or boxing contest, held in the state of Washington without presenting to the doorkeeper an official ticket, or pass.

(d) Each promoter shall provide himself with a rubber stamp with the word "attache" thereon.

(e) The persons who may receive "attache" passes or tickets for admission are included in the following list:

(i) Officials connected with the specific boxing or wrestling show on any given date.

(ii) Actual contestants.

- (iii) Licensed seconds scheduled to work for said contestants.
- (iv) Managers of actual contestants.
- (v) Ushers scheduled to work at the specific show.
- (vi) An agreed number of firemen and policemen in uniform, who are assigned to work at the specific show.
- (vii) Two working newspaper reporters from each daily newspaper in the city where show is held. In case of a major or championship match, special arrangements may be made with the commission for passes to out-of-town newsreporter, actually engaged in reporting the show.
- (viii) Building custodian or manager; commission inspectors and referees assigned to work at a specific show.

All other persons to whom passes are issued by the management, including newspaper employees, check room employees, concessionaires, peanut, popcorn and refreshment vendors, must each present his pass to the box office window and purchase a state tax ticket for which he shall pay as follows: If the established price is \$1.00 or less (exclusive of federal tax) the state tax is 5 cents; if the established price is more than \$1.00 and not over \$2.00, the state tax ticket will cost 10 cents; if the established price is more than \$2.00 and not over \$3.00 the state tax ticket will cost 15 cents. Add 5 cents for each dollar or fraction thereof in excess of an established price of \$3.00—example, a \$4.00 top will cost 20 cents; a \$5.00 top will cost 25 cents.

If the promoter elects to make a service charge on his passes, he must include in his charge the amount of the federal tax; the state tax as per the schedule set forth in this section and any other taxes, such as local city tax.

The pass and the tax ticket must be presented to the ticket taker at the door in order to gain admission.

No policemen, firemen, constables and/or employees of the sheriff's office either in uniform or in civilian attire should be admitted to any boxing or wrestling show without a pass and tax ticket, except policemen and firemen designated in subsection (9)(e)(vi) of this section. FIVE PERCENT STATE TAX MUST BE PAID ON THE VALUE OF THE SEAT REGARDLESS OF COURTESY TICKETS OR ANY OTHER FORM OF PARTIAL PASS.

(10) Complimentary passes shall be limited to one percent of the seating capacity of the house unless permission is obtained from the state ((athletic)) boxing commission to exceed the said one percent.

(11) Under no circumstances shall a ticketholder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat, unless in possession of a ticket stub.

(12) Ushers must see to it that spectators get the seats their ticket stubs entitle them to, and that anyone occupying such seat unlawfully is asked to vacate, and if necessary is ejected.

(13) The sale of tickets cannot exceed the seating capacity of the house, and no person can be sold the right of admission without a ticket.

(14) Whenever an exhibition is given an authorized representative of the licensed club holding such exhibition shall, in addition to the written report required by the commission, give a memorandum in writing to the inspector immediately after the close of the box office, showing the number of each class of tickets unsold or unused, and permit the inspector to examine all unsold or unused tickets, stubs, coupons, books, cash, and all other matters relating to the box office and ticket takers. The inspector will make formal report to the commission by mail immediately upon the completion of such examination. Any fraud on the part of the club's representative will be deemed the act of the club.

#### AMENDATORY SECTION (Amending Rule .04.360, filed 9/22/60, 3/17/60)

WAC 36-12-360 CLUBS. (1) Licensed clubs shall not be allowed to hold more than one set of boxing bouts a week without special permission. All main event and semi-finals must have the okay of the commissioner or chief inspector in each particular district, before a bout or card is announced or publicity given to the newspapers.

(2) Clubs will be held responsible for maintaining order, and any person who is intoxicated, abusive or disorderly in conduct, to the annoyance of surrounding spectators, must be ejected.

(3) Licensed clubs are not to exceed forty rounds of boxing for any one program, without written consent of the commission. An emergency bout must be provided in case the arranged card breaks down and if it is necessary to put on another bout. The emergency bout should not be paid for unless used, but the boxers must then be given a preliminary bout at the following exhibition.

(4) Advance notices for all boxing shows must be in the office of the commission three days prior to the holding of any boxing show. In addition to the regular scheduled boxers the advance notice must show the names of boxers engaged by the club for an emergency bout.

(5) Notice of any change in announced or advertised programs for any contest must be filed immediately with the commission and the press. Notice of such change or substitution must also be conspicuously posted at the box office, and announced from the ring before the opening contest, and if any of the patrons desire to have the price of their tickets refunded, such refund shall be made if the tickets or ticket stubs are presented at the box office at once. The box office must remain open a reasonable time to redeem such tickets.

(6) Substitutions will not be permitted in the main bout unless more than twenty-four hours before weighing-in time of the day of the contest, and then will be permitted only when the substitute has been approved by the commission.

(7) No intermission shall exceed a period of 10 minutes at any boxing or wrestling show and the inspector in charge shall see that this rule is strictly enforced.

The time allowed for putting the gloves on main event boxers within the ring, shall not exceed five minutes and the referee and timekeeper shall advise the inspector in charge if this rule is violated.

(8) Clubs are not allowed to "farm out" or sell their show to any matchmaker, or manager of boxers, or other person.

No person other than boxer or person officially identified with the sport may be introduced from the ring.

(9) No club, or member or stockholder or official of a club shall be permitted to act directly or indirectly as a manager of a boxer, or to hold any financial interest in such management or in the boxer's ring earnings.

(10) Every club must provide a suitable room or place for the examination of contestants by the club physician. The club must furnish ice bags and a blanket at each boxing show, to be in readiness in the event same will be deemed necessary by the commission physician.

(11) Copies of all boxing contracts must be filed with the commission. The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.

(12) Any club doing business directly or indirectly with managers or boxers under suspension may have its license revoked.

(13) Requests for charity shows must be referred to the commission.

(14) No soliciting of any kind by any individual, or organization shall be allowed in any boxing arena without the written permission of the commission.

(15) All drinks shall be dispensed only in paper cups. Violations of this rule may result in the suspension or revocation of the offending club's license.

(16) A club shall not employ any unlicensed referee, second, timekeeper, boxer, matchmaker, announcer or club physician.

It is imperative that every boxer competing must be licensed and in possession of his identification card bearing his photo and license number. Contestants must show their identification cards to the inspector in charge, and those not having cards in their possession will be required to pay an additional license fee as a fine, which fine with report concerning same by inspector shall be sent to the commission for approval or refund. Only one appearance is allowed on a receipt.

(17) No admission can be charged to a training quarters where boxers are training except by permission of the commission. Where such admission fee is charged it shall be considered by the commission that it is charged for the privilege of seeing an exhibition of boxing, and the club or person making the charge for admission shall furnish the commission a certified written report, detailing the number of admissions and the total amount of money taken in, within 72 hours thereafter. The state tax of 5 percent on such gross receipts, exclusive of any federal taxes paid thereon shall be forwarded to the commission with the report.

(18) The commission requires that whenever any person, licensed by the state ((athletic)) boxing commission of Washington is approached with a request or suggestion that sham or collusive contest be entered into or that the contest shall not be conducted honestly and fairly, such licensed person must immediately report the matter to the state ((athletic)) boxing commission.

(19) A state ((athletic)) boxing commissioner, chief inspector or any inspector in attendance upon and supervising a contest or exhibition has the full power of the commission in enforcing the rules and regulations of the commission.

(20) SHOULD ANY QUESTION COME UP, NOT COVERED BY THESE RULES, THE STATE ((ATHLETIC)) BOXING COMMISSION OF WASHINGTON RESERVES THE RIGHT TO MAKE WHATEVER DECISION SEEMS TO IT FAIR AND EQUITABLE, AND IN ACCORDANCE WITH THE SPIRIT AS WELL AS THE LETTER OF THE LAW, AND SUCH DECISION SHALL BE FINAL.

AMENDATORY SECTION (Amending Order 80-2, filed 2/6/81)

WAC 36-12-480 METHOD OF OPERATION. The state ((athletic)) boxing commission composed of three members appointed by the governor is generally responsible for the supervision, licensing and control of all boxing contests and wrestling matches or exhibitions conducted within the state. The commission functions through announced periodic official commission meetings, throughout the state, which are open to the public, and conducts hearings in accordance with the practice and procedural rules, WAC 36-08-010 through 36-08-520 where required. State inspectors are appointed by the commission to perform various duties as contained in WAC 36-12-190. The commission also employs a secretary. Submissions, inquiries and requests may be directed to the ((athletic)) boxing commission secretary, in care of the Commission Office, Olympia, Washington 98504 (telephone 753-3713).

**WSR 84-13-052**  
**ADOPTED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Order 18—Filed June 19, 1984]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to requirements of training for agriculture officers, new section WAC 139-50-020.

This action is taken pursuant to Notice No. WSR 84-07-041 filed with the code reviser on March 21, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.101-.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 14, 1984.

By James C. Scott  
Executive Director

NEW SECTION

WAC 139-50-030 REQUIREMENT OF TRAINING FOR AGRICULTURE OFFICERS. (1) For purposes of this regulation, the term "agriculture officer" means any individual appointed by the State Director of Agriculture to enforce those laws relating to commission merchants, livestock identification, and livestock brand registration and inspection.

(2) As a precondition of any exercise of authority generally vested in a peace officer, an agriculture officer shall successfully complete training which shall include, but is not limited to:

- (a) criminal procedures, to include the legal system, search and seizure, laws of arrest, and constitutional law – 8 hours;
- (b) evidence law – 2 hours;
- (c) criminal investigation – 8 hours;
- (d) effective interviewing and interrogation – 4 hours;
- (e) communication skills – 6 hours;
- (f) criminal law – 4 hours;
- (g) officer safety and basic patrol procedures – 4 hours;
- (h) use of deadly force – 4 hours.

(3) As a precondition of any authorization to carry a firearm during the performance of duties, an authorized agriculture officer shall have successfully qualified in the firearms course which is incorporated by the Basic Law Enforcement Academy program of the Washington State Criminal Justice Training Commission, or is otherwise approved by the Training Commission. Such qualification shall be effected annually, or within a period of 12 months preceding the aforementioned firearms authorization.

(4) It shall be the responsibility of the State Director of Agriculture to effect and ensure personnel compliance herein and to provide necessary records and information upon the request of the Training Commission's Board on Law Enforcement Training Standards and Education, to which said Director shall be accountable for purposes of such compliance. Additionally, any equivalency process or official recognition of equivalent training or experience in determining an agriculture officer's compliance herein shall be within the prerogative and authorities of such Director.

**WSR 84-13-053**  
**ADOPTED RULES**  
**EASTERN WASHINGTON UNIVERSITY**  
[Order 84-01—Filed June 19, 1984]

I, Bert Shaber, chairman, board of trustees of the Eastern Washington University, do promulgate and adopt at the Pence Union Building Council Chambers, the annexed rules relating to equal opportunity policy, affirmative action program, repealing chapter 172-148 WAC and amending chapter 172-150 WAC.

This action is taken pursuant to Notice No. WSR 84-09-030 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 Eastern Washington University as authorized in RCW 28B.35.120 and 43.21C.120.

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 May 24, 1984.

By Bert Shaber  
Chairman, Board of Trustees

AMENDATORY SECTION (Amending Order 75-6,  
filed 6/16/75)

WAC 172-150-010 GENERAL POLICY. As a major educational institution, a large scale employer, and an influence on our society through its students, its faculty, its alumni, and its employees, Eastern Washington ~~((State College))~~ University stands committed to the principles of equal opportunity in employment ~~((and))~~, in education, and in business opportunities.

In its most elementary form, our adherence to the concept of equality of opportunity requires that considerations of age, race, sex, national origin, handicap, and religion are irrelevant as determinants of the access an individual has to opportunities for education, employment, achievement, and personal fulfillment. Rather, the controlling factors in all such matters must be individual ability, interest, and merit.

It is the ~~((college's))~~ university's present course and future intent to move beyond nondiscrimination, i.e., the elimination of all policies and practices that work to the disadvantage of individuals on the basis of age, race, sex, national origin, handicap, or religion, and to reaffirm our commitment to the concept of affirmative action.

The principle of affirmative action requires the ~~((college))~~ university to determine if it has met its responsibilities to recruit, admit, employ, promote, and reward women and minorities to a degree consistent with the availability of qualified individuals. The fundamental premise underlying this commitment is that the effects of systematic exclusion, inattention, and overt discrimination in the past cannot be remedied in appropriate ways and in a reasonable time by a posture of neutrality. To this end, the ~~((college))~~ university will seek to recruit and employ women and minorities at least in proportion to their availability, and will provide new opportunities for career development when possible and consistent with program and institutional needs which both stimulate and respond to their changing interests, aspirations, and requirements.

Achievement of the foregoing goals and attainment of the longer range objectives require adoption of the following principles:

(1) All categories of employment at the ~~((college))~~ university having fewer minorities and women than would reasonably be expected on the basis of their availability in the work force must be identified. These imbalances must be reduced by vigorous and systematic recruitment efforts, job training, and professional or career development.

(2) All employees will be encouraged to make the fullest use of their skills and talents by participating in educational and career developmental opportunities and by taking advantage of opportunities for promotion and transfer consistent with both the needs of the ~~((college))~~ university and the individual's ability and aspirations.

(3) Compensation, benefits, and support for all staff and other employees will be based on training, experience, and equivalency of position without regard to age, race, sex, national origin, handicap, or religion.

(4) Access to educational programs, financial assistance, and other services and facilities will be provided to students in a manner that does not discriminate against women ~~((and))~~, minority, and handicapped students.

(5) It will be our goal to increase the numbers of women and members of minority groups within our undergraduate, professional, and graduate student bodies until their enrollment approximates their percentage within the state's population.

(6) Selections among candidates for employment and among student applicants must reflect a recognition that narrow interpretation of qualifications or credentials may have worked to the disadvantage of women and minorities. In other words, the ~~((college's))~~ university's employment practices and its admissions policies should emphasize individual merit and performance, in ways that reflect that limited prior opportunity, social discrimination, and enforced segregation influence a person's record of achievement.

(7) Procurement and purchasing practices must ~~((assure))~~ provide maximum practical opportunity for the increased participation ~~((of))~~ by certified minority and women vendors in the provision of services ~~((and))~~, materials and for the employment of minority and women contractors and construction workers in the construction of renovation of ~~((college))~~ university facilities, either on or off campus. In this regard, each contractor who seeks ~~((EWSE))~~ EWU business is expected to have and to follow an affirmative action program that is in accord with federal and state regulations as well as ~~((college))~~ university policy specified in WAC 172-150-130, chapter 39.19 RCW, and Title 326 WAC.

(8) The primary responsibility for adherence to these principles and for the establishment of an atmosphere in which the evolving concept of affirmative action is accepted and supported, rests with all members of the ~~((college))~~ university community. Accordingly, where appropriate, the work performance of each employee will be evaluated on the basis of his or her equal opportunity efforts and results as well as other criteria specified in ~~((college))~~ university bylaws. The ~~((college))~~ university therefore assumes that its faculty, administration, students, and classified personnel staff will comply with the equal opportunity and affirmative action program described hereinafter.

(9) The ~~((college))~~ university will not condone or permit any behavior or action that will in any way interfere with the institutional efforts to insure that protected group members will have equal employment opportunity. Furthermore, the ~~((college))~~ university will insure that all members of the protected group will be able to exercise those rights guaranteed by federal and state laws.

AMENDATORY SECTION (Amending Order 75-6,  
filed 6/16/75)

WAC 172-150-020 LEGAL BASES. This broad policy requiring equal opportunity and affirmative action

is intended to comply with the requirements of the following applicable state and federal statutes, regulations, and directives:

(1) State of Washington, chapter 49.60 RCW, which prohibits discrimination based on age, race, creed, color, sex, or national origin;

(2) State of Washington, chapter 28B.16 RCW, the state higher education personnel law;

(3) ~~((State of Washington, Governor Evans' executive orders of September, 1966 and July, 1972 relative to agency goals, which set forth a policy of nondiscrimination and affirmative action in state employment and state contracts;~~

~~((4))~~ Civil Rights Act of 1964 (Public Law 88-352), which prohibits discrimination based on sex, race, creed, color, or national origin;

~~((5))~~ (4) Presidential Executive Order 11246, issued September, 1965, which prohibits discrimination and includes contracts dealing with the states where federal funds are involved, and requires the contractor to take affirmative steps to insure compliance;

~~((6))~~ (5) Presidential Executive Order 11375, issued September, 1967, amending Presidential Order 11246 to expressly prohibit discrimination on account of sex;

~~((7))~~ (6) Education (Title IX) Amendments of 1972.

(7) State of Washington, Governor Spellman's Executive Order of August, 1983, relative to sexual harassment of employees;

(8) Chapter 39.19 RCW and Title 326 WAC relating to minority and women's business enterprises.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-035 AFFIRMATIVE ACTION FOR FACULTY—OBJECTIVES. (1) Aims. At the present time, women and minorities are under-represented in some academic positions within the ~~((college))~~ university, including faculty positions, both tenured and nontenured. Our commitment to a policy of affirmative action requires that we make every effort and show substantial progress over time in the following directions:

(a) When normal attrition and/or growth creates vacancies, the ~~((college))~~ university will accept its legal and moral obligations to increase the proportion of minority and women on its faculty and academic staff. This increase will be commensurate with departmental needs for teaching and research talent and consistent with the needs for development of existing and/or professional fields and programs.

(b) The ~~((college))~~ university must seek to broaden the pool of available candidates by recruiting and educating minority and women students (see WAC 172-150-090 through 172-150-120, inclusive).

(c) Additionally, we are committed to supporting those who are now on our faculty and academic staff by providing for them the opportunities for professional growth (for example, by encouraging them to serve on various ~~((college))~~ university committees and in professional organizations both on and off campus) which will in turn increase their representation in the senior ranks of the academic professions.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-040 AFFIRMATIVE ACTION FOR FACULTY—COURSE OF ACTION. (1) Course of action. The following course of action is intended to achieve the ~~((college's))~~ university's goals and meet existing problems in the area of faculty positions at ~~((EWSE))~~ EWU.

(a) Upon adoption of this plan, and annually thereafter, each academic department will, in cooperation with the affirmative action officer ~~((and the affirmative action council))~~, identify the extent to which women and minorities are underutilized in each professional rank, by means of utilization analysis of the departments' facilities and academic staffs (as described in 40 CFR 60-2.11): PROVIDED, That "underutilization" is defined as having fewer minorities and women in a particular job classification than would reasonably be expected by their availability. Upon completion of such analysis, the departments shall then establish their plan for eliminating any existing underutilization, subject to availability of candidates and approval by the vice president for academic affairs, and the affirmative action officer ~~((and the affirmative action council))~~.

(b) In areas where there is underutilization of women and minorities, vigorous and systematic recruiting efforts will be undertaken to identify women and minority candidates.

(c) Affirmative action goals for professional employment within the faculty shall be based on the results of the utilization analysis required in WAC 172-150-040.

(i) For women, there shall be a target for hiring new female employees which shall be no less than thirty per cent of all new hirings into faculty positions in each year of the affirmative action program, until the utilization of women within the ~~((college))~~ university and departments meets availability.

(ii) For minorities, there shall be a target for hiring new minority faculty members which shall be no less than ten per cent of all new hirings into faculty positions in each year of the affirmative action program, until the utilization of minorities within the ~~((college))~~ university and departments meets availability.

(d) Each ~~((academic))~~ department will seek to increase the pool of potential candidates in their areas by vigorous recruitment of women and minority ~~((graduate))~~ students.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-050 AFFIRMATIVE ACTION FOR FACULTY—IMPLEMENTING COURSE OF ACTION. (1) Responsibility for implementing course of action.

(a) Responsibility for meeting departmental goals and timetables rests with each college or school dean, who will be assisted in the preparation and implementation of specific plans by the ~~((college's))~~ university's affirmative action officer and any staff assistants appointed by the ~~((college))~~ university president to insure effectiveness and continuity.

(b) To insure good communication and to fix responsibility, each ~~((college))~~ university dean will act as college or school equal employment opportunity representative.

(c) The specific responsibilities of the college or school equal employment opportunity representative will be as follows:

(i) To seek the support of everyone in the college or school, particularly women and minorities, in identifying problem areas related to the goals of affirmative action and in referring qualified minority and women candidates for both academic and nonacademic positions;

~~((To develop a strategy, including an up-to-date list of contacts, for identifying women and minority applicants in career fields appropriate to the college or school needs;~~

~~((iii) To maintain a file on minority and women applicants and potential candidates for academic positions within the college or school;~~

~~((iv))~~ To undertake a careful review of employment criteria utilized by departments within each college or school relating to merit and to make certain that all job requirements are necessary for the category under consideration;

~~((v))~~ (iii) To review the criteria for departmental hiring, retention, promotion, and tenure as actually implemented to insure that procedures are in compliance with the education amendments of 1972, HEW guidelines per Executive Order 11246, and other relevant state and federal regulation.

(iv) To disseminate the latest college policies and procedures on equal employment opportunity to all members of each department in the college or school, both professional and nonprofessional;

~~((vii))~~ (v) To develop strategies for increasing and available pool of candidates for academic positions, such as actively recruiting women and minorities for graduate programs and training.

(d) It is expected, however, that all members of the academic staff will cooperate and support these efforts, in terms of both their supervisory roles and their participation on various college and school committees. (See WAC 172-150-010(8).)

**AMENDATORY SECTION** (Amending Order 75-6, filed 6/16/75)

WAC 172-150-060 AFFIRMATIVE ACTION FOR NONACADEMIC STAFF—EXEMPTED ADMINISTRATION—CLASSIFIED STAFF—OBJECTIVES. (1) Women and minorities are underrepresented in many nonacademic positions at the ~~((college))~~ university. Furthermore, the ~~((college))~~ university recognizes that many inequitable situations in employment are rooted in occupational segregation and in stereotyping of ~~((rules))~~ roles in our society. These persistent problems have resulted in widely held perceptions by many present and prospective employees, especially those who are minority and women, that job responsibilities and opportunities for advancement are seriously limited and that individual skills and talents will be inadequately recognized and rewarded.

(2) Accordingly, given the ~~((college's))~~ university's commitment to equal opportunity in all employment areas, the affirmative action plan for nonacademic employment has a double responsibility:

(a) To correct the present underrepresentation and underutilization of women and minorities; and

(b) To reverse feelings of frustration and low expectations for change on the part of many women and minority staff.

**AMENDATORY SECTION** (Amending Order 75-6, filed 6/16/75)

WAC 172-150-070 AFFIRMATIVE ACTION FOR NONACADEMIC STAFF—EXEMPTED ADMINISTRATION—CLASSIFIED STAFF—COURSE OF ACTION. In view of both the problems and aims described in WAC 172-150-060, the following course of action has been established:

(1) Upon adoption of this plan, and annually thereafter, the administrative officer responsible for the area, in cooperation with the affirmative action officer ~~((and the affirmative action council,))~~ will determine within each nonfaculty area (administrative unit, office, department) of Eastern Washington ~~((State College))~~ University the extent to which minorities and women are underutilized and will develop plans for the correction of the deficiencies.

(2) Affirmative action goals for non-faculty employees will be based upon the results of the utilization analysis required in WAC 172-150-070(1):

(a) For women in:

(i) Exempt administration: There shall be a target for hiring new female employees which shall be no less than thirty per cent of all new hirings into exempt administrative positions until the utilization of ~~((minorities))~~ women within such positions corresponds to availability.

(ii) Classified personnel: There shall be a target for hiring new female employees into positions where they are underutilized which shall be no less than thirty per cent of all new hirings into classified positions until the utilization of females within classified positions corresponds to availability.

(b) For minorities in:

(i) Exempted administration: There shall be a target for hiring new minority staff members which shall be no less than ten per cent of all new hirings into exempted administrative positions, until the utilization of minorities within such positions corresponds to availability.

(ii) Classified personnel: There shall be a target for hiring new minority members which shall be no less than ten per cent of all new hirings into classified positions, until the utilization of minorities within such positions corresponds to availability.

(3) Vigorous and systematic recruitment of minorities and women both inside and outside the ~~((college))~~ university will be undertaken.

(4) Job training, career counseling, and professional development programs will be offered where appropriate and feasible.

(5) All employees will be informed of the policies, goals, and procedures in respect to nondiscrimination

outlined in the ~~((college's))~~ university's affirmative action program. Special efforts will be made to ensure that women and minorities are aware of specific opportunities for promotion, transfer, and training that may be of interest to them.

(6) Steps will be taken to sensitize supervisors to both subtle and overt forms of discrimination and to inform them in detail about the affirmative action program, both in terms of legal requirements and of the ~~((college's))~~ university's particular commitments.

(7) The ~~((college))~~ university will make efforts in the direction of improving access by all persons to job categories which have not traditionally been preponderantly occupied by woman and/or minorities.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-080 AFFIRMATIVE ACTION FOR NONACADEMIC STAFF—EXEMPT ADMINISTRATION—CLASSIFIED PERSONNEL—IMPLEMENTING COURSE OF ACTION. (1) Responsibility for administration.

(a) Responsibility for meeting the objectives in the area of exempt administration and classified personnel at ~~((EWSC))~~ EWU rests with the major administrative officer of each nonacademic area (administrative unit, office, or department).

(b) For recruitment, referral, and hiring of candidates for classified staff categories, there is a sharing of responsibility between the administrative unit leadership and the personnel office.

(i) Specifically, in order to enable each department to meet its equal opportunity goals for classified staff, the personnel office is responsible for providing minority and women applicants according to their availability.

(ii) It is the responsibility of individual departments to supply the personnel office with basic, essential job requirements for each available classified staff position in sufficient time to allow for a serious search to produce qualified minority and women candidates (as defined in WAC 172-150-010(6)) either from within the ~~((college))~~ university or from external recruitment sources.

(c) An annual review and analysis of all employment categories will be undertaken by the affirmative action officer to monitor progress toward full representation of minority and women employees.

(d) The affirmative action officer and the ~~((college))~~ university president will play the same roles in developing, coordinating, and monitoring departmental affirmative action programs as described in WAC 172-150-050 (1)(a).

(e) The head of each administrative unit (office or department), or his designee, will be appointed as equal employment opportunity (EEO) representative and will have specific responsibilities as outlined for academic EEO representatives in WAC 172-150-050(c).

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-090 AFFIRMATIVE ACTION FOR EDUCATIONAL OPPORTUNITY—PURPOSE. The purpose of this section is to describe Eastern Washington ~~((State College's))~~ University's commitment to increasing the numbers of women and minority group members in our undergraduate and graduate student body and in all professional programs through a vigorous and systematic program of recruitment and when required through provision of remedial programs designed to correct differences that are the result of prior discrimination or exclusion.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-100 AFFIRMATIVE ACTION FOR EDUCATIONAL OPPORTUNITY—OBJECTIVES. At the present time, women and minority members of some minority groups are underrepresented in some student categories at ~~((EWSC))~~ EWU. It is our policy to reduce these imbalances. It is also our objective to remove educational, social, and financial barriers which have discouraged many women ~~((and))~~ minority, and handicapped students from taking advantage of educational opportunities offered by the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-110 AFFIRMATIVE ACTION FOR EDUCATIONAL OPPORTUNITY—COURSE OF ACTION. In view of the objectives expressed in WAC 172-150-100, the ~~((college))~~ university has established the following plan of action:

(1) Access to educational programs, financial assistance, and other services and facilities will be provided to students in a manner that does not discriminate against women ~~((and))~~ minority, and handicapped students.

(2) Minorities and women often feel isolated academically and socially both because of their small numbers and because of cultural and/or sex role stereotypes. To address this problem, the ~~((college))~~ university will provide special support both formally, through the office of the vice president of student services and the office of the ~~((dean of undergraduate studies))~~ vice president of academic affairs, and informally by encouraging minority and women faculty, staff, and students to serve as advisors on academic and social matters.

(3) The ~~((college))~~ university is committed to provide special academic support services, where appropriate and feasible, to insure that the needs of students with special problems are met. These services may include the establishment of a learning resource center or centers in which regular faculty members teach the fundamentals of mathematics, reading, writing, and speech.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-120 AFFIRMATIVE ACTION FOR EDUCATIONAL OPPORTUNITY—IMPLEMENTING COURSE OF ACTION. (1) Responsibility for implementation of affirmative action programs and procedures in student-related areas rests with all members of the ~~((college))~~ university staff but specifically with the vice president for academic affairs~~((;))~~ and the vice president for student services~~((, and the dean of undergraduate studies))~~.

(2) On a yearly basis, the vice president for academic affairs~~((;))~~ and the vice president for student services~~((, and the dean of undergraduate studies))~~ will review their plan and will prepare an annual report which will outline both efforts and progress made toward meeting ~~((EWSC))~~ EWU goals and federal regulations. This annual report, including any proposed changes in policies or procedures, will be submitted to the president by the end of each academic year and will be reviewed by the affirmative action officer and other appropriate staff.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-130 AFFIRMATIVE ACTION IN CONSTRUCTION AND PROCUREMENT—OBJECTIVES AND COURSE OF ACTION. Eastern Washington ~~((State College))~~ University has become a leader in promoting minority group participation in firms engaged in construction, vendor enterprises, and other organizations providing goods and services to the ~~((college))~~ university. To maintain its leadership position in this area and to continue in compliance with the federal and state regulations governing construction and procurement, the ~~((college))~~ university is committed to the following course of action:

(1) In general:

(a) Existing procedures will continue to be employed, and new procedures will be developed to ~~((secure))~~ provide the maximum practical opportunity for increased participation ~~((of))~~ by certified women and minority vendors in ~~((college))~~ university purchasing and certified women and minority contractors or construction workers in public works, both on campus and off campus.

(b) An effort will also be made to develop appropriate policies to address the problem of discrimination against women and minorities in these areas.

(c) Contractors and vendors will be informed, at the time they enter into a contractual relationship with the ~~((college))~~ university, that failure to achieve the ~~((college's))~~ university's affirmative action goals may result in disqualification on future contracts.

(2) Construction contracts will contain the following provisions:

(a) An equal employment opportunity clause will be written into all renovation and new construction contracts:

(b) The ~~((college))~~ university, through the department involved, will require contractors, negotiating or bidding on work, to be in compliance with Executive Order No.

11246 ~~((and))~~, No. 11375, and No. 12086 before contracts are awarded;

(c) A description of the plan for minority contractor utilization, including subcontractors, will be required as a component of the bid procedure, and each contractor will be required to establish a minimum goal of the state percentage of minorities for his minority hiring goal;

(d) During actual construction, each prime contractor will submit a monthly statement to the ~~((office of facilities planning))~~ vice president for business and finance outlining the work force composition of his entire work force and the use of minorities by his or her organization both directly and through subcontracting;

(e) The ~~((facilities planning office))~~ vice president for business and finance representative will visit construction sites weekly to review and report on affirmative action compliance.

(3) Vending contracts will contain the following provision:

(a) An equal opportunity clause will appear on all purchase orders.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-140 AFFIRMATIVE ACTION IN CONSTRUCTION AND PROCUREMENT—IMPLEMENTING ACTION. (1) Construction contracts. The vice president for business and ~~((management))~~ finance shall be responsible for assuring that the provisions of WAC 172-150-130 (2)(b) are carried out during all phases of the planning and actual construction of each project.

Reports of each project will be forwarded to the affirmative action officer. The affirmative action officer will be responsible for auditing the construction program efforts and for recommending changes whenever necessary.

(2) Procurement contracts. It is the responsibility of the director of purchasing to identify minority and women businesses among potential suppliers and to require the compliance of all suppliers to Executive Orders 11246 ~~((and))~~, 11375, and 12086, chapter 39.19 RCW and Title 326 WAC.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-145 REDUCTIONS IN FORCE. In accordance with ~~((college))~~ university bylaws and other governing documents, and to the extent permitted by law, the concepts of affirmative action developed in this plan shall apply to any reduction in force or layoff.

AMENDATORY SECTION (Amending Order 75-6, filed 6/16/75)

WAC 172-150-150 GRIEVANCE PROCEDURE. The affirmative action officer~~((, in cooperation with the affirmative action council,))~~ will assure that adequate and appropriate grievance procedures which provide for the hearing of complaints of race or sex discrimination as well as all other complaints are developed for all members of the ~~((college))~~ university community. These

grievance procedures, for faculty, exempt administrative, students, and classified staff, must include specific procedures for the hearing of complaints of discrimination because of race or sex.

When charges of discrimination based on race or sex are made, the affirmative action officer will act in an advisory capacity to the appropriate hearing body convened to hear the complaint, to assure that the process for reviewing the charge of discrimination takes into account the provisions of the various state and federal laws dealing with discrimination and/or affirmative action. At the request of either party to the complaint, the affirmative action officer may be in attendance at all stages of the hearing process.

**AMENDATORY SECTION** (Amending Order 75-6, filed 6/16/75)

**WAC 172-150-160 REFERRALS OF COMPLAINTS.** Discrimination complaints which cannot be resolved to the satisfaction of the complaining party, within the college, may be submitted by the complaining party to appropriate state or federal agencies, such as one of the following:

(1) State human rights commission. This agency investigates, hears, and acts upon individual employment complaints and other grievances as empowered by chapter 49.60 RCW, the state law against discrimination.

(2) Wage and hour division, department of labor. This office investigates complaints concerning equal pay for equal work and other grievances concerning work hours and compensation. The division is authorized to enforce the Fair Labor Standards Act.

(3) Contract compliance agencies (state and federal) and the equal employment opportunity commission. Compliance officers having jurisdiction over state and federally funded projects also receive and act upon complaints of discrimination.

(4) Higher education personnel board. Employees of the classified staff may appeal regarding application of the higher education personnel law and rules, including complaints of discrimination.

(5) Office for minority and women's business enterprises. This office certifies, investigates, hears, and acts upon complaints concerning certification and other grievances as empowered by chapter 39.19 RCW and Title 326 WAC.

**AMENDATORY SECTION** (Amending Order 75-6, filed 6/16/75)

**WAC 172-150-170 MATERNITY LEAVE POLICY.** (1) Maternity leave, defined as that period of time a woman is physically unable to work because of childbirth or complications of pregnancy, shall be considered a temporary disability and paid leave shall be granted on the same basis as such leave is granted for any other temporary disability as set forth in the ((college)) university leave policies. Except for disability leave exhausted by absence due to pregnancy, maternity leave shall be granted without loss of other accrued employee benefits and shall be available to married and unmarried women equally.

(2) Pregnancy, or possible pregnancy, shall not preclude the consideration of women for employment, admission, financial assistance, promotion, or any other program provided by the ((college)) university.

**AMENDATORY SECTION** (Amending Order 75-6, filed 6/16/75)

**WAC 172-150-180 DISSEMINATION OF POLICY.** (1) This equal employment opportunity policy and a summary of the current affirmative action program will be disseminated to all employees at least once each year through official publications or other media.

(2) The new employee orientation program will include a thorough familiarization with the equal opportunity policy and affirmative action program of the ((college)) university.

(3) Notices of equal employment opportunity will continue to be prominently displayed on bulletin boards in all locations throughout the ((college)) university.

(4) Deans, directors, department chairpersons, and supervisors, will explain the intent of the policy and program and individual responsibility at staff meetings at least once every year to insure effective implementation. The equal employment opportunity policy and the affirmative action program will also be a basic item on the agenda of the board of trustees at least once a year.

(5) Written notification of this policy will be provided to community agencies and persons who request it and to all contractors, vendors, and suppliers.

(6) It is the intent of the ((college)) university that any collective bargaining agreement covering the members of the classified staff will include a clause such as the following:

"Nondiscrimination. There shall be no discrimination against any individual with respect to compensation, terms or conditions of employment, nor with respect to union membership, because of race, color, religion, national origin, age, or sex. Any violation as herein set forth shall constitute a breach of this agreement."

(7) All sources for recruitment of employees will be notified in writing that this policy applies to referrals for employment application. All printed advertisements for employment will contain the phrase, "an equal opportunity employer."

**AMENDATORY SECTION** (Amending Order 75-6, filed 6/16/75)

**WAC 172-150-190 CORRECTIVE EMPLOYMENT STATUS.** Any organizational unit of the ((college)) university which is found to have substantial under-representation of women and/or minorities within its work force may be placed on corrective employment status by the administrative officers responsible for that unit until such deficiency is overcome.

While under corrective employment status the organizational unit will be provided additional recruiting resources with which to attempt to overcome underutilization. No modification of bona fide ((job)) occupational qualifications will be required under this section.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 172-148-010 GENERAL POLICY.
- (2) WAC 172-148-020 LEGAL BASES.
- (3) WAC 172-148-030 AFFIRMATIVE ACTION COUNCIL.
- (4) WAC 172-148-040 WRITTEN OBJECTIVES OF AFFIRMATIVE ACTION PLAN.
- (5) WAC 172-148-050 ESTABLISHMENT OF MINORITY HIRING OBJECTIVES.
- (6) WAC 172-148-060 TARGETS FOR HIRING OF FEMALE EMPLOYEES.
- (7) WAC 172-148-070 PROMOTIONAL OPPORTUNITIES.
- (8) WAC 172-148-080 TARGET FOR RECRUITMENT OF STUDENTS.
- (9) WAC 172-148-090 NOTICE TO HIGHER EDUCATION PERSONNEL BOARD.
- (10) WAC 172-148-100 JOB STRUCTURING AND CLASSIFICATION PLAN—CLASSIFIED EMPLOYEES.
- (11) WAC 172-148-110 JOB STRUCTURING AND CLASSIFICATION PLAN—FACULTY AND EXEMPT PERSONNEL.
- (12) WAC 172-148-120 RECRUITMENT.
- (13) WAC 172-148-130 SELECTION.
- (14) WAC 172-148-140 APPOINTMENT, PLACEMENT AND INDOCTRINATION.
- (15) WAC 172-148-150 TRAINING AND EDUCATION—MINORITY EMPLOYEES.
- (16) WAC 172-148-160 GRIEVANCE PROCEDURE.
- (17) WAC 172-148-170 REFERRALS OF COMPLAINTS.
- (18) WAC 172-148-180 CONTRACT COMPLIANCE REVIEW—CLASSIFIED PERSONNEL STAFF.
- (19) WAC 172-148-190 RECORDS AND REPORTS.
- (20) WAC 172-148-200 AFFIRMATIVE ACTION RESPONSIBILITIES—PRESIDENT OF THE COLLEGE.
- (21) WAC 172-148-210 EMPLOYING OFFICIAL RESPONSIBILITIES.
- (22) WAC 172-148-220 CONTRACT COMPLIANCE REVIEW OFFICIAL.
- (23) WAC 172-148-230 EQUAL EMPLOYMENT OPPORTUNITY ADMINISTRATORS.
- (24) WAC 172-148-240 COMMUNICATION OF POLICY.
- (25) WAC 172-148-990 FORM—EQUAL EMPLOYMENT OPPORTUNITY REPORT—CLASSIFIED EMPLOYEES.

**WSR 84-13-054**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**

[EO 84-14]

Establishing the Puget Sound Management Executive  
 Directorate

Puget Sound is a national treasure. It has immense recreational, environmental, and economic value to the people of the state of Washington and the entire country.

Puget Sound is a major factor in the significant urban, industrial, and military growth that has occurred and continues to occur in the Puget Sound region. With growth comes increased potential for environmental degradation, which threatens the Sound.

A variety of toxic pollutants and related fish abnormalities have been discovered in urban industrial embayments from Tacoma to Bellingham. In recent years, there has also been an increasing incidence of shellfish bed closures in southern Puget Sound, to the point where the entire shellfish industry may be threatened.

These conditions are evidence of a serious threat to Puget Sound. This is a threat to some of our most precious natural resources, our recreational opportunities, and ultimately to the quality of life enjoyed by most of the people of western Washington.

The Puget Sound Water Quality Authority was established in 1983, under the authority of Chapter 90.70 RCW. It is directed to identify pollution-related threats to Puget Sound's resources, conduct risk assessments, and coordinate and report on information relating to Puget Sound water quality.

The state Department of Ecology is establishing a separate group within the Department that will be exclusively charged with Puget Sound water quality issues. We have asked for the Federal government to join the state in this effort.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby order that:

1. There is established the Puget Sound Management Executive Directorate. The purpose of the directorate is to coordinate and direct the efforts of the state Department of Ecology, the Puget Sound Water Quality Authority, and the United States Environmental Protection Agency, to protect and upgrade the water quality of Puget Sound.
2. The membership of the Puget Sound Management Executive Directorate shall consist of the Director of the Department of Ecology, the Chairman of the Puget Sound Water Quality Authority, and the Administrator of Region X of the United States Environmental Protection Agency.
3. State members of the Directorate shall oversee the efforts of the Department of

Ecology and the Environmental Protection Agency so that there is a joint and coordinated effort to identify and correct both existing and future threats to the quality of the waters of Puget Sound.

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the seal of  
the state of Washington to  
be affixed at Olympia this  
15th day of June, A.D.,  
nineteen hundred and  
eighty-four.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Deputy Secretary of State

**WSR 84-13-055**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Forest Fire Advisory Board)**  
[Memorandum—June 19, 1984]

A meeting of the Forest Fire Advisory Board is scheduled at 9:00 a.m. on Friday, July 20, 1984, in the Forest Land Management Division Conference Room, 9701 Blomberg Street S.W., Olympia, Washington.

**WSR 84-13-056**  
**ADOPTED RULES**  
**THE EVERGREEN STATE COLLEGE**  
[Order 84-2, Resolution No. 84-28—Filed June 19, 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 parking policy, amending WAC 174-116-011 through 174-116-123.

This action is taken pursuant to Notice No. WSR 84-10-047 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 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 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-011 REGULATIONS. Drivers and owners of vehicles on the property of The Evergreen State College are responsible for safe and lawful operation of those vehicles. Individuals operating or parking vehicles on college-owned property must at all times comply with the campus regulations, ordinances of Thurston County and laws of the state of Washington.

**AMENDATORY SECTION** (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-040 PARKING PERMITS—GENERAL INFORMATION. (1) Parking permits are issued by the security and parking office following application and the payment of the appropriate fees. All privately-owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to ~~((4:00))~~ 7:00 p.m., Monday through Friday, and at such other times as the college may designate.

(2) Fees for parking permits are as follows:

	Automobile	Motorcycle
Quarterly	<del>((+6.00))</del> 22.00	<del>((8.00))</del> 11.00
Annual	<del>((40.00))</del> 54.00	<del>((20.00))</del> 27.00
Daily	<del>((.50))</del> .75	<del>((.50))</del> .75

**AMENDATORY SECTION** (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-044 PARKING PERMITS—VALIDITY PERIODS. (1) Annual parking permits shall be valid from the date of issue until the first day of the following fall quarter.

(2) Quarterly parking permits shall be valid from the date issued each academic quarter until the first day of the following academic quarter.

(3) Daily permits shall be valid from the time purchased until ~~((4:00))~~ 7:00 p.m. on the date of purchase.

**AMENDATORY SECTION** (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-119 FINES. (1) Payment.

(a) Persons cited for violation of these regulations may respond by paying a fine within ten days of the date of notice of infraction. Such payment shall constitute a waiver of the right to request a review as described in WAC 174-116-121.

(b) All fines are payable to The Evergreen State College cashier. Fines may be paid in person or by mail by sending the notice of infraction and amount of fine to The Evergreen State College cashier. The cashier will not discuss the appropriateness of the fine with the payor.

(2) Unpaid.

If any fine remains unpaid after ~~((ninety))~~ sixty days from the date of the notice of infraction, the following action ~~((with))~~ may be taken by The Evergreen State College:

(a) All services on campus may be withheld including academic registration for the following quarter ~~((shall be prohibited))~~.

(b) Transcripts ~~((shall))~~ may be withheld for any persons having outstanding unpaid fines.

(c) Unless payment of the fine has been made, the amount of the fine ~~((with))~~ may be deleted from an employee's paycheck after ~~((the employee has been offered the right of a hearing as contained in this document))~~ notice from the controller.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-122 APPEAL/HEARING PROCEDURE. (1) If the decision of the infraction review committee is not supportive of the alleged violator's request, the alleged violator may request a hearing before the review committee to present his/her case in person. The infraction review committee will meet a minimum of once a month (usually the first Wednesday of the month) to hear such appeals.

(2) Persons requesting a hearing before the infraction review committee must make such requests to the chairperson of the infraction review committee within ten class days of notification of the initial review decision.

(3) The appellant will be notified by the chairperson of the infraction review committee of the time and date of such hearing. Decisions rendered by the infraction review committee on appeals heard shall be binding, except as provided by RCW ~~((28B.10.565))~~ 28B.10.560.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-123 ESTABLISHMENT OF INFRACTION REVIEW COMMITTEE. The Evergreen State College infraction review committee is hereby established, the members of which shall be composed of the following:

(1) One faculty member chosen by the vice president and provost;

(2) One exempt staff member chosen by the president;

(3) One classified staff member chosen by the vice president for business;

(4) Two currently enrolled students chosen by the Evergreen council; ~~((and))~~

(5) The chief of security will serve as a nonvoting member; and

(6) A nonvoting secretary chosen by the chief of security.

**WSR 84-13-057**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING  
(Board of Physical Therapy)**

[Order PL 471—Filed June 19, 1984]

Be it resolved by the Washington State Board of Physical Therapy, acting at Seattle, Washington, that it does adopt the annexed rules relating to the practice and licensure of physical therapists.

This action is taken pursuant to Notice No. WSR 84-10-060 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 RCW 18.74.023 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 Chester C. Jolly  
Chairman

AMENDATORY SECTION (Amending Order PL 191, filed 5/29/75)

WAC 308-42-010 DEFINITIONS. For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) ~~((The "prescription and direction of a person licensed in Washington to practice medicine and surgery", under which the physical therapist must practice, shall include written or oral instructions from the said medical and/or surgical practitioner. If the instructions are oral, the physical therapist may administer treatment accordingly, but must make a notation for his own record describing the nature of the treatment, the date administered, the name of the person receiving treatment, and the name of the prescribing practitioner.))~~ The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) ~~((A "person licensed to practice medicine and surgery" shall include properly licensed physicians, osteopathic physicians, podiatrists, and dentists. PROVIDED, HOWEVER, that the prescription and direction of the podiatrist and dentist be limited to their scope of practice as defined by chapters 18.22 and 18.32 RCW respectively.))~~ "Consultation means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) ~~((The "performance of tests of neuro-muscular function" includes the performance of electroneuromyographic examinations.))~~ "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean an individual who shall have received an associate degree as a physical therapist assistant from an approved school, or

a graduate of an approved school of physical therapy who has not been licensed to practice physical therapy in Washington state.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

#### NEW SECTION

WAC 308-42-125 **APPLICANTS FROM UNAPPROVED SCHOOLS.** Applicants who have not graduated from a physical therapy program approved by the board must submit an application for review by the board. Supporting documentation will include but not be limited to:

(a) official transcript from the physical therapy program showing degree date, and

(b) evaluation report of transcripts from a credentialing service recognized by the board. If the qualifications are substantially equal to those required of graduates of board approved schools the applicant will be eligible to write the examination being administered in Washington, PROVIDED: If the applicant has taken the examination recognized by the board in another state or territory, or District of Columbia and the scores reported meet Washington requirements, such applicant may be exempted from the examination in Washington at the discretion of the board.

#### NEW SECTION

WAC 308-42-130 **INITIAL EVALUATION – REFERRAL – NON-REFERRAL – RECOMMENDATIONS – FOLLOW-UP.** (1) Initial evaluation of a non-referral patient shall include history, chief complaint, examination, and recommendation for treatment.

(2) Direct referral of a patient by an authorized health care practitioner may be by telephone, letter, or in person. PROVIDED, HOWEVER, if the instructions are oral, the physical therapist may administer treatment accordingly, but must make a notation for his/her record describing the nature of the treatment, the date administered, the name of the person receiving treatment, and the name of the referring authorized health care practitioner.

(3) The physical therapist will follow-up each referral or non-referral with the appropriate record keeping as defined in WAC 308-42-160.

#### NEW SECTION

WAC 308-42-140 **SUPPORTIVE PERSONNEL IDENTIFICATION.** All supportive personnel shall wear an identification badge identifying them as either a physical therapist assistant or a physical therapist aide as appropriate. Supportive personnel shall not use any term or designation which indicates or implies that he or she is licensed or registered in the state of Washington.

#### NEW SECTION

WAC 308-42-150 **PROFESSIONAL CONDUCT PRINCIPLES.** (1) The patient's lawful consent is to be obtained before any information related to the patient is released, except to the consulting or referring authorized health care practitioner and/or authorized governmental agency(s).

(a) Physical therapists are responsible for answering legitimate inquiries regarding a patient's physical dysfunction and treatment progress, and

(b) Information is to be provided to insurance companies for billing purposes only.

(2) Physical therapists are not to compensate to give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context it is a paid advertisement.

(3) It is the licensee's responsibility to report any unprofessional, incompetent or illegal acts which are in violation of chapter 18.74 RCW or any rules established by the board.

#### NEW SECTION

WAC 308-42-155 **DIVISION OF FEES – REBATING – FINANCIAL INTEREST – ENDORSEMENT.** (1) Physical therapists are not to directly or indirectly request, receive or participate in the dividing, transferring, assigning, rebating or refunding of an unearned fee, or to profit by means of a credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services.

(2) Physical therapists who practice physical therapy as partners or in other business entities may pool fees and moneys received, either by the partnership or other entity, for the professional services furnished by any physical therapist member or employee of the partnership or entity. Physical therapists may divide or apportion the fees and moneys received by them, in the partnership or other business entity, in accordance with the partnership or other agreement.

(3) There shall be no rebate to any health care practitioner who refers or authorizes physical therapy treatment or evaluation as prohibited by chapter 19.68 RCW.

(4) Physical therapists are not to influence patients to rent or purchase any items which are not necessary for the patient's care.

**WSR 84-13-058**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Physical Therapy)**  
 [Filed June 19, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Physical Therapy Board intends to adopt, amend, or repeal rules concerning the practice of physical therapy;

that the agency will at 1:30 p.m., Tuesday, July 31, 1984, in Room 200, Spokane International Airport, Ramada Inn, 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 18.74.023.

The specific statute these rules are intended to implement is RCW 18.74.023.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 27, 1984.

Dated: June 19, 1984

By: Barbara Johnson  
 Executive Secretary

#### STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Physical Therapy.

Purpose: To revise examination standards and to adopt standards for certain applicants and for physical therapists for the protection of the public by encouraging the delivery of safe and appropriate physical therapy services.

Summary: WAC 308-42-045 Examination; 308-42-050 Reciprocity—Requirements for licensure; 308-42-135 Supportive personnel—Supervision; 308-42-145 Special requirements for physical therapist assistant utilization; and 308-42-160 Physical therapy records.

Statutory Authority: RCW 18.74.023.

Reason Proposed: WAC 308-42-045 amendments will improve the examination passing standards and to permit applicants to be reexamined on portions of the examination; WAC 308-42-060 amendments are to reflect the change in the examination scores; WAC 308-42-135 proposal sets practice standards for the use of supportive personnel for the protection of patients; WAC 308-42-145 proposal establishes special requirements for physical therapist assistant utilization for the protection of patients; and WAC 308-42-160 proposal establishes the level of record keeping necessary for adequate records of physical therapy treatment.

Responsible Departmental Personnel: In addition to members of the Physical Therapy Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Barbara Johnson, Executive Secretary, 1300 Quince Street S.E., Olympia, WA 98504, 234-1153 scan, 753-1153 comm.

Proponents: The subject matter of this rule hearing has been proposed by the Washington State Board of Physical Therapy.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

#### AMENDATORY SECTION (Amending Order PL 426, filed 2/10/83)

WAC 308-42-045 EXAMINATION. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74-.035 shall be the examination for physical therapists as prepared by the Professional Examining Service of New York. A passing score is 70% of the converted raw score (~~(with not less than 60% raw score)~~) on each of the three examination parts.

~~((2) A passing score, as defined above, obtained in a PES exam within three years prior to the date of registration application and verified by the Interstate Reporting Service of the Professional Examination Service of New York, will satisfy the written examination requirements:~~

~~((3)) 2~~ If a candidate fails to receive a passing score on the examination, he or she (~~(must retake the entire examination)~~) will be required to retake only the section(s) failed.

~~((4)) 3~~ Where necessary, applicant's score will be rounded off to the nearest whole number.

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

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

#### AMENDATORY SECTION (Amending Order PL 426, filed 2/10/83)

#### WAC 308-42-060 RECIPROCIITY — ~~((RECOMMENDATIONS TO DIRECTOR))~~ REQUIREMENTS FOR LICENSURE.

(1) Before reciprocity ~~((be))~~ is extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the ~~((examining committee))~~ board shall determine the qualifications of the applicant as prescribed by law based in part on the Professional Examining Service examination as follows:

(a) For applicants examined after October 4, 1984, an overall score of 70% of the converted raw score on each part of the three examination parts, or

~~((a)) (b)~~ For applicants examined ~~((after))~~ between October 14, 1981, and October 4, 1984, a score of 70% of the raw score with not less than 60% raw score on each of the three examination parts, or

~~((b)) (c)~~ For applicants examined prior to October 14, 1981, a score of 1.5 standard deviation below the national mean; verified by the Interstate Reporting Service of the Professional Examining Service of New York, shall be considered passing for the purpose of reciprocity outlined in RCW 18.74.060.

(2) If the decision to extend reciprocity is based on an examination other than the Professional Examining Service, the ~~((examining committee))~~ board shall determined if such examination is equivalent to that required by the laws of this state.

(3) The ~~((committee))~~ board shall not recommend to the director that a person be registered as a physical therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the Professional Examining Service examination, or other examination equivalent to that required by the laws of this state.

~~((4) All applicants who have been denied reciprocity must apply for registration in Washington and receive a probationary certificate or become licensed before engaging in the practice of physical therapy.)~~

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

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

#### NEW SECTION

WAC 308-42-135 **SUPPORTIVE PERSONNEL— SUPERVISION.** Supervision of supportive personnel requires that the supervisor perform the following activities:

- (1) Provide initial evaluation of the patient.
- (2) Develop a treatment plan and program, including long and short-term goals.
- (3) Assess the competence of supportive personnel to perform assigned tasks.
- (4) Select and delegate appropriate portions of the treatment plan and program.
- (5) Direct and supervise supportive personnel in delegated functions.
- (6) Reevaluate the patient and adjust the treatment plan as acceptable physical therapy practice requires, consistent with the delegated health care task.
- (7) Provide discharge planning.

#### NEW SECTION

WAC 308-42-145 **SPECIAL REQUIREMENTS FOR PHYSICAL THERAPIST ASSISTANT UTILIZATION.** The physical therapist assistant may function under immediate, direct or indirect supervision if the following requirements are met:

- (1) When supervision is indirect, patient reevaluation must be performed by a supervising licensed physical therapist every five visits or once a week if treatment is performed more than once a day.
- (2) Any change in the patient's condition not consistent with planned progress or treatment goals necessitates a reevaluation by the licensed physical therapist before further treatment is carried out, and
- (3) A licensed physical therapist may not supervise more than two (2) full time equivalent physical therapist assistants.

#### NEW SECTION

WAC 308-42-160 **PHYSICAL THERAPY RECORDS.** (1) In order to maintain the integrity of physical therapy practice, the physical therapist shall maintain a record of each patient. The physical therapist is responsible for obtaining all necessary information, such as medical history, contraindications or, if a direct referral from an authorized health care practitioner, special instructions. The physical therapist shall document the consultation of a non-referral patient.

- (2) Initial physical therapy evaluation should include:
  - (a) Patient's name, age, sex, date of admission,
  - (b) Diagnosis and date of onset,
  - (c) Reported and measurable objective data related to the patient's dysfunction,
  - (d) Assessment, and
  - (e) Short and long term measurable goals of treatment related to the patient's problem as assessed by objective data documented in the evaluation.
- (3) Physical therapy treatment plan should include:
  - (a) Type and amount of treatment to be rendered,
  - (b) Frequency of treatment,
  - (c) Duration of treatment (stated in days or weeks), and
  - (d) Date and signature of physical therapist.
- (4) Records should be kept to indicate the specific therapy provided for each patient under treatment session.
- (5) Progress notes should:
  - (a) Describe any change in condition the patient's response (physically or mentally) to treatment. Adverse reaction or unusual incidents related to the physical therapy treatment shall be documented on the day of occurrence or the day of the identification of the reaction.
  - (b) Indicate progress OR regression, including temporary discontinuation,
  - (c) Record tests and evaluations given and progress or lack of progress made,
  - (d) Record any information about appliances, etc., and
  - (e) Be signed and dated by the person rendering treatment.
- (6) Discharge note should be written when the patient is discontinued from therapy and include:
  - (a) Date and reason for discharge, if known,
  - (b) Objective data related to the initial evaluation and subsequent review,

(c) A complete and accurate summary of the patient's status at the time (functional ability increase or limitation of range of motion, decrease or increase of pain, muscle power, general physical/mental condition including tolerance, etc.),

(d) Any recommendations the physical therapist might have regarding the need for follow-up care (if applicable) and,

(e) Signature of physical therapist and date.

(7) Home programs should be documented in physical therapy service record with a comment regarding the level of understanding by the responsible person.

#### **WSR 84-13-059**

#### **ATTORNEY GENERAL OPINION**

**Cite as: AGO 1984 No. 15**

[June 18, 1984]

#### **WORKERS' COMPENSATION—INDUSTRIAL INSURANCE—EMPLOYERS—FUNDING CERTAIN INDUSTRIAL INSURANCE BENEFITS**

Where an employer who is certified to self-insure its workers' compensation obligations has paid a permanent partial disability award to an employee who subsequently becomes totally and permanently disabled from the combined effects of the injury and a preexisting disability, that employer is then required to pay into the state pension reserve fund the accident cost which would have resulted solely from the injury had there been no preexisting disability.

Requested by:

Honorable Sam Kinville  
Director  
Department of Labor and Industries  
General Administration Building  
Olympia, Washington 98504

#### **WSR 84-13-060**

#### **NOTICE OF PUBLIC MEETINGS COMMISSION FOR VOCATIONAL EDUCATION**

[Memorandum—June 19, 1984]

The Washington State Commission for Vocational Education has had to change its previously scheduled September 20, 1984, meeting to Wednesday, September 26, 1984.

#### **WSR 84-13-061**

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

[Order 84-52—Filed June 20, 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 late molting crab stocks are in need of protection.

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 19, 1984.

By William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-48-01500L TRAWL CLOSURE.** Notwithstanding the provisions of WAC 220-48-015 and WAC 220-48-017, effective 12:01 a.m. June 21 until 11:59 p.m. June 30, 1984, it is unlawful to fish for or possess foodfish taken with beam trawl, bottom trawl or roller trawl from that portion of Puget Sound Marine Fish Shellfish Management and Catch Reporting Area 20A northerly of a line projected from Point Whitehorne north westerly to Red Buoy "4" southeast of Point Roberts thence to the southwesterly tip of Point Roberts thence to the U.S. Canada Border directly south of the flashing red light at the Tsawwassen ferry terminal, and all of Areas 21A, 22B, and 24A.

**WSR 84-13-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
[Order TL/RG 4—Filed June 20, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington the annexed rules relating to unpaid parking fines, adopting WAC 308-96A-345, 308-96A-350, 308-96A-355, 308-96A-360, 308-96A-365, 308-96A-370, 308-96A-375 and 308-96A-380.

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 these rules are necessary to ensure the successful implementation of the unpaid parking fine statutes which are 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 director of the Department of Licensing as authorized in RCW 46.01.110.

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 20, 1984.

By John Gonzalez  
Director

#### NEW SECTION

**WAC 308-96A-345 DEFINITIONS.** For the purposes of chapter 46.16 RCW the following definitions apply:

(1) "Jurisdiction" shall mean any district, municipal, justice and/or superior court.

(2) "NCIC (ORI) number" means the numeric code assigned by the National Crime Information Center (originator) to identify a jurisdiction.

(3) "Department" shall mean the Department of Licensing.

(4) "Parking violation list" shall mean a computerized listing containing all outstanding parking violations which have been processed by the department and which must be satisfied prior to renewal of license.

(5) "Agent" shall mean any county auditor, or other individual or business entity appointed to carry out vehicle licensing and titling functions for the department.

(6) "Unprocessed" shall mean no update of the computer record has occurred.

(7) "Jurisdiction seal" shall mean method of verifying authenticity of court documents.

(8) "Municipality" means every court having jurisdiction over offenses committed under RCW 46.20.270.

(9) "Local agencies" shall include district, municipal, justice and/or superior courts, and other local reporting agencies.

(10) "150 day notice" shall mean a warning notice of those violations received by the department 150 days prior to the license renewal date. The notice will list the dates and jurisdictions in which the violations occurred, unpaid fines, penalties, and a ten dollar surcharge.

#### NEW SECTION

**WAC 308-96A-350 OUTSTANDING PARKING TICKETS - INFORMATION TO BE SUPPLIED BY ISSUING JURISDICTION.** In order to submit notification of outstanding parking tickets, a jurisdiction must provide the following:

- (1) Jurisdiction name,
- (2) NCIC number (ORI),
- (3) Parking ticket number,
- (4) Date parking ticket was issued,
- (5) Vehicle license plate number, and
- (6) Fine and penalty amount,
- (7) Jurisdiction seal,
- (8) Signature and date when required on form.

Such information must be provided on a form issued by the department, or on a computer listing sheet, or magnetic tape generated in accordance with department instructions.

Provided that an original report against a vehicle record must contain a minimum of three outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless such vehicle record indicates all existing tickets have been paid and no further tickets have been accrued in the thirteen months following said payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of three violations.

#### NEW SECTION

**WAC 308-96A-355 SATISFACTION OF PARKING TICKETS - INFORMATION TO BE SUPPLIED BY ISSUING JURISDICTION.** Upon satisfaction of fines and penalties previously reported as outstanding against a vehicle, the collecting jurisdiction must:

(1) Furnish the registered owner with a proof of payment form as provided by the department, and

(2) Within ten days of such payment, supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number (ORI),
- (c) Parking ticket number,
- (d) Date parking ticket was issued,
- (e) Vehicle license plate number,
- (f) Date of satisfaction,
- (g) Jurisdiction seal, and
- (h) Signature and date when required on form.

Such information must be provided on a form issued by the department or on a computer listing sheet or magnetic tape generated in accordance with department instructions.

#### NEW SECTION

**WAC 308-96A-360 RETURN OF UNACCEPTABLE NOTIFICATION TO JURISDICTION.** Notification of outstanding parking ticket violations and satisfactions will be returned to the jurisdiction unprocessed for such reasons as:

(1) No vehicle record on the computer by the license plate number,

(2) Incorrect and/or missing data required by WAC 308-96A-350 and WAC 308-96A-355;

(3) Ticket issue date is prior to June 30, 1984;

(4) Ticket satisfaction date is prior to issue date;

(5) The vehicle computer record indicates at least one of the following conditions exist:

(a) Vehicle has been reported destroyed by an insurance company, scrap processor, or wrecker;

(b) Vehicle has been titled and/or registered out of state;

(c) Date of transfer of ownership is more current than issue date of violation;

(d) License plate which lawfully may be retained by the owner, has been transferred to another vehicle and the vehicle for which the ticket was incurred has been transferred, or

(e) Vehicle was reported stolen prior to the ticket issue date.

#### NEW SECTION

**WAC 308-96A-365 REINSTATEMENT OF PARKING TICKET.** (1) A parking ticket previously reported as satisfied may be reinstated for such reasons as, but not limited to:

(a) Jurisdiction reporting error,

(b) Dishonored check for payment of fines and penalties.

(2) The jurisdiction seeking reinstatement of a parking ticket must supply the department with the following information:

(a) Jurisdiction name,

(b) NCIC number (ORI),

(c) Parking ticket number,

(d) Date parking ticket was issued,

(e) Vehicle license plate number,

(f) Fine and penalty amount,

(g) Jurisdiction seal,

(h) Signature and date when required on form,

(i) Reason for reinstatement.

Such information must be on a form issued by the department or on a computer listing sheet.

#### NEW SECTION

**WAC 308-96A-370 REMOVAL OF PARKING TICKET INFORMATION FROM ACTIVE FILE.** Parking tickets incurred for a given vehicle will be maintained on that vehicle's record with the department until such time as one of the following occurs:

(1) Proof of payment is submitted to the department.

(2) The department is notified by the issuing jurisdiction that the ticket has been cleared.

(3) There is a change (such as addition or deletion of another owner) in registered ownership from that shown on record at the time the ticket was incurred.

(4) Receipt of notification that the vehicle was reported stolen prior to issuance of the ticket(s).

(5) If thirty-six months elapse with no renewal activity against the vehicle, both vehicle and parking violation records will be placed in an inactive file.

#### NEW SECTION

**WAC 308-96A-375 PARKING VIOLATION LIST.** Upon written request to the department by the registered and/or legal owner(s) of record, a computerized parking violation list may be furnished in addition to any list which may have already been provided by the department. Such service will also be provided by automated agencies when available.

#### NEW SECTION

**WAC 308-96A-380 EFFECT OF 150 DAY NOTICE ON LICENSE RENEWAL.** Violations reported to the department after the 150 day notice is generated, will be posted on the vehicle license renewal record applicable to the following year.

To renew license of a vehicle whose record indicates that 150 day notice should have been generated, and whose record also indicates that all violations applicable to the current licensing period have been satisfied, the

renewal application must include payment of licensing fees due, and payment of the ten dollar surcharge.

To renew license of a vehicle whose record indicates that a 150 day notice should have been generated, and whose record also indicates that violations applicable to the current licensing period remain unsatisfied, the renewal application must be accompanied by proof of payment of those violations, payment of licensing fees due, and payment of the ten dollar surcharge.

**WSR 84-13-063**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
[Order TL-RG-5—Filed June 20, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington the annexed rules relating to disabled parking, new WAC 308-96A-310, 308-96A-315, 308-96A-320, 308-96A-325, 308-96A-330 and 308-96A-335.

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 implementation of chapter 154, Laws of 1984, begins on June 6, 1984, and these rules are needed to effect that legislation.

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

This rule is promulgated pursuant to RCW 46.01.110 and section 2(2), chapter 154, 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 20, 1984.

By John Gonzalez  
Director

NEW SECTION

**WAC 308-96A-310 APPLICATION—DISABLED PERSON PARKING PRIVILEGES.** Application must be made on forms provided by the Department and signed by the applicant. If the applicant is physically unable to sign, the application may be signed by a family member, stating their relationship to the applicant. If signing by mark (X), signatures of two witnesses are required.

A statement from a physician is required to certify the applicant's disability; except, amputees visually verified by the licensing agent. If the disability is temporary, the physician must indicate the expected length of disability.

Special license plates may be issued for vehicles registered to the applicant. If the vehicle is not registered to the applicant, a special decal may be issued; provided, that an affidavit is submitted certifying the relationship

of the registered owner to the applicant and that the vehicle is used primarily for the transportation of the applicant.

NEW SECTION

**WAC 308-96A-315 TEMPORARY PERMITS.** A temporary permit may be issued upon visual verification of a temporary disability for a maximum of two weeks and may not be extended without a physician's certificate of disability. An out-of-state visitor may be issued a temporary permit provided he or she submits proof that they have been determined eligible for disabled parking privileges in another state.

NEW SECTION

**WAC 308-96A-320 CARDIOVASCULAR DISEASE.** Functional limitations of cardiovascular disease as classified under standards accepted by the American Heart Association are defined as: (1) Class III. Patients with cardiac disease resulting in marked limitation of physical activity. They are comfortable at rest. Less than ordinary physical activity causes fatigue, palpitation, dyspnea, or anginal pain. (2) Class IV. Patients with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of cardiac insufficiency or of the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.

NEW SECTION

**WAC 308-96A-325 LOSS OF PERMIT, DECAL, PLATE.** Replacement of a disabled parking permit, decal or license plate will be issued upon receipt of a signed statement from the applicant certifying that the permit, decal or license plate has been lost, stolen, destroyed or mutilated.

NEW SECTION

**WAC 308-96A-330 APPLICATION, ELIGIBILITY—PUBLIC TRANSPORTATION AUTHORITIES—DISABLED PARKING PERMITS.** Application must be made on forms provided by the department and signed by an appropriate official of the public transportation authority. For the purpose of determining who is eligible for special parking privileges for the disabled, public transportation authorities are those entities operating motor vehicles or other devices capable of being moved on a public highway. The vehicles shall be owned or operated by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, and must be used for the purpose of carrying passengers and their baggage or freight incident to business or programs conducted by those authorities: PROVIDED, That those authorities may contract with private carriers to perform services entitling the carriers to the special parking privileges.

NEW SECTION

**WAC 308-96A-335 PUBLIC TRANSPORTATION PERMITS—TRANSFER, LIMITATIONS.**

*Permits issued to public transportation authorities are limited to one for each vehicle used to transport eligible disabled persons. Permits issued to public transportation authorities are not transferable to another vehicle. When the assigned vehicle is no longer being used by the public transportation authority to transport qualified disabled persons, the responsible official of the public transportation authority must notify the department and surrender the permit. In lieu of the permit, a statement verifying the permit has been destroyed may be accepted.*

**WSR 84-13-064**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning unpaid parking fines, adopting WAC 308-96A-345, 308-96A-350, 308-96A-355, 308-96A-360, 308-96A-365, 308-96A-370, 308-96A-375 and 308-96A-380;

that the agency will at 10:00 a.m., Friday, July 27, 1984, in the Auditorium, Office Building II, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 46.01.110.

The specific statute these rules are intended to implement is RCW 46.16.215, 46.63.060, 46.63.070, 46.63.110 and 46.20.270.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 26, 1984.

Dated: June 19, 1984

By: Nancy Lawton  
 Assistant Administrator

**STATEMENT OF PURPOSE**

Title: WAC 308-96A-345 Definitions; 308-96A-350 Outstanding parking tickets—Information to be supplied by issuing jurisdiction; 308-96A-355 Satisfaction of parking tickets—Information to be supplied by issuing jurisdiction; 308-96A-360 Return of unacceptable notification to jurisdiction; 308-96A-365 Reinstatement of parking ticket; 308-96A-370 Removal of parking ticket information from active file; 308-96A-375 Parking violation list; and 308-96A-380 Affect of 150 day notice on license renewal.

Statutory Citations: This rule is proposed under the authority of RCW 46.01.110. The specific statutes these rules are intended to implement are RCW 46.16.215, 46.63.060, 46.63.070, 46.63.110 and 46.20.270.

Summary of the Rule and Statement of Reasons Supporting its Adoption: New WAC 308-96A-345, this rule provides clarification of terminology and in conjunction

with the impaired parking fine statutes; new WAC 308-96A-350, this rule specifies procedures for submission of unpaid parking fine records to the Department of Licensing from the issuing jurisdiction; new WAC 308-96A-355, this indicates how collecting jurisdictions report satisfaction of parking fines to the Department of Licensing; new WAC 308-96A-360, specifies reasons and examples where the Department of Licensing will return records of unpaid parking fines submitted by jurisdictions; new WAC 308-96A-365, specifies reasons why parking tickets previously reported as satisfied are reinstated; new WAC 308-96A-370, indicates when parking tickets will be removed from Department of Licensing records; new WAC 308-96A-375, indicates procedures by which owners of vehicles can secure parking violation lists; and new WAC 308-96A-380, specifies procedures for renewing vehicle licenses where there is a 150 day notice, and indicates posting of records procedures after the 150 day notice.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rule: In addition to the director, the following have knowledge of and have responsibility for drafting, implementing and enforcing these rules: Sandra Brooks, Administrator, 234-6920 scan, 753-6920 comm, and Nancy Lawton, Assistant Administrator, 234-6996 scan, 753-6996 comm, Second Floor, Highways-Licenses Building, Olympia, WA 98504.

Organization Proposing this Rule: Department of Licensing.

Agency Comments: None.

This rule is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: A small business economic impact statement is not required since this rule does not impact any small businesses as that term is defined in RCW 42.31.920.

**NEW SECTION**

WAC 308-96A-345 DEFINITIONS. For the purposes of chapter 46.16 RCW the following definitions apply:

(1) "Jurisdiction" shall mean any district, municipal, justice and/or superior court.

(2) "NCIC (ORI) number" means the numeric code assigned by the National Crime Information Center (originator) to identify a jurisdiction.

(3) "Department" shall mean the Department of Licensing.

(4) "Parking violation list" shall mean a computerized listing containing all outstanding parking violations which have been processed by the department and which must be satisfied prior to renewal of license.

(5) "Agent" shall mean any county auditor, or other individual or business entity appointed to carry out vehicle licensing and titling functions for the department.

(6) "Unprocessed" shall mean no update of the computer record has occurred.

(7) "Jurisdiction seal" shall mean method of verifying authenticity of court documents.

(8) "Municipality" means every court having jurisdiction over offenses committed under RCW 46.20.270.

(9) "Local agencies" shall include district, municipal, justice and/or superior courts, and other local reporting agencies.

(10) "150 day notice" shall mean a warning notice of those violations received by the department 150 days prior to the license renewal date. The notice will list the dates and jurisdictions in which the violations occurred, unpaid fines, penalties, and a ten dollar surcharge.

NEW SECTION

WAC 308-96A-350 OUTSTANDING PARKING TICKETS - INFORMATION TO BE SUPPLIED BY ISSUING JURISDICTION. In order to submit notification of outstanding parking tickets, a jurisdiction must provide the following:

- (1) Jurisdiction name,
- (2) NCIC number (ORI),
- (3) Parking ticket number,
- (4) Date parking ticket was issued,
- (5) Vehicle license plate number, and
- (6) Fine and penalty amount,
- (7) Jurisdiction seal,
- (8) Signature and date when required on form.

Such information must be provided on a form issued by the department, or on a computer listing sheet, or magnetic tape generated in accordance with department instructions.

Provided that an original report against a vehicle record must contain a minimum of three outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless such vehicle record indicates all existing tickets have been paid and no further tickets have been accrued in the thirteen months following said payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of three violations.

NEW SECTION

WAC 308-96A-355 SATISFACTION OF PARKING TICKETS - INFORMATION TO BE SUPPLIED BY ISSUING JURISDICTION. Upon satisfaction of fines and penalties previously reported as outstanding against a vehicle, the collecting jurisdiction must:

- (1) Furnish the registered owner with a proof of payment form as provided by the department, and
- (2) Within ten days of such payment, supply the department with the following information:
  - (a) Jurisdiction name,
  - (b) NCIC number (ORI),
  - (c) Parking ticket number,
  - (d) Date parking ticket was issued,
  - (e) Vehicle license plate number,
  - (f) Date of satisfaction,
  - (g) Jurisdiction seal, and
  - (h) Signature and date when required on form.

Such information must be provided on a form issued by the department or on a computer listing sheet or magnetic tape generated in accordance with department instructions.

NEW SECTION

WAC 308-96A-360 RETURN OF UNACCEPTABLE NOTIFICATION TO JURISDICTION. Notification of outstanding parking ticket violations and satisfactions will be returned to the jurisdiction unprocessed for such reasons as:

- (1) No vehicle record on the computer by the license plate number;
- (2) Incorrect and/or missing data required by WAC 308-96A-350 and WAC 308-96A-355;
- (3) Ticket issue date is prior to June 30, 1984;
- (4) Ticket satisfaction date is prior to issue date;
- (5) The vehicle computer record indicates at least one of the following conditions exist:
  - (a) Vehicle has been reported destroyed by an insurance company, scrap processor, or wrecker;
  - (b) Vehicle has been titled and/or registered out of state;
  - (c) Date of transfer of ownership is more current than issue date of violation;
  - (d) License plate which lawfully may be retained by the owner, has been transferred to another vehicle and the vehicle for which the ticket was incurred has been transferred, or
  - (e) Vehicle was reported stolen prior to the ticket issue date.

NEW SECTION

WAC 308-96A-365 REINSTATEMENT OF PARKING TICKET. (1) A parking ticket previously reported as satisfied may be reinstated for such reasons as, but not limited to:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties.

(2) The jurisdiction seeking reinstatement of a parking ticket must supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number (ORI),
- (c) Parking ticket number,
- (d) Date parking ticket was issued,
- (e) Vehicle license plate number,
- (f) Fine and penalty amount,
- (g) Jurisdiction seal,
- (h) Signature and date when required on form,
- (i) Reason for reinstatement.

Such information must be on a form issued by the department or on a computer listing sheet.

NEW SECTION

WAC 308-96A-370 REMOVAL OF PARKING TICKET INFORMATION FROM ACTIVE FILE. Parking tickets incurred for a given vehicle will be maintained on that vehicle's record with the department until such time as one of the following occurs:

- (1) Proof of payment is submitted to the department.
- (2) The department is notified by the issuing jurisdiction that the ticket has been cleared.
- (3) There is a change (such as addition or deletion of another owner) in registered ownership from that shown on record at the time the ticket was incurred.
- (4) Receipt of notification that the vehicle was reported stolen prior to issuance of the ticket(s).
- (5) If thirty-six months elapse with no renewal activity against the vehicle, both vehicle and parking violation records will be placed in an inactive file.

NEW SECTION

WAC 308-96A-375 PARKING VIOLATION LIST. Upon written request to the department by the registered and/or legal owner(s) of record, a computerized parking violation list may be furnished in addition to any list which may have already been provided by the department. Such service will also be provided by automated agencies when available.

NEW SECTION

WAC 308-96A-380 EFFECT OF 150 DAY NOTICE ON LICENSE RENEWAL. Violations reported to the department after the 150 day notice is generated, will be posted on the vehicle license renewal record applicable to the following year.

To renew license of a vehicle whose record indicates that 150 day notice should have been generated, and whose record also indicates that all violations applicable to the current licensing period have been satisfied, the renewal application must include payment of licensing fees due, and payment of the ten dollar surcharge.

To renew license of a vehicle whose record indicates that a 150 day notice should have been generated, and whose record also indicates that violations applicable to the current licensing period remain unsatisfied, the renewal application must be accompanied by proof of payment of those violations, payment of licensing fees due, and payment of the ten dollar surcharge.

**WSR 84-13-065****PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning disabled parking, new WAC 308-96A-310, 308-96A-315, 308-96A-320, 308-96A-325, 308-96A-330 and 308-96A-335;

that the agency will at 10:00 a.m., Wednesday, July 25, 1984, in the Auditorium, Office Building II,

Olympia, Washington 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 46.01.110 and section 2(2), chapter 154, Laws of 1984.

The specific statute these rules are intended to implement is section 2(2), chapter 154, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 24, 1984.

Dated: June 19, 1984  
By: Sue Shoblom  
Assistant Administrator

#### STATEMENT OF PURPOSE

Title: New rules WAC 308-96A-310 Application—Disabled person parking privileges; 308-96A-315 Temporary permits; 308-96A-320 Cardiovascular disease; 308-96A-325 Loss of permit, decal, plate; 308-96A-330 Application, eligibility—Public transportation authorities—Disabled parking permits; and 308-96A-335 Public transportation permits—Limitations, transfer.

Statutory Authority: The specific statute these rules are to implement is section 2, chapter 154, Laws of 1984.

Description of Purpose, Summary of Proposed Rules and Reasons Supporting Action: WAC 308-96A-310 describes application procedures and specifies eligibility requirements for plates and decals; WAC 308-96A-315 defines eligibility requirements for temporary permits for disabled parking; WAC 308-96A-320 sets forth meaning of cardiovascular as defined by the American Heart Association; WAC 308-96A-325 defines requirements to apply for replacement of lost disabled parking permits, decals and plates; WAC 308-96A-330 defines public transportation authority and specifies their application procedures for acquiring disabled parking permits; and WAC 308-96A-335 specifies procedures for use and return of public transportation authority parking permits.

Personnel Responsible for Drafting and Implementing the Rules: Sue Shoblom, Assistant Administrator, Title and Registration Control Division, (206) 234-3060 scan, (206) 753-3060 comm, and Sandra Brooks, Administrator, Title and Registration Control Division, (206) 234-6920 scan, (206) 753-6920 comm, Second Floor, Highways—Licenses Building, Olympia, WA 98504.

Proponents: These rules are proposed by the Department of Licensing.

Agency Comments: These rules are intended to implement disabled parking procedures as found in chapter 154, Laws of 1984.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as defined by RCW 43.31.920.

#### NEW SECTION

WAC 308-96A-310 APPLICATION—DISABLED PERSON PARKING PRIVILEGES. Application must be made on forms provided by the Department and signed by the applicant. If the applicant is physically unable to sign, the application may be signed by a family member, stating their relationship to the applicant. If signing by mark (X), signatures of two witnesses are required.

A statement from a physician is required to certify the applicant's disability; except, amputees visually verified by the licensing agent. If the disability is temporary, the physician must indicate the expected length of disability.

Special license plates may be issued for vehicles registered to the applicant. If the vehicle is not registered to the applicant, a special decal may be issued; provided, that an affidavit is submitted certifying the relationship of the registered owner to the applicant and that the vehicle is used primarily for the transportation of the applicant.

#### NEW SECTION

WAC 308-96A-315 TEMPORARY PERMITS. A temporary permit may be issued upon visual verification of a temporary disability for a maximum of two weeks and may not be extended without a physician's certificate of disability. An out-of-state visitor may be issued a temporary permit provided he or she submits proof that they have been determined eligible for disabled parking privileges in another state.

#### NEW SECTION

WAC 308-96A-320 CARDIOVASCULAR DISEASE. Functional limitations of cardiovascular disease as classified under standards accepted by the American Heart Association are defined as: (1) Class III. Patients with cardiac disease resulting in marked limitation of physical activity. They are comfortable at rest. Less than ordinary physical activity causes fatigue, palpitation, dyspnea, or anginal pain. (2) Class IV. Patients with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of cardiac insufficiency or of the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.

#### NEW SECTION

WAC 308-96A-325 LOSS OF PERMIT, DECAL, PLATE. Replacement of a disabled parking permit, decal or license plate will be issued upon receipt of a signed statement from the applicant certifying that the permit, decal or license plate has been lost, stolen, destroyed or mutilated.

#### NEW SECTION

WAC 308-96A-330 APPLICATION, ELIGIBILITY—PUBLIC TRANSPORTATION AUTHORITIES—DISABLED PARKING PERMITS. Application must be made on forms provided by the department and signed by an appropriate official of the public transportation authority. For the purpose of determining who is eligible for special parking privileges for the disabled, public transportation authorities are those entities operating motor vehicles or other devices capable of being moved on a public highway. The vehicles shall be owned or operated by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, and must be used for the purpose of carrying passengers and their baggage or freight incident to business or programs conducted by those authorities: PROVIDED, That those authorities may contract with private carriers to perform services entitling the carriers to the special parking privileges.

#### NEW SECTION

WAC 308-96A-335 PUBLIC TRANSPORTATION PERMITS—TRANSFER, LIMITATIONS. Permits issued to public transportation authorities are limited to one for each vehicle used to transport eligible disabled persons. Permits issued to public transportation authorities are not transferable to another vehicle. When the assigned vehicle is no longer being used by the public transportation authority to transport qualified disabled persons, the responsible official of the public transportation authority must notify the department and surrender the permit. In lieu of the permit, a statement verifying the permit has been destroyed may be accepted.

**WSR 84-13-066**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**  
 [Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources and the Board of Natural Resources intends to adopt, amend, or repeal rules concerning Washington State Department of Natural Resources State Environmental Policy Act (SEPA) procedures and SEPA policies, adopting chapter 332-41 WAC and repealing chapter 332-40 WAC, guidelines interpreting and implementing the State Environmental Policy Act;

that the agency will at 7:00 p.m., Thursday, July 26, 1984, in the Skagit County Courthouse, Mt. Vernon, Washington, and at 7:00 p.m., Tuesday, July 31, 1984, in the County Agricultural Center, Spokane, Washington, and at 7:00 p.m., Thursday, August 2, 1984, in the General Administration Building, Olympia, Washington, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 4, 1984.

The authority under which these rules are proposed is RCW 43.21C.120 and 43.30.150.

The specific statute these rules are intended to implement is chapter 43.21C RCW, SEPA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1984.

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

Marsha Hixson  
 Department of Natural Resources  
 1102 South Quince Street  
 Building "C"  
 Olympia, WA 98504

Dated: June 5, 1984

By: Brian Boyle  
 Chairman of the Board  
 Commissioner of Public Lands

#### STATEMENT OF PURPOSE

Title: Department of Natural Resources and Board of Natural Resources SEPA procedures.

Description of Purpose: Replace existing chapter 332-40 WAC with chapter 332-41 WAC.

Statutory Authority: RCW 43.21C.120 and 43.30.150.

Summary of Rule: Establishes procedures for designating SEPA responsible official, responding to a request for early notice (mitigated DNS), preparing an EIS, and meeting public notice requirements. Establishes policies and procedures for conditioning or denying permits or other approvals based on information in SEPA documents. Adopts by reference other procedures and criteria in chapter 197-11 WAC, SEPA rules.

Reasons Supporting Proposed Action: By October 1, 1984, the department and board are required to adopt procedures consistent with chapter 197-11 WAC, which was adopted January 1984 and went into effect April 4, 1984.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marsha Hixson, 753-1262, and Glenn Yeary, 753-1262, Department of Natural Resources, Mailstop EV-31, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Natural Resources, state government.

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

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The Department of Natural Resources has determined that the impacts of proposed WAC 332-41-020 are the same as those discussed in the small business economic impact statement (SBEIS) for chapter 197-11 WAC and published at WSR 83-23-114. The Department of Natural Resources adopts by reference the SBEIS appearing at WSR 83-23-114. To the extent proposed rules contained in chapter 332-41 WAC differ from and further implement chapter 197-11 WAC, the impacts are not substantially different from the impacts discussed in the SBEIS for chapter 197-11 WAC. The Department of Natural Resources does not charge a filing fee when an applicant submits an environmental checklist.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- |                     |  |
|---------------------|--|
| (1) WAC 332-40-010  | AUTHORITY.   |
| (2) WAC 332-40-020  | PURPOSE.   |
| (3) WAC 332-40-025  | SCOPE AND COVERAGE OF THIS CHAPTER.  |
| (4) WAC 332-40-030  | INTEGRATION OF SEPA PROCEDURES WITH OTHER DEPARTMENT OPERATIONS.   |
| (5) WAC 332-40-035  | STATUTE OF LIMITATIONS.  |
| (6) WAC 332-40-037  | SEPA PUBLIC INFORMATION CENTER.  |
| (7) WAC 332-40-040  | DEFINITIONS.   |
| (8) WAC 332-40-045  | RESPONSIBLE OFFICIAL.  |
| (9) WAC 332-40-050  | USE OF THE ENVIRONMENTAL CHECKLIST FORM.   |
| (10) WAC 332-40-055 | TIMING OF THE EIS PROCESS.   |
| (11) WAC 332-40-060 | SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. |
| (12) WAC 332-40-100 | SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.   |
| (13) WAC 332-40-160 | NO PRESUMPTION OF SIGNIFICANCE FOR NONEXEMPT ACTIONS.  |
| (14) WAC 332-40-170 | CATEGORICAL EXEMPTIONS.  |
| (15) WAC 332-40-175 | EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES.  |
| (16) WAC 332-40-177 | ENVIRONMENTALLY SENSITIVE AREAS.   |
| (17) WAC 332-40-180 | EXEMPTION FOR EMERGENCY ACTIONS.   |
| (18) WAC 332-40-190 | USE AND EFFECT OF CATEGORICAL EXEMPTIONS.  |
| (19) WAC 332-40-200 | LEAD AGENCY—RESPONSIBILITIES.  |

- (20) WAC 332-40-203 DETERMINATION OF LEAD AGENCY—PROCEDURES.
- (21) WAC 332-40-205 LEAD AGENCY DESIGNATION—DEPARTMENT PROPOSALS.
- (22) WAC 332-40-210 LEAD AGENCY DESIGNATION—PROPOSALS INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY.
- (23) WAC 332-40-215 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS FOR WHICH THE DEPARTMENT IS THE ONLY AGENCY WITH JURISDICTION.
- (24) WAC 332-40-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY.
- (25) WAC 332-40-225 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.
- (26) WAC 332-40-230 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS.
- (27) WAC 332-40-240 AGREEMENTS AS TO LEAD AGENCY STATUS.
- (28) WAC 332-40-245 AGREEMENTS BETWEEN AGENCIES AS TO DIVISION OF LEAD AGENCY DUTIES.
- (29) WAC 332-40-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP.
- (30) WAC 332-40-300 THRESHOLD DETERMINATION REQUIREMENT.
- (31) WAC 332-40-305 DESIGNATION OF RESPONSIBLE OFFICIAL.
- (32) WAC 332-40-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST.
- (33) WAC 332-40-315 ACTIONS REQUIRING A THRESHOLD DETERMINATION.
- (34) WAC 332-40-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST.
- (35) WAC 332-40-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST.
- (36) WAC 332-40-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS.
- (37) WAC 332-40-345 ASSUMPTION OF LEAD AGENCY STATUS BY THE DEPARTMENT WHEN IT IS AN AGENCY WITH JURISDICTION OVER A PROPOSAL—PREREQUISITES, EFFECT AND FORM OF NOTICE.
- (38) WAC 332-40-350 AFFIRMATIVE THRESHOLD DETERMINATION.
- (39) WAC 332-40-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE.
- (40) WAC 332-40-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST.
- (41) WAC 332-40-365 ENVIRONMENTAL CHECKLIST.
- (42) WAC 332-40-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION.
- (43) WAC 332-40-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION.
- (44) WAC 332-40-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS.
- (45) WAC 332-40-405 PURPOSE AND FUNCTION OF A DRAFT EIS.
- (46) WAC 332-40-410 PREDRAFT CONSULTATION PROCEDURES.
- (47) WAC 332-40-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE DEPARTMENT.
- (48) WAC 332-40-425 ORGANIZATION AND STYLE OF A DRAFT EIS.
- (49) WAC 332-40-440 CONTENTS OF A DRAFT EIS.
- (50) WAC 332-40-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION.
- (51) WAC 332-40-444 LIST OF ELEMENTS OF THE ENVIRONMENT.
- (52) WAC 332-40-446 DRAFT EIS—OPTIONAL ADDITIONAL ELEMENTS—LIMITATION.
- (53) WAC 332-40-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS.
- (54) WAC 332-40-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD.
- (55) WAC 332-40-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT.
- (56) WAC 332-40-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE.
- (57) WAC 332-40-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS.
- (58) WAC 332-40-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED.
- (59) WAC 332-40-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL.
- (60) WAC 332-40-490 PUBLIC HEARING ON THE PROPOSAL—USE OF ENVIRONMENTAL DOCUMENTS.
- (61) WAC 332-40-495 PREPARATION OF AMENDED OR NEW DRAFT EIS.
- (62) WAC 332-40-500 DEPARTMENT RESPONSIBILITIES WHEN CONSULTED AS AN AGENCY WITH JURISDICTION.
- (63) WAC 332-40-520 DEPARTMENT RESPONSIBILITIES WHEN CONSULTED AS AN AGENCY WITH ENVIRONMENTAL EXPERTISE.
- (64) WAC 332-40-530 RESPONSIBILITIES OF THE DEPARTMENT—WHEN PREDRAFT CONSULTATION HAS OCCURRED.
- (65) WAC 332-40-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.
- (66) WAC 332-40-540 LIMITATIONS ON RESPONSES TO CONSULTATION.
- (67) WAC 332-40-545 EFFECT OF NO WRITTEN COMMENT.
- (68) WAC 332-40-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.
- (69) WAC 332-40-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.
- (70) WAC 332-40-600 CIRCULATION OF THE FINAL EIS.
- (71) WAC 332-40-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA.
- (72) WAC 332-40-652 SUPPLEMENTATION BY THE DEPARTMENT OF AN INADEQUATE FINAL NEPA EIS.
- (73) WAC 332-40-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION.
- (74) WAC 332-40-690 USE OF ANOTHER LEAD AGENCY'S EIS BY THE DEPARTMENT FOR THE SAME PROPOSAL.
- (75) WAC 332-40-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS.
- (76) WAC 332-40-700 EIS COMBINED WITH EXISTING PLANNING AND REVIEW PROCESSES.
- (77) WAC 332-40-710 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS.
- (78) WAC 332-40-800 AMENDMENTS TO THIS CHAPTER.
- (79) WAC 332-40-830 SEPA PUBLIC INFORMATION CENTER.
- (80) WAC 332-40-840 APPLICATION OF AGENCY GUIDELINES TO ONGOING ACTIONS.
- (81) WAC 332-40-910 SEVERABILITY.

#### NEW SECTION

WAC 332-41-010 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 332-41-020 ADOPTION BY REFERENCE. The department of natural resources adopts the following sections or subsections of chapter 197-11 WAC by reference.

- 197-11-040 Definitions
- 197-11-050 Lead agency
- 197-11-060 Content of environmental review
- 197-11-070 Limitations on action during SEPA process
- 197-11-080 Incomplete or unavailable information
- 197-11-090 Supporting documents
- 197-11-100 Information required of applicants

- 197-11-300 Purpose of this part  
 197-11-305 Categorical exemptions  
 197-11-315 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  
 197-11-440 EIS contents  
 197-11-442 Contents of EIS on nonproject proposals  
 197-11-443 EIS contents when prior nonproject EIS  
 197-11-444 Elements of the environment  
 197-11-448 Relationship of EIS to other considerations  
 197-11-450 Cost-benefit analysis  
 197-11-455 Issuance of DEIS  
 197-11-460 Issuance of FEIS  
 197-11-500 Purpose of this part  
 197-11-502 Inviting comment  
 197-11-535 Public hearings and meetings  
 197-11-545 Effect of no comment  
 197-11-550 Specificity of comments  
 197-11-560 FEIS response to comments  
 197-11-570 Consulted agency costs to assist lead agency  
 197-11-600 When to use existing environmental documents  
 197-11-610 Use of NEPA documents  
 197-11-620 Supplemental environmental impact statements—
- Procedures**  
 197-11-625 Addenda—Procedures  
 197-11-630 Adoption—Procedures  
 197-11-635 Incorporation by reference—Procedures  
 197-11-640 Combining documents  
 197-11-650 Purpose of this part  
 197-11-655 Implementation  
 197-11-660 Substantive authority and mitigation  
 197-11-680 Appeals  
 197-11-700 Definitions  
 197-11-702 Act  
 197-11-704 Action  
 197-11-706 Addendum  
 197-11-708 Adoption  
 197-11-710 Affected tribe  
 197-11-712 Affecting  
 197-11-714 Agency  
 197-11-716 Applicant  
 197-11-718 Built environment  
 197-11-720 Categorical exemption  
 197-11-722 Consolidated appeal  
 197-11-724 Consulted agency  
 197-11-726 Cost-benefit analysis  
 197-11-728 County/city  
 197-11-730 Decisionmaker  
 197-11-734 Determination of nonsignificance (DNS)  
 197-11-736 Determination of significance (DS)  
 197-11-738 EIS  
 197-11-740 Environment  
 197-11-742 Environmental checklist  
 197-11-744 Environmental document  
 197-11-746 Environmental review  
 197-11-748 Environmentally sensitive area  
 197-11-750 Expanded scoping  
 197-11-752 Impacts  
 197-11-754 Incorporation by reference  
 197-11-756 Lands covered by water  
 197-11-758 Lead agency  
 197-11-760 License  
 197-11-762 Local agency  
 197-11-764 Major action  
 197-11-766 Mitigated DNS  
 197-11-768 Mitigation  
 197-11-770 Natural environment  
 197-11-772 NEPA  
 197-11-774 Nonproject  
 197-11-776 Phased review  
 197-11-778 Preparation  
 197-11-780 Private project  
 197-11-782 Probable  
 197-11-784 Proposal  
 197-11-786 Reasonable alternative  
 197-11-788 Responsible official  
 197-11-790 SEPA  
 197-11-792 Scope  
 197-11-793 Scoping  
 197-11-794 Significant  
 197-11-796 State agency  
 197-11-797 Threshold determination  
 197-11-799 Underlying governmental action  
 197-11-800 Categorical exemptions  
 197-11-810 Exemptions and nonexemptions applicable to specific state agencies  
 197-11-830 Department of natural resources  
 197-11-880 Emergencies  
 197-11-890 Petitioning DOE to change exemptions  
 197-11-900 Purpose of this part  
 197-11-912 Procedures on consulted agencies  
 197-11-914 SEPA fees and costs  
 197-11-916 Application to ongoing actions  
 197-11-920 Agencies with environmental expertise  
 197-11-922 Lead agency rules  
 197-11-924 Determining the lead agency  
 197-11-926 Lead agency for governmental proposals  
 197-11-928 Lead agency for public and private proposals  
 197-11-930 Lead agency for private projects with one agency with jurisdiction  
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city  
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies  
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency  
 197-11-938 Lead agencies for specific proposals  
 197-11-940 Transfer of lead agency status to a state agency  
 197-11-942 Agreements on lead agency status  
 197-11-944 Agreements on division of lead agency duties  
 197-11-946 DOE resolution of lead agency disputes  
 197-11-948 Assumption of lead agency status
- NEW SECTION**  
 WAC 332-41-030 PURPOSE. This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the department of natural resources.
- NEW SECTION**  
 WAC 332-41-040 ADDITIONAL DEFINITIONS. In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:
- (1) Area manager means the person responsible for the administration of a geographic field unit, as designated by the organization plan of the department.
- (2) Area office means the administrative center of any one of the department's seven regional field units.
- (3) Commissioner means the commissioner of public lands who is the administrator of the department of natural resources as established by chapter 43.30 RCW.
- (4) Department means the Washington state department of natural resources.
- (5) Deputy supervisor means one of four persons subordinate to the supervisor and responsible for a specific functional part of the department's activities, i.e., governmental, operations, proprietary, and services.
- (6) Division means any one of the eleven principal units of the department's headquarters staff administering a program.

(7) Division manager means the person with overall responsibility for the functioning of one of the eleven divisions.

(8) Environmental coordinator means the person who coordinates SEPA compliance procedures for the department.

(9) Public lands mean state forest lands as described in chapter 76.12 RCW, and lands belonging to or held in trust by the state of Washington as described in RCW 79.01.004.

(10) Supervisor means supervisor of the department of natural resources as defined by chapter 43.30 RCW.

#### NEW SECTION

**WAC 332-41-055 TIMING OF THE SEPA PROCESS.** (1) Integrating SEPA and department activities. The SEPA process shall be integrated with department activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(2) Timing of review of proposals. The department shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(a) A proposal exists when the department is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.

(i) The fact that proposals may require future department approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

(ii) Preliminary steps or decisions are sometimes needed before a proposal is sufficiently definite to allow meaningful environmental analysis.

(b) Environmental reviews will normally begin when sufficient information is available for department staff to make preliminary decisions. The department may also organize environmental review in phases, as specified in WAC 197-11-060(5).

(c) Appropriate consideration of environmental information shall be completed before the department commits to a particular course of action (WAC 197-11-070).

(3) Applications and rule-making. The timing of environmental review for applications and for rule-making shall be as follows:

(a) At the latest, the department shall begin environmental review, if required, when an application is complete. The department may initiate review earlier and may have informal conferences with applicants. A final threshold determination or FEIS shall normally precede or accompany the final staff recommendation, if any, in a quasi-judicial proceeding on an application. Environmental documents required to be submitted to the department of ecology under provisions of WAC 332-41-508 will also be submitted to affected planning commissions and similar advisory bodies within the respective time frames as established by these rules and chapter 197-11 WAC.

(b) For rule-making, the DNS or DEIS shall normally accompany the proposed rule. An FEIS, if any, shall be issued at least seven days before adoption of a final rule (WAC 197-11-460(4)).

(4) Additional timing considerations.

(a) Department staff receiving a completed permit application and environmental checklist should determine whether DNR or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If DNR is not the lead agency, the staff person shall notify the environmental coordinator, who will send the completed environmental checklist, and a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.

(b) Department staff receiving a permit application will determine whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the staff person will ask the applicant to complete an environmental checklist. A checklist is not needed if the department and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application.

(c) If the only nonexempt action is department approval of detailed project plans and specifications, an applicant may request that the department complete SEPA compliance before the applicant submits the detailed plans and specifications.

(d) The department and applicants may hold preliminary discussions or exploration of ideas and options prior to commencing formal environmental review, under provisions of these rules and chapter 197-11 WAC.

(5) An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in WAC 197-11-050 and 197-11-922.

(6) To meet the requirement to insure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

(7) For its own public proposals, the department may extend the time limits prescribed in these rules.

#### NEW SECTION

**WAC 332-41-310 THRESHOLD DETERMINATION REQUIRED.** (1) A threshold determination is required for any proposal which meets the definition of action and is not categorically exempt.

(2) The responsible official of the department shall make the threshold determination, which shall be made as close as possible to the time an agency has developed or is presented with a proposal (WAC 197-11-784).

(3) In most cases, the time to complete a threshold determination should not exceed fifteen days, except for Class IV - special forest practices, in which case the threshold determination will be made within ten days. Complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.

(4) All threshold determinations shall be documented in:

(a) A determination of nonsignificance (DNS) (WAC 197-11-340); or

(b) A determination of significance (DS) (WAC 197-11-360).

#### NEW SECTION

**WAC 332-41-350 MITIGATED DNS.** (1) An applicant may ask the department whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(c) Precede the department's actual threshold determination for the proposal.

(2) The responsible official or his designee shall respond to the request within ten working days of receipt of the letter; the response shall:

(a) Be written;

(b) State whether the department is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led the department to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the department will make its threshold determination based on the changed or clarified proposal.

(a) If the department's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the department shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-350(2).

(b) If the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to

issue a DNS, the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The department may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the department shall issue a DNS and circulate it for review under WAC 197-11-350(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the department may require the applicant to submit a new checklist.

(7) The department may change or clarify features of its own proposals before making the threshold determination.

(8) The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the department to consider the clarification or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

#### NEW SECTION

WAC 332-41-420 EIS PREPARATION. For draft and final EISs and SEISs:

(1) Preparation of the EIS is the responsibility of the department, by or under the direction of its responsible official, as specified by the department's procedures. No matter who participates in the preparation of the EIS, it is the EIS of the department. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The department may have an EIS prepared by department staff, an applicant or its agent, or by an outside consultant retained by either an applicant or the department. The department shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

(3) If a person other than the department is preparing the EIS, the department shall:

(a) Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency and the public that is needed by the person;

(b) Assist in obtaining any information on file with another agency that is needed by the person preparing the EIS;

(c) Allow any party preparing an EIS access to all public records of the department that relate to the subject of the EIS, under chapter 42.17 RCW (Public disclosure and public records law).

(4) Normally, the department will prepare EISs for its own proposals.

(5) For applicant proposals, the department normally will require the applicant to prepare or help prepare the EIS at the applicant's expense, under provisions of these rules and chapter 197-11 WAC.

(6) The department may require an applicant to provide information that the department does not possess, including specific investigations. The applicant is not required to supply information that is not required under these rules.

#### NEW SECTION

WAC 332-41-504 AVAILABILITY AND COSTS OF ENVIRONMENTAL DOCUMENTS. (1) SEPA documents required by these rules shall be retained by the department at the SEPA public information center, and made available in accordance with chapter 42.17 RCW.

(2) The department shall make copies of environmental documents available in accordance with chapter 42.17 RCW, charging only those costs allowed plus mailing costs. Allowable costs for environmental documents may be indicated in the documents and made payable to

the department. However, no charge shall be levied for circulation of documents to other agencies as required by these rules. If requested, the department will normally waive the charge for an environmental document provided to a public interest organization.

#### NEW SECTION

WAC 332-41-508 NOTICE OF ENVIRONMENTAL DOCUMENTS. (1) The department shall submit environmental documents required to be sent to the department of ecology for weekly publication in the SEPA register under these rules, specifically:

(a) DNSs under WAC 197-11-340(2);

(b) DSs (scoping notices) under WAC 197-11-408;

(c) EISs under WAC 197-11-455, 197-11-460, 197-11-620, and 197-11-630; and

(d) Notices of action under RCW 43.21C.080 and 43.21C.087.

(2) The department shall submit the environmental documents listed in subsection (1) of this section promptly and in accordance with procedures established by the department of ecology.

(3) The department will subscribe to the SEPA register.

#### NEW SECTION

WAC 332-41-510 PUBLIC NOTICE REQUIREMENTS. (1) The department shall give public notice when issuing a DNS under WAC 197-11-350(2), a scoping notice under WAC 332-41-350 or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the department shall integrate the public notice required under this section (WAC 197-11-340, 197-11-360, 197-11-455, 197-11-502, and 197-11-535) with existing notice procedures for the department's permit or approval required for the proposal.

(3) The department shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or approval required from the department, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Notifying persons or groups who have expressed interest in the proposal, that type of proposal, or proposals in the geographic area in which the proposal will be implemented if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property.

(4) The department may require an applicant to perform the public notice requirement at his or her expense.

#### NEW SECTION

WAC 332-41-665 POLICIES AND PROCEDURES FOR CONDITIONING OR DENYING PERMITS OR OTHER APPROVALS. (1) Policies - General.

(a) The overriding policy of the department is to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(b) The department shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) 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.

(d) 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.

(2) Policies – Specific. In addition to the policies set forth in subsection (1) of this section, the department adopts the following specific policies:

(a) Oil and gas conservation and geothermal resources. The department recognizes the need to protect the public from oil and gas and geothermal drilling effects such as the contamination of the ground water, the surface water, the possibility of a blowout, fire hazards, drilling fluids contamination, and surface disturbance. The department may, when necessary, condition the following actions to mitigate specific adverse environmental impacts:

- (i) The location of the well;
- (ii) Casing program;
- (iii) The makeup of drilling fluids.

(b) Surface mining. To minimize the adverse effects that surface mining may have on the public, such as safety, nuisance, property damage, undesirable impacts on flora, fauna, or human life, the following aspects of surface mining may need to be controlled, and may be conditioned to mitigate specific adverse environmental impacts:

- (i) The location of the pit;
- (ii) The slope of the sides of the pit;
- (iii) Surface water diversion around the disturbed area;
- (iv) Collection of stagnant water;
- (v) Water run-off from the pit area and separation of silt, etc.;
- (vi) The use of only nonnoxious, nonflammable, noncombustible solids for grading or backfilling unless approval has been granted for a supervised sanitary fill;
- (vii) Blasting activity or requiring the operator to implement protective measures during the surface mining operation;
- (viii) Fencing high faces located close to residential areas.

(c) Upland right of way grants. Recognizing that construction or reconstruction under upland right of way grants can create adverse impacts to the elements of the environment, it is the policy of the department to condition leases where necessary:

(i) To protect all surface resources subject to disruption through authorized right of way operations on state land and to cause rehabilitation or re-establishment on a continuing basis the vegetative cover, soil stability and water condition appropriate to intended subsequent use of the area; and

- (ii) Minimize soil erosion;
- (iii) Control water quality by requiring proper drainage of right of way facilities and reduction of concentrated surface run-off;
- (iv) Meet air quality standards;
- (v) Protect recreational and special use areas under lease by requiring mitigating action.

(d) Marine lands. In managing state-owned aquatic lands, the department shall consider the natural values of state-owned aquatic land as wildlife habitat, natural area preserves, representative ecosystems, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values or may provide within any lease for the protection of such values.

(e) Lands leases and contracts. Under authority granted by chapters 76.12, 79.01, 79.08, 79.12, 79.14, and 79.28 RCW, the department has full authority to set all terms and conditions in granting a lease or may deny a lease. The department may condition a lease or withhold from leasing lands where significant adverse environmental impacts associated with a lease proposal will occur.

(f) Timber sales. Department policies for the sale of timber from public lands are found in the Forest Land Management Program, 1984-1993.

(g) Forest practices. A Class IV – Special forest practices approval will be conditioned when necessary to mitigate specific adverse impacts which are identified in the environmental documents prepared under SEPA. An application for a Class IV – Special forest practices will be denied when the proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under SEPA, and reasonable mitigation measures are insufficient to mitigate the identified impacts.

(h) Fire control.

(i) Burning permits. The department may condition or deny the issuance of a burning permit for the protection of life, property or air quality standards.

(ii) Dumping permits. The department may condition or deny the issuance of a dumping permit for the protection of forest lands from fire.

(3) SEPA procedures.

(a) When the environmental document for a proposal shows it will cause significant adverse impacts that the proponent does not plan to mitigate, the responsible official shall consider whether:

- (i) The environmental document identifies 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 subsection (1) of this section;

(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 subsections (1) and (2) of 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 332-41-833 TIMBER SALES CATEGORIES. (1) Under the provisions of WAC 197-11-830(7) the department may determine which decisions to sell timber from public lands do not have potential for significant impact on the environment. Such decisions are categorically exempt from the threshold determination and EIS requirements of SEPA under WAC 197-11-830(7). This determination applies only to public lands.

(2) The department determines that such decisions to sell timber from public lands do not have potential for a significant impact on the environment if they are sales appraised by the department at an amount not exceeding the amount specified in RCW 79.01.200 as the upper limit for sale under terms and conditions prescribed by the department. These sales, which are small sales not requiring approval by the board of natural resources, have low volume and low acreage, and therefore, have no potential for a significant impact. The department has not extended this determination to sales requiring approval by the board because of the public values associated with public lands. However, this determination is not intended to alter the department's SEPA compliance responsibility for regulatory decisions concerning forest practice applications for state and private lands under RCW 76.09.050 and WAC 222-16-050.

#### NEW SECTION

WAC 332-41-910 DESIGNATION OF RESPONSIBLE OFFICIAL. The responsible official for a specific proposal shall be a division manager or designee. The responsible official for the harbor line commission shall be the manager of the marine land management division.

(1) Each division manager or designee shall review the environmental checklists under the division's authority and determine if the department is the lead agency. When the department is not the lead agency, the environmental checklists shall be forwarded to the environmental coordinator for processing under procedures set forth in WAC 197-11-924.

(2) When the department is the lead agency, the responsible division manager or designee will review the environmental checklists and make the threshold determinations under the provisions of WAC 197-11-330.

(3) The division manager or designee shall carry out further SEPA compliance under WAC 197-11-340, 197-11-350, or 197-11-360, as appropriate.

(4) When an environmental impact statement is required based on the threshold determination, scoping and EIS preparation under chapter 197-11 WAC shall begin under direction of the responsible official.

#### NEW SECTION

WAC 332-41-920 AGENCIES WITH ENVIRONMENTAL EXPERTISE. In addition to those categories listed under WAC 197-11-920(7)(b), the department of natural resources shall be regarded as possessing special expertise relating to oil and gas.

**NEW SECTION**

WAC 332-41-950 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.

**NEW SECTION**

WAC 332-41-960 ENVIRONMENTAL CHECKLIST.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
BRIAN J. BOYLE, COMMISSIONER OF PUBLIC LANDS

ENVIRONMENTAL CHECKLIST

Application No. ....

Project Title .....

Area .....

District/County .....

Legal

Subdivision .....

Sec. .... T. .... R. .... W.M.

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY**B. ENVIRONMENTAL ELEMENTS****1. Earth**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_.
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**2. Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

**3. Water****a. Surface:**

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other: .....
- mammals: deer, bear, elk, beaver, other: .....
- fish: bass, salmon, trout, herring, shellfish, other: .....

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

b. Has the site been used for agriculture? If so, describe.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

**9. Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

**10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

**11. Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY

- b. Would the proposed project displace any existing recreational uses? If so, describe.
  
  
  
  
  
  
  
  
  
  
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
  
  
  
  
  
  
  
  
  
  
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
  
  
  
  
  
  
  
  
  
  
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
  
  
  
  
  
  
  
  
  
  
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
  
  
  
  
  
  
  
  
  
  
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
  
  
  
  
  
  
  
  
  
  
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
  
  
  
  
  
  
  
  
  
  
- g. Proposed measures to reduce or control transportation impacts, if any:

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
  
- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
  
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: .....

Title: .....

Date Submitted: .....

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
BRIAN J. BOYLE, COMMISSIONER OF PUBLIC LANDS

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

- 2. How would the proposal be likely to affect plants, animals, fish, or marine life?

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE  
ONLY

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Signature: .....

Title: .....

Date Submitted: .....

NEW SECTION

WAC 332-41-965 ADOPTION NOTICE.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
BRIAN J. BOYLE, COMMISSIONER OF PUBLIC LANDS  
ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for (check appropriate box)  DNS  EIS  other \_\_\_\_\_

Description of current proposal \_\_\_\_\_

Proponent \_\_\_\_\_

Location of current proposal \_\_\_\_\_

Title of document being adopted \_\_\_\_\_

Agency that prepared document being adopted \_\_\_\_\_

Date adopted document was prepared \_\_\_\_\_

Description of document (or portion) being adopted \_\_\_\_\_

If the document being adopted has been challenged (WAC 197-11-630), please describe:

The document is available to be read at (place/time) \_\_\_\_\_

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decisionmaker.

Name of agency adopting document \_\_\_\_\_

Contact person, if other than responsible official \_\_\_\_\_ Phone \_\_\_\_\_

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

NEW SECTION

WAC 332-41-970 DETERMINATION OF NONSIGNIFICANCE (DNS).

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
BRIAN J. BOYLE, COMMISSIONER OF PUBLIC LANDS  
DETERMINATION OF NONSIGNIFICANCE

Description of proposal \_\_\_\_\_

Proponent \_\_\_\_\_

Location of proposal, including street address, if any \_\_\_\_\_

Lead agency \_\_\_\_\_

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by \_\_\_\_\_.

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

(OPTIONAL)

- You may appeal this determination to (name) \_\_\_\_\_  
 at (location) \_\_\_\_\_  
 no later than (date) \_\_\_\_\_  
 by (method) \_\_\_\_\_

You should be prepared to make specific factual objections.  
Contact \_\_\_\_\_ to read or ask about the procedures  
for SEPA appeals.

- There is no agency appeal.

NEW SECTION

**WAC 332-41-980 DETERMINATION OF SIGNIFICANCE  
AND SCOPING NOTICE (DS).**

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
BRIAN J. BOYLE, COMMISSIONER OF PUBLIC LANDS

DETERMINATION OF SIGNIFICANCE  
AND REQUEST FOR COMMENTS ON SCOPE OF EIS

Description of proposal \_\_\_\_\_

Proponent \_\_\_\_\_

Location of proposal \_\_\_\_\_

Lead agency \_\_\_\_\_

EIS Required. The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030 (2)(c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our offices.

The lead agency has identified the following areas for discussion in the EIS: \_\_\_\_\_

Scoping. Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. The method and deadline for giving us your comments is:

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

(OPTIONAL)

- You may appeal this determination of significance  
 to (name) \_\_\_\_\_  
 at (location) \_\_\_\_\_  
 no later than (date) \_\_\_\_\_  
 by (method) \_\_\_\_\_

You should be prepared to make specific factual objections.  
Contact \_\_\_\_\_ to read or ask about the procedures for SEPA appeals.

There is no agency appeal.

**NEW SECTION**

**WAC 332-41-985 NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS.**

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
BRIAN J. BOYLE, COMMISSIONER OF PUBLIC LANDS  
NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of proposal \_\_\_\_\_  
\_\_\_\_\_

Proponent \_\_\_\_\_

Location of proposal \_\_\_\_\_  
\_\_\_\_\_

Initial lead agency \_\_\_\_\_

New lead agency \_\_\_\_\_

The initial lead agency concluded that this proposal was not likely to have significant adverse impact on the environment, according to its determination of nonsignificance dated \_\_\_\_\_.

We have reviewed the environmental checklist and related information. In our opinion, an environmental impact statement (EIS) is required on the proposal, because of the following impacts: \_\_\_\_\_  
\_\_\_\_\_

You are being notified that we assume the responsibility of lead agency under SEPA, including the duty to prepare an EIS on the proposal.

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

**NEW SECTION**

**WAC 332-41-990 NOTICE OF ACTION.**

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
BRIAN J. BOYLE, COMMISSIONER OF PUBLIC LANDS

NOTICE OF ACTION

Notice is given under SEPA, RCW 43.21C.080, that (name of agency or entity) \_\_\_\_\_ took the action described in (2) below on (date) \_\_\_\_\_.

1. Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced on or before (date) \_\_\_\_\_.

2. Description of agency action: \_\_\_\_\_  
\_\_\_\_\_

3. Description of proposal (if not covered by (2)): \_\_\_\_\_  
\_\_\_\_\_

4. Location of proposal (a sufficient description should be given to locate the site, if any, but a complete legal description is not required): \_\_\_\_\_  
\_\_\_\_\_

5. Type of environmental review under SEPA (include name and date of any environmental documents):

6. Documents may be examined during regular business hours at (location, including room number, if any):

7. Name of agency, proponent, or applicant giving notice:

8. This notice is filed by (signature of individual and capacity in which the person is signing):

Date

**WSR 84-13-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning schedule of charges, amending WAC 275-16-030.

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

that the agency will at 2:00 p.m., Wednesday, July 25, 1984, in the General Administration Building Auditorium, 11th and Columbia, 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 1, 1984.

The authority under which these rules are proposed is RCW 71.02.412.

The specific statute these rules are intended to implement is RCW 71.02.410.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 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 11, 1984. The meeting site is in a location which is barrier free.

Dated: June 18, 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 275-16-030.

The Purpose of the Rule Change: To revise schedule of charges for state hospitals. Charges will generally be increased which will result in substantial additional revenue to the state.

The Reason These Rules are Necessary: To reflect current costs of operating the state hospitals.

Statutory Authority: RCW 71.02.412.

Summary of the Rule Change: Revise schedule of charges for state hospitals based on current operating costs.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Dave Padget, Mental Health Program Administrator, Mental Health Division, Mailstop: OB 42F, Telephone: 753-2098, scan 234-2098.

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

**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

	Child Study and Treatment Center	Western State Hospital	Eastern State Hospital
--	----------------------------------	------------------------	------------------------

(a) INPATIENT SERVICES - Per diem

Hospital Costs	<del>(\$107.61)</del>	<del>\$156.90</del>	<del>\$127.15)</del>
	\$112.99	\$166.68	\$131.81
Physician Costs	<del>((4.89)</del>	<del>9.46</del>	<del>6.36)</del>
	4.42	8.51	5.98
Total	<del>((117.70)</del>	<del>166.36</del>	<del>133.51)</del>
	117.41	175.19	137.79

(b) OUTPATIENT SERVICES - Per diem

Outpatient Day Care	--	--	--
	--	<del>((41.59))</del>	--
		43.80	

(c) ANCILLARY SERVICES - Per Relative Value Unit /

Radiology	<del>((6.92)</del>	<del>6.92</del>	<del>7.89)</del>
	7.47	7.47	6.33
Pathology	<del>((.51)</del>	<del>.51</del>	<del>.49)</del>
	.55	.55	.46

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
Medical Clinics	<del>(1.85)</del>	<del>1.85</del>	<del>1.00</del>
	1.94	1.94	1.00
Electroencephalogram	<del>(2.22)</del>	<del>2.22</del>	<del>7.40</del>
	—	—	1.00
Electrocardiogram	—	—	<del>(.42)</del>
	—	—	.38
Inhalation Therapy	—	—	<del>(7.37)</del>
	—	—	—
Physical Therapy	<del>(1.94)</del>	<del>1.94</del>	<del>1.03</del>
	2.02	2.02	1.70
Occupational Therapy	—	—	<del>(22.87)</del>
	—	—	8.86
Speech Therapy	—	—	<del>(10.91)</del>
	—	—	9.25
Dental	—	—	<del>(44.96)</del>
	—	—	51.44
Podiatry	<del>(1.09)</del>	<del>1.09</del>	<del>1.38</del>
	1.18	1.18	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.

<sup>1</sup>/California Medical Association. "Relative Value Studies." Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

**WSR 84-13-068**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd WAC 388-92-025 Computation of available income and resources.
- Amd WAC 388-95-340 Computation of available income and resources.

It is the intention of the secretary to adopt these rules on an emergency basis on or about June 20, 1984; that the agency will at 2:00 p.m., Wednesday, July 25, 1984, in the General Administration Building Auditorium, 11th and Columbia, 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 1, 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 July 25, 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 11, 1984. The meeting site is in a location which is barrier free.

Dated: June 19, 1984  
 By: David A. Hogan, Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
 Re: Amending WAC 388-92-025 and 388-95-340.  
 Purpose of the Rule or Rule Change: To count a veteran's dependent allowance as income of the dependent.  
 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: Veteran's benefits will be counted as income of the veteran or the dependent as the V.A. attributes the benefits.  
 Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Phone: 3-7316, Mailstop: LK-11.  
 These rules are necessary as a result of federal law, E00830.164, Treatment of Augmented VA Payments.

AMENDATORY SECTION (Amending Order 2064, filed 1/4/84)

WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME AND RESOURCES. (1) Total income of a beneficiary of supplemental security income is not considered available in determining eligibility.

- (2) Financial responsibility of spouses and parents.
  - (a) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s).
  - (b) If both spouses apply or are eligible as aged, blind, or disabled and cease to live together their income and resources are considered available to each other for the time periods specified below. After the appropriate time period only the income and resources that are actually contributed by one spouse to the other are considered available.
    - (i) If spouses cease to live together because of the institutionalization of one spouse—
      - (A) Consider their income as available to each other through the month in which they cease to live together. Mutual consideration of income ceases with the month after the month in which separation occurs.
      - (B) Consider their resources as available to each other for the month during which they cease to live together and the six months following that month.
    - (ii) If spouses cease to live together for any reason other than institutionalization consider their income and resources as available to each other for the month during which they cease to live together and the six months following that month. If the mutual consideration of income and resources causes the individuals to lose eligibility as a couple, the agency will determine if an individual is eligible in accordance with subsection (c) of this section.
  - (c) If only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple, and they cease to live together consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse beginning with the month after the month in which they cease to live together.
  - (d) When both spouses are eligible and institutionalized:
    - (i) Income and resources are considered jointly if they share the same room.
    - (ii) Income and resources are considered separately if they don't share the same room.

(e) When only one spouse is eligible and both are institutionalized consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse, even if they share the same room.

(3) When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

(4) For SSI related individuals, age eighteen to twenty-one, parents' income is not deemed available.

(5) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(6) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsections (7) and (9) of this section, shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the monthly state supplement benefit standard all the remaining income shall be deemed to the applicant.

(7) Exclusions from income. The following shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (7)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments excluded by other statutes. When necessary these exclusions will be publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973;

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit;

(l) ~~Veteran's ((aid and attendance allowance is to be excluded in determining financial eligibility)) benefits, only the portion of the payment which is attributable to the veteran is counted as income in determining eligibility for medicaid.~~

~~(i) ((If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.~~

~~((ii)) The veteran's aid and attendance/housebound allowance is to meet the cost of unusual medical care and is excluded in determining eligibility for medicaid.~~

For institutionalized ((applicants)) individuals, the amount subsequently is considered in the cost of institutional care.

(ii) The portion attributable to the dependent is counted as income to the dependent.

(m) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost of living benefit increases shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost of living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

(i) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(ii) Persons who are not actually receiving SSI/SSP payments for some other reason.

(iii) Persons who would have received SSI/SSP if they had applied.

(iv) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(n) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(o) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(8) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(9) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (7) of this section, plus one-half of the remainder.

(10) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to AFDC grant regulations.

#### AMENDATORY SECTION (Amending Order 2064, filed 1/4/84)

WAC 388-95-340 COMPUTATION OF AVAILABLE INCOME AND RESOURCES. (1) Total income of a beneficiary of supplemental security income is not considered available in determining eligibility.

(2) Financial responsibility of spouses and parents.

(a) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s).

(b) If both spouses apply or are eligible as aged, blind, or disabled and cease to live together their income and resources are considered available to each other for the time periods specified below. After the appropriate time period only the income and resources that are actually contributed by one spouse to the other are considered available.

(i) If spouses cease to live together because of the institutionalization of one spouse—

(A) Consider their income as available to each other through the month in which they cease to live together. Mutual consideration of income ceases with the month after the month in which separation occurs.

(B) Consider their resources as available to each other for the month during which they cease to live together and the six months following that month.

(ii) If spouses cease to live together for any reason other than institutionalization consider their income and resources as available to each other for the month during which they cease to live together and the six months following that month. If the mutual consideration of income and resources causes the individuals to lose eligibility as a couple, the agency will determine if an individual is eligible in accordance with subsection (c) of this section.

(c) If only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple, and they cease to live together consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse beginning with the month after the month in which they cease to live together.

(d) When both spouses are eligible and institutionalized:

(i) Income and resources are considered jointly if they share the same room.

(ii) Income and resources are considered separately if they don't share the same room.

(e) When only one spouse is eligible and both are institutionalized consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse, even if they share the same room.

(3) When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

(4) For SSI related individuals, age eighteen to twenty-one, parents' income is not deemed available.

(5) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(6) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsections (7) and (9) of this section, shall be applied to his/her income in determining the amount to be

deemed to the applicant. If the remaining income of the ineligible spouse exceeds the monthly state supplement benefit standard all the remaining income shall be deemed to the applicant.

(7) Exclusions from income. The following shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (7)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments excluded by other statutes. When necessary these exclusions will be publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973;

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit;

(l) Veteran's ~~((aid and attendance allowance is to be excluded in determining financial eligibility))~~ benefits, only the portion of the payment which is attributable to the veteran is counted as income in determining eligibility for medicaid.

(i) ~~((If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant:~~

~~((ii)) The veteran's aid and attendance/house bound allowance is to meet the cost of unusual medical care and is excluded in determining eligibility for medicaid.~~

For institutionalized ~~((applicants))~~ individuals, the amount subsequently is considered in the cost of institutional care.

(ii) The portion attributable to the dependent is counted as income to the dependent.

(m) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost of living benefit increases shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost of living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

(i) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(ii) Persons who are not actually receiving SSI/SSP payments for some other reason.

(iii) Persons who would have received SSI/SSP if they had applied.

(iv) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(n) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(o) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(8) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(9) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (7) of this section, plus one-half of the remainder.

(10) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to AFDC grant regulations.

(11) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration (for the recovery of SSI overpayments) is considered as available income for the institutionalized individual's contribution toward the cost of care.

**WSR 84-13-069**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2115—Filed June 20, 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 388-92-025 Computation of available income and resources.

Amd WAC 388-95-340 Computation of available income and resources.

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 federal requirements which are already in effect.

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 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 19, 1984.

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

AMENDATORY SECTION (Amending Order 2064, filed 1/4/84)

**WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME AND RESOURCES.** (1) *Total income of a beneficiary of supplemental security income is not considered available in determining eligibility.*

(2) *Financial responsibility of spouses and parents.*

(a) *Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s).*

(b) *If both spouses apply or are eligible as aged, blind, or disabled and cease to live together their income and resources are considered available to each other for the time periods specified below. After the appropriate time*

period only the income and resources that are actually contributed by one spouse to the other are considered available.

(i) If spouses cease to live together because of the institutionalization of one spouse—

(A) Consider their income as available to each other through the month in which they cease to live together. Mutual consideration of income ceases with the month after the month in which separation occurs.

(B) Consider their resources as available to each other for the month during which they cease to live together and the six months following that month.

(ii) If spouses cease to live together for any reason other than institutionalization consider their income and resources as available to each other for the month during which they cease to live together and the six months following that month. If the mutual consideration of income and resources causes the individuals to lose eligibility as a couple, the agency will determine if an individual is eligible in accordance with subsection (c) of this section.

(c) If only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple, and they cease to live together consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse beginning with the month after the month in which they cease to live together.

(d) When both spouses are eligible and institutionalized:

(i) Income and resources are considered jointly if they share the same room.

(ii) Income and resources are considered separately if they don't share the same room.

(e) When only one spouse is eligible and both are institutionalized consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse, even if they share the same room.

(3) When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

(4) For SSI related individuals, age eighteen to twenty-one, parents' income is not deemed available.

(5) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(6) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsections (7) and (9) of this section, shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the monthly state supplement benefit standard all the remaining income shall be deemed to the applicant.

(7) Exclusions from income. The following shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

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(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (7)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments excluded by other statutes. When necessary these exclusions will be publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973;

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit;

(l) Veteran's ((aid and attendance allowance is to be excluded in determining financial eligibility)) benefits, only the portion of the payment which is attributable to the veteran is counted as income in determining eligibility for medicaid.

(i) ((If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.

(ii) The veteran's aid and attendance/housebound allowance is to meet the cost of unusual medical care and is excluded in determining eligibility for medicaid.

For institutionalized ((applicants)) individuals, the amount subsequently is considered in the cost of institutional care.

(ii) The portion attributable to the dependent is counted as income to the dependent.

(m) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost of living benefit increases shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost of living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

(i) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(ii) Persons who are not actually receiving SSI/SSP payments for some other reason.

(iii) Persons who would have received SSI/SSP if they had applied.

(iv) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(n) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(o) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(8) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(9) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (7) of this section, plus one-half of the remainder.

(10) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to AFDC grant regulations.

**AMENDATORY SECTION** (Amending Order 2064, filed 1/4/84)

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(c) If only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple, and they cease to live together consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse beginning with the month after the month in which they cease to live together.

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(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (7)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on

the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

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(l) Veteran's ((aid and attendance allowance is to be excluded in determining financial eligibility)) benefits, only the portion of the payment which is attributable to the veteran is counted as income in determining eligibility for medicaid.

(i) ~~((If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.~~

(ii)) The veteran's aid and attendance/house bound allowance is to meet the cost of unusual medical care and is excluded in determining eligibility for medicaid.

For institutionalized ((applicants)) individuals, the amount subsequently is considered in the cost of institutional care.

(ii) The portion attributable to the dependent is counted as income to the dependent.

(m) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost of living benefit increases shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost of living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

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(ii) Persons who are not actually receiving SSI/SSP payments for some other reason.

(iii) Persons who would have received SSI/SSP if they had applied.

(iv) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(n) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(o) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(8) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(9) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (7) of this section, plus one-half of the remainder.

(10) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to AFDC grant regulations.

(11) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration (for the recovery of SSI overpayments) is considered as available income for the institutionalized individual's contribution toward the cost of care.

#### WSR 84-13-070

#### NOTICE OF PUBLIC MEETINGS PARKS AND RECREATION COMMISSION

[Memorandum—June 20, 1984]

The meeting of the Washington State Parks and Recreation Commission which was scheduled for July 20, 1984, at Port Angeles, Washington, has been cancelled.

The next meeting of the Washington State Parks and Recreation Commission is to be held on September 21, 1984, at Wenatchee, Washington.

#### WSR 84-13-071

#### PROPOSED RULES PARKS AND RECREATION COMMISSION

[Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning Land exchange—Fee, WAC 352-32-295;

that the agency will at 9:00 a.m., Friday, September 21, 1984, in the Central Washington Bank, 301 North Mission, Wenatchee, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.210.

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

This notice is connected to and continues the matter in Notice No. WSR 84-12-071 filed with the code reviser's office on June 6, 1984.

Dated: June 20, 1984

By: Gary Robinson  
Executive Assistant

**WSR 84-13-072  
PROPOSED RULES  
PARKS AND RECREATION  
COMMISSION**  
[Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning easement, franchise, license, and special use permit applications and fees, WAC 352-32-300;

that the agency will at 9:00 a.m., Friday, September 21, 1984, in the Central Washington Bank, 301 North Mission, Wenatchee, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.040.

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

This notice is connected to and continues the matter in Notice No. WSR 84-12-072 filed with the code reviser's office on June 6, 1984.

Dated: June 20, 1984  
By: Gary Robinson  
Executive Assistant

**WSR 84-13-073  
PROPOSED RULES  
PARKS AND RECREATION  
COMMISSION**  
[Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning filming within state parks, chapter 352-74 WAC;

that the agency will at 9:00 a.m., Friday, September 21, 1984, in the Central Washington Bank, 301 North Mission, Wenatchee, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.040.

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

This notice is connected to and continues the matter in Notice No. WSR 84-12-073 filed with the code reviser's office on June 6, 1984.

Dated: June 20, 1984  
By: Gary Robinson  
Executive Assistant

**WSR 84-13-074  
PROPOSED RULES  
PARKS AND RECREATION  
COMMISSION**  
[Filed June 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning Wood debris collection permit—Fee, WAC 352-32-290;

that the agency will at 9:00 a.m., Friday, September 21, 1984, in the Central Washington Bank, 301 North Mission, Wenatchee, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.045.

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

This notice is connected to and continues the matter in Notice No. WSR 84-12-074 filed with the code reviser's office on June 6, 1984.

Dated: June 20, 1984  
By: Gary Robinson  
Executive Assistant

**WSR 84-13-075  
PROPOSED RULES  
DEPARTMENT OF CORRECTIONS**  
[Filed June 20, 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 Adult correctional institutions—Medical care—Health care, adopting chapter 137-91 WAC, and repealing chapter 275-91 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 30, 1984.

The authority under which these rules are proposed is RCW 72.01.050, 72.01.090 and 72.09.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 20, 1984.

Correspondence regarding this adoption should be sent to the attention of:

Robert W. Sampson, Administrator  
Office of Contracts and Regulations  
P.O. Box 9699, FN-61  
Olympia, WA 98504  
(206) 753-5770, scan 234-5770

Dated: June 19, 1984

By: Amos E. Reed  
Secretary

### STATEMENT OF PURPOSE

Title and Number of Rule: Adopting chapter 137-91 WAC, Adult correctional institutions—Medical care—Health care.

Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050.

Summary and Purpose of Rule Change: This rule is intended to reflect Department of Corrections policies with respect to medical and health care of individuals assigned to its custody and control.

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, 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 businesses.

#### Chapter 137-91 WAC ADULT CORRECTIONAL INSTITUTIONS—MEDICAL CARE—HEALTH CARE

#### WAC

137-91-011	Medical/dental care—General policy.
137-91-021	Medical/dental services.
137-91-050	Use of allied health professionals.
137-91-060	Records.
137-91-070	Supplemental care.

#### NEW SECTION

WAC 137-91-011 MEDICAL/DENTAL CARE—GENERAL POLICY. The policy of the department of corrections with regard to medical and dental care for inmates of adult correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

- (1) Cause or allow to continue significant or debilitating pain; or
- (2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration.

#### NEW SECTION

WAC 137-91-021 MEDICAL/DENTAL SERVICES. The medical/dental treatment program operated by the department of corrections shall include the following services:

- (1) Regular environmental health inspections and, where appropriate, recommendations.
- (2) Initial examination when the inmate enters the adult correctional system. This examination shall include:
  - (a) A medical history;
  - (b) A physical examination, including funduscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;
  - (c) A chest film as indicated;
  - (d) Serology;
  - (e) Blood count;
  - (f) Urinalysis;
  - (g) Electrocardiogram as indicated;
  - (h) Visual and auditory acuity;
  - (i) Dental examination;
  - (j) For female residents, gonorrhea culture and Pap smear as indicated.
- (3) Immunizations as indicated.
- (4) Evaluation of capacity for work and recreation.
- (5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 137-91-011.

#### NEW SECTION

WAC 137-91-050 USE OF ALLIED HEALTH PROFESSIONALS. Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks.

#### NEW SECTION

WAC 137-91-060 RECORDS. Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

- (1) Detailed reports of admission medical evaluation and recommendations;
- (2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;
- (3) Reports made by outside consultants.

#### NEW SECTION

WAC 137-91-070 SUPPLEMENTAL CARE. Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: PROVIDED, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 275-91-011 MEDICAL/DENTAL CARE—GENERAL POLICY.
- (2) WAC 275-91-021 MEDICAL/DENTAL SERVICES.
- (3) WAC 275-91-031 RIGHT TO REFUSE TREATMENT.
- (4) WAC 275-91-041 INVOLUNTARY TREATMENT—APPEALS.
- (5) WAC 275-91-050 USE OF ALLIED HEALTH PROFESSIONALS.
- (6) WAC 275-91-060 RECORDS.
- (7) WAC 275-91-070 SUPPLEMENTAL CARE.

**WSR 84-13-076**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 84-15—Filed June 20, 1984]

I, Donald W. Moos, director of the Washington State Department of Ecology, do promulgate and adopt at Room 273, Department of Ecology Headquarters Office, Lacey, Washington, the annexed rules relating to the Okanogan River basin water resources management program, revision of chapter 173-549 WAC.

This action is taken pursuant to Notice No. WSR 84-07-056 filed with the code reviser on March 21, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 90.54 and 90.22 RCW and is intended to administratively implement those statutes.

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 W. Moos  
 Director

AMENDATORY SECTION (Amending Order DE 76-25, filed 7/14/76)

WAC 173-549-010 GENERAL PROVISION. ~~((These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Okanogan River Basin, WRIA 49 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the Department of Ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-549 WAC.))~~ These rules apply to waters within the Okanogan River Basin (WRIA 49) as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (The Water Resources Act of 1971) and chapter 90.22 RCW (Minimum Water Flows and Levels) and in accordance with chapter 173-500 WAC (Water Resources Management Program).

NEW SECTION

WAC 173-549-015 PURPOSE. Chapter 90.54 RCW (The Water Resources Act of 1971) requires that utilization and management of the waters of the state shall be guided by a number of fundamentals, including the following:

"(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and

all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial." (RCW 90.54.020(1)).

The act further specifies that "Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values." (RCW 90.54.020(3)(a)).

The purpose of this chapter is to satisfy the requirements of RCW 90.54.020(3)(a) while, at the same time, allowing the continued use of water for other beneficial uses such as agriculture, which is acknowledged as a vital activity greatly benefiting the citizens of the Okanogan Basin and the state of Washington.

NEW SECTION

WAC 173-549-016 DEFINITION. For the purposes of this chapter, the term minimum instream flow shall be synonymous with the term base flow as defined in chapter 90.54 RCW and the term minimum flow as defined in chapter 90.22 RCW.

AMENDATORY SECTION (Amending Order DE 76-25, filed 7/14/76)

WAC 173-549-020 ESTABLISHMENT OF ((BASE)) MINIMUM INSTREAM FLOWS. (1) ((Base)) Minimum instream flows are established for stream management units with monitoring to take place at certain control points as follows:

Stream Management Unit Information

Stream Management Unit Name, Control Station Name and Number	Control Station Location by River Mile, Section, Township, Range	Affected Stream Reach
<u>Lower Okanogan</u>		
Okanogan R. at Malott (12447200)	17.0, 9-32-25E	Okanogan River confluence with Wells <del>((Pool))</del> <u>Pool</u> to confluence of Chewiliken Cr.
<u>Middle Okanogan</u>		
Okanogan R. nr. Tonasket (12445000)	50.8, 8-36-27E	Okanogan River confluence of Chewiliken Creek to confluence Similkameen River
<u>Upper Okanogan</u>		
Okanogan R. at Oroville (12439500)	77.3, 27-40-27E	Okanogan River confluence of Similkameen River to Osoyoos Lake
<u>Similkameen</u>		
Similkameen R. at Nighthawk (12442500)	15.8, 7-40-26E	Similkameen River <del>((month))</del> <u>confluence with Okanogan River</u> to Canadian Border

(2) ((Base)) Minimum instream flows established for the stream management units in WAC 173-549-020(1) are as follows:

~~((Base))~~ Minimum instream Flows in the Okanogan River  
(All Figures in Cubic Feet Per Second)

Month	Day	Lower Okanogan 12447200	Middle Okanogan 12445000	Upper Okanogan 12439500	Similkameen 12442500
Jan.	1	<del>((+000))</del> 860	800	320	400
	15	<del>((+000))</del> 830	800	320	400
Feb.	1	<del>((+000))</del> 820	800	320	400
	15	<del>((+000))</del> 850	800	320	400
Mar.	1	<del>((+000))</del> 880	800	320	<del>((400))</del> 425
	15	<del>((+000))</del> 900	800	320	<del>((400))</del> 450
Apr.	1	<del>((+120))</del> 925	910	330	510
	15	<del>((+250))</del> 1,100	1,070	340	640
May	1	<del>((+400))</del> 1,750	1,200	350	<del>((800))</del> 1,100
	15	<del>((+000))</del> 3,800	3,800	500	<del>((3,000))</del> 3,400
Jun.	1	<del>((+000))</del> 3,800	3,800	500	<del>((3,000))</del> 3,400
	15	<del>((+000))</del> 3,800	3,800	500	<del>((3,000))</del> 3,400
Jul.	1	<del>((+2,400))</del> 2,100	2,150	420	<del>((+650))</del> 1,900
	15	<del>((+400))</del> 1,200	1,200	350	<del>((900))</del> 1,070
Aug.	1	<del>((+050))</del> 800	840	320	<del>((590))</del> 690
	15	<del>((800))</del> 600	600	300	<del>((400))</del> 440
Sept.	1	<del>((800))</del> 620	600	300	400
	15	<del>((800))</del> 700	600	300	400
Oct.	1	<del>((940))</del> 750	730	330	450
	15	<del>((+100))</del> 960	900	370	500
Nov.	1	<del>((+100))</del> 950	900	370	500
	15	<del>((+100))</del> 950	900	320	500
Dec.	1	<del>((+100))</del> 930	900	320	500
	15	<del>((+050))</del> 900	850	320	450

(3) ~~((Base))~~ Minimum instream flow hydrographs, as represented in ~~((Figure H in the document entitled "Water Resources Management Program, Okanogan River Basin" dated 1976))~~ WAC 173-549-900, shall be used for definition of ~~((base))~~ minimum instream flows on those days not specifically identified in WAC 173-549-020(2) ~~((and WAC 173-549-030))~~.

(4) ~~((All rights hereafter established shall be subject to the base flows established in WAC 173-549-020(1) through (3), except as provided under WAC 173-549-030 herein))~~ Future consumptive water right permits hereafter issued for diversion of surface water from the mainstem Okanogan River and the Similkameen River

shall be expressly subject to minimum instream flows established in WAC 173-549-020(1) through (3) except those described in WAC 173-549-070.

~~((5) ((Future appropriations of water which would conflict with base flows shall be authorized, by the director, only in those situations when it is clear that overriding considerations of the public interest will be served))~~ Projects that would reduce the flow in a portion of a stream's length (e.g. hydroelectric projects that bypass a portion of a stream) will be considered consumptive only with respect to the affected portion of the stream. Such projects will be subject to instream flows as specified by the department. These flows may be those established in WAC 173-549-020 or, when appropriate, may be flows specifically tailored to that particular project and stream reach. When studies are required to determine such reach- and project-specific flow requirements, the department may require the project proponent to conduct such studies.

NEW SECTION

WAC 173-549-025 STREAM CLOSURES. (1) Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate minimum instream flow in all perennial streams and rivers of the Okanogan River Basin for protection of instream values.

(2) In keeping with this policy, a partial year closure from May 1 to October 1 will be established on all perennial streams in the basin except those with established minimum instream flows as described in WAC 173-549-020.

(3) The upper Okanogan stream management unit as established in WAC 173-549-020(1) is closed to further consumptive appropriation from June 15 through August 31 with the exception of single-domestic use and stock-watering use, provided that no alternative source of supply is available.

(4) When a project (as described in WAC 173-549-020(5)) is proposed on a stream that is closed to further appropriations, the department shall deny the water right application unless the project proponent can adequately demonstrate that the project does not conflict with the intent of the closure.

NEW SECTION

WAC 173-549-027 POLICY STATEMENT FOR FUTURE PERMITTING ACTIONS. (1) Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate minimum instream flow in all perennial streams and rivers as well as the water levels in all lakes in the Okanogan River Basin by encouraging the use of alternate sources of water which include (a) ground water, (b) storage water, or (c) acquisition of existing water rights.

(2) All future permits to appropriate water from the Okanogan River, the Similkameen River and perennial tributaries shall be subject to the required flows at all downstream control stations as established in WAC 173-549-020.

NEW SECTION

WAC 173-549-035 LAKES. (1) In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. In considering future water right applications, the department shall deny any application for surface or ground water which will result in a significant decrease in lake level or in the stream flow of any stream draining the lake, except that no decrease in stream flow shall be allowed during the May 1 - October 1 stream closure period.

(2) Notwithstanding the above, nothing in this chapter shall limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or instream flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(3) Any future water rights for waters from Osoyoos Lake or from ground waters determined to be in significant hydraulic continuity with Osoyoos Lake, issued after the effective date of this chapter and upon completion of the new Osoyoos Lake outlet control structure, shall be subject to the maintenance of a water surface level of 910.5 feet USCGS in Osoyoos Lake and said diversions shall be curtailed when the lake elevation drops below elevation 910.5 feet USCGS.

(4) Notwithstanding the provisions of this chapter, the construction and operation of the proposed new outlet control structure for Osoyoos Lake shall be consistent with the terms and conditions of the International Joint Commission Order of Approval signed on December 9, 1982, pursuant to the 1909 Boundary Waters Treaty.

AMENDATORY SECTION (Amending Order DE 76-25, filed 7/14/76)

WAC 173-549-060 GROUND WATER. ~~((If it is determined that a future development of ground water affects surface waters subject to the provisions of chapter 173-549 WAC, then rights to said ground water))~~ If department investigations determine that there is significant hydraulic continuity between surface water and the proposed ground water source, any water right permit or certificate issued shall be subject to the same conditions as affected surface waters. If department investigations determine that withdrawal of ground water from the source aquifers would not interfere with stream flow during the period of stream closure or with maintenance of minimum instream flows, then applications to appropriate public ground waters may be approved.

AMENDATORY SECTION (Amending Order DE 76-25, filed 7/14/76)

WAC 173-549-070 EFFECT ON PRIOR RIGHTS AND ~~((EXCEPTIONS))~~ EXEMPTIONS. ~~((Nothing in this chapter shall be construed to lessen, enlarge or modify the existing rights acquired by appropriation or otherwise. Nothing in this chapter shall be construed to adversely affect Indian reserved rights))~~ (1) Nothing in this chapter shall affect any existing water rights including, among others, riparian, appropriative, and federal Indian and non-Indian reserved rights, existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir or related facilities.

(2) Single domestic use and stockwatering use shall be exempt from the provisions established in this chapter except that, when the cumulative impacts of numerous domestic diversions begins to significantly affect the quantity of water available for instream uses or the maintenance of lake levels, then any water rights issued after that time shall be issued only for in-house use if no alternative supply is available.

(3) Nonconsumptive uses which are compatible with the intent of the chapter may be approved.

NEW SECTION

WAC 173-549-080 FUTURE RIGHTS. No rights to divert or store public surface or ground waters of the Okanogan River Basin, WRIA 49, shall hereafter be granted which shall conflict with the purpose of this chapter except as provided in RCW 90.54.020 (3)(a).

NEW SECTION

WAC 173-549-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

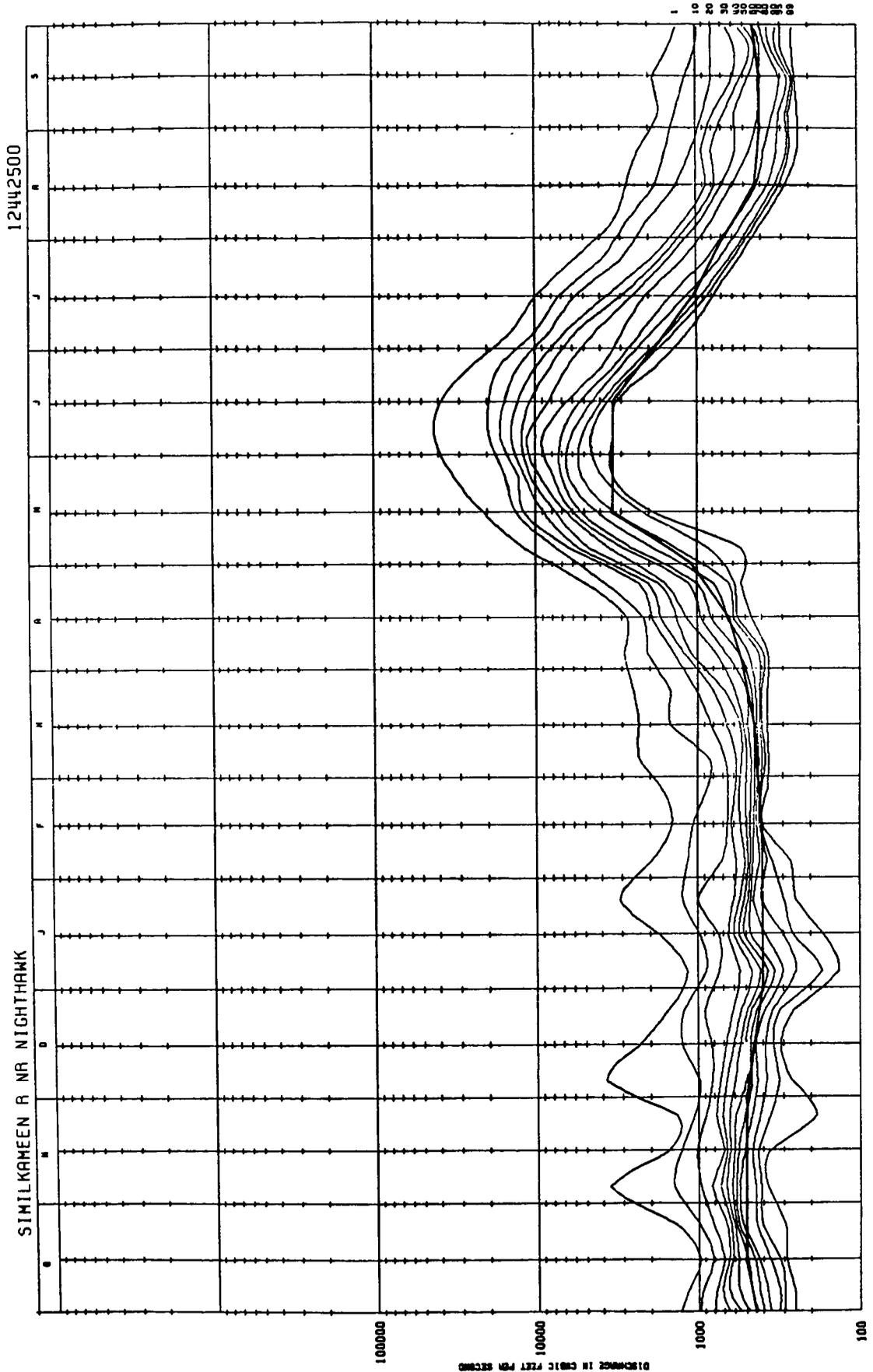
WAC 173-549-100 REGULATION REVIEW. This chapter shall be reviewed by the department of ecology at least once in every five-year period.

NEW SECTION

WAC 173-549-900 MINIMUM INSTREAM FLOW HYDROGRAPHS.

PERIOD(S) FROM - TO  
JAN 1966 - SEP 1970  
OCT 1971 - SEP 1978

STATE OF WASHINGTON  
DISCHARGE - DURATION HYDROGRAPH

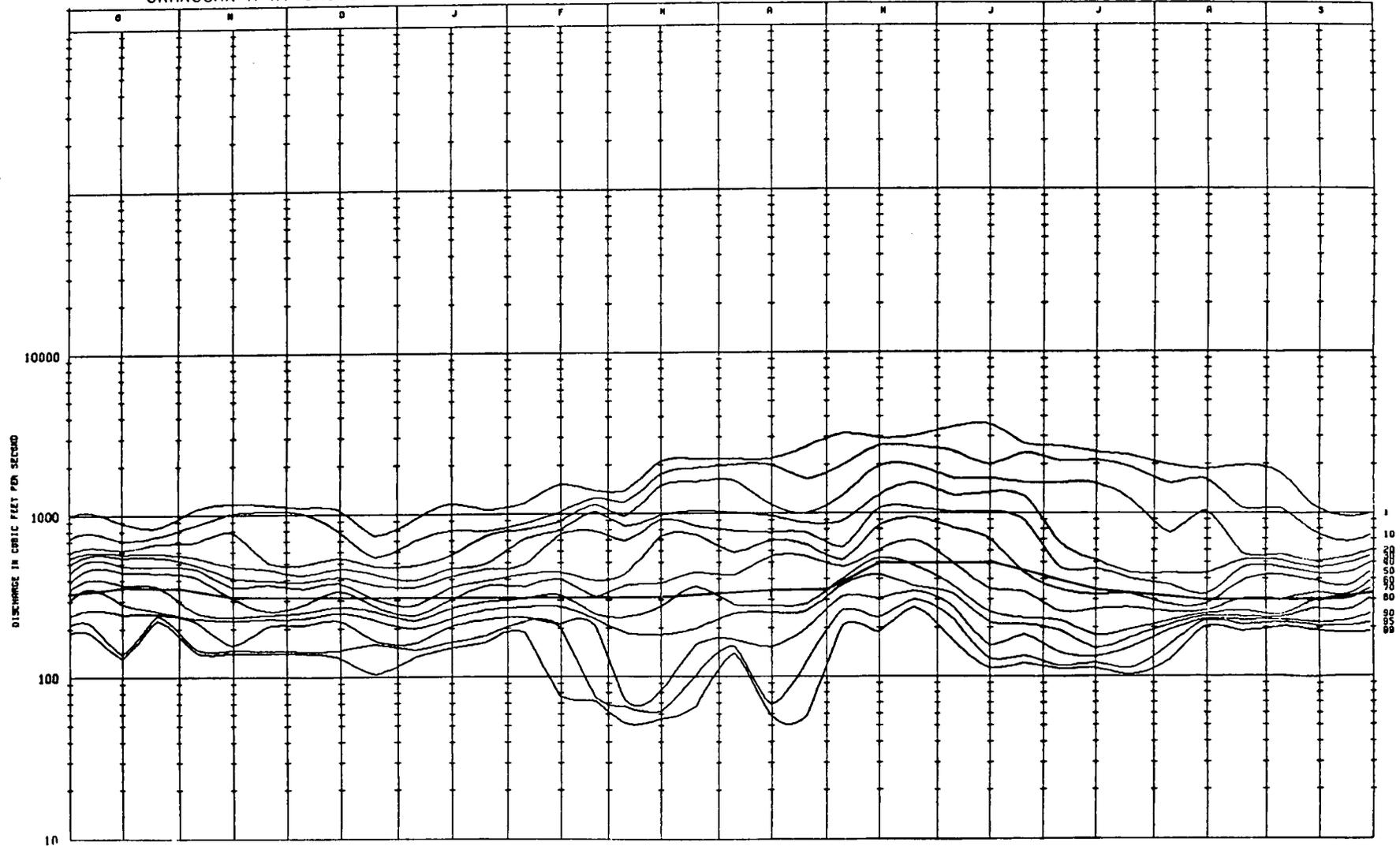


STATE OF WASHINGTON  
DISCHARGE - DURATION HYDROGRAPH

PERIOD(S) FROM - TO  
JAN 1966 - SEP 1970  
OCT 1971 - SEP 1979

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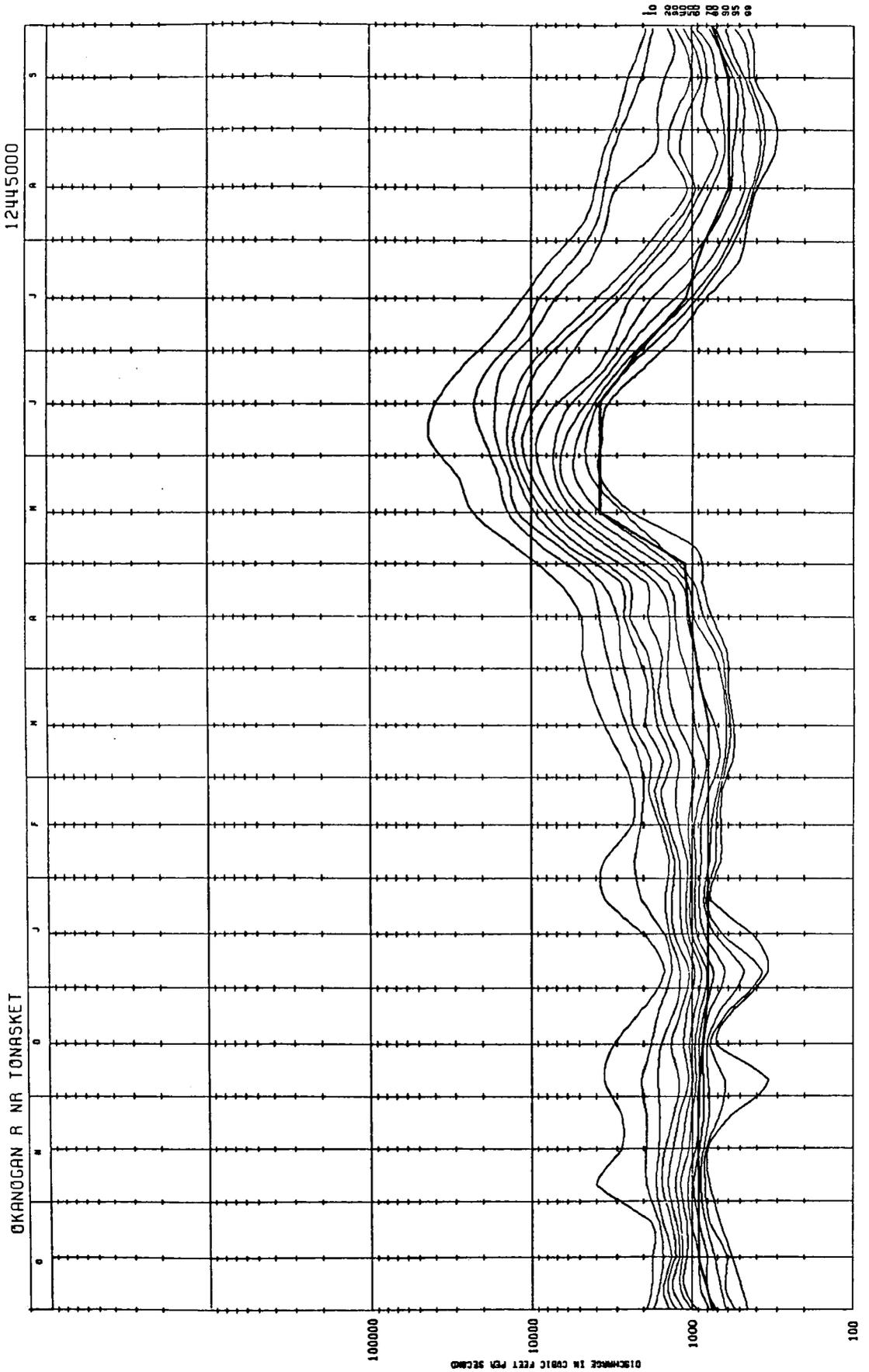
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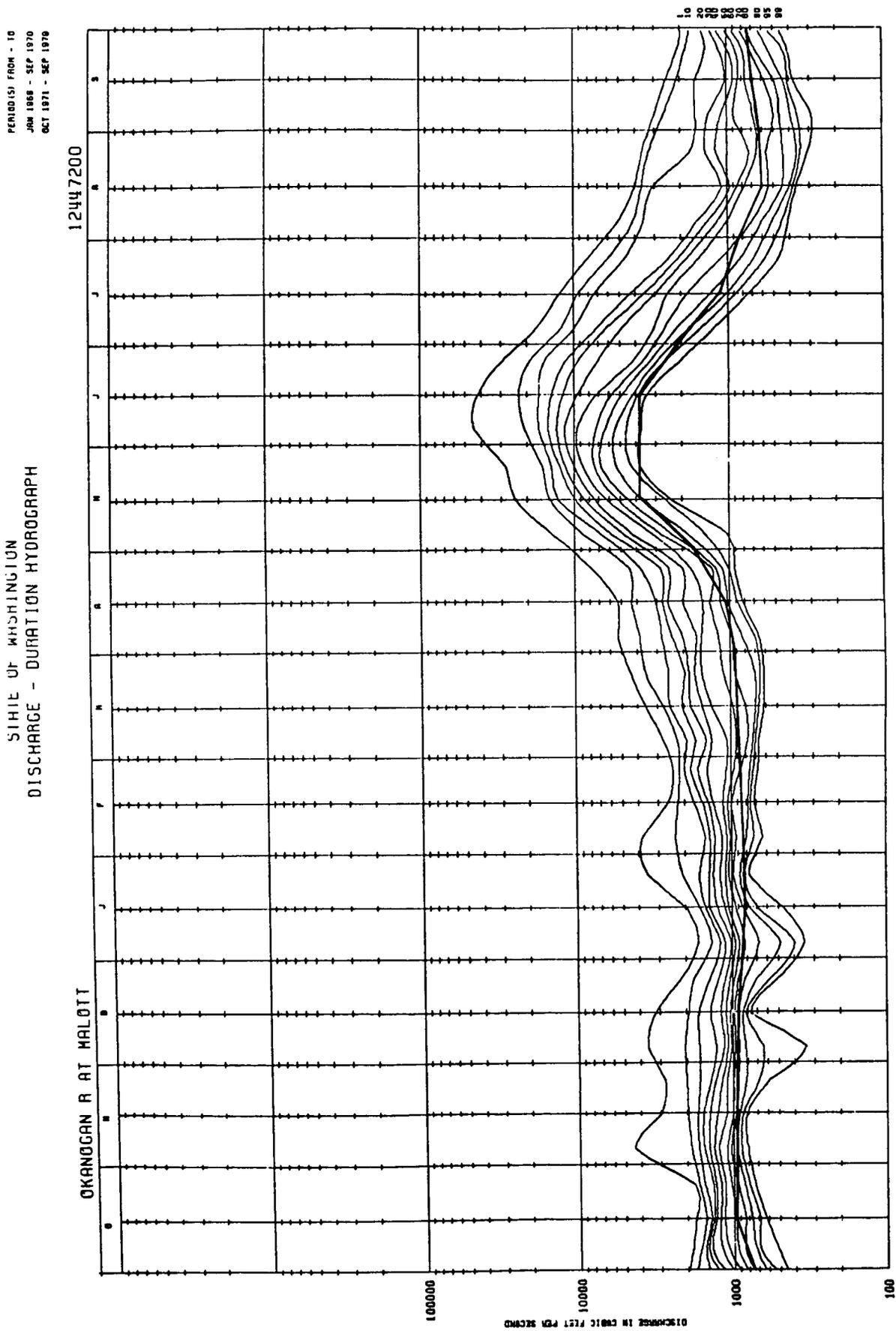


[ 174 ]

PLANNED: FROM - TO  
JAN 1968 - SEP 1970  
OCT 1971 - SEP 1973

STATE OF WASHINGTON  
DISCHARGE - DURATION HYDROGRAPH





**REPEALER**

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

- (1) WAC 173-549-030 FUTURE ALLOCATIONS—RESERVATION OF SURFACE WATER FOR BENEFICIAL USES.
- (2) WAC 173-549-040 PRIORITY OF FUTURE WATER RIGHTS DURING TIMES OF WATER SHORTAGE.
- (3) WAC 173-549-050 STREAMS AND LAKES CLOSED TO FURTHER CONSUMPTIVE APPROPRIATIONS.

**WSR 84-13-077**  
**PROPOSED RULES**  
**SEATTLE COMMUNITY**  
**COLLEGE DISTRICT**  
 [Filed June 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Seattle Community College District VI intends to adopt, amend, or repeal rules concerning limitation of use, amending WAC 132F-136-130;

that the institution will at 4:00 p.m., Wednesday, July 25, 1984, in the Seattle Community College District Office Board Room, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 6, 1984.

The authority under which these rules are proposed is chapter 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before July 25, 1984.

Dated: June 20, 1984  
 By: Donald G. Phelps  
 Chancellor

**STATEMENT OF PURPOSE**

Title and Number of Rule Chapters: Chapter 132F-136 WAC, Policy on the use of college facilities, WAC 132F-136-030 Limitation of use.

Statutory Authority: RCW 28B.50.140(13).

Specific Statute that Rule is Intended to Implement: Not applicable.

Summary of the Rule: This rule sets guidelines for use of Seattle Community College District facilities.

Reasons Supporting Proposed Action: On advice of the assistant attorney general for District VI, the proposed changes would modify guidelines for use of facilities regarding distribution of materials by persons not connected with the college and use of facilities for religious purposes.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: James E. Christiansen, Vice Chancellor for Business and Finance, Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-4160.

Name of the Person or Organization, Whether Private, Public or Governmental, that is Proposing the Change: Seattle Community College District VI.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

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

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

A small business economic impact statement is not applicable.

**AMENDATORY SECTION** (Amending Order 35, filed 11/21/77)

WAC 132F-136-030 LIMITATION OF USE. (1) Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, research, or public service programs.

(2) In general, the facilities of the college shall not be rented to, or used by, private or commercial organizations or associations, nor shall the facilities be rented to persons or organizations conducting programs for private gain.

(3) College facilities may not be used for commercial sales, advertising, or promotional activities except when such activities clearly serve educational objectives (as in display of books of interest to the academic community or in the display or demonstration of technical or research equipment) and when they are conducted under the sponsorship or at the request of a college department, administrative office or student organization.

(4) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities.

(5) Activities of commercial or political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside rooms or facilities to which access has been granted.

~~(6) ((Because of limitations imposed by the constitution of the state of Washington, the facilities of the college may not be used for the purpose of religious worship, exercise, or instruction.~~

~~(7))~~ (7) College facilities are available to recognized student groups, subject to these general policies and to the rules and regulations of the college governing student affairs.

~~((#))~~ (7) Handbills, leaflets, and similar materials except those which are ~~((religious,))~~ commercial, obscene, or unlawful in character ~~((may be distributed on the campus by regularly enrolled students, members of recognized student organizations, or college personnel. Materials))~~ may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the college affairs or the free flow of traffic. ~~((Persons and organizations not connected with the college may not distribute handbills and similar materials.))~~ Any distribution of materials as authorized by the designated administrative officer and regulated by established guidelines shall not be construed as support or approval of the content by the college community or the board of trustees.

~~((#))~~ (8) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.

~~((#))~~ (9) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

~~((#))~~ (10) The right of peaceful dissent within the college community shall be preserved. The college retains the right to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is an illegitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

~~((#))~~ (11) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However,

interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

~~((+3))~~ (12) Peaceful picketing and other orderly demonstrations are permitted in public areas and other places set aside for public meetings in college buildings. Where college space is used for an authorized function, such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities, groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

~~((+4))~~ (13) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might be available through local law enforcement agencies.

### WSR 84-13-078

#### ADOPTED RULES

#### DEPARTMENT OF FISHERIES

[Order 84-53—Filed June 21, 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.

This action is taken pursuant to Notice No. WSR 84-11-098 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 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 11, 1984.

By William R. Wilkerson  
Director

#### AMENDATORY SECTION (Amending Order 79-75, filed 9/7/79)

WAC 220-20-015 LAWFUL AND UNLAWFUL ACTS—SALMON. (1) ~~((It shall be unlawful to take, fish for or possess salmon taken for commercial purposes within a distance of three miles from any river or stream flowing into Puget Sound, unless otherwise provided.~~

~~(2))~~ It ~~((shall be))~~ is unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

~~((3))~~ (2) It ~~((shall be))~~ is unlawful to operate any ~~((snag))~~ net for removing snags from state waters without permit from the department of fisheries.

~~((4))~~ (3) It ~~((shall be))~~ is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length ~~((and))~~ or coho salmon less than 16 inches in length except as follows:

(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net ~~((fishery~~

~~the minimum size limit for coho salmon shall be 16 inches in length; provided))~~ fisheries there ~~((shall be))~~ is no minimum size limit on salmon taken with gill net gear. ~~((The minimum size limit for chinook caught with purse seine and reef net is 28 inches:))~~

(b) ~~((In the Grays Harbor and Willapa Harbor gill net fisheries there shall be no minimum size limit for chinook and coho salmon:~~

~~(c) In the Columbia River commercial salmon gill net fishery, there shall be no minimum size limit on salmon:~~

~~(d))~~ In the Pacific Ocean commercial salmon troll fishery frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

~~((e) In the Puget Sound commercial))~~ (c) This subsection does not apply to salmon ~~((gill net fishery there shall be no minimum size limit on salmon taken from U.S. Convention waters during the time IPSC has control of those waters))~~ raised in aquaculture.

~~((5))~~ (4) It ~~((shall be))~~ is unlawful to set, maintain, ~~((own))~~ or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island reef net fisheries area, as described in RCW 75.12.140.

~~((6))~~ (5) It ~~((shall be))~~ is lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection ~~((5))~~ (3) of WAC 220-20-015 ~~((shall))~~ do not apply to salmon possessed ~~((pursuant to))~~ under this subsection.

~~((7))~~ (6) It ~~((shall be))~~ is unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

~~((8))~~ (7) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

#### AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the ~~((Angeles~~

~~Point Monument~~) Dungeness Spit Light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most north-easterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the ~~((Angeles Point Monument))~~ Dungeness Spit Light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point light, ~~((westerly of a line projected southeasterly from Sandy Point light to the most westerly point of Gooseberry Point,))~~ northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from ~~((Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line)))~~ Sandy Point to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point light.

(10) Area 7B shall include those waters of Puget Sound southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line projected from ~~((the most westerly point of Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line)))~~ Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to

Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected southeasterly from the Sandy Point light to the most westerly point of Gooseberry Point.

(13) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(14) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point ~~((true east to the mainland))~~ 110° true to the shipwreck on the opposite shore, and southerly of the State Highway 532 bridges between Camano Island and the mainland.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point ~~((true east to the mainland))~~ 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to Edwards Point.

(16) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to Edwards Point, westerly of a line projected 233° true from the ~~((Golden Tides))~~ Acapulco restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head light to Pier 91, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from a point

on Duwamish Head through the Duwamish Head light to Pier 91.

~~((19))~~ ~~((Arca 10B shall include those waters of Puget Sound easterly of a line projected 233° true from the Golden Tides restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, Salmon Bay, the Lake Washington Ship Canal, Lake Union, Portage Bay, Lake Washington northerly of the Evergreen Point Floating Bridge, and waters of the Sammamish River north of State Highway 908 Bridge.~~

~~((20))~~ Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

~~((21))~~ (20) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

~~((22))~~ (21) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(22) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the Acapulco restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington ship canal and those waters of the Lake Washington ship canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship canal, Lake Union and Portage Bay.

(23) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

~~((23))~~ (24) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

~~((24))~~ (25) Area 11A shall include those waters of Puget Sound southerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay.

~~((25))~~ (26) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

~~((26))~~ (27) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

~~((27))~~ (28) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

~~((28))~~ (29) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the fishing boundary marker at Union.

~~((29))~~ (30) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the fishing boundary marker at Union.

~~((30))~~ (31) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected ~~((93° true))~~ from ~~((the marker on the Longbranch Peninsula to the point immediately north of))~~ Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

~~((31))~~ (32) Area 13A shall include those waters of Puget Sound northerly of a line projected ~~((93° true))~~ from ~~((the marker on Longbranch Peninsula to the point immediately north of))~~ Green Point to Penrose Point.

~~((32))~~ (33) Area ~~((13B))~~ 13C shall include those waters of Puget Sound ~~((westerly))~~ easterly of ~~((a line projected from))~~ the ~~((Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland))~~ railroad trestle at the mouth of Chambers Bay.

(34) Area 13D shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(35) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(36) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(37) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(38) Area 13H shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(39) Area 13I shall include those waters of Puget Sound southwesterly of a line projected 64° true from Kamilche Point to the opposite shore.

(40) Area 13J shall include those waters of Puget Sound northwesterly of a line projected from the light at Arcadia to Hungerford Point.

(41) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

AMENDATORY SECTION (Amending Order 76-26, filed 1:45 p.m., 4/20/76)

WAC 220-47-121 ~~TREATY INDIAN ((VESSEL AND)) GEAR IDENTIFICATION~~. It shall be unlawful for any person exercising his or her treaty Indian fishing rights at usual and accustomed grounds and stations within the Point No Point, Makah, Quinault, Medicine Creek, and Point Elliott treaty areas to ~~((take, fish for, or possess food fish until such boat or gear has been specifically registered with, and its use in such fishery or area specifically authorized by the tribal authorities of the user's tribe, and notice of such registration and authorization has been given by the tribal authorities to the Washington department of fisheries.~~

(a) ~~The department of fisheries shall also be immediately notified of the cancellation or suspension of any such registration or authorization.~~

(b) ~~The registration and notice shall contain at least the following information:~~

- ~~(1) Name and address of owner and operator.~~
- ~~(2) Type and name, if any, of the vessel.~~
- ~~(3) Tribal identification number.~~
- ~~(4) Type of gear.~~

~~((c) No boat or unattended)) leave any gear ((shall be used in the exercise of Indian treaty rights with respect to any fishery in the Point No Point, Makah, Quinault, Medicine Creek, or Point Elliott treaty areas)) unattended unless there is affixed to it an identification tag of tribal affiliation and specific fisherman identification.~~

~~((d) The required boat identification tag, as agreed with the tribes through the Northwest Indian Fisheries Commission and the department, shall consist of a red plaque approximately 2-1/2 inches by 12 inches with embossed numbers as follows: The first digit shall indicate the treaty area, the second digit the tribe within the treaty area, and the last five digits the fisherman's Bureau of Indian Affairs' Tribal Identification Number.~~

~~(e) The required unattended gear tag shall consist of a metal tag approximately 3/4 inch by 4 inches, embossed with the same numbering system as described in paragraph (d) of this subsection.~~

~~(f) Use of any such vessel or gear in violation of this subsection may be subject to the provisions of state law or regulation applicable to nontreaty fishermen.))~~

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It is unlawful to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Area 7B – That portion ~~((of the Fidalgo Bay Salmon Preserve))~~ south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island.

Area 7C – That portion ~~((inside))~~ southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 – That portion of Skagit Bay ~~((Salmon Preserve))~~ easterly of a line projected from Brown Point on

Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

Area 8A – ~~((Port Gardner Salmon Preserve))~~ Those waters easterly of a line projected from Mission Point at the south end of Tulalip Bay, thence to Buoy C1, thence to the green light at the entrance jetty of the Snohomish River thence across the mouth of the Snohomish River to the red light at Western Gear Corporation and those waters northerly of a line from Camano Head to Hermosa Point on the north end of Tulalip Bay.

Area 9 – Those waters lying inside and westerly of a line projected from the Point No Point Light to Sierra Echo Buoy thence to Forbes Landing Wharf, east of Hansville.

Area 10 – That portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

Area 11 – ~~((Gig Harbor Salmon Preserve))~~ Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

~~((Area 12 – Those waters inside and southeasterly of a line projected from Lone Rock to buoy "BBC Comm Fish" approximately 1/2 mile offshore, thence southwesterly approximately 1-1/2 miles to another buoy "BBC Comm Fish," thence approximately 1/2 mile directly to a fishing boundary marker on shore.))~~ Area 12B – Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma Rivers.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-311 PURSE SEINE—SEASONS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

- Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7 and 7A – closed.  
~~((Area 6D – October 2 through November 5:  
 Areas 7 and 7A – closed.))~~  
 Area 7B – September ~~((11))~~ 10 through ~~((November 5))~~ October 30.  
 Areas 7C and 7D – closed.  
 Area 8 – ~~((October 23 through October 29))~~ closed.  
 Area 8A – ~~((July 24))~~ September 10 through October ~~((29))~~ 23.  
 Areas 9 and 9A – closed.  
 Areas 10 and 11 – September ~~((11))~~ 10 through October ~~((29))~~ 23.  
 Areas 10A, ~~((10B,))~~ 10C, 10D, 10E, 10F, 10G and 11A – closed.  
 Areas 12 and 12B – July ~~((24))~~ 31 through October ~~((29))~~ 23.

Areas 12A, ((+2B;)) 12C, 12D, 13, 13A, ((+3B)) 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It is unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

~~((Area 6D—Weeks beginning October 2, 9, 16 and 23: Sunday through Saturday. Week beginning October 30: Sunday through Friday.))~~

Area 7B – Week beginning September ((+)) 9: Monday through Saturday. Weeks beginning September ((+8)) 16, 23 and ((25)) 30, and October ((2 and 9)) 7: Sunday through Saturday. Week beginning October ((+6)) 14: Sunday through Friday. Weeks beginning October ((23)) 21 and ((30)) 28: Monday and Tuesday.

~~((Area 8—Week beginning October 23: Monday.))~~

Area 8A – ~~((Week beginning July 24: Tuesday. Week beginning July 31: Tuesday and Wednesday.))~~ Weeks beginning September ((+),) 9 and October ((+6, and October 23)) 14: Monday. Week beginning September ((+8)) 16: Monday and Tuesday. Week beginning October 21: Tuesday.

Areas 10 and 11 – Weeks beginning September ((+)) 9 and ((+8)) 16: Monday and Tuesday. Week((s)) beginning October ((+6 and 23)) 14: Monday. Week beginning October 21: Tuesday.

Areas 12 and 12B – Weeks beginning July ((24)) 29, August 5 and ((July 31)) October 21: Tuesday. Weeks beginning September ((+)) 9 and ((+8 and October)) 16 ((and 23)): Monday and Tuesday. Week beginning October 14: Monday.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

~~((Area 6D from September 25 to November 3 and))~~ Area 7B from September ((+)) 9 to October ((20)) 18 – 24 hours per day.

~~((Area 6D on November 4 – 12:01 a.m. to 4:00 p.m. Pacific Standard Time.))~~

Area 7B on October ((2+)) 19 – 12:01 a.m. to 4:00 p.m. Pacific Daylight Time.

All other open areas – July ((24)) 29 through October ((29)) 27: 5:00 a.m. to 9:00 p.m. Pacific Daylight Time. October ((30)) 28 through November ((5)) 3: 5:00 a.m. to 8:00 p.m. Pacific Standard Time.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-319 SPECIAL MESH SIZE. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas 6B, 6D, 8, 8A, 9, 9A, 10, 10A, ((+0B;)) 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J and ((+3B)) 13K from the second Monday in September through November 30 unless said purse seine gear is constructed so that the first 100 meshes below the corkline that are within 75 fathoms of the bunt, excluding the bunt, are of a size not less than 5 inches stretch measure.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-411 GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

Areas 4B, 5, 6, 6A, 6B ((and)), 6C, 6D, 7 and 7A – closed.

~~((Area 6D—October 2 through November 5.~~

~~Areas 7 and 7A—closed.))~~

Area 7B – July ((24)) 30 through ((November 5)) October 30.

Area 7C – July ((24)) 30 through August ((6)) 15.

Area 7D – closed.

Area 8 – ~~((October 16 through October 29))~~ closed.

Area 8A – ~~((July 24))~~ September 9 through October ((29)) 22.

Areas 9 and 9A – closed.

Area 10 – September ((+)) 9 through October ((29)) 22.

Areas 10A, ((+0B;)) 10C, 10D ((and)), 10E, 10F and 10G – closed.

Area 11 – September ((+)) 9 through October ((29)) 22.

Area 11A – closed.

Areas 12 and 12B – July ((24)) 30 through October ((29)) 22.

Areas 12A, ((+2B;)) 12C, 12D, 13, 13A, ((+3B)) 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-412 GILL NET—WEEKLY PERIODS. It is unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

~~((Area 6D—Weeks beginning October 2, 9, 16 and 23: Sunday through Saturday. Week beginning October 30: Sunday through Friday.))~~

Area 7B - (~~Week beginning July 24: Tuesday and Wednesday nights.~~) Week beginning July ((31)) 29: Monday(;) and Tuesday (~~and Wednesday~~) nights. Week beginning August ((7)) 5: Tuesday, Wednesday, and Thursday nights. Week beginning August 12: Monday, Tuesday, and Wednesday nights. Weeks beginning September ((11, 18;)) 9, 16, 23 and ((25)) 30, and October ((2 and 9)) 7: Sunday through Saturday. Week beginning October ((16)) 14: Sunday through Friday. Week beginning October ((23)) 21: Sunday and Monday nights. Week beginning October ((30)) 28: Monday and Tuesday nights.

Area 7C - Week beginning July ((24)) 29: Monday and Tuesday (~~and Wednesday~~) nights. Week beginning August 5: Tuesday, Wednesday and Thursday nights. Week beginning ((July 31)) August 12: Monday, Tuesday and Wednesday nights.

(~~Area 8 - Week beginning October 16: Monday night. Week beginning October 23: Sunday night.~~)

Area 8A - Week (~~beginning July 24: Tuesday night. Week beginning July 31: Monday and Tuesday nights. Weeks~~) beginning September ((11 and October 23)) 9: Sunday night. Week beginning September ((18)) 16: Monday and Tuesday nights. Weeks beginning October ((16)) 14 and 21: Monday night.

Areas 10 and 11 - Week beginning September ((11)) 9: Sunday and Monday nights. Week beginning September ((18)) 16: Monday and Tuesday nights. Weeks beginning October ((16)) 14 and 21: Monday night. (~~Week beginning October 23: Sunday night.~~)

Areas 12 and 12B - (~~Week beginning July 24: Tuesday night.~~) Week beginning July ((31)) 29: Monday night. Week beginning August 5: Tuesday night. Week((s)) beginning September ((11 and October 23)) 9: Sunday and Monday nights. Week((s)) beginning September ((18 and October)) 16: Monday and Tuesday nights. Weeks beginning October 14 and 21: Monday night.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-413 GILL NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

July ((24)) 29 through August ((13)) 11 - 7:00 p.m. to 9:30 a.m. Pacific Daylight Time in all open areas.

August ((14)) 12 through September ((17)) 15 - 6:00 p.m. to 9:00 a.m. Pacific Daylight Time in all open areas unless otherwise provided.

(~~October 2 through November 3 - open 24 hours per day in Area 6D.~~)

November 4 - 12:01 a.m. to 4:00 p.m. Pacific Standard Time in Area 6D:))

September ((11)) 9 through October ((20)) 18 - open 24 hours per day in Area 7B.

October ((21)) 19 - 12:01 a.m. to 4:00 p.m. Pacific Daylight Time in Area 7B.

September ((18)) 16 through October ((29)) 27 - 5:00 p.m. to 9:00 a.m. Pacific Daylight Time in all ((other)) open areas unless otherwise provided.

October ((30)) 28 through November ((5)) 3 - 4:00 p.m. to 8:00 a.m. Pacific Standard Time in all ((other)) open areas.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-414 GILL NET—MESH SIZES. It is unlawful to take, fish for or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

July ((24)) 29 through September ((10)) 8 - All open areas - 7 inch minimum mesh size.

(~~October 2 through November 5 - Area 6D - 5 inch minimum mesh size.~~)

September ((11)) 9 through October ((22)) 20 - Areas 7B and 7C - 5 inch minimum mesh size. October ((23)) 21 through November ((5)) 3 - Areas 7B and 7C - 6 inch minimum mesh size.

September ((11)) 9 through October ((15)) 13 - All other open areas - 5 inch minimum mesh size.

October ((16)) 14 through November ((5)) 3 - All other open areas - 6 inch minimum mesh size.

AMENDATORY SECTION (Amending Order 76-41, filed 6/4/76)

WAC 220-47-50101 PUGET SOUND TROLL LINE SEASONS—SALMON. July ((18)) 15 to August ((21)) 18.

AMENDATORY SECTION (Amending Order 76-41, filed 6/4/76)

WAC 220-47-50201 PUGET SOUND TROLL LINE WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon for commercial purposes with troll gear except from Monday through Friday of each week on those days when it is open to a commercial salmon purse seine net fishery.

AMENDATORY SECTION (Amending Order 76-41, filed 6/4/76)

WAC 220-47-503 PUGET SOUND TROLL LINE CLOSED AREAS. It shall be unlawful to take, fish for or possess salmon taken with troll line gear for commercial purposes in all Puget Sound salmon fishing areas except Areas ((4B;)) 5(;) and 6C.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 220-47-251 PUGET SOUND—SALMON PRESERVE—DISCOVERY BAY.

(2) WAC 220-47-253 PUGET SOUND—SALMON PRESERVE—ELLIOTT BAY.

(3) WAC 220-47-254 PUGET SOUND—SALMON PRESERVE—FIDALGO BAY.

- (4) WAC 220-47-255 PUGET SOUND—SALMON PRESERVE—HOOD CANAL.  
 (5) WAC 220-47-256 PUGET SOUND—SALMON PRESERVE—KITSAP.  
 (6) WAC 220-47-257 PUGET SOUND—SALMON PRESERVE—BALLARD.  
 (7) WAC 220-47-258 PUGET SOUND—SALMON PRESERVE—SOUTH PUGET SOUND.  
 (8) WAC 220-47-259 PUGET SOUND—SALMON PRESERVE—POINT NO POINT.  
 (9) WAC 220-47-260 PUGET SOUND—SALMON PRESERVE—COMMENCEMENT BAY.  
 (10) WAC 220-47-261 PUGET SOUND—SALMON PRESERVE—SAMISH BAY.  
 (11) WAC 220-47-263 PUGET SOUND—SALMON PRESERVE—SKAGIT BAY.  
 (12) WAC 220-47-264 PUGET SOUND—SALMON PRESERVE—PORT GARDNER.  
 (13) WAC 220-47-265 PUGET SOUND—SALMON PRESERVE—PORT SUSAN.  
 (14) WAC 220-47-267 PUGET SOUND—SALMON PRESERVE—WASHINGTON HARBOR.  
 (15) WAC 220-47-268 PUGET SOUND—SALMON PRESERVE—GIG HARBOR.  
 (16) WAC 220-47-314 POINT ROBERTS.

**WSR 84-13-079**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1834—Filed June 21, 1984]

I, Michael Schwisow, deputy director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to forest reproductive material certification standards, chapter 16-319 WAC.

This action is taken pursuant to Notice No. WSR 84-10-077 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 15.49 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 15, 1984.

By Michael V. Schwisow  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1704, filed 7/24/80)

WAC 16-319-020 FOREST REPRODUCTIVE MATERIAL CERTIFICATION STANDARDS. (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material

properly identified by species or species and cultivar, and by source or source and origin.

(2) Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and ((processing)) conditioning standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated ((500-foot)) five hundred foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in ((paragraph)) subsection (1) of this section.

(h) Certifying agency means the duly designated agent of the state ((agent) agency): In Oregon state, the Oregon Seed Certification Service, 102 Farm Crops Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of ((origin)) provenance means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit. (Only certificates of provenance are issued to satisfy O.E.C.D.)

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in ((500-foot)) five hundred foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

0 - 500 feet — Code 05	2501 - 3000 feet — Code 30
501 - 1000 feet — Code 10	3001 - 3500 feet — Code 35
1001 - 1500 feet — Code 15	3501 - 4000 feet — Code 40
1501 - 2000 feet — Code 20	4001 - 4500 feet — Code 45
2001 - 2500 feet — Code 25	4501 - 5000 feet — Code 50
	and so forth.

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from ~~((the [a]))~~ a distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within ~~((500-foot))~~ five hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within ~~((500-foot))~~ five hundred foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

(t) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

(u) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with ~~((process-  
ing))~~ conditioning standards.

(v) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(w) Provenance means the original geographic source of seed, pollen or propagules.

(x) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(y) Seed zone means a geographic area delineated on western forest tree seed council's tree seed zone map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(z) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(aa) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

(bb) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

#### AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-041 APPLICATION FOR CERTIFICATION OF FOREST REPRODUCTIVE MATERIAL. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for all certification classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: PROVIDED, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection ~~((and audit))~~ at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

~~((A))~~ The fee for each lot containing less than sixty bushels shall be a maximum of ~~((36.00))~~ thirty-six dollars: PROVIDED, That the certifying agency, due to

specific circumstances, may waive this maximum fee or a part thereof.

~~((B) Sixty percent of the fee for the estimated collection of cones shall be paid with the application, the remainder to be paid when billed by the certifying agency after processing is complete.))~~

(iii) Audit class – the fee includes audit of applicant's field and ((processing)) conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, ~~((packing,))~~ package identification, ~~((and))~~ storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed –

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$15/hr.	\$15/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$0.60/bu.	\$15/hr.	
*Lots 6-10 bu.	\$15/lot	\$15/hr.	
*Lots 0-5 bu.	\$ 9/lot	\$15/hr.	
Total bushels X \$0.36/bu.			With application
Audit	None	\$15/hr.	When billed

\*Small lot fee applies when over twenty percent of total lots audited range between 0 and 10 bu. inclusive.

(b) Tree certification –

(i) Bare root seedlings – \$.20/m with a minimum of ~~((600))~~ six hundred dollars per growing site.

(ii) Container and tubling seedlings – ~~((.50/m))~~ fifty cents per thousand for a total of less than two million with a minimum of ~~((600))~~ six hundred dollars per growing site; ~~((.30/m))~~ thirty cents per thousand for quantities over two million per growing site.

(iii) Forty percent of the fee to accompany the application at the beginning stage of the crop. Final billing will be based on the number when packed.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, signs, cuttings, audit of forest reproductive material not offered for certification by applicant, etc. at \$15/hr. payable when billed.

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-061 ~~((PROCESSING))~~ CONDITIONING STANDARDS. (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to ~~((processing))~~ conditioning shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise producer before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is ~~((processed))~~ conditioned. During ~~((processing))~~ conditioning, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels will remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before ~~((processing))~~ conditioning another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed ~~((0.5%))~~ one-half of one percent by weight; trees, cuttings, scions, etc. ~~((1%))~~ one percent by number; pollen ~~((1%))~~ one percent by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material will be done by the applicant with the label being affixed to the container: PROVIDED, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the producer upon demand and, if verified by the certifying agency, must be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation,

type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and 16-319-061 (6) (b) (ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test must be recorded in detail.

(iv) Trees to be planted for tests must be grown together in soil as uniform as possible, or, if they are grown in different soils, must be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check must be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test must be clearly reported if they are significantly inferior at the ~~((95%))~~ ninety-five percent level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of ~~((origin))~~ provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of ~~((origin))~~ provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical. ~~((No items of reproductive material ineligible for any class of certification shall be included on any certificate of origin.))~~

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in

excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label must show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot must drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

(10) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.

**WSR 84-13-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed June 21, 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 monthly maintenance standard applicant not in own home, amending WAC 388-83-036;

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 388-83-036.

Purpose of the Rule or Rule Change: To clarify this section.

The Reason(s) These Rules are Necessary: Because present language could result in improper denials of assistance.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Makes the definition of monthly maintenance standard to include the cost standard of the facility and a specified CPI.

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

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

#### AMENDATORY SECTION (Amending Order 2085, filed 3/14/84)

WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—APPLICANT NOT IN OWN HOME. (1) The monthly standard for a Title XVI related individual or GA-U recipient living in a CCF, adult family home, adult residential treatment facility (ARTF) or group home shall be the cost standard of the facility plus a specified CPI. ((Cost plus a specified CPI)) This monthly standard may not exceed three hundred percent of the current SSI federal benefit level.

(2) The AFDC recipient receiving intensive (thirty days or less) alcohol treatment may be granted GA-U funds within the maximum which are paid to the facility for the cost of care.

(3) For the Title XVI related person with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs. The GA-U recipient is subject to GA-U income and resource standards.

(4) If income available to the recipient is less than the CPI standard, a state payment is authorized to the recipient to meet his or her personal needs.

(5) Payment is made by the department to the facility for the difference between income available for payment on care and the cost standard of the facility.

**WSR 84-13-081**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed June 21, 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 inpatient hospital care, amending WAC 388-86-050;

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 388-86-050.

Purpose of the Rule or Rule Change: To remove unnecessary hospital requirements and have this section conform with state plan.

The Reason(s) These Rules are Necessary: Hospital recipient inpatient lists no longer have a useful purpose and this section has been out of conformity with the state plan.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Removes the requirement that hospitals submit a daily list of recipient inpatients. Removes the requirement that an individual be a grant recipient to be eligible for medical assistance in a state mental institution. Includes individuals under age 21 in an approved psychiatric facility as eligible for medical assistance.

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

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

#### AMENDATORY SECTION (Amending Order 2011, filed 8/19/83)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted Medicare benefits. With exceptions and limitations the recipient will have free choice of hospitalization.

(2) Certain hospitalization services covered by the program require approval of the medical consultant.

(a) Prior approval for nonemergent hospital admissions;

(b) Retroactive certification and out-of-state care including bordering cities.

(3) The division of medical assistance will certify hospital admission, length of stay and/or services for all recipients.

(4) Department authorization for inpatient hospital care for eligible individuals shall be limited to the number of days established at the 50th percentile in the 1981 edition of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region," unless prior contractual arrangements are made by the department for a specified length of stay (~~((as defined in WAC 388-80-005 and 388-87-013)).~~ A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant). When hospitalization of a recipient exceeds the number of days as limited by this subsection, the hospital shall submit to the local medical consultant a request with adequate justification and signed by the attending physician within sixty days of final service for approval of the extension.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for ((AFDC recipients or SSI beneficiaries)) categorically needy and medically needy individuals under age twenty-one and ((for all categorically needy recipients)) age sixty-five and older. ((Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs.))

(d) Medicaid payments will be made for care in an approved psychiatric facility for categorically needy and medically needy individuals under age twenty-one.

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a Medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) ~~((Except for an emergency no))~~ Nonemergent hospital admissions shall not be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

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

The authority under which these rules are proposed is RCW 88.02.070 and 88.02.100.

The specific statute these rules are intended to implement is chapters 82.49 and 88.02 RCW and chapter 250, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1984.

Dated: June 19, 1984

By: Nancy Lawton  
Assistant Administrator

#### STATEMENT OF PURPOSE

Title of Rules: Amending WAC 308-93-010 Definitions; 308-93-030 Vessels subject to excise tax, registration and titling; 308-93-040 Vessels exempted from excise tax but required to be registered and titled; 308-93-050 Vessels exempted from registration, excise tax and titling; 308-93-060 Registration period; 308-93-090 Rented or leased vessels; 308-93-640 Reciprocity; and new section WAC 308-93-146 Exemption from certain decal and registration number display requirements.

Statutory Authority: The specific statutes these rules are to implement are chapters 82.49 and 88.02 RCW and chapter 250, Laws of 1984.

Description of Purpose, Summary of Proposed Rules, and Reasons Supporting Action: Amended WAC 308-93-010, redefines "alien vessel" to include Canadian vessels within that definition in order to conform with statutory changes. "Time share" charter is also defined for clarification, as is "houseboat"; amended WAC 308-93-030, defines which vessels are subject to registration, titling and excise taxation. The change eliminates language regarding 16 feet and longer vessels when referring to ski vessels, in order to conform with statutory changes; amended WAC 308-93-040, redefines which vessels are subject to registration and titling but not the excise tax, adding vessels under 16 feet to conform with statutory changes, and adding dealer owned vessels and other language to eliminate confusion and conform with the statutes; amended WAC 308-93-050, redefines which vessels are exempt from registration, titling and excise taxation to eliminate Canadian vessels and to re-define which vessels under 16 feet are exempt to conform with statutory changes. Exempt charter vessels are also specified; amended WAC 308-93-060, session law references are changed to statutory ones and implementation policies regarding federally numbered vessels are delineated; amended WAC 308-93-090, clarifies which leased vessels are subject to registration; amended WAC 308-93-640, eliminates requirement that vessels owned by out-of-state residents need be on Washington waters for 60 consecutive days, so that more than 60 days, whether or not consecutive, on Washington waters would require registration. This is to conform with the statute; and new section WAC 308-93-146, provides a one year exemption for vessel owners who have registered a vessel prior to July 1, 1984, for the registration period July 1, 1984, through June 30, 1985, from that portion of WAC

#### WSR 84-13-082

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed June 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning vessel registration and titling, amending WAC 308-93-010, 308-93-030, 308-93-040, 308-93-050, 308-93-060, 308-93-090, 308-93-640 and adopting WAC 308-93-146;

that the agency will at 10:00 a.m., Thursday, July 26, 1984, in the Auditorium, Office Building II, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

308-93-140 requiring that decals be located on the forward part of the hull, and from that portion of WAC 308-93-145 requiring a vessel registration number be displayed. This exemption is being granted because the new requirements in those rules were not in place at the time those owners registered. They, presumably, have already placed decals in conformance with, and therefore, complied with those prior standards.

Personnel Responsible for Drafting and Implementing the Rules: Nancy Lawton, Assistant Administrator, Title and Registration Control Division, Second Floor, Highways-Licenses Building, Olympia, WA 98504, (206) 234-6920 scan, (206) 753-6920 comm.

Proponents: These rules are proposed by the Department of Licensing.

Agency Comments: These rules bring the state vessel registration system into compliance with state statutes and federal standards in Title 33 CFR.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as defined by RCW 43.31.920.

#### NEW SECTION

##### WAC 308-93-146 EXEMPTION FROM CERTAIN DECAL AND REGISTRATION NUMBER DISPLAY REQUIREMENTS.

(1) Vessel owners who, prior to July 1, 1984, have renewed a vessels registration for the July 1, 1984 through June 30, 1985 registration period need not comply with the following for that vessel until July 1, 1984:

(a) the requirement of WAC 308-93-140 that the decal be placed on the forward half of the hull; and

(b) the requirements of WAC 308-93-145 for the display of vessel registration numbers.

(2) These owners must comply with all other aspects of these rules, and the required decal must be displayed at a location on the hull which is visible, without obstruction, from a side view when the vessel is on the water.

#### AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-010 DEFINITIONS. Unless the context clearly provides otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States ~~((or Canada)).~~

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) ~~((Commerce))~~ means the transportation of goods, products, commodities, or passengers between specified points for which a fare or shipping cost is levied.

~~((4))~~ "Commercial fishing" means operating under a currently valid commercial or charter fishing license issued by the department of fisheries.

~~((5))~~ (4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

~~((6))~~ (5) "Director" means the director of the department of licensing.

~~((7))~~ (6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

~~((8))~~ (7) "Exclusively" means solely and without exception.

~~((9))~~ (8) "Foreign vessel" means a vessel owned by a resident of another state ~~((or a Canadian province))~~ registered in accordance with the laws of the state ~~((or province))~~ in which the owner resides.

~~((10))~~ (9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a

security interest or the lessor of a vessel unencumbered by a security interest.

~~((11))~~ (10) "Lifeboat" means craft used exclusively for lifesaving purposes.

~~((12))~~ (11) "Manufacturer's certificate of origin" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

~~((13))~~ (12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

~~((14))~~ (13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

~~((15))~~ (14) "Previous ownership document" means the last issued certificate of title and/or registration.

~~((16))~~ (15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

~~((17))~~ (16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

~~((18))~~ (17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

~~((19))~~ (18) "Secured party" means a lender, seller, or other person in whose favor there is a security interest, including a person to whom accounts, contacts rights, or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

~~((20))~~ (19) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

~~((21))~~ (20) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters ~~((of this state)).~~

~~((22))~~ (21) "Valid marine document" means a document issued by the United States federal government which declares a vessel ~~((of five net tons or larger))~~ to be a documented vessel of the United States.

~~((23))~~ (22) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

~~((24))~~ (23) "Waters of this state" means any waters within the territorial limits of this state.

(24) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(25) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

#### AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-030 VESSELS SUBJECT TO EXCISE TAX, REGISTRATION AND TITLING. The following vessels must be registered and titled and pay the excise tax if they are on or using the waters of this state.

All vessels sixteen feet or longer equipped with propulsion machinery or sails, unless specifically exempted, ~~((and))~~ including the following:

- (1) Amphibious vessels (vehicles);
- (2) Houseboats;
- (3) Inflatable vessels with motors;
- (4) Ski type vessels (jet ski, wet bike, etc.) ~~((if sixteen feet or longer));~~
- (5) Racing vessels.

#### AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-040 VESSELS EXEMPTED FROM EXCISE TAX BUT REQUIRED TO BE REGISTERED AND TITLED. The following vessels must be registered and titled but shall be exempt from the assessment of the excise tax:

(1) Undocumented vessels used exclusively for commercial fishing purposes;

(2) Vessels owned and operated by ~~((the United States,))~~ a state of the United States, or any municipality or political subdivision thereof not used principally for governmental purposes and not clearly identifiable as such;

(3) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030;

(4) Recreational type public vessels of the military and the United States;

(5) Vessels under sixteen feet in overall length with propulsion machinery;

(6) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-050 **VESSELS EXEMPTED FROM REGISTRATION, ~~((TAXATION))~~ EXCISE TAX AND TITLING.** The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States ~~((or Canada))~~ if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state ~~((or a Canadian province))~~ if the vessel is registered in accordance with the laws of the state ~~((or province))~~ in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state ~~((or province))~~ for vessels registered in this state: **PROVIDED,** That any vessel which is validly registered in another state ~~((or a Canadian province))~~ and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

~~((5))~~ (5) Vessels propelled solely by oars or paddles;

~~((6))~~ (6) A ship's lifeboat used solely for lifesaving purposes;

~~((7))~~ (6) All vessels under sixteen feet in overall length ~~((or whose primary propulsion is human power))~~ which have no propulsion machinery of any type;

~~((8))~~ (7) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

~~((9))~~ (8) Vessels ~~((of any size powered only by human power))~~ with no propulsion machinery of any type for which the primary mode of propulsion is human power;

~~((10))~~ (9) Vessels which are temporarily in this state undergoing repair or alteration;

~~((11))~~ (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels, including, bare boat and time share charters.

~~((12))~~ (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;

~~((13))~~ (12) A vessel not using the waters of this state.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-060 **REGISTRATION PERIOD.** The registration period for the state will be July 1 of the current year through June 30 of the following year for purposes of implementing ~~((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess))~~ chapter 88.02

RCW and chapter 250, Laws of 1984. A vessel numbered in this state under the federal boat safety act need not register under chapter 88.02 RCW until the earlier of one year from the date this state's vessel numbering system is approved under the federal boat safety act; or the expiration date of the certificate of number issued for the vessel under the federal boat safety act.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed by statute will be assessed for the period beginning July 1, 1983 through the current registration period in which the vessel is registered: **PROVIDED,** That if the owner can verify that the vessel was acquired or brought into Washington after July 31, 1983, the excise tax will be assessed from the date of acquisition or entry into the state.

Vessels being registered in Washington for the first time and assigned a registration period of eleven months or less shall have the annual excise tax reduced by one-twelfth for each full month of the registration period which has passed by the date when the vessel is registered in Washington. The registration ~~((and the titling))~~ fee will not be abated for the registration period in which the vessel is registered.

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there will be assessed a registration fee of six dollars for the current registration period and excise tax due from the expiration date of the previous registration: **PROVIDED,** That if the person seeking registration can verify that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-090 **RENTED OR LEASED VESSELS.** ~~((If the vessel is leased and operated in Washington by a Washington resident, it must be titled and registered in Washington:))~~ If the owner of the vessel is a Washington resident, and the vessel is leased and operated in Washington, it must be titled and registered in Washington. If the owner is a resident of another state and the vessel is leased and operated in Washington, the reciprocity provisions in WAC 308-93-640 apply.

(1) Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.

(2) If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.

(3) If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the legal owner. If the vessel is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-640 **RECIPROCITY.** (1) A vessel owned by a resident of another state ~~((or a Canadian province))~~ which is already covered by a number in full force and effect issued to it pursuant to federal laws or a numbering system of such state ~~((or province))~~ shall be exempt from registration requirements for a period of sixty ~~((consecutive))~~ days in any twelve month period but only to the extent a similar reciprocity is granted for vessels registered in the state of Washington.

(2) When a vessel is removed to the state of Washington as a new state of principal use, Washington shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in this state.

**WSR 84-13-083**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Physical Therapy)**  
 [Filed June 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Physical Therapy Board intends to adopt, amend, or repeal rules concerning the adoption of the Uniform Disciplinary Act, chapter 279, Laws of 1984;

that the agency will at 1:30 p.m., Tuesday, July 31, 1984, in Room 200, Ramada Inn, Spokane International Airport, 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 section 43, chapter 279, Laws of 1984.

The specific statute these rules are intended to implement is section 43, chapter 279, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 27, 1984.

Dated: June 21, 1984

By: Barbara Johnson  
 Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: State of Washington Board of Physical Therapy.

Purpose: To adopt the Uniform Disciplinary Act in lieu of the disciplinary provisions in chapter 18.74 RCW.

Summary: WAC 308-42-200, Uniform Disciplinary Act adoption and board interpretation of current statutes which would be superseded.

Statutory Authority: Section 43, chapter 279, Laws of 1984.

Reason Proposed: The adoption of the Uniform Disciplinary Act will enhance the board's ability to protect the public.

Responsible Departmental Personnel: In addition to members of the Physical Therapy Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Barbara Johnson, Executive Secretary, 1300 Quince Street S.E., Olympia, WA 98504, 234-1153 scan, 753-1153 comm.

Proponents: The subject matter of this rule hearing has been proposed by the Washington State Board of Physical Therapy at the request of the Director of Licensing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-42-200 UNIFORM DISCIPLINARY ACT. (1) The board elects to adopt the Uniform Disciplinary Act, Sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.74 RCW effective May 1, 1985.

(2) The board interprets the adoption of the Uniform Disciplinary Act to effect the following changes in chapter 18.74 RCW:

(a) RCW 18.74.023 should be considered to read:

The board has the following powers and duties:

(1) To administer examinations to applicants for a license under this chapter.

(2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applications.

~~((3) To approve, deny, restrict, suspend, or revoke authorization to practice under this chapter.))~~

(4) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

(5) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

~~((6) To establish rules fixing standards of professional conduct.))~~

(7) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

(8) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

(b) RCW 18.74.090 should be considered to read:

A person who is not licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so licensed and shall not use in connection with his name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "Physiotherapist", or any other letters, words, signs, numbers or insignia indicating or implying that he is a physical therapist. ~~((Any person who practices or attempts to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing, a valid, unrevoked license as provided in this chapter, shall be guilty of a gross misdemeanor. PROVIDED, That))~~ Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

The following RCW sections are each superseded:

18.74.080  
 18.74.082  
 18.74.084  
 18.74.086  
 18.74.088  
 18.74.095  
 18.74.100

**WSR 84-13-084**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed June 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 25, 1984.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1984.

Dated: June 21, 1984

By: Frank Haw  
for William R. Wilkerson  
Director

### STATEMENT OF PURPOSE

Title: WAC 220-56-116.

Description of Purpose: Extends barbless hook requirement to ocean waters.

Authority: RCW 75.08.070 and 75.08.080.

Summary of Rule: Requires barbless hook for sport fishing for salmon in all marine waters.

Reasons Supporting Proposed Action: Reduce mortality on undersize salmon.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward P. Manary, 115 General Administration Building, Olympia, Washington, 753-6631; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This Rule is Proposed by: Washington Department of Fisheries.

Comments: No public hearing is scheduled.

This rule is not the result of federal law or court order.

Small Business Economic Impact Statement: No effect, this rule regards resource conservation.

### AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-56-116 SALMON—LAWFUL GEAR. It is unlawful to use barbed fishing hooks while angling for salmon in all (~~contiguous~~) waters (~~(easterly of a line projected true north from the mouth of the Sekiu River)~~) of Puget Sound, Pacific Ocean waters, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10. (Barbless hooks are hooks on which the barb has been filed down, removed, pinched down, or deleted when manufactured.)

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 84-13-085**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-54—Filed June 21, 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 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 conservation of coastal coho salmon stocks while allowing a limited chinook salmon fishery requires these regulations to be filed to conform Washington state regulations with those adopted by the Pacific Fisheries Management Council.

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

This rule is promulgated pursuant to RCW 75.08.070 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 21, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-56-19000G SALTWATER SEASONS AND BAG LIMITS-SALMON. *Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean Waters, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10 except those waters inside of a line running true north-south through the black buoy at Waddah Island, extending 200 yards past the northwest tip of Waddah Island, thence westerly to the northern tip of Tatoosh Island, thence southerly to Spike Rock, thence due east to the Point of the Arches - special daily bag limit of not more than one chinook salmon not less than 34 inches in length and all other salmon must be released immediately - open June 25 until July 28, 1984, or until a quota of 400 chinook salmon is taken, whichever occurs first. The possession limit may not exceed two daily bag limits of fresh fish; additional salmon may be possessed in a frozen or processed form.*

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000F SALTWATER SEASONS AND BAG LIMITS-SALMON (84-44)

**WSR 84-13-086**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
 [Order TL-RG-2—Filed June 21, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vessel registration and titling, amending WAC 308-93-020, 308-93-070, 308-93-075, 308-93-080, 308-93-110, 308-93-140, 308-93-150, 308-93-160, 308-93-260, 308-93-270, 308-93-290, 308-93-310, 308-93-350, 308-93-360, 308-93-500, 308-93-560, adopting WAC 308-93-085, 308-93-135, 308-93-145, 308-93-155, 308-93-165, 308-93-215, 308-93-225 and repealing WAC 308-93-610.

This action is taken pursuant to Notice No. WSR 84-10-081 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 RCW 88.02.070 and 88.02.100 which directs that the director, Department of Licensing, has authority to implement the provisions of chapters 88.02 and 82.49 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 21, 1984.

By John Gonzalez  
 Director

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-020 REGISTRATION REQUIRED. Vessel registration (~~and payment of excise tax~~) is required on any vessel placed upon the waters of this state unless specifically exempted by law.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-070 APPLICATION FOR TITLE/REGISTRATION. (1) An application for certificate of title or registration of a vessel shall be completed and shall include:

(a) The names (~~and~~), addresses and ZIP codes of all owners of the vessel being registered including a lessor if applicable.

(b) Make, model year and length of vessel.

(c) Type of power (gasoline, diesel, propane, etc.).

(d) Primary use.

(e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, etc.).

(f) (~~Hull type~~) Type of vessel (open, cabin, house, or other).

(g) Primary vessel construction (fiberglass, wood, aluminum, etc.).

(h) County of moorage.

(i) Coast guard number, if any.

(j) Purchase cost and purchase year of vessel or declared value and year of declaration.

(k) Hull identification number.

(l) The number previously issued by an issuing authority for the vessel, if any.

(m) That the application is for a new number, renewal or transfer of ownership.

(n) State in which vessel is or will be principally used.

(2) Name and address of the legal owner or a statement of fact by the registered owner that the vessel is free of all liens other than those shown on the application.

(3) In the event a vessel is homemade, the owner must complete and sign a declaration of value form. The signature of the registered owner of a homemade vessel must be notarized by a notary public.

(4) The names of all owners will appear on the application for registration and title. The application must be signed by all owners. This signature must be notarized or certified by an authorized registration agent.

(5) The application for certificate of title or registration shall be accompanied by the following where applicable:

(a) A copy of the bill of sale or sales agreement.

(b) Vessel data form.

(c) Declaration of value form.

(d) All proper fees and excise tax.

(e) Previous ownership document properly released.

(f) Excise exemption affidavit.

(g) Proof of sales tax paid.

(h) Proof of personal property tax paid.

(i) Manufacturer's certificate of origin or original factory invoice.

(j) Copy of carpenter certificate.

(k) Copy of any filing pursuant to Article 62A.9 RCW, Uniform Commercial Code—Secured Transactions.

(l) Release of interest form.

(m) Verification of ownership.

(n) Copy of certificate of ownership of vessel issued by United States Coast Guard.

(6) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit subsection (1)(b), (c), (e), (f), (g), and (k) of this section.

(7) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit subsection (1)(c) and (e) of this section.

NEW SECTION

WAC 308-93-075 INSPECTION OF CERTIFICATE. Each person using a vessel required to be registered under chapter 88.02 RCW and chapter 250, Laws of 1984, shall present the certificate or lease or rental agreement required by WAC 308-93-080 and 308-93-100 to any federal, state, or local law enforcement officer for inspection at his request.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-080 REGISTRATION CERTIFICATE. Upon payment of proper fees (~~and excise tax~~), the department of licensing or its agents shall issue a certificate of registration. The registration document must be signed by at least one of the owner(s) and carried on board the vessel for which it is issued at all times when the vessel is physically located on the waters of the state of Washington except as provided under WAC 308-93-100.

NEW SECTION

WAC 308-93-085 CONTENTS OF A CERTIFICATE OF REGISTRATION. (1) Except as allowed in subsections (2), (3), and (4) of this section, each certificate of number must contain the following information:

- (a) Number issued to the vessel.
- (b) Expiration date of the certificate.
- (c) State of principal use.
- (d) Name of the owner.
- (e) Address of owner, including ZIP code.
- (f) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
- (g) Manufacturer's hull identification number (if any).
- (h) Make of vessel.
- (i) Year vessel was manufactured.
- (j) Overall length of vessel.
- (k) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.
- (l) Hull material.
- (m) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.
- (n) Whether the fuel is gasoline, diesel, or other.

(2) A certificate of registration issued to a vessel that has a manufacturer's hull identification number assigned, may omit subsection (1)(h) through (n) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(3) A certificate of registration issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit subsection (1)(g) through (n) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(4) A certificate of registration issued to a vessel that is to be rented or leased without propulsion machinery may omit subsection (1)(m) and (n) of this section if the words "livery vessel" are plainly marked on the application.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-110 VESSELS PREVIOUSLY REGISTERED OR TITLED IN ANOTHER STATE. If the application for certificate of title or registration is for a vessel previously registered or titled in another state, the application must be accompanied by:

(1) Either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state, or an affidavit of lost title (~~(or)~~) and a release of interest; provided that no release is required if there is no change in ownership, and

(2) An affidavit certifying when and where the vessel was acquired or brought into the state.

NEW SECTION

WAC 308-93-135 VESSEL NUMBER REQUIRED. Except as provided in chapter 88.02 RCW and chapter 250, Laws of 1984, no person may use a vessel on the waters of this state unless:

(1) It has a number issued on a certificate of registration by the issuing authority in the state in which the vessel is principally used; and

(2) The number is displayed as described in WAC 308-93-145.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-140 DECALS—PLACEMENT. Upon registration, the applicant will receive a registration document and two decals. (~~One decal shall be affixed to the port side and one decal shall be affixed to the starboard side of the hull or bridge aft of the midship. The decals must be located on the outside of the vessel so that each decal is visible without obstruction from a sideview of the vessel while the vessel is in the water: PROVIDED, That vessels sixteen feet and over with propulsion machinery of less than ten horsepower qualifying as a ship's tender shall display the registration number issued by the coast guard for the registered vessel in block letters not less than three inches high followed by the number "1" of a color contrasting to the background, on the outside of the hull on both port and starboard sides of the forward half of the vessel. The number must be visible without obstruction from a sideview of the tender while the tender is in the water.)) The decals must be affixed to each side of the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145, within six inches of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section.~~

(1) Decals must be approximately three inches square.

(2) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1985.

NEW SECTION

WAC 308-93-145 NUMBERS—DISPLAY, SIZE, COLOR. (1) Each registration number issued must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by subsection (2) of this section or required by subsection (3) of this section;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: DC 5678 EF or DC-5678-EF); and

(e) Read from left to right.

(2) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(3) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(4) Each number displayed on a tender exempted under RCW 88.02.030 must meet the requirements of subsection (1) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-150 1983 PROPERTY TAX CREDIT. Property tax paid for a vessel for the 1983 tax year will be deducted from the ~~((1983))~~ excise tax amount due on an original registration when a receipt from the treasurer's office is presented at the time of registration, identifying the vessel and the amount paid. If a treasurer's receipt cannot be obtained, a cancelled check may be accepted, provided the cancelled check clearly and distinctly indicates that its purpose was for the payment of 1983 personal property tax for the vessel being registered. Proof of property tax paid must be attached to the application for certificate of title or registration if credit is given.

**NEW SECTION**

WAC 308-93-155 FORM OF NUMBER. (1) Each registration number must consist of two capital letters denoting the state of the issuing authority, followed by:

(a) Not more than four numerals followed by not more than two capital letters (example: NL 1234 BD); or

(b) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(2) A number suffix must not include the letters "I", "O", or "Q", which may be mistaken for numerals.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-160 EXCISE TAX EXEMPTIONS—INDIANS. (1) For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States department of the interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States department of the interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States department of the interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by ~~((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess))~~ chapter 82.49 RCW.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by ~~((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess))~~ chapter 82.49 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

**NEW SECTION**

WAC 308-93-165 OTHER NUMBERS PROHIBITED. No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority for that vessel on its forward half.

**NEW SECTION**

WAC 308-93-215 VALIDITY OF CERTIFICATE OF REGISTRATION. (1) Except as provided in subsections (2), (3), (4), and (5) of this section, and WAC 308-93-220, a certificate of registration is valid until the date of expiration prescribed by the issuing authority.

(2) A certificate of registration issued by an issuing authority is invalid after the date upon which:

(a) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations.

(b) The person whose name appears on the certificate of registration as owner of the vessel transfers all of his ownership in the vessel; or

(c) The vessel is destroyed or abandoned.

(3) A certificate of registration issued by an issuing authority is invalid if:

(a) The application for the certificate of registration contains a false or fraudulent statement; or

(b) The fees for the issuance of the certificate of registration are not paid.

(4) A certificate of registration is invalid sixty days after the day on which the vessel is no longer principally used in the state where the certificate was issued.

(5) The certificate of registration is invalid when the person whose name appears on the certificate involuntarily loses his interest in the registered vessel by legal process.

#### NEW SECTION

WAC 308-93-225 SURRENDER OF CERTIFICATE OF REGISTRATION. A person whose name appears as the owner of a vessel on a certificate of registration shall surrender the certificate to the department within fifteen days after it becomes invalid under WAC 308-93-215 (2), (3), (4), or (5), or WAC 308-93-220.

#### AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-260 STATE OR DIRECTOR NOT LIABLE FOR ACTS IN ADMINISTERING CHAPTER. No suit or action shall ever be commenced or prosecuted against the director of licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under chapters ((7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.)) 88.49 and 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC.

#### AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-270 APPEALS TO SUPERIOR COURT FROM SUSPENSION, REVOCATION, CANCELLATION, OR REFUSAL OF REGISTRATION OR CERTIFICATE OF TITLE. The suspension, revocation, cancellation, or refusal by the director of any registration or certificate of title provided for in chapter ((7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.)) 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC shall be conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner

prescribed for service of summons and complaint in other civil actions.

Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

#### AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-290 TRANSFER OF OWNERSHIP, HOW PERFECTED. A transfer of ownership in a vessel is perfected by compliance with the requirements of this section.

(1) If an owner transfers an interest in a vessel other than by the creation of a security interest, he shall, at the time of the delivery of the vessel, execute an assignment to the transferee and cause the certificate and assignment to be transmitted to the transferee, and shall within fifteen days notify the department.

(2) The transferee of ownership shall within fifteen days after delivery to him of the vessel, execute the application for a new certificate of title in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of title shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under the security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provision of WAC 308-93-230.

~~(5) ((If the purchaser or transferee of ownership fails or neglects to transfer such certificate of title and registration within fifteen days after date of delivery of the vessel to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars.~~

~~(6))~~ Upon receipt of an application for the reissue of a certificate of title and transfer of registration, accompanied by the endorsed certificate of title and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of title and registration have been complied with, issue new certificates of title and registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the general fund.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-310 LOSS, DEFACEMENT, OR DESTRUCTION OF DECALS—REPLACEMENT FEE. Upon the loss, defacement, or destruction of one or both of the vessel decals issued for any vessel or where one or both have become so illegible or in such condition as to be difficult to distinguish, the owner of the vessel shall make application for new vessel decals upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original decal or decals, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vessel registration applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of registration of the vessel and a one dollar replacement decal fee.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-350 INCORRECT ENDORSEMENTS OR ERASURES. (1) If a certificate of title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a certificate of title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased if the identity of the person can be determined.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-360 APPLICATION FOR TITLE REQUIRED. An application for certificate of title is required:

- (1) Whenever the ownership of a vessel changes;
- (2) When there is a legal change of name of the registered or legal owner of a vessel;
- (3) When there is a change of name of a business entity owning a vessel;
- (4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;
- (5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;
- (6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;

(7) (~~Whenever a vessel has been reported destroyed and the owner wishes to operate it again on the waters of this state;~~

~~(8)))~~ Whenever the hull identification number is changed;

~~((9)))~~ (8) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-500 NAME CHANGE. On any application for reissue of a certificate of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change, if applicable, shall be attached to the application.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-560 OWNER DECEASED—~~(WILL LEFT))~~ ESTATE ADMINISTERED. If the prior owner of a vessel is deceased and a will was left, the following documents shall be attached to any application for transfer of title:

(1) If the will is not a nonintervention will:

- (a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved forms confirming the court action; or
- (b) A certified copy of the decree of distribution.

(2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-610 SECURITY INTEREST—WHEN PERFECTED.

WSR 84-13-087

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Order TL-RG-3—Filed June 21, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vessel registration and titling, amending WAC 308-93-010, 308-93-020, 308-93-030, 308-93-040, 308-93-050, 308-93-060, 308-93-070, 308-93-075, 308-93-080, 308-93-090, 308-93-110, 308-93-140, 308-93-150, 308-93-160, 308-93-260, 308-93-270, 308-93-290, 308-93-310, 308-93-350, 308-93-360, 308-93-500, 308-93-560, 308-93-640, and adopting WAC 308-93-085, 308-93-135, 308-93-145, 308-93-146, 308-93-155, 308-93-165, 308-93-215 and 308-93-225.

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 these rules are necessary to ensure compliance with Coast Guard standards so that Coast Guard approval of the state vessel registration system is 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 pursuant to RCW 88.02.070 and 88.02.100 which directs that the director, Department of Licensing, has authority to implement the provisions of chapters 88.02 and 82.49 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 21, 1984.

By John Gonzalez  
Director

#### NEW SECTION

WAC 308-93-146 EXEMPTION FROM CERTAIN DECAL AND REGISTRATION NUMBER DISPLAY REQUIREMENTS. (1) Vessel owners who, prior to July 1, 1984, have renewed a vessels registration for the July 1, 1984 through June 30, 1985 registration period need not comply with the following for that vessel until July 1, 1984:

(a) the requirement of WAC 308-93-140 that the decal be placed on the forward half of the hull; and

(b) the requirements of WAC 308-93-145 for the display of vessel registration numbers.

(2) These owners must comply with all other aspects of these rules, and the required decal must be displayed at a location on the hull which is visible, without obstruction, from a side view when the vessel is on the water.

#### AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-010. DEFINITIONS. Unless the context clearly provides otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States (~~(or Canada)~~).

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) (~~"Commerce" means the transportation of goods, products, commodities, or passengers between specified points for which a fare or shipping cost is levied.~~

~~(4))~~ "Commercial fishing" means operating under a currently valid commercial or charter fishing license issued by the department of fisheries.

~~((5))~~ (4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent

purchase price is not known to declare the value for purposes of assessing excise tax.

~~((6))~~ (5) "Director" means the director of the department of licensing.

~~((7))~~ (6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

~~((8))~~ (7) "Exclusively" means solely and without exception.

~~((9))~~ (8) "Foreign vessel" means a vessel owned by a resident of another state (~~(or a Canadian province)~~) registered in accordance with the laws of the state (~~(or province)~~) in which the owner resides.

~~((10))~~ (9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

~~((11))~~ (10) "Lifeboat" means craft used exclusively for lifesaving purposes.

~~((12))~~ (11) "Manufacturer's certificate of origin" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

~~((13))~~ (12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

~~((14))~~ (13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

~~((15))~~ (14) "Previous ownership document" means the last issued certificate of title and/or registration.

~~((16))~~ (15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

~~((17))~~ (16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

~~((18))~~ (17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

~~((19))~~ (18) "Secured party" means a lender, seller, or other person in whose favor there is a security interest, including a person to whom accounts, contacts rights, or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

~~((20))~~ (19) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

~~((21))~~ (20) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters (~~(of this state)~~).

~~((22))~~ (21) "Valid marine document" means a document issued by the United States federal government which declares a vessel ~~((of five net tons or larger))~~ to be a documented vessel of the United States.

~~((23))~~ (22) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

~~((24))~~ (23) "Waters of this state" means any waters within the territorial limits of this state.

(24) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(25) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-020 REGISTRATION REQUIRED. Vessel registration ~~((and payment of excise tax))~~ is required on any vessel placed upon the waters of this state unless specifically exempted by law.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-030 VESSELS SUBJECT TO EXCISE TAX, REGISTRATION AND TITLING. The following vessels must be registered and titled and pay the excise tax if they are on or using the waters of this state.

All vessels sixteen feet or longer equipped with propulsory machinery or sails, unless specifically exempted, ~~((and))~~ including the following:

- (1) Amphibious vessels (vehicles);
- (2) Houseboats;
- (3) Inflatable vessels with motors;
- (4) Ski type vessels (jet ski, wet bike, etc.) ~~((if sixteen feet or longer))~~;
- (5) Racing vessels.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-040 VESSELS EXEMPTED FROM EXCISE TAX BUT REQUIRED TO BE REGISTERED AND TITLED. The following vessels must be registered and titled but shall be exempt from the assessment of the excise tax:

- (1) Undocumented vessels used exclusively for commercial fishing purposes;
- (2) Vessels owned and operated by ~~((the United States))~~ a state of the United States, or any municipality or political subdivision thereof not used principally for governmental purposes and not clearly identifiable as such;

(3) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030;

(4) Recreational type public vessels of the military and the United States;

(5) Vessels under sixteen feet in overall length with propulsion machinery;

(6) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-050 VESSELS EXEMPTED FROM REGISTRATION, ~~((TAXATION))~~ EXCISE TAX AND TITLING. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States ~~((or Canada))~~ if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state ~~((or a Canadian province))~~ if the vessel is registered in accordance with the laws of the state ~~((or province))~~ in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state ~~((or province))~~ for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state ~~((or a Canadian province))~~ and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

~~((5))~~ ~~((Vessels propelled solely by oars or paddles;~~  
~~((6))~~ A ship's lifeboat used solely for lifesaving purposes;

~~((7))~~ (6) All vessels under sixteen feet in overall length ~~((or whose primary propulsion is human power))~~ which have no propulsion machinery of any type;

~~((8))~~ (7) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

~~((9))~~ ~~((Vessels of any size powered only by human power;~~

~~((10))~~ Vessels which are temporarily in this state undergoing repair or alteration;

~~((+H))~~ (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

- (a) Commercial fishing vessels;
- (b) Barges;
- (c) Charter vessels, including bare boat and time share charters.

~~((+2))~~ (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States,

~~((+3))~~ (12) A vessel not using the waters of this state.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-060 REGISTRATION PERIOD. The registration period for the state will be July 1 of the current year through June 30 of the following year for purposes of implementing ~~((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess))~~ chapter 88.02 RCW and chapter 250, Laws of 1984. A vessel numbered in this state under the federal boat safety act need not register under chapter 88.02 RCW until the earlier of one year from the date this state's vessel numbering system is approved under the federal boat safety act, or the expiration date of the certificate of number issued for the vessel under the federal boat safety act.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed by statute will be assessed for the period beginning July 1, 1983 through the current registration period in which the vessel is registered: PROVIDED, That if the owner can verify that the vessel was acquired or brought into Washington after July 31, 1983, the excise tax will be assessed from the date of acquisition or entry into the state.

Vessels being registered in Washington for the first time and assigned a registration period of eleven months or less shall have the annual excise tax reduced by one-twelfth for each full month of the registration period which has passed by the date when the vessel is registered in Washington. The registration ~~((and the titling))~~ fee will not be abated for the registration period in which the vessel is registered.

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there will be assessed a registration fee of six dollars for the current registration period and excise tax due from the expiration date of the previous registration: PROVIDED, That if the person seeking registration can verify that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-070 APPLICATION FOR TITLE/REGISTRATION. (1) An application for certificate of title or registration of a vessel shall be completed and shall include:

(a) The names ~~((and)),~~ addresses and ZIP codes of all owners of the vessel being registered including a lessor if applicable.

(b) Make, model year and length of vessel.

(c) Type of power (gasoline, diesel, propane, etc.).

(d) Primary use.

(e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, etc.).

(f) ~~((Hull-type))~~ Type of vessel (open, cabin, house, or other).

(g) Primary vessel construction (fiberglass, wood, aluminum, etc.).

(h) County of moorage.

(i) Coast guard number, if any.

(j) Purchase cost and purchase year of vessel or declared value and year of declaration.

(k) Hull identification number.

(l) The number previously issued by an issuing authority for the vessel, if any.

(m) That the application is for a new number, renewal or transfer of ownership.

(n) State in which vessel is or will be principally used.

(2) Name and address of the legal owner or a statement of fact by the registered owner that the vessel is free of all liens other than those shown on the application.

(3) In the event a vessel is homemade, the owner must complete and sign a declaration of value form. The signature of the registered owner of a homemade vessel must be notarized by a notary public.

(4) The names of all owners will appear on the application for registration and title. The application must be signed by all owners. This signature must be notarized or certified by an authorized registration agent.

(5) The application for certificate of title or registration shall be accompanied by the following where applicable:

(a) A copy of the bill of sale or sales agreement.

(b) Vessel data form.

(c) Declaration of value form.

(d) All proper fees and excise tax.

(e) Previous ownership document properly released.

(f) Excise exemption affidavit.

(g) Proof of sales tax paid.

(h) Proof of personal property tax paid.

(i) Manufacturer's certificate of origin or original factory invoice.

(j) Copy of carpenter certificate.

(k) Copy of any filing pursuant to Article 62A.9 RCW, Uniform Commercial Code-Secured Transactions.

(l) Release of interest form.

(m) Verification of ownership.

(n) Copy of certificate of ownership of vessel issued by United States Coast Guard.

(6) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit subsection (1)(b), (c), (e), (f), (g), and (k) of this section.

(7) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit subsection (1)(c) and (e) of this section.

#### NEW SECTION

**WAC 308-93-075 INSPECTION OF CERTIFICATE.** Each person using a vessel required to be registered under chapter 88.02 RCW and chapter 250, Laws of 1984, shall present the certificate or lease or rental agreement required by WAC 308-93-080 and 308-93-100 to any federal, state, or local law enforcement officer for inspection at his request.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-080 REGISTRATION CERTIFICATE.** Upon payment of proper fees (~~and excise tax~~), the department of licensing or its agents shall issue a certificate of registration. The registration document must be signed by at least one of the owner(s) and carried on board the vessel for which it is issued at all times when the vessel is physically located on the waters of the state of Washington except as provided under WAC 308-93-100.

#### NEW SECTION

**WAC 308-93-085 CONTENTS OF A CERTIFICATE OF REGISTRATION.** (1) Except as allowed in subsections (2), (3), and (4) of this section, each certificate of number must contain the following information:

- (a) Number issued to the vessel.
- (b) Expiration date of the certificate.
- (c) State of principal use.
- (d) Name of the owner.
- (e) Address of owner, including ZIP code.
- (f) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
- (g) Manufacturer's hull identification number (if any).
- (h) Make of vessel.
- (i) Year vessel was manufactured.
- (j) Overall length of vessel.
- (k) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.
  - (l) Hull material.
  - (m) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.
  - (n) Whether the fuel is gasoline, diesel, or other.

(2) A certificate of registration issued to a vessel that has a manufacturer's hull identification number assigned, may omit subsection (1)(h) through (n) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(3) A certificate of registration issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit subsection (1)(g) through (n) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(4) A certificate of registration issued to a vessel that is to be rented or leased without propulsion machinery may omit subsection (1)(m) and (n) of this section if the words "livery vessel" are plainly marked on the application.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-090 RENTED OR LEASED VESSELS.** (~~If the vessel is leased and operated in Washington by a Washington resident, it must be titled and registered in Washington.~~) If the owner of the vessel is a Washington resident, and the vessel is leased and operated in Washington, it must be titled and registered in Washington. If the owner is resident of another state and the vessel is leased and operated in Washington, the reciprocity provisions in WAC 308-93-640 apply.

(1) Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.

(2) If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.

(3) If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the legal owner. If the vessel is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-110 VESSELS PREVIOUSLY REGISTERED OR TITLED IN ANOTHER STATE.** If the application for certificate of title or registration is for a vessel previously registered or titled in another state, the application must be accompanied by:

(1) Either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state, or an affidavit of lost title ~~((or))~~ and a release of interest; provided that no release is required if there is no change in ownership, and

(2) An affidavit certifying when and where the vessel was acquired or brought into the state.

#### NEW SECTION

**WAC 308-93-135 VESSEL NUMBER REQUIRED.** Except as provided in chapter 88.02 RCW

and chapter 250, Laws of 1984, no person may use a vessel on the waters of this state unless:

(1) It has a number issued on a certificate of registration by the issuing authority in the state in which the vessel is principally used; and

(2) The number is displayed as described in WAC 308-93-145.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-140 DECALS—PLACEMENT. Upon registration, the applicant will receive a registration document and two decals. ~~((One decal shall be affixed to the port side and one decal shall be affixed to the starboard side of the hull or bridge aft of the midship. The decals must be located on the outside of the vessel so that each decal is visible without obstruction from a sideview of the vessel while the vessel is in the water. PROVIDED, That vessels sixteen feet and over with propulsion machinery of less than ten horsepower qualifying as a ship's tender shall display the registration number issued by the coast guard for the registered vessel in block letters not less than three inches high followed by the number "1" of a color contrasting to the background, on the outside of the hull on both port and starboard sides of the forward half of the vessel. The number must be visible without obstruction from a sideview of the tender while the tender is in the water.))~~ The decals must be affixed to each side of the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145, within six inches of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section.

(1) Decals must be approximately three inches square.

(2) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1985.

NEW SECTION

WAC 308-93-145 NUMBERS—DISPLAY, SIZE, COLOR. (1) Each registration number issued must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by subsection (2) of this section or required by subsection (3) of this section;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: DC 5678 EF or DC-5678-EF); and

(e) Read from left to right.

(2) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are

temporarily but firmly attached to each side of the forward half of the vessel.

(3) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(4) Each number displayed on a tender exempted under RCW 88.02.030 must meet the requirements of subsection (1) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-150 1983 PROPERTY TAX CREDIT. Property tax paid for a vessel for the 1983 tax year will be deducted from the ((1983)) excise tax amount due on an original registration when a receipt from the treasurer's office is presented at the time of registration, identifying the vessel and the amount paid. If a treasurer's receipt cannot be obtained, a cancelled check may be accepted, provided the cancelled check clearly and distinctly indicates that its purpose was for the payment of 1983 personal property tax for the vessel being registered. Proof of property tax paid must be attached to the application for certificate of title or registration if credit is given.

NEW SECTION

WAC 308-93-155 FORM OF NUMBER. (1) Each registration number must consist of two capital letters denoting the state of the issuing authority, followed by:

(a) Not more than four numerals followed by not more than two capital letters (example: NL 1234 BD); or

(b) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(2) A number suffix must not include the letters "I", "O", or "Q", which may be mistaken for numerals.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-160 EXCISE TAX EXEMPTIONS—INDIANS. (1) For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States department of the interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States department of the interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah,

Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States department of the interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by ~~((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess))~~ chapter 82.49 RCW.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by ~~((chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess))~~ chapter 82.49 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

#### NEW SECTION

WAC 308-93-165 OTHER NUMBERS PROHIBITED. No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority for that vessel on its forward half.

#### NEW SECTION

WAC 308-93-215 VALIDITY OF CERTIFICATE OF REGISTRATION. (1) Except as provided in subsections (2), (3), (4), and (5) of this section, and WAC 308-93-220, a certificate of registration is valid until the date of expiration prescribed by the issuing authority.

(2) A certificate of registration issued by an issuing authority is invalid after the date upon which:

(a) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations.

(b) The person whose name appears on the certificate of registration as owner of the vessel transfers all of his ownership in the vessel; or

(c) The vessel is destroyed or abandoned.

(3) A certificate of registration issued by an issuing authority is invalid if:

(a) The application for the certificate of registration contains a false or fraudulent statement; or

(b) The fees for the issuance of the certificate of registration are not paid.

(4) A certificate of registration is invalid sixty days after the day on which the vessel is no longer principally used in the state where the certificate was issued.

(5) The certificate of registration is invalid when the person whose name appears on the certificate involuntarily loses his interest in the registered vessel by legal process.

#### NEW SECTION

WAC 308-93-225 SURRENDER OF CERTIFICATE OF REGISTRATION. A person whose name appears as the owner of a vessel on a certificate of registration shall surrender the certificate to the department within fifteen days after it becomes invalid under WAC 308-93-215 (2), (3), (4), or (5), or WAC 308-93-220.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-260 STATE OR DIRECTOR NOT LIABLE FOR ACTS IN ADMINISTERING CHAPTER. No suit or action shall ever be commenced or prosecuted against the director of licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under chapters ~~((7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.))~~ 88.49 and 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-270 APPEALS TO SUPERIOR COURT FROM SUSPENSION, REVOCATION, CANCELLATION, OR REFUSAL OF REGISTRATION OR CERTIFICATE OF TITLE. The suspension, revocation, cancellation, or refusal by the director of any registration or certificate of title provided for in chapter ~~((7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.))~~ 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC shall be conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions.

Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-290 TRANSFER OF OWNERSHIP, HOW PERFECTED. A transfer of ownership in a vessel is perfected by compliance with the requirements of this section.

(1) If an owner transfers an interest in a vessel other than by the creation of a security interest, he shall, at the time of the delivery of the vessel, execute an assignment to the transferee and cause the certificate and assignment to be transmitted to the transferee, and shall within fifteen days notify the department.

(2) The transferee of ownership shall within fifteen days after delivery to him of the vessel, execute the application for a new certificate of title in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of title shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under the security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provision of WAC 308-93-230.

~~(5) ((If the purchaser or transferee of ownership fails or neglects to transfer such certificate of title and registration within fifteen days after date of delivery of the vessel to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars.~~

~~(6))~~ Upon receipt of an application for the reissue of a certificate of title and transfer of registration, accompanied by the endorsed certificate of title and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of title and registration have been complied with, issue new certificates of title and registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the general fund.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-310 LOSS, DEFACEMENT, OR DESTRUCTION OF DECALS—REPLACEMENT FEE. Upon the loss, defacement, or destruction of one or both of the vessel decals issued for any vessel or where one or both have become so illegible or in such condition as to be difficult to distinguish, the owner of the vessel

shall make application for new vessel decals upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original decal or decals, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vessel registration applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of registration of the vessel and a one dollar replacement decal fee.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-350 INCORRECT ENDORSEMENTS OR ERASURES. (1) If a certificate of title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a certificate of title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased if the identity of the person can be determined.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-360 APPLICATION FOR TITLE REQUIRED. An application for certificate of title is required:

- (1) Whenever the ownership of a vessel changes;
- (2) When there is a legal change of name of the registered or legal owner of a vessel;
- (3) When there is a change of name of a business entity owning a vessel;
- (4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;
- (5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;
- (6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;

~~(7) ((Whenever a vessel has been reported destroyed and the owner wishes to operate it again on the waters of this state;~~

~~(8))~~ Whenever the hull identification number is changed;

~~((9))~~ (8) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-500 NAME CHANGE. On any application for reissue of a certificate of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change, if applicable, shall be attached to the application.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-560 OWNER DECEASED—~~((WILL LEFT))~~ ESTATE ADMINISTERED. If the prior owner of a vessel is deceased and a will was left, the following documents shall be attached to any application for transfer of title:

- (1) If the will is not a nonintervention will:
  - (a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved forms confirming the court action; or
  - (b) A certified copy of the decree of distribution.
- (2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-640 RECIPROCITY. (1) A vessel owned by a resident of another state ~~((or a Canadian province))~~ which is already covered by a number in full force and effect issued to it pursuant to federal laws or a numbering system of such state ~~((or province))~~ shall be exempt from registration requirements for a period of sixty ~~((consecutive))~~ days in any twelve month period but only to the extent a similar reciprocity is granted for vessels registered in the state of Washington.

(2) When a vessel is removed to the state of Washington as a new state of principal use, Washington shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in this state.

## Table of WAC Sections Affected

### KEY TO TABLE

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- REP = Repeal of existing section
- READOPT = Readoption of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-54-012	REP-P	84-12-083	16-224-010	AMD	84-10-021	16-230-001	REP	84-09-012
16-54-014	REP-P	84-12-083	16-224-030	AMD-P	84-06-058	16-230-010	AMD-P	84-05-066
16-54-016	AMD-P	84-12-083	16-224-030	AMD-C	84-09-069	16-230-010	AMD	84-09-012
16-54-082	AMD-P	84-12-083	16-224-030	AMD	84-10-021	16-230-015	AMD-P	84-05-066
16-86-005	AMD-P	84-04-083	16-228-010	AMD-P	84-05-014	16-230-015	AMD	84-09-012
16-86-005	AMD	84-08-037	16-228-010	AMD	84-09-011	16-230-020	REP-P	84-05-066
16-86-006	REP-P	84-04-083	16-228-115	AMD-P	84-05-014	16-230-020	REP	84-09-012
16-86-006	REP	84-08-037	16-228-115	AMD	84-09-011	16-230-030	AMD-P	84-05-066
16-86-007	REP-P	84-04-083	16-228-125	AMD-P	84-05-014	16-230-030	AMD	84-09-012
16-86-007	REP	84-08-037	16-228-125	AMD	84-09-011	16-230-040	REP-P	84-05-066
16-86-009	REP-P	84-04-083	16-228-130	AMD-P	84-05-014	16-230-040	REP	84-09-012
16-86-009	REP	84-08-037	16-228-130	AMD	84-09-011	16-230-050	REP-P	84-05-066
16-86-011	REP-P	84-04-083	16-228-155	AMD-P	84-05-014	16-230-050	REP	84-09-012
16-86-011	REP	84-08-037	16-228-155	AMD	84-09-011	16-230-060	REP-P	84-05-066
16-86-012	REP-P	84-04-083	16-228-160	AMD-P	84-05-014	16-230-060	REP	84-09-012
16-86-012	REP	84-08-037	16-228-160	AMD	84-09-011	16-230-075	AMD-P	84-05-066
16-86-015	AMD-P	84-04-083	16-228-161	NEW-P	84-05-014	16-230-075	AMD	84-09-012
16-86-015	AMD	84-08-037	16-228-161	NEW	84-09-011	16-230-076	NEW-P	84-05-066
16-86-015	AMD-E	84-08-038	16-228-162	AMD-P	84-05-014	16-230-076	NEW	84-09-012
16-86-095	AMD-P	84-04-083	16-228-162	AMD	84-09-011	16-230-078	NEW-P	84-05-066
16-86-095	AMD	84-08-037	16-228-165	AMD-P	84-05-014	16-230-078	NEW	84-09-012
16-108-001	REP-P	84-08-066	16-228-165	AMD	84-09-011	16-230-080	REP-P	84-05-066
16-108-001	REP	84-11-019	16-228-168	AMD-P	84-05-014	16-230-080	REP	84-09-012
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16-108-002	REP	84-11-019	16-228-170	AMD-P	84-05-014	16-230-082	NEW	84-09-013
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16-108-003	REP	84-11-019	16-228-172	AMD-P	84-05-014	16-230-084	NEW	84-09-013
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16-108-010	AMD	84-11-019	16-228-174	REP-P	84-05-014	16-230-085	REP	84-09-012
16-212-010	AMD-P	84-11-089	16-228-174	REP	84-09-011	16-230-088	NEW-P	84-05-065
16-212-030	AMD-P	84-11-089	16-228-176	REP-P	84-05-014	16-230-086	NEW	84-09-013
16-212-050	REP-P	84-11-089	16-228-176	REP	84-09-011	16-230-088	NEW-P	84-05-065
16-212-060	AMD-P	84-11-089	16-228-178	REP-P	84-05-014	16-230-088	NEW	84-09-013
16-212-065	REP-P	84-11-089	16-228-178	REP	84-09-011	16-230-090	REP-P	84-05-066
16-212-070	AMD-P	84-11-089	16-228-180	AMD-P	84-05-014	16-230-090	REP	84-09-012
16-212-080	AMD-P	84-11-089	16-228-180	AMD	84-09-011	16-230-100	REP-P	84-05-065
16-212-082	NEW-P	84-11-089	16-228-185	AMD-P	84-05-014	16-230-100	REP	84-09-013
16-212-084	NEW-E	84-09-003	16-228-185	AMD	84-09-011	16-230-101	REP-P	84-05-065
16-212-084	NEW-P	84-09-007	16-228-190	AMD-P	84-05-014	16-230-101	REP	84-09-013
16-212-084	AMD-C	84-12-008	16-228-190	AMD	84-09-011	16-304-040	AMD-P	84-10-079
16-212-086	NEW-P	84-11-089	16-228-210	AMD-P	84-05-014	16-304-040	AMD	84-13-042
16-212-087	NEW-E	84-10-037	16-228-210	AMD	84-09-011	16-304-110	AMD-P	84-10-079
16-212-090	REP-P	84-11-089	16-228-220	AMD-P	84-05-014	16-304-110	AMD	84-13-042
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16-213-210	NEW-P	84-03-045	16-228-230	AMD-P	84-05-014	16-316-0401	AMD	84-13-041
16-213-210	NEW	84-06-036	16-228-230	AMD	84-09-011	16-316-0601	AMD-P	84-10-078
16-213-220	NEW-P	84-03-045	16-228-340	NEW-E	84-05-009	16-316-0601	AMD	84-13-041
16-213-220	NEW	84-06-036	16-228-340	AMD-E	84-06-040	16-316-230	AMD-P	84-10-078
16-213-230	NEW-P	84-03-045	16-228-340	NEW-P	84-09-059	16-316-230	AMD	84-13-041
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16-316-800	AMD	84-13-043	44-06-120	AMD	84-10-031	118-04-170	NEW-P	84-08-074
16-316-815	AMD-P	84-10-080	44-06-140	AMD-P	84-07-035	118-04-170	NEW	84-11-022
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16-316-901	NEW-P	84-10-078	67-35-030	AMD	84-09-048	118-04-250	NEW	84-11-022
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16-316-921	NEW-P	84-10-078	67-35-056	NEW-P	84-06-055	132A-136-010	AMD-P	84-09-031
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16-319-061	AMD-P	84-10-077	67-35-072	NEW	84-09-048	132F-120-043	NEW	84-03-028
16-319-061	AMD	84-13-079	67-35-075	REP-P	84-06-055	132F-120-050	AMD	84-03-028
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16-470-030	NEW-P	84-06-054	67-40-026	REP-P	84-10-033	132F-120-170	AMD	84-03-028
16-470-030	NEW	84-10-039	67-40-031	REP-P	84-10-033	132F-120-180	AMD	84-03-028
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16-470-100	NEW-P	84-06-054	67-45-045	NEW-P	84-10-033	132H-116-800	REP	84-07-040
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16-470-110	NEW-P	84-06-054	67-45-060	NEW-P	84-10-033	132H-160-180	AMD-C	84-12-006
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16-470-130	NEW	84-10-039	106-116-501	AMD	84-08-044	132I-116-030	AMD-P	84-09-039
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16-657-040	NEW-C	84-10-057	118-03-010	AMD-E	84-11-054	132I-116-090	AMD-P	84-09-039
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36-08-590	AMD-P	84-13-051	118-04-010	NEW	84-11-022	132I-116-150	AMD-P	84-09-039
36-12-010	AMD-P	84-13-051	118-04-030	NEW-P	84-08-074	132I-116-160	AMD-P	84-09-039
36-12-190	AMD-P	84-13-051	118-04-030	NEW	84-11-022	132I-116-170	AMD-P	84-09-039
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132I-116-230	AMD-P 84-09-039	137-12-010	REP-P 84-03-014	137-70-057	NEW-P 84-08-060
132I-116-240	AMD-P 84-09-039	137-12-010	REP 84-06-009	137-70-057	NEW 84-11-033
132I-116-250	AMD-P 84-09-039	137-12-020	REP-P 84-03-014	137-70-060	AMD-P 84-08-060
132I-116-260	AMD-P 84-09-039	137-12-020	REP 84-06-009	137-70-060	AMD 84-11-033
132I-116-270	AMD-P 84-09-039	137-12-030	REP-P 84-03-014	137-70-070	AMD-P 84-08-060
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132I-116-300	AMD-P 84-09-039	137-12-040	REP-P 84-03-014	137-70-080	AMD-P 84-08-060
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132J-160-040	REP-P 84-06-053	137-12-070	REP 84-06-009	137-75-030	NEW-E 84-12-068
132J-160-040	REP 84-11-021	137-12-080	REP-P 84-03-014	137-75-040	NEW-P 84-12-067
132J-160-045	NEW-P 84-06-053	137-12-080	REP 84-06-009	137-75-040	NEW-E 84-12-068
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136-120-020	NEW-P 84-11-064	137-12A-060	NEW-P 84-03-014	154-12-105	REP-E 84-12-064
136-120-030	NEW-P 84-11-064	137-12A-060	NEW 84-06-009	172-148-010	REP-P 84-09-030
136-130-010	NEW-P 84-11-064	137-12A-070	NEW-P 84-03-014	172-148-010	REP 84-13-053
136-130-020	NEW-P 84-11-064	137-12A-070	NEW 84-06-009	172-148-020	REP-P 84-09-030
136-130-030	NEW-P 84-11-064	137-12A-080	NEW-P 84-03-014	172-148-020	REP 84-13-053
136-130-040	NEW-P 84-11-064	137-12A-080	NEW 84-06-009	172-148-030	REP-P 84-09-030
136-130-050	NEW-P 84-11-064	137-12A-090	NEW-P 84-03-014	172-148-030	REP 84-13-053
136-130-060	NEW-P 84-11-064	137-12A-090	NEW 84-06-009	172-148-040	REP-P 84-09-030
136-130-070	NEW-P 84-11-064	137-48-020	AMD-P 84-04-045	172-148-040	REP 84-13-053
136-130-080	NEW-P 84-11-064	137-48-020	AMD-E 84-04-046	172-148-050	REP-P 84-09-030
136-150-010	NEW-P 84-11-064	137-48-020	AMD 84-08-011	172-148-050	REP 84-13-053
136-150-020	NEW-P 84-11-064	137-48-060	AMD-P 84-04-045	172-148-060	REP-P 84-09-030
136-150-030	NEW-P 84-11-064	137-48-060	AMD-E 84-04-046	172-148-060	REP 84-13-053
136-150-040	NEW-P 84-11-064	137-48-060	AMD 84-08-011	172-148-070	REP-P 84-09-030
136-160-010	NEW-P 84-11-064	137-57	AMD-P 84-08-023	172-148-070	REP 84-13-053
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136-160-030	NEW-P 84-11-064	137-57-005	AMD-P 84-08-023	172-148-080	REP 84-13-053
136-160-040	NEW-P 84-11-064	137-57-005	AMD 84-11-032	172-148-090	REP-P 84-09-030
136-160-050	NEW-P 84-11-064	137-57-010	AMD-P 84-08-023	172-148-090	REP 84-13-053
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136-180-020	NEW-P 84-11-064	137-57-050	AMD-P 84-08-023	172-148-120	REP 84-13-053
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136-220-020	NEW-P 84-11-064	137-70-030	AMD 84-11-033	172-148-190	REP-P 84-09-030
136-220-030	NEW-P 84-11-064	137-70-040	AMD-P 84-08-060	172-148-190	REP 84-13-053
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172-148-220	REP-P	84-09-030	173-19-4203	AMD-P	84-12-085	173-303-090	AMD-C	84-12-045
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172-148-240	REP	84-13-053	173-19-4501	AMD-P	84-03-057	173-303-103	AMD-C	84-12-045
172-148-990	REP-P	84-09-030	173-19-4501	AMD-W	84-04-074	173-303-104	AMD-P	84-09-083
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172-150-010	AMD-P	84-09-030	173-19-4501	AMD	84-08-029	173-303-110	AMD-P	84-09-083
172-150-010	AMD	84-13-053	173-19-4502	AMD-P	84-09-086	173-303-110	AMD-C	84-12-045
172-150-020	AMD-P	84-09-030	173-19-4502	AMD-C	84-13-035	173-303-120	AMD-P	84-09-083
172-150-020	AMD	84-13-053	173-19-4704	AMD-P	84-04-079	173-303-120	AMD-C	84-12-045
172-150-035	AMD-P	84-09-030	173-19-4704	AMD	84-08-003	173-303-121	NEW	84-09-088
172-150-035	AMD	84-13-053	173-216-010	AMD-P	84-02-070	173-303-140	AMD	84-09-088
172-150-040	AMD-P	84-09-030	173-216-010	AMD	84-06-023	173-303-141	AMD	84-09-088
172-150-040	AMD	84-13-053	173-216-020	AMD-P	84-02-070	173-303-145	AMD	84-09-088
172-150-050	AMD-P	84-09-030	173-216-020	AMD	84-06-023	173-303-160	AMD	84-09-088
172-150-050	AMD	84-13-053	173-218-010	NEW-P	84-02-070	173-303-161	NEW	84-09-088
172-150-060	AMD-P	84-09-030	173-218-010	NEW	84-06-023	173-303-170	AMD	84-09-088
172-150-060	AMD	84-13-053	173-218-020	NEW-P	84-02-070	173-303-180	AMD-P	84-09-083
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172-150-100	AMD	84-13-053	173-218-060	NEW-P	84-02-070	173-303-240	AMD-C	84-12-045
172-150-110	AMD-P	84-09-030	173-218-060	NEW	84-06-023	173-303-250	AMD	84-09-088
172-150-110	AMD	84-13-053	173-218-070	NEW-P	84-02-070	173-303-260	AMD	84-09-088
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172-150-120	AMD	84-13-053	173-218-080	NEW-P	84-02-070	173-303-275	REP-P	84-09-083
172-150-130	AMD-P	84-09-030	173-218-080	NEW	84-06-023	173-303-280	AMD	84-09-088
172-150-130	AMD	84-13-053	173-218-090	NEW-P	84-02-070	173-303-290	AMD	84-09-088
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172-150-140	AMD	84-13-053	173-218-100	NEW-P	84-02-070	173-303-310	AMD	84-09-088
172-150-145	AMD-P	84-09-030	173-218-100	NEW	84-06-023	173-303-320	AMD	84-09-088
172-150-145	AMD	84-13-053	173-218-110	NEW-P	84-02-070	173-303-330	AMD	84-09-088
172-150-150	AMD-P	84-09-030	173-218-110	NEW	84-06-023	173-303-340	AMD	84-09-088
172-150-150	AMD	84-13-053	173-220-030	AMD-E	84-07-058	173-303-350	AMD	84-09-088
172-150-160	AMD-P	84-09-030	173-220-030	AMD-P	84-08-078	173-303-360	AMD	84-09-088
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172-150-180	AMD-P	84-09-030	173-220-130	AMD-C	84-11-023	173-303-395	AMD-P	84-09-083
172-150-180	AMD	84-13-053	173-220-150	AMD-E	84-07-058	173-303-395	AMD-C	84-12-045
172-150-190	AMD-P	84-09-030	173-220-150	AMD-P	84-08-078	173-303-400	AMD	84-09-088
172-150-190	AMD	84-13-053	173-220-150	AMD	84-11-024	173-303-420	NEW	84-09-088
173-19-1104	AMD	84-02-073	173-220-210	AMD-E	84-07-058	173-303-430	NEW	84-09-088
173-19-130	AMD-C	84-06-042	173-220-210	AMD-P	84-08-078	173-303-440	NEW	84-09-088
173-19-130	AMD	84-08-030	173-220-210	AMD	84-11-024	173-303-500	AMD-P	84-09-083
173-19-250	AMD-P	84-03-057	173-220-220	AMD-E	84-07-058	173-303-500	AMD-C	84-12-045
173-19-250	AMD	84-07-025	173-220-220	AMD-P	84-08-078	173-303-505	NEW	84-09-088
173-19-260	AMD-P	84-03-058	173-220-220	AMD	84-11-024	173-303-505	NEW-C	84-12-045
173-19-260	AMD	84-08-042	173-303	AMD-C	84-04-075	173-303-510	AMD-P	84-09-083
173-19-280	AMD	84-06-043	173-303	AMD-C	84-07-057	173-303-510	AMD-C	84-12-045
173-19-330	AMD-W	84-02-072	173-303-010	AMD	84-09-088	173-303-515	NEW-P	84-09-083
173-19-3514	AMD	84-06-043	173-303-016	NEW-P	84-09-083	173-303-515	NEW-C	84-12-045
173-19-3514	AMD-P	84-07-055	173-303-016	NEW-C	84-12-045	173-303-520	AMD-P	84-09-083
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173-19-370	AMD-P	84-04-079	173-303-017	NEW-C	84-12-045	173-303-550	NEW	84-09-088
173-19-370	AMD	84-08-003	173-303-020	AMD	84-09-088	173-303-560	NEW	84-09-088
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173-19-3903	AMD	84-10-050	173-303-050	AMD	84-09-088	173-303-610	AMD-C	84-12-045
173-19-3908	AMD	84-02-075	173-303-060	AMD	84-09-088	173-303-620	AMD	84-09-088
173-19-400	AMD-P	84-03-057	173-303-070	AMD-P	84-09-083	173-303-630	AMD	84-09-088
173-19-400	AMD	84-07-025	173-303-070	AMD-C	84-12-045	173-303-640	AMD	84-09-088
173-19-420	AMD-P	84-12-085	173-303-071	AMD	84-09-088	173-303-645	NEW	84-09-088
173-19-4201	AMD-P	84-12-085	173-303-072	NEW-P	84-09-083	173-303-650	AMD	84-09-088
173-19-4202	AMD-P	84-12-085	173-303-072	NEW-C	84-12-045	173-303-655	NEW	84-09-088
173-19-4203	AMD-P	84-04-078	173-303-075	AMD	84-09-088	173-303-660	AMD	84-09-088
173-19-4203	AMD-C	84-06-041	173-303-081	AMD	84-09-088	173-303-665	NEW	84-09-088
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173-303-802	NEW	84-09-088	173-549-080	NEW-P	84-07-056
173-303-804	NEW	84-09-088	173-549-080	NEW	84-13-076
173-303-805	AMD	84-09-088	173-549-090	NEW-P	84-07-056
173-303-806	NEW	84-09-088	173-549-090	NEW	84-13-076
173-303-807	NEW	84-09-088	173-549-100	NEW-P	84-07-056
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173-303-809	NEW-P	84-09-083	173-549-900	NEW-P	84-07-056
173-303-809	NEW-C	84-12-045	173-549-900	NEW	84-13-076
173-303-810	AMD	84-09-088	173-801-010	REP-P	84-09-081
173-303-815	AMD	84-09-088	173-801-010	REP	84-13-037
173-303-820	AMD	84-09-088	173-801-020	REP-P	84-09-081
173-303-825	AMD	84-09-088	173-801-020	REP	84-13-037
173-303-830	AMD	84-09-088	173-801-030	REP-P	84-09-081
173-303-840	AMD-P	84-09-083	173-801-030	REP	84-13-037
173-303-840	AMD-C	84-12-045	173-801-040	REP-P	84-09-081
173-303-910	AMD-P	84-09-083	173-801-040	REP	84-13-037
173-303-910	AMD-C	84-12-045	173-801-045	REP-P	84-09-081
173-303-950	NEW	84-09-088	173-801-045	REP	84-13-037
173-303-9901	AMD	84-09-088	173-801-050	REP-P	84-09-081
173-303-9903	AMD	84-09-088	173-801-050	REP	84-13-037
173-303-9904	AMD	84-09-088	173-801-060	REP-P	84-09-081
173-303-9905	AMD	84-09-088	173-801-060	REP	84-13-037
173-305-010	NEW	84-05-012	173-801-070	REP-P	84-09-081
173-305-015	NEW	84-05-012	173-801-070	REP	84-13-037
173-305-020	NEW	84-05-012	173-801-080	REP-P	84-09-081
173-305-030	NEW	84-05-012	173-801-080	REP	84-13-037
173-305-040	NEW	84-05-012	173-801-090	REP-P	84-09-081
173-305-050	NEW	84-05-012	173-801-090	REP	84-13-037
173-305-060	NEW	84-05-012	173-801-100	REP-P	84-09-081
173-305-070	NEW	84-05-012	173-801-100	REP	84-13-037
173-305-080	NEW	84-05-012	173-801-110	REP-P	84-09-081
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173-330	NEW-C	84-12-069	173-801-120	REP-P	84-09-081
173-330-010	NEW-P	84-10-061	173-801-120	REP	84-13-037
173-330-020	NEW-P	84-10-061	173-801-130	REP-P	84-09-081
173-330-030	NEW-P	84-10-061	173-801-130	REP	84-13-037
173-330-040	NEW-P	84-10-061	173-802-010	NEW-P	84-09-081
173-330-050	NEW-P	84-10-061	173-802-010	NEW	84-13-037
173-330-060	NEW-P	84-10-061	173-802-020	NEW-P	84-09-081
173-330-070	NEW-P	84-10-061	173-802-020	NEW	84-13-037
173-330-900	NEW-P	84-10-061	173-802-030	NEW-P	84-09-081
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173-400-075	AMD	84-10-019	173-802-040	NEW-P	84-09-081
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173-514-020	NEW	84-04-014	173-802-060	NEW-P	84-09-081
173-514-030	NEW	84-04-014	173-802-060	NEW	84-13-037
173-514-040	NEW	84-04-014	173-802-070	NEW-P	84-09-081
173-514-050	NEW	84-04-014	173-802-070	NEW	84-13-037
173-514-060	NEW	84-04-014	173-802-080	NEW-P	84-09-081
173-514-070	NEW	84-04-014	173-802-080	NEW	84-13-037
173-514-080	NEW	84-04-014	173-802-090	NEW-P	84-09-081
173-514-090	NEW	84-04-014	173-802-090	NEW	84-13-037
173-549-010	AMD-P	84-07-056	173-802-100	NEW-P	84-09-081
173-549-010	AMD	84-13-076	173-802-100	NEW	84-13-037
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173-549-015	NEW	84-13-076	173-802-110	NEW	84-13-037
173-549-016	NEW	84-13-076	173-802-120	NEW-P	84-09-081
173-549-020	AMD-P	84-07-056	173-802-120	NEW	84-13-037
173-549-020	AMD	84-13-076	173-802-130	NEW-P	84-09-081
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173-549-025	NEW	84-13-076	173-802-140	NEW-P	84-09-081
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173-549-027	NEW	84-13-076	173-802-150	NEW-P	84-09-081
173-549-030	REP-P	84-07-056	173-802-150	NEW	84-13-037
173-549-030	REP	84-13-076	173-802-190	NEW-P	84-09-081
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173-549-050	REP-P	84-07-056	173-805-020	REP	84-13-036
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173-549-060	AMD-P	84-07-056	173-805-030	REP	84-13-036
173-805-040	REP-P	84-10-049	173-805-040	REP-P	84-10-049
173-805-040	REP	84-13-036	173-805-050	REP-P	84-10-049
173-805-050	REP-P	84-10-049	173-805-060	REP-P	84-13-036
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173-805-070	REP-P	84-10-049	173-805-070	REP	84-13-036
173-805-080	REP	84-13-036	173-805-080	REP-P	84-10-049
173-805-080	REP-P	84-10-049	173-805-090	REP-P	84-10-049
173-805-090	REP	84-13-036	173-805-090	REP	84-13-036
173-805-100	REP-P	84-10-049	173-805-100	REP-P	84-10-049
173-805-100	REP	84-13-036	173-805-105	REP	84-13-036
173-805-105	REP-P	84-10-049	173-805-105	REP-P	84-10-049
173-805-105	REP	84-13-036	173-805-110	REP-P	84-13-036
173-805-110	REP-P	84-10-049	173-805-110	REP	84-13-036
173-805-115	REP-P	84-10-049	173-805-115	REP-P	84-10-049
173-805-115	REP	84-13-036	173-805-115	REP	84-13-036
173-805-120	REP-P	84-10-049	173-805-120	REP-P	84-10-049
173-805-120	REP	84-13-036	173-805-120	REP	84-10-049
173-805-121	REP-P	84-10-049	173-805-121	REP-P	84-10-049
173-805-121	REP	84-13-036	173-805-121	REP	84-13-036
173-805-130	REP-P	84-10-049	173-805-130	REP-P	84-10-049
173-805-130	REP	84-13-036	173-805-130	REP	84-13-036
173-805-135	REP-P	84-10-049	173-805-135	REP-P	84-10-049
173-805-135	REP	84-13-036	173-805-135	REP	84-13-036
173-805-140	REP-P	84-10-049	173-805-140	REP-P	84-10-049
173-805-140	REP	84-13-036	173-805-140	REP	84-13-036
173-806-010	NEW-P	84-10-049	173-806-010	NEW-P	84-10-049
173-806-010	NEW	84-13-036	173-806-010	NEW	84-13-036
173-806-020	NEW-P	84-10-049	173-806-020	NEW-P	84-10-049
173-806-020	NEW	84-13-036	173-806-020	NEW	84-13-036
173-806-030	NEW-P	84-10-049	173-806-030	NEW-P	84-10-049
173-806-030	NEW	84-13-036	173-806-030	NEW	84-13-036
173-806-040	NEW-P	84-10-049	173-806-040	NEW-P	84-10-049
173-806-040	NEW	84-13-036	173-806-040	NEW	84-13-036
173-806-045	NEW-P	84-10-049	173-806-045	NEW-P	84-10-049
173-806-050	NEW-P	84-10-049	173-806-050	NEW-P	84-10-049
173-806-050	NEW	84-13-036	173-806-050	NEW	84-13-036
173-806-055	NEW	84-13-036	173-806-055	NEW	84-13-036
173-806-058	NEW	84-13-036	173-806-058	NEW	84-13-036
173-806-060	NEW-P	84-10-049	173-806-060	NEW-P	84-10-049
173-806-065	NEW	84-13-036	173-806-065	NEW	84-13-036
173-806-070	NEW-P	84-10-049	173-806-070	NEW-P	84-10-049
173-806-070	NEW	84-13-036	173-806-070	NEW	84-13-036
173-806-080	NEW-P	84-10-049	173-806-080	NEW-P	84-10-049
173-806-080	NEW	84-13-036	173-806-080	NEW	84-13-036
173-806-090	NEW-P	84-10-049	173-806-090	NEW-P	84-10-049
173-806-090	NEW	84-13-036	173-806-090	NEW	84-13-036
173-806-100	NEW	84-13-036	173-806-100	NEW-P	84-10-049
173-806-110	NEW	84-13-036	173-806-110	NEW	84-13-036
173-806-120	NEW-P	84-10-049	173-806-120	NEW-P	84-10-049
173-806-125	NEW	84-13-036	173-806-125	NEW	84-13-036
173-806-128	NEW	84-13-036	173-806-128	NEW	84-13-036
173-806-130	NEW-P	84-10-049	173-806-130	NEW-P	84-10-049
173-806-130	NEW	84-13-036	173-806-140	NEW-P	84-10-049
173-806-140	NEW	84-13-036	173-806-140	NEW	84-13-036
173-806-150	NEW-P	84-10-049	173-806-150	NEW-P	84-10-049
173-806-150	NEW	84-13-036	173-806-150	NEW	84-13-036
173-806-155	NEW	84-13-036	173-806-155	NEW	84-13-036
173-806-160	NEW-P	84-10-049	173-806-160	NEW-P	84-10-049
173-806-160	NEW	84-13-036	173-806-160	NEW	84-13-036
173-806-170	NEW	84-13-036	173-806-170	NEW	84-13-036
173-806-173	NEW	84-13-036	173-806-173	NEW	84-13-036
173-806-175	NEW	84-13-036	173-806-175	NEW	84-13-036
173-806-180	NEW-P	84-10-049	173-806-180	NEW-P	84-10-049
173-806-180	NEW	84-13-036	173-806-180	NEW	84-13-036
173-806-185	NEW	84-13-036	173-806-185	NEW	84-13-036
173-806-190	NEW-P	84-10-049	173-806-190	NEW-P	84-10-049



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-51-065	NEW	84-11-049	192-23-016	NEW-E	84-10-023	196-27-020	NEW	84-04-027
180-51-070	NEW-P	84-08-076	192-23-016	NEW	84-13-050	197-10-010	REP	84-05-021
180-51-070	NEW	84-11-049	192-23-017	NEW-P	84-10-022	197-10-020	REP	84-05-021
180-51-075	NEW-P	84-08-076	192-23-017	NEW-E	84-10-023	197-10-025	REP	84-05-021
180-51-075	NEW	84-11-049	192-23-017	NEW	84-13-050	197-10-030	REP	84-05-021
180-51-080	NEW-P	84-08-076	192-23-051	NEW-P	84-10-022	197-10-040	REP	84-05-021
180-51-080	NEW	84-11-049	192-23-051	NEW-E	84-10-023	197-10-050	REP	84-05-021
180-51-085	NEW-P	84-08-076	192-23-051	NEW	84-13-050	197-10-055	REP	84-05-021
180-51-085	NEW	84-11-049	192-23-052	NEW-P	84-10-022	197-10-060	REP	84-05-021
180-51-100	NEW-P	84-08-076	192-23-052	NEW-E	84-10-023	197-10-100	REP	84-05-021
180-51-100	NEW	84-11-049	192-23-052	NEW	84-13-050	197-10-150	REP	84-05-021
180-51-105	NEW-P	84-08-076	192-23-061	NEW-P	84-10-022	197-10-160	REP	84-05-021
180-51-105	NEW	84-11-049	192-23-061	NEW-E	84-10-023	197-10-170	REP	84-05-021
180-51-110	NEW-P	84-08-076	192-23-061	NEW	84-13-050	197-10-175	REP	84-05-021
180-51-110	NEW	84-11-049	192-23-071	NEW-P	84-10-022	197-10-177	REP	84-05-021
180-51-115	NEW-P	84-08-076	192-23-071	NEW-E	84-10-023	197-10-180	REP	84-05-021
180-51-115	NEW	84-11-049	192-23-081	NEW-P	84-10-022	197-10-190	REP	84-05-021
180-55-010	AMD-P	84-08-075	192-23-081	NEW-E	84-10-023	197-10-200	REP	84-05-021
180-55-010	AMD	84-11-050	192-23-081	NEW	84-13-050	197-10-203	REP	84-05-021
180-55-015	AMD-P	84-08-075	192-23-082	NEW-P	84-10-022	197-10-205	REP	84-05-021
180-55-015	AMD	84-11-050	192-23-082	NEW-E	84-10-023	197-10-210	REP	84-05-021
180-55-020	AMD-P	84-08-075	192-23-082	NEW	84-13-050	197-10-215	REP	84-05-021
180-55-020	AMD	84-11-050	192-23-091	NEW-P	84-10-022	197-10-220	REP	84-05-021
180-55-050	AMD-P	84-08-075	192-23-091	NEW-E	84-10-023	197-10-225	REP	84-05-021
180-55-050	AMD	84-11-050	192-23-091	NEW	84-13-050	197-10-230	REP	84-05-021
182-08-140	REP-E	84-04-063	192-23-096	NEW-P	84-10-022	197-10-235	REP	84-05-021
182-08-140	REP-P	84-05-029	192-23-096	NEW-E	84-10-023	197-10-240	REP	84-05-021
182-08-140	REP	84-09-043	192-23-096	NEW	84-13-050	197-10-245	REP	84-05-021
182-08-140	REP-E	84-09-060	192-23-113	NEW-P	84-10-022	197-10-260	REP	84-05-021
182-08-150	REP-E	84-04-063	192-23-113	NEW-E	84-10-023	197-10-270	REP	84-05-021
182-08-150	REP-P	84-05-029	192-23-113	NEW	84-13-050	197-10-300	REP	84-05-021
182-08-150	REP	84-09-043	192-23-301	NEW-P	84-10-022	197-10-305	REP	84-05-021
182-08-150	REP-E	84-09-060	192-23-301	NEW-E	84-10-023	197-10-310	REP	84-05-021
182-08-195	NEW-E	84-04-063	192-23-301	NEW	84-13-050	197-10-320	REP	84-05-021
182-08-195	NEW-P	84-05-029	192-23-320	NEW-P	84-10-022	197-10-330	REP	84-05-021
182-08-195	NEW	84-09-043	192-23-320	NEW-E	84-10-023	197-10-340	REP	84-05-021
182-08-195	NEW-E	84-09-060	192-23-320	NEW	84-13-050	197-10-345	REP	84-05-021
182-12-125	AMD-E	84-04-063	192-23-350	NEW-P	84-10-022	197-10-350	REP	84-05-021
182-12-125	AMD-P	84-05-029	192-23-350	NEW-E	84-10-023	197-10-355	REP	84-05-021
182-12-125	AMD	84-09-043	192-23-350	NEW	84-13-050	197-10-360	REP	84-05-021
182-12-125	REP-E	84-09-044	192-23-800	NEW-P	84-10-022	197-10-365	REP	84-05-021
182-12-125	REP-P	84-10-020	192-23-800	NEW-E	84-10-023	197-10-370	REP	84-05-021
182-12-125	REP-C	84-13-012	192-23-800	NEW	84-13-050	197-10-375	REP	84-05-021
192-12-131	NEW	84-02-061	192-23-810	NEW-P	84-10-022	197-10-380	REP	84-05-021
192-12-131	REP-E	84-09-033	192-23-810	NEW-E	84-10-023	197-10-390	REP	84-05-021
192-12-131	REP-P	84-09-034	192-23-810	NEW	84-13-050	197-10-400	REP	84-05-021
192-12-131	REP	84-13-050	192-23-820	NEW-P	84-10-022	197-10-405	REP	84-05-021
192-12-132	NEW	84-02-061	192-23-820	NEW-E	84-10-023	197-10-410	REP	84-05-021
192-12-132	REP-E	84-09-033	192-23-900	NEW-P	84-10-022	197-10-420	REP	84-05-021
192-12-132	REP-P	84-09-034	192-23-900	NEW-E	84-10-023	197-10-425	REP	84-05-021
192-12-132	REP	84-13-050	192-23-900	NEW	84-13-050	197-10-440	REP	84-05-021
192-12-134	NEW	84-02-061	192-24-001	NEW-P	84-10-022	197-10-442	REP	84-05-021
192-12-151	NEW-E	84-09-033	192-24-001	NEW	84-13-050	197-10-444	REP	84-05-021
192-12-151	NEW-P	84-09-034	192-24-010	NEW-P	84-10-022	197-10-446	REP	84-05-021
192-12-151	NEW	84-13-050	192-24-010	NEW	84-13-050	197-10-450	REP	84-05-021
192-23-001	NEW-P	84-10-022	192-24-020	NEW-P	84-10-022	197-10-455	REP	84-05-021
192-23-001	NEW-E	84-10-023	192-24-020	NEW	84-13-050	197-10-460	REP	84-05-021
192-23-001	NEW	84-13-050	192-24-030	NEW-P	84-10-022	197-10-465	REP	84-05-021
192-23-002	NEW-P	84-10-022	192-24-030	NEW	84-13-050	197-10-470	REP	84-05-021
192-23-002	NEW-E	84-10-023	196-08-085	AMD	84-04-027	197-10-480	REP	84-05-021
192-23-002	NEW	84-13-050	196-12-010	AMD	84-04-027	197-10-485	REP	84-05-021
192-23-011	NEW-P	84-10-022	196-12-020	AMD	84-04-027	197-10-490	REP	84-05-021
192-23-011	NEW-E	84-10-023	196-12-030	AMD	84-04-027	197-10-495	REP	84-05-021
192-23-011	NEW	84-13-050	196-12-050	AMD	84-04-027	197-10-500	REP	84-05-021
192-23-012	NEW-P	84-10-022	196-12-060	AMD	84-04-027	197-10-510	REP	84-05-021
192-23-012	NEW-E	84-10-023	196-12-085	AMD	84-04-027	197-10-520	REP	84-05-021
192-23-012	NEW	84-13-050	196-16-007	AMD	84-04-027	197-10-530	REP	84-05-021
192-23-013	NEW-P	84-10-022	196-16-010	AMD	84-04-027	197-10-535	REP	84-05-021
192-23-013	NEW-E	84-10-023	196-16-020	AMD	84-04-027	197-10-540	REP	84-05-021
192-23-013	NEW	84-13-050	196-16-031	AMD	84-04-027	197-10-545	REP	84-05-021
192-23-014	NEW-P	84-10-022	196-20-010	AMD	84-04-027	197-10-550	REP	84-05-021
192-23-014	NEW-E	84-10-023	196-20-030	AMD	84-04-027	197-10-570	REP	84-05-021
192-23-014	NEW	84-13-050	196-24-030	AMD	84-04-027	197-10-580	REP	84-05-021
192-23-015	NEW-P	84-10-022	196-24-040	AMD	84-04-027	197-10-600	REP	84-05-021
192-23-015	NEW-E	84-10-023	196-24-050	AMD	84-04-027	197-10-650	REP	84-05-021
192-23-015	NEW	84-13-050	196-24-080	AMD	84-04-027	197-10-652	REP	84-05-021
192-23-016	NEW-P	84-10-022	196-27-010	NEW	84-04-027	197-10-660	REP	84-05-021



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-28-401	REP-E	84-11-010	220-47-256	REP-C	84-11-098	220-48-01500H	REP-E	84-06-007
220-28-402	NEW-E	84-10-015	220-47-256	REP	84-13-078	220-48-01500I	NEW-E	84-06-007
220-28-402	REP-E	84-12-060	220-47-257	REP-P	84-08-065	220-48-01500J	REP-E	84-07-002
220-28-403	NEW-E	84-12-060	220-47-257	REP-C	84-11-098	220-48-01500K	NEW-E	84-07-002
220-28-403	REP-E	84-13-044	220-47-257	REP	84-13-078	220-48-01500L	REP-E	84-08-004
220-28-404	NEW-E	84-13-044	220-47-258	REP-P	84-08-065	220-48-01500M	NEW-E	84-08-004
220-32-02000L	NEW-E	84-05-006	220-47-258	REP-C	84-11-098	220-48-01500N	NEW-E	84-13-061
220-32-02200K	NEW-E	84-04-043	220-47-258	REP	84-13-078	220-48-017	AMD-P	84-04-091
220-32-02200K	REP-E	84-05-006	220-47-259	REP-P	84-08-065	220-48-017	AMD	84-08-014
220-32-02500I	NEW-E	84-06-022	220-47-259	REP-C	84-11-098	220-48-029	AMD-P	84-04-091
220-32-02500I	REP-E	84-06-051	220-47-259	REP	84-13-078	220-48-029	AMD	84-08-014
220-32-03000H	NEW-E	84-05-037	220-47-260	REP-P	84-08-065	220-48-031	AMD-P	84-04-091
220-32-03000H	REP-E	84-06-008	220-47-260	REP-C	84-11-098	220-48-031	AMD	84-08-014
220-32-03000I	NEW-E	84-06-008	220-47-260	REP	84-13-078	220-48-071	AMD-P	84-04-091
220-32-04000T	NEW-E	84-02-049	220-47-261	REP-P	84-08-065	220-48-071	AMD	84-08-014
220-32-04000T	REP-E	84-04-060	220-47-261	REP-C	84-11-098	220-49-020	AMD-P	84-04-091
220-32-04000U	NEW-E	84-04-060	220-47-261	REP	84-13-078	220-49-020	AMD	84-08-014
220-32-04000U	REP-E	84-05-035	220-47-263	REP-P	84-08-065	220-49-02000Q	NEW-E	84-09-078
220-32-04000V	NEW-E	84-05-035	220-47-263	REP-C	84-11-098	220-52-001	NEW-P	84-04-091
220-32-04100G	NEW-E	84-12-028	220-47-263	REP	84-13-078	220-52-001	NEW	84-08-014
220-32-044	AMD-P	84-04-091	220-47-264	REP-P	84-08-065	220-52-010	AMD-P	84-04-091
220-32-044	AMD	84-08-014	220-47-264	REP-C	84-11-098	220-52-010	AMD	84-08-014
220-32-05000H	REP-E	84-11-058	220-47-264	REP	84-13-078	220-52-015	REP-P	84-04-091
220-32-05100B	NEW-E	84-05-036	220-47-265	REP-P	84-08-065	220-52-015	REP	84-08-014
220-32-055	AMD-P	84-03-059	220-47-265	REP-C	84-11-098	220-52-018	AMD-P	84-04-091
220-32-055	AMD	84-05-046	220-47-265	REP	84-13-078	220-52-018	AMD	84-08-014
220-32-05500H	NEW-E	84-10-042	220-47-267	REP-P	84-08-065	220-52-019	AMD-P	84-04-091
220-32-05500H	REP-E	84-12-044	220-47-267	REP-C	84-11-098	220-52-019	AMD	84-08-014
220-32-05500I	NEW-E	84-11-058	220-47-267	REP	84-13-078	220-52-01901	AMD-P	84-04-091
220-32-05500I	REP-E	84-12-044	220-47-268	REP-P	84-08-065	220-52-01901	AMD	84-08-014
220-32-05500J	NEW-E	84-12-044	220-47-268	REP-C	84-11-098	220-52-020	AMD-P	84-04-091
220-32-05700T	NEW-E	84-02-049	220-47-268	REP	84-13-078	220-52-020	AMD	84-08-014
220-36-021	AMD-P	84-11-097	220-47-307	AMD-P	84-08-065	220-52-030	AMD-P	84-04-091
220-36-022	AMD-P	84-11-097	220-47-307	AMD-C	84-11-098	220-52-030	AMD	84-08-014
220-36-024	AMD-P	84-11-097	220-47-307	AMD	84-13-078	220-52-03000B	NEW-E	84-07-023
220-36-02500J	NEW-E	84-06-051	220-47-311	AMD-P	84-08-065	220-52-040	AMD-P	84-04-091
220-36-03001	AMD-P	84-04-091	220-47-311	AMD-C	84-11-098	220-52-040	AMD	84-08-014
220-36-03001	AMD	84-08-014	220-47-311	AMD	84-13-078	220-52-043	AMD-P	84-04-091
220-40-021	AMD-P	84-11-097	220-47-312	AMD-P	84-08-065	220-52-043	AMD	84-08-014
220-40-022	AMD-P	84-11-097	220-47-312	AMD-C	84-11-098	220-52-046	AMD-P	84-04-091
220-40-024	AMD-P	84-11-097	220-47-312	AMD	84-13-078	220-52-046	AMD	84-08-014
220-40-030	AMD-P	84-04-091	220-47-313	AMD-P	84-08-065	220-52-050	AMD-P	84-04-091
220-40-030	AMD	84-08-014	220-47-313	AMD-C	84-11-098	220-52-050	AMD	84-08-014
220-40-030	AMD-P	84-11-097	220-47-313	AMD	84-13-078	220-52-053	AMD-P	84-04-091
220-44	AMD-P	84-04-091	220-47-314	REP-P	84-08-065	220-52-053	AMD	84-08-014
220-44	AMD	84-08-014	220-47-314	REP-C	84-11-098	220-52-05300N	NEW-E	84-11-028
220-44-020	AMD-P	84-04-091	220-47-314	REP	84-13-078	220-52-063	AMD-P	84-04-091
220-44-020	AMD	84-08-014	220-47-319	AMD-P	84-08-065	220-52-063	AMD	84-08-014
220-44-030	AMD-P	84-04-091	220-47-319	AMD-C	84-11-098	220-52-066	AMD-P	84-04-091
220-44-030	AMD	84-08-014	220-47-319	AMD	84-13-078	220-52-066	AMD	84-08-014
220-44-040	AMD-P	84-04-091	220-47-411	AMD-P	84-08-065	220-52-06600D	NEW-E	84-04-044
220-44-040	AMD	84-08-014	220-47-411	AMD-C	84-11-098	220-52-06600E	NEW-E	84-10-010
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232-32-159	NEW-E	84-03-029	248-26-010	NEW-P	84-12-004	248-63-170	NEW-P	84-12-059
232-32-160	NEW-E	84-03-022	248-26-020	NEW-P	84-12-004	248-63-180	NEW-P	84-12-059
232-32-161	NEW-E	84-03-030	248-26-030	NEW-P	84-12-004	248-84-002	AMD-P	84-10-044
232-32-162	NEW-E	84-03-031	248-26-040	NEW-P	84-12-004	248-84-030	AMD-P	84-10-044
232-32-163	NEW-E	84-05-001	248-26-050	NEW-P	84-12-004	248-84-035	AMD-P	84-10-044
232-32-164	NEW-E	84-07-044	248-26-060	NEW-P	84-12-004	248-84-062	NEW-P	84-10-044
232-32-165	NEW-E	84-09-004	248-26-070	NEW-P	84-12-004	250-18-060	AMD-E	84-10-027
236-47-001	NEW-P	84-07-024	248-26-080	NEW-P	84-12-004	250-18-060	AMD-P	84-10-043
236-47-001	NEW	84-13-008	248-26-090	NEW-P	84-12-004	250-44-050	AMD-P	84-10-048
236-47-002	NEW-P	84-07-024	248-26-100	NEW-P	84-12-004	250-44-060	AMD-P	84-10-048
236-47-002	NEW	84-13-008	248-27-001	NEW-P	84-12-078	250-44-070	AMD-P	84-10-048
236-47-003	NEW-P	84-07-024	248-27-002	NEW-P	84-12-078	250-44-080	AMD-P	84-10-048
236-47-003	NEW	84-13-008	248-27-010	NEW-P	84-12-078	250-44-090	AMD-P	84-10-048
236-47-004	NEW-P	84-07-024	248-27-020	NEW-P	84-12-078	250-44-110	AMD-P	84-10-048
236-47-004	NEW	84-13-008	248-27-030	NEW-P	84-12-078	250-44-130	AMD-P	84-10-048



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275-33-030	NEW-E	84-06-016	286-26-020	AMD-P	84-12-049	296-17-765	AMD-P	84-09-035
275-33-030	NEW-P	84-06-025	286-26-055	AMD-P	84-12-049	296-17-765	AMD-E	84-09-036
275-33-030	NEW	84-10-032	289-02-020	AMD-P	84-09-065	296-17-765	AMD	84-12-048
275-33-040	NEW-E	84-06-016	289-15-130	AMD-P	84-09-066	296-17-779	NEW-P	84-08-077
275-33-040	NEW-P	84-06-025	289-15-225	AMD-P	84-09-067	296-17-779	NEW	84-11-034
275-33-040	NEW	84-10-032	289-15-230	AMD-P	84-09-066	296-17-895	AMD-P	84-09-035
275-33-050	NEW-E	84-06-016	289-16-100	AMD-P	84-09-065	296-17-895	AMD-E	84-09-036
275-33-050	NEW-P	84-06-025	289-16-200	AMD-P	84-09-065	296-17-895	AMD	84-12-048
275-33-050	NEW	84-10-032	296-04-500	REP	84-04-024	296-17-905	AMD-P	84-02-060
275-33-060	NEW-E	84-06-016	296-04-501	REP	84-04-024	296-17-905	AMD	84-06-024
275-33-060	NEW-P	84-06-025	296-04-502	REP	84-04-024	296-17-910	AMD-P	84-02-060
275-33-060	NEW	84-10-032	296-04-503	REP	84-04-024	296-17-910	AMD	84-06-024
275-38-600	AMD-P	84-05-056	296-04-504	REP	84-04-024	296-17-911	AMD-P	84-02-060
275-38-600	AMD	84-09-018	296-04-505	REP	84-04-024	296-17-911	AMD	84-06-024
275-38-730	AMD-P	84-04-056	296-04-506	REP	84-04-024	296-17-913	AMD-P	84-02-060
275-38-730	AMD	84-09-032	296-13	AMD-P	84-13-003	296-17-913	AMD	84-06-024
275-55-020	AMD	84-03-035	296-13-001	AMD-P	84-13-003	296-17-914	AMD-P	84-02-060
275-55-161	AMD	84-03-035	296-13-010	AMD-P	84-13-003	296-17-914	AMD	84-06-024
275-55-263	AMD	84-03-035	296-13-020	AMD-P	84-13-003	296-17-916	AMD-P	84-02-060
275-55-271	AMD	84-03-035	296-13-030	AMD-P	84-13-003	296-17-916	AMD	84-06-024
275-55-281	AMD	84-03-035	296-13-035	NEW-P	84-13-003	296-17-916	AMD-P	84-02-060
275-55-291	AMD	84-03-035	296-13-040	AMD-P	84-13-003	296-17-917	AMD	84-06-024
275-55-293	AMD	84-03-035	296-13-045	NEW-P	84-13-003	296-17-918	NEW-P	84-02-060
275-55-297	AMD	84-03-035	296-13-050	AMD-P	84-13-003	296-17-918	NEW	84-06-018
275-55-301	AMD	84-03-035	296-13-052	NEW-P	84-13-003	296-17-919	AMD-P	84-02-060
275-55-331	AMD	84-03-035	296-13-053	NEW-P	84-13-003	296-17-919	AMD	84-06-024
275-55-371	AMD	84-03-035	296-13-055	NEW-P	84-13-003	296-17-91901	AMD-P	84-02-060
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275-60-010	NEW	84-13-029	296-13-060	AMD-P	84-13-003	296-17-91902	AMD-P	84-02-060
275-60-020	NEW-P	84-10-009	296-13-070	REP-P	84-13-003	296-17-91902	AMD	84-06-024
275-60-020	NEW	84-13-029	296-13-080	AMD-P	84-13-003	296-19-010	REP-P	84-02-059
275-60-030	NEW-P	84-10-009	296-13-090	AMD-P	84-13-003	296-19-010	REP	84-06-018
275-60-030	NEW	84-13-029	296-13-100	AMD-P	84-13-003	296-24-073	AMD-E	84-10-016
275-60-040	NEW-P	84-10-009	296-13-110	AMD-P	84-13-003	296-46-110	AMD-P	84-07-010
275-60-040	NEW	84-13-029	296-13-120	REP-P	84-13-003	296-46-110	AMD-E	84-08-006
275-60-050	NEW-P	84-10-009	296-13-130	NEW-P	84-13-003	296-46-110	AMD-E	84-13-004
275-60-050	NEW	84-13-029	296-13-140	NEW-P	84-13-003	296-46-120	REP-P	84-07-010
275-60-060	NEW-P	84-10-009	296-13-150	NEW-P	84-13-003	296-46-130	AMD-P	84-07-010
275-60-060	NEW	84-13-029	296-13-160	NEW-P	84-13-003	296-46-140	AMD-P	84-07-010
275-60-070	NEW-P	84-10-009	296-13-170	NEW-P	84-13-003	296-46-150	AMD-P	84-07-010
275-60-070	NEW	84-13-029	296-13-180	NEW-P	84-13-003	296-46-160	AMD-P	84-07-010
275-60-200	NEW-P	84-10-009	296-13-190	NEW-P	84-13-003	296-46-170	REP-P	84-07-010
275-60-200	NEW	84-13-029	296-13-200	NEW-P	84-13-003	296-46-180	AMD-P	84-07-010
275-60-300	NEW-P	84-10-009	296-13-210	NEW-P	84-13-003	296-46-190	REP-P	84-07-010
275-60-300	NEW	84-13-029	296-13-220	NEW-P	84-13-003	296-46-200	AMD-P	84-07-010
275-60-400	NEW-P	84-10-009	296-13-230	NEW-P	84-13-003	296-46-210	REP-P	84-07-010
275-60-400	NEW	84-13-029	296-13-240	NEW-P	84-13-003	296-46-220	AMD-P	84-07-010
275-60-500	NEW-P	84-10-009	296-13-250	NEW-P	84-13-003	296-46-230	REP-P	84-07-010
275-60-500	NEW	84-13-029	296-13-260	NEW-P	84-13-003	296-46-240	AMD-P	84-07-010
275-60-510	NEW-P	84-10-009	296-13-270	NEW-P	84-13-003	296-46-242	REP-P	84-07-010
275-60-510	NEW	84-13-029	296-13-280	NEW-P	84-13-003	296-46-244	REP-P	84-07-010
275-60-520	NEW-P	84-10-009	296-13-290	NEW-P	84-13-003	296-46-270	REP-P	84-07-010
275-60-520	NEW	84-13-029	296-13-300	NEW-P	84-13-003	296-46-280	REP-P	84-07-010
275-91-011	REP-E	84-13-007	296-13-310	NEW-P	84-13-003	296-46-290	REP-P	84-07-010
275-91-011	REP-P	84-13-075	296-13-320	NEW-P	84-13-003	296-46-300	REP-P	84-07-010
275-91-021	REP-E	84-13-007	296-13-330	NEW-P	84-13-003	296-46-335	REP-P	84-07-010
275-91-021	REP-P	84-13-075	296-13-340	NEW-P	84-13-003	296-46-336	NEW-P	84-07-010
275-91-031	REP-E	84-13-007	296-13-350	NEW-P	84-13-003	296-46-350	AMD-P	84-07-010
275-91-031	REP-P	84-13-075	296-13-360	NEW-P	84-13-003	296-46-355	REP-P	84-07-010
275-91-041	REP-E	84-13-007	296-13-370	NEW-P	84-13-003	296-46-360	AMD-P	84-07-010
275-91-041	REP-P	84-13-075	296-13-380	NEW-P	84-13-003	296-46-370	AMD-P	84-07-010
275-91-050	REP-E	84-13-007	296-13-390	NEW-P	84-13-003	296-46-380	REP-P	84-07-010
275-91-050	REP-P	84-13-075	296-13-400	NEW-P	84-13-003	296-46-390	REP-P	84-07-010
275-91-060	REP-E	84-13-007	296-13-410	NEW-P	84-13-003	296-46-420	AMD-P	84-07-010
275-91-060	REP-P	84-13-075	296-13-420	NEW-P	84-13-003	296-46-424	REP-P	84-07-010
275-91-070	REP-E	84-13-007	296-13-430	NEW-P	84-13-003	296-46-426	REP-P	84-07-010
275-91-070	REP-P	84-13-075	296-13-440	NEW-P	84-13-003	296-46-480	AMD-P	84-07-010
284-44-020	REP-P	84-04-032	296-14-010	AMD-P	84-02-059	296-46-490	AMD-P	84-07-010
284-44-020	REP	84-08-001	296-14-010	AMD	84-06-018	296-46-495	REP-P	84-07-010
284-44-400	NEW-P	84-04-032	296-15-02601	AMD-P	84-02-078	296-46-500	REP-P	84-07-010
284-44-400	NEW	84-08-001	296-15-02601	AMD	84-06-031	296-46-501	REP-P	84-07-010
284-44-410	NEW-P	84-04-032	296-15-21001	REP-P	84-02-078	296-46-535	REP-P	84-07-010
284-44-410	NEW	84-08-001	296-15-21001	REP	84-06-031	296-46-540	REP-P	84-07-010
284-46-010	NEW-P	84-04-033	296-17-350	AMD-P	84-08-077	296-46-545	REP-P	84-07-010
284-46-010	NEW	84-08-002	296-17-350	AMD	84-11-034	296-46-550	REP-P	84-07-010
284-46-020	NEW-P	84-04-033	296-17-35101	NEW-P	84-02-059	296-46-555	REP-P	84-07-010
284-46-020	NEW	84-08-002	296-17-35101	NEW	84-06-018	296-46-560	REP-P	84-07-010

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296-46-565	REP-P	84-07-010	296-93-190	NEW	84-10-025	308-26-015	AMD-P	84-04-085
296-46-590	REP-P	84-07-010	296-93-200	NEW-P	84-05-032	308-26-015	AMD	84-08-019
296-46-59005	REP-P	84-07-010	296-93-200	NEW	84-10-025	308-26-017	AMD-P	84-04-085
296-46-59010	REP-P	84-07-010	296-93-210	NEW-P	84-05-032	308-26-017	AMD	84-08-019
296-46-900	REP-P	84-07-010	296-93-210	NEW	84-10-025	308-31-015	NEW	84-02-077
296-46-905	REP-P	84-07-010	296-93-220	NEW-P	84-05-032	308-31-020	AMD	84-02-077
296-62-054	NEW-P	84-09-029	296-93-220	NEW	84-10-025	308-31-100	NEW	84-02-077
296-62-054	NEW	84-13-001	296-93-230	NEW-P	84-05-032	308-31-110	NEW	84-02-077
296-62-05403	NEW-P	84-09-029	296-93-230	NEW	84-10-025	308-31-120	NEW	84-02-077
296-62-05403	NEW	84-13-001	296-93-240	NEW-P	84-05-032	308-31-500	NEW	84-02-077
296-62-05405	NEW-P	84-09-029	296-93-240	NEW	84-10-025	308-31-510	NEW	84-02-077
296-62-05405	NEW	84-13-001	296-93-250	NEW-P	84-05-032	308-31-520	NEW	84-02-077
296-62-05407	NEW-P	84-09-029	296-93-250	NEW	84-10-025	308-31-530	NEW	84-02-077
296-62-05407	NEW	84-13-001	296-93-260	NEW-P	84-05-032	308-31-540	NEW	84-02-077
296-62-05409	NEW-P	84-09-029	296-93-260	NEW	84-10-025	308-31-550	NEW	84-02-077
296-62-05409	NEW	84-13-001	296-93-270	NEW-P	84-05-032	308-31-560	NEW	84-02-077
296-62-05411	NEW-P	84-09-029	296-93-270	NEW	84-10-025	308-31-570	NEW	84-02-077
296-62-05411	NEW	84-13-001	296-93-280	NEW-P	84-05-032	308-37-150	NEW-P	84-02-076
296-62-05413	NEW-P	84-09-029	296-93-280	NEW	84-10-025	308-37-150	NEW	84-05-070
296-62-05413	NEW	84-13-001	296-93-290	NEW-P	84-05-032	308-40-102	AMD-P	84-04-087
296-62-05415	NEW-P	84-09-029	296-93-290	NEW	84-10-025	308-40-102	AMD	84-07-050
296-62-05415	NEW	84-13-001	296-93-300	NEW-P	84-05-032	308-40-104	AMD-P	84-07-048
296-62-05417	NEW-P	84-09-029	296-93-300	NEW	84-10-025	308-40-104	AMD	84-11-025
296-62-05417	NEW	84-13-001	296-93-320	NEW-P	84-05-032	308-42-010	AMD-P	84-10-060
296-62-05419	NEW-P	84-09-029	296-93-320	NEW	84-10-025	308-42-010	AMD	84-13-057
296-62-05419	NEW	84-13-001	296-93-330	NEW-P	84-05-032	308-42-020	REP	84-03-055
296-62-05421	NEW-P	84-09-029	296-93-330	NEW	84-10-025	308-42-030	REP	84-03-055
296-62-05421	NEW	84-13-001	296-104-200	AMD-P	84-06-010	308-42-035	REP	84-03-055
296-62-05423	NEW-P	84-09-029	296-104-200	AMD	84-11-016	308-42-040	AMD	84-03-055
296-62-05423	NEW	84-13-001	296-104-700	AMD-P	84-06-010	308-42-045	AMD-P	84-10-060
296-62-05425	NEW-P	84-09-029	296-104-700	AMD	84-11-016	308-42-045	AMD-P	84-13-058
296-62-05425	NEW	84-13-001	296-116-070	AMD-P	84-07-027	308-42-050	REP	84-03-055
296-81-007	AMD-C	84-03-008	296-116-070	AMD	84-11-056	308-42-055	REP	84-03-055
296-81-007	AMD	84-05-005	296-116-300	AMD	84-04-006	308-42-060	AMD-P	84-10-060
296-81-340	AMD-C	84-03-008	296-116-300	AMD-E	84-04-007	308-42-060	AMD-P	84-13-058
296-81-340	AMD	84-05-005	296-116-330	REP-P	84-07-028	308-42-070	AMD	84-03-055
296-81-360	AMD-C	84-03-008	296-116-330	REP-E	84-08-013	308-42-120	AMD	84-03-055
296-81-360	AMD	84-05-005	296-116-330	REP	84-11-041	308-42-125	NEW-P	84-10-060
296-81-991	NEW-C	84-03-008	296-200-300	NEW-E	84-03-003	308-42-125	NEW	84-13-057
296-81-991	NEW	84-05-005	296-200-300	NEW-P	84-04-072	308-42-130	NEW-P	84-10-060
296-93-010	NEW-P	84-05-032	296-200-300	NEW-C	84-07-021	308-42-130	NEW	84-13-057
296-93-010	NEW	84-10-025	296-200-300	NEW	84-12-018	308-42-135	NEW-P	84-10-060
296-93-020	NEW-P	84-05-032	296-200-310	NEW-E	84-03-003	308-42-135	NEW-P	84-13-058
296-93-020	NEW	84-10-025	296-200-310	NEW-P	84-04-072	308-42-140	NEW-P	84-10-060
296-93-030	NEW-P	84-05-032	296-200-310	NEW-C	84-07-021	308-42-140	NEW	84-13-057
296-93-030	NEW	84-10-025	296-200-310	NEW	84-12-018	308-42-145	NEW-P	84-10-060
296-93-040	NEW-P	84-05-032	296-200-320	NEW-E	84-03-003	308-42-145	NEW-P	84-13-058
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296-93-050	NEW-P	84-05-032	296-200-320	NEW-C	84-07-021	308-42-150	NEW	84-13-057
296-93-050	NEW	84-10-025	296-200-320	NEW	84-12-018	308-42-155	NEW-P	84-10-060
296-93-060	NEW-P	84-05-032	296-400-300	NEW-P	84-04-072	308-42-155	NEW	84-13-057
296-93-060	NEW	84-10-025	296-400-300	NEW-C	84-07-021	308-42-160	NEW-P	84-10-060
296-93-070	NEW-P	84-05-032	296-400-300	NEW	84-12-018	308-42-160	NEW-P	84-13-058
296-93-070	NEW	84-10-025	304-12-015	REP-P	84-04-089	308-42-200	NEW-P	84-13-083
296-93-080	NEW-P	84-05-032	304-12-015	REP	84-07-020	308-48-145	NEW-P	84-08-061
296-93-080	NEW	84-10-025	304-12-020	NEW-P	84-04-089	308-48-145	NEW	84-11-059
296-93-090	NEW-P	84-05-032	304-12-020	NEW	84-07-020	308-50-010	AMD-E	84-03-018
296-93-090	NEW	84-10-025	304-12-025	NEW-P	84-04-089	308-50-010	AMD-P	84-04-048
296-93-100	NEW-P	84-05-032	304-12-025	NEW	84-07-020	308-50-010	AMD	84-08-062
296-93-100	NEW	84-10-025	304-12-125	AMD-P	84-04-089	308-50-020	AMD-E	84-03-018
296-93-110	NEW-P	84-05-032	304-12-125	AMD	84-07-020	308-50-020	AMD-P	84-04-048
296-93-110	NEW	84-10-025	304-25-040	AMD-P	84-04-089	308-50-020	AMD-P	84-10-059
296-93-120	NEW-P	84-05-032	304-25-040	AMD	84-07-020	308-50-050	REP-P	84-04-048
296-93-120	NEW	84-10-025	304-25-090	REP-P	84-04-089	308-50-050	REP	84-08-062
296-93-130	NEW-P	84-05-032	304-25-090	REP	84-07-020	308-50-090	AMD-E	84-03-018
296-93-130	NEW	84-10-025	304-25-100	REP-P	84-04-089	308-50-090	AMD-P	84-04-048
296-93-140	NEW-P	84-05-032	304-25-100	REP	84-07-020	308-50-100	AMD-P	84-04-048
296-93-140	NEW	84-10-025	308-12-031	AMD	84-04-028	308-50-100	AMD	84-08-062
296-93-150	NEW-P	84-05-032	308-12-050	AMD	84-04-028	308-50-110	AMD-P	84-04-048
296-93-150	NEW	84-10-025	308-12-110	AMD	84-04-028	308-50-110	AMD-P	84-10-059
296-93-160	NEW-P	84-05-032	308-25-020	REP	84-04-088	308-50-120	AMD-P	84-04-048
296-93-160	NEW	84-10-025	308-25-025	NEW	84-04-088	308-50-120	AMD	84-08-062
296-93-170	NEW-P	84-05-032	308-25-025	AMD-P	84-07-049	308-50-140		84-10-062
296-93-170	NEW	84-10-025	308-25-025	AMD	84-10-063	308-50-160		84-10-062
296-93-180	NEW-P	84-05-032	308-25-030	AMD	84-04-088	308-50-170		84-10-062
296-93-180	NEW	84-10-025	308-25-040	REP	84-04-088	308-50-180		84-10-062
296-93-190	NEW-P	84-05-032	308-25-070	AMD	84-04-088	308-50-190		84-10-062

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-50-200	84-10-062	308-93-146	NEW-E 84-13-087	308-96A-380	NEW-P 84-13-064
308-50-210	84-10-062	308-93-150	AMD-P 84-10-081	308-138-200	AMD 84-05-011
308-50-220	AMD-P 84-10-062	308-93-150	AMD 84-13-086	308-138A-025	AMD 84-05-011
308-50-230	84-10-062	308-93-150	AMD-E 84-13-087	308-138B-120	REP 84-05-011
308-50-240	84-10-062	308-93-155	NEW-P 84-10-081	308-138B-165	NEW 84-05-011
308-50-250	84-10-062	308-93-155	NEW 84-13-086	308-138B-170	AMD 84-05-011
308-50-260	84-10-062	308-93-155	NEW-E 84-13-087	314-12-160	REP-P 84-09-062
308-50-270	84-10-062	308-93-160	AMD-P 84-10-081	314-12-160	REP-E 84-09-063
308-50-280	84-10-062	308-93-160	AMD 84-13-086	314-12-160	REP 84-11-093
308-50-290	84-10-062	308-93-160	AMD-E 84-13-087	314-16-040	AMD-P 84-09-022
308-50-295	84-10-062	308-93-165	NEW-P 84-10-081	314-16-040	AMD 84-11-092
308-52-100	AMD-P 84-12-090	308-93-165	NEW 84-13-086	314-16-110	AMD 84-02-066
308-52-255	AMD-P 84-12-090	308-93-165	NEW-E 84-13-087	314-16-110	AMD-P 84-12-075
308-53-030	AMD-P 84-05-069	308-93-215	NEW-P 84-10-081	314-16-200	AMD-W 84-03-019
308-53-030	AMD 84-09-082	308-93-215	NEW 84-13-086	314-16-200	AMD-P 84-07-052
308-53-085	AMD-P 84-05-069	308-93-215	NEW-E 84-13-087	314-16-200	AMD-W 84-09-077
308-53-085	AMD 84-09-082	308-93-225	NEW-P 84-10-081	314-16-200	AMD-P 84-12-076
308-53-120	AMD-P 84-05-069	308-93-225	NEW 84-13-086	314-16-205	NEW-P 84-06-063
308-53-120	AMD 84-09-082	308-93-225	NEW-E 84-13-087	314-16-205	NEW 84-09-024
308-53-190	REP-P 84-05-069	308-93-260	AMD-P 84-10-081	314-18-040	AMD-P 84-06-064
308-53-190	REP 84-09-082	308-93-260	AMD 84-13-086	314-18-040	AMD 84-09-025
308-53-211	NEW-P 84-12-089	308-93-260	AMD-E 84-13-087	314-20-010	AMD-P 84-06-062
308-54-140	AMD-P 84-04-086	308-93-270	AMD-P 84-10-081	314-20-010	AMD 84-09-023
308-54-140	AMD 84-07-051	308-93-270	AMD 84-13-086	314-24-110	AMD-P 84-06-062
308-54-150	AMD-P 84-04-086	308-93-270	AMD-E 84-13-087	314-24-110	AMD 84-09-023
308-54-150	AMD 84-07-051	308-93-290	AMD-P 84-10-081	314-38-020	AMD-P 84-11-039
308-78-010	AMD-P 84-06-066	308-93-290	AMD 84-13-086	315-04-070	AMD-E 84-06-045
308-78-040	AMD-P 84-06-066	308-93-290	AMD-E 84-13-087	315-04-070	AMD-E 84-09-009
308-78-045	AMD-P 84-06-066	308-93-310	AMD-P 84-10-081	315-04-070	AMD-P 84-09-085
308-78-050	AMD-P 84-06-066	308-93-310	AMD 84-13-086	315-04-070	AMD 84-12-057
308-78-070	AMD-P 84-06-066	308-93-310	AMD-E 84-13-087	315-04-120	AMD-P 84-05-050
308-93-010	AMD-P 84-10-081	308-93-350	AMD-P 84-10-081	315-04-120	AMD-E 84-06-045
308-93-010	AMD-P 84-13-082	308-93-350	AMD 84-13-086	315-04-120	AMD 84-09-008
308-93-010	AMD-E 84-13-087	308-93-350	AMD-E 84-13-087	315-04-120	AMD-P 84-09-085
308-93-020	AMD-P 84-10-081	308-93-360	AMD-P 84-10-081	315-04-120	AMD-E 84-11-012
308-93-020	AMD 84-13-086	308-93-360	AMD 84-13-086	315-04-120	AMD 84-12-057
308-93-020	AMD-E 84-13-087	308-93-360	AMD-E 84-13-087	315-04-132	NEW-E 84-06-045
308-93-030	AMD-P 84-10-081	308-93-500	AMD-P 84-10-081	315-04-132	NEW-P 84-09-085
308-93-030	AMD-P 84-13-082	308-93-500	AMD 84-13-086	315-04-132	NEW-E 84-11-012
308-93-030	AMD-E 84-13-087	308-93-500	AMD-E 84-13-087	315-04-132	NEW 84-12-057
308-93-040	AMD-P 84-10-081	308-93-560	AMD-P 84-10-081	315-04-133	NEW-E 84-06-045
308-93-040	AMD-P 84-13-082	308-93-560	AMD 84-13-086	315-04-133	NEW-P 84-09-085
308-93-040	AMD-E 84-13-087	308-93-560	AMD-E 84-13-087	315-04-133	NEW-E 84-11-012
308-93-050	AMD-P 84-10-081	308-93-610	REP-P 84-10-081	315-04-133	NEW 84-12-057
308-93-050	AMD-P 84-13-082	308-93-610	REP 84-13-086	315-04-134	NEW-P 84-09-085
308-93-050	AMD-E 84-13-087	308-93-640	AMD-P 84-10-081	315-04-134	NEW-E 84-11-012
308-93-060	AMD-P 84-10-081	308-93-640	AMD-P 84-13-082	315-04-134	NEW 84-12-057
308-93-060	AMD-P 84-13-082	308-93-640	AMD-E 84-13-087	315-04-180	AMD 84-05-008
308-93-060	AMD-E 84-13-087	308-93-650	NEW-P 84-06-056	315-06-120	AMD-P 84-05-050
308-93-070	AMD-P 84-10-081	308-93-650	NEW 84-11-060	315-06-120	AMD 84-09-008
308-93-070	AMD 84-13-086	308-96A-310	NEW-E 84-13-063	315-06-130	AMD 84-05-008
308-93-070	AMD-E 84-13-087	308-96A-310	NEW-P 84-13-065	315-10-020	AMD 84-05-008
308-93-075	NEW-P 84-10-081	308-96A-315	NEW-E 84-13-063	315-10-030	AMD 84-05-008
308-93-075	NEW 84-13-086	308-96A-315	NEW-P 84-13-065	315-10-060	AMD 84-05-008
308-93-075	NEW-E 84-13-087	308-96A-320	NEW-E 84-13-063	315-11-071	AMD 84-05-008
308-93-080	AMD-P 84-10-081	308-96A-320	NEW-P 84-13-065	315-11-081	AMD 84-05-008
308-93-080	AMD 84-13-086	308-96A-325	NEW-E 84-13-063	315-11-101	AMD-E 84-03-026
308-93-080	AMD-E 84-13-087	308-96A-325	NEW-P 84-13-065	315-11-101	AMD-P 84-05-051
308-93-085	NEW-P 84-10-081	308-96A-330	NEW-E 84-13-063	315-11-101	AMD 84-09-008
308-93-085	NEW 84-13-086	308-96A-330	NEW-P 84-13-065	315-11-110	NEW-P 84-05-052
308-93-085	NEW-E 84-13-087	308-96A-335	NEW-E 84-13-063	315-11-110	NEW-E 84-05-053
308-93-090	AMD-P 84-10-081	308-96A-335	NEW-P 84-13-065	315-11-110	NEW 84-09-008
308-93-090	AMD-P 84-13-082	308-96A-345	NEW-E 84-13-062	315-11-111	NEW-P 84-05-052
308-93-090	AMD-E 84-13-087	308-96A-345	NEW-P 84-13-064	315-11-111	NEW-E 84-05-053
308-93-110	AMD-P 84-10-081	308-96A-350	NEW-E 84-13-062	315-11-111	NEW 84-09-008
308-93-110	AMD 84-13-086	308-96A-350	NEW-P 84-13-064	315-11-112	NEW-P 84-05-052
308-93-110	AMD-E 84-13-087	308-96A-355	NEW-E 84-13-062	315-11-112	NEW-E 84-05-053
308-93-135	NEW-P 84-10-081	308-96A-355	NEW-P 84-13-064	315-11-112	NEW 84-09-008
308-93-135	NEW 84-13-086	308-96A-360	NEW-E 84-13-062	315-11-120	NEW-P 84-07-053
308-93-135	NEW-E 84-13-087	308-96A-360	NEW-P 84-13-064	315-11-120	NEW-E 84-09-009
308-93-140	AMD-P 84-10-081	308-96A-365	NEW-E 84-13-062	315-11-120	NEW-P 84-09-085
308-93-140	AMD 84-13-086	308-96A-365	NEW-P 84-13-064	315-11-120	NEW 84-12-057
308-93-140	AMD-E 84-13-087	308-96A-370	NEW-E 84-13-062	315-11-121	NEW-P 84-07-053
308-93-145	NEW-P 84-10-081	308-96A-370	NEW-P 84-13-064	315-11-121	NEW-E 84-09-009
308-93-145	NEW 84-13-086	308-96A-375	NEW-E 84-13-062	315-11-121	NEW-P 84-09-085
308-93-145	NEW-E 84-13-087	308-96A-375	NEW-P 84-13-064	315-11-121	NEW 84-12-057
308-93-146	NEW-P 84-13-082	308-96A-380	NEW-E 84-13-062	315-11-122	NEW-P 84-07-053



**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
316-25-490	NEW-P 84-04-081	316-45-270	NEW 84-07-037	316-65-515	NEW-P 84-04-081
316-25-490	NEW 84-07-037	316-45-290	NEW-P 84-04-081	316-65-515	NEW 84-07-037
316-25-510	NEW-P 84-04-081	316-45-290	NEW 84-07-037	316-65-525	NEW-P 84-04-081
316-25-510	NEW 84-07-037	316-45-310	NEW-P 84-04-081	316-65-525	NEW 84-07-037
316-25-530	NEW-P 84-04-081	316-45-310	NEW 84-07-037	316-65-530	NEW-P 84-04-081
316-25-530	NEW 84-07-037	316-45-330	NEW-P 84-04-081	316-65-530	NEW 84-07-037
316-25-550	NEW-P 84-04-081	316-45-330	NEW 84-07-037	316-65-535	NEW-P 84-04-081
316-25-550	NEW 84-07-037	316-45-350	NEW-P 84-04-081	316-65-535	NEW 84-07-037
316-25-570	NEW-P 84-04-081	316-45-350	NEW 84-07-037	316-65-540	NEW-P 84-04-081
316-25-570	NEW 84-07-037	316-45-370	NEW-P 84-04-081	316-65-540	NEW 84-07-037
316-25-590	NEW-P 84-04-081	316-45-370	NEW 84-07-037	316-65-545	NEW-P 84-04-081
316-25-590	NEW 84-07-037	316-45-390	NEW-P 84-04-081	316-65-545	NEW 84-07-037
316-25-610	NEW-P 84-04-081	316-45-390	NEW 84-07-037	316-65-550	NEW-P 84-04-081
316-25-610	NEW 84-07-037	316-45-410	NEW-P 84-04-081	316-65-550	NEW 84-07-037
316-25-630	NEW-P 84-04-081	316-45-410	NEW 84-07-037	316-65-555	NEW-P 84-04-081
316-25-630	NEW 84-07-037	316-45-430	NEW-P 84-04-081	316-65-555	NEW 84-07-037
316-25-650	NEW-P 84-04-081	316-45-430	NEW 84-07-037	316-65-560	NEW-P 84-04-081
316-25-650	NEW 84-07-037	316-45-550	NEW-P 84-04-081	316-65-560	NEW 84-07-037
316-25-670	NEW-P 84-04-081	316-45-550	NEW 84-07-037	316-75-001	NEW-P 84-04-081
316-25-670	NEW 84-07-037	316-55-001	NEW-P 84-04-081	316-75-001	NEW 84-07-037
316-35-001	NEW-P 84-04-081	316-55-001	NEW 84-07-037	316-75-010	NEW-P 84-04-081
316-35-001	NEW 84-07-037	316-55-010	NEW-P 84-04-081	316-75-010	NEW 84-07-037
316-35-010	NEW-P 84-04-081	316-55-010	NEW 84-07-037	316-75-030	NEW-P 84-04-081
316-35-010	NEW 84-07-037	316-55-020	NEW-P 84-04-081	316-75-030	NEW 84-07-037
316-35-030	NEW-P 84-04-081	316-55-020	NEW 84-07-037	316-75-050	NEW-P 84-04-081
316-35-030	NEW 84-07-037	316-55-030	NEW-P 84-04-081	316-75-050	NEW 84-07-037
316-35-050	NEW-P 84-04-081	316-55-030	NEW 84-07-037	316-75-070	NEW-P 84-04-081
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316-35-070	NEW-P 84-04-081	316-55-050	NEW 84-07-037	316-75-090	NEW-P 84-04-081
316-35-070	NEW 84-07-037	316-55-070	NEW-P 84-04-081	316-75-090	NEW 84-07-037
316-35-090	NEW-P 84-04-081	316-55-070	NEW 84-07-037	316-75-110	NEW-P 84-04-081
316-35-090	NEW 84-07-037	316-55-090	NEW-P 84-04-081	316-75-110	NEW 84-07-037
316-35-110	NEW-P 84-04-081	316-55-090	NEW 84-07-037	316-75-130	NEW-P 84-04-081
316-35-110	NEW 84-07-037	316-55-110	NEW-P 84-04-081	316-75-130	NEW 84-07-037
316-35-130	NEW-P 84-04-081	316-55-110	NEW 84-07-037	316-75-150	NEW-P 84-04-081
316-35-130	NEW 84-07-037	316-55-130	NEW-P 84-04-081	316-75-150	NEW 84-07-037
316-35-150	NEW-P 84-04-081	316-55-130	NEW 84-07-037	316-75-170	NEW-P 84-04-081
316-35-150	NEW 84-07-037	316-55-150	NEW-P 84-04-081	316-75-170	NEW 84-07-037
316-35-170	NEW-P 84-04-081	316-55-150	NEW 84-07-037	316-75-190	NEW-P 84-04-081
316-35-170	NEW 84-07-037	316-55-160	NEW-P 84-04-081	316-75-190	NEW 84-07-037
316-35-190	NEW-P 84-04-081	316-55-160	NEW 84-07-037	316-75-210	NEW-P 84-04-081
316-35-190	NEW 84-07-037	316-55-170	NEW-P 84-04-081	316-75-210	NEW 84-07-037
316-35-210	NEW-P 84-04-081	316-55-170	NEW 84-07-037	316-75-230	NEW-P 84-04-081
316-35-210	NEW 84-07-037	316-55-500	NEW-P 84-04-081	316-75-230	NEW 84-07-037
316-35-230	NEW-P 84-04-081	316-55-500	NEW 84-07-037	316-75-250	NEW-P 84-04-081
316-35-230	NEW 84-07-037	316-55-505	NEW-P 84-04-081	316-75-250	NEW 84-07-037
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
316-45-001	NEW-P 84-04-081	316-55-510	NEW 84-07-037	316-75-290	NEW-P 84-04-081
316-45-001	NEW 84-07-037	316-55-515	NEW-P 84-04-081	316-75-290	NEW 84-07-037
316-45-010	NEW-P 84-04-081	316-55-515	NEW 84-07-037	316-75-310	NEW-P 84-04-081
316-45-010	NEW 84-07-037	316-55-520	NEW-P 84-04-081	316-75-310	NEW 84-07-037
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
316-45-050	NEW-P 84-04-081	316-55-525	NEW 84-07-037	326-02-030	AMD 84-09-002
316-45-050	NEW 84-07-037	316-55-600	NEW-P 84-04-081	326-06-010	NEW-P 84-05-033
316-45-070	NEW-P 84-04-081	316-55-600	NEW 84-07-037	326-06-010	NEW-E 84-05-034
316-45-070	NEW 84-07-037	316-65-001	NEW-P 84-04-081	326-06-010	NEW 84-09-002
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	326-06-030	NEW-P 84-05-033
316-45-130	NEW-P 84-04-081	316-65-030	NEW 84-07-037	326-06-030	NEW-E 84-05-034
316-45-130	NEW 84-07-037	316-65-050	NEW-P 84-04-081	326-06-030	NEW 84-09-002
316-45-150	NEW-P 84-04-081	316-65-050	NEW 84-07-037	326-06-040	NEW-P 84-05-033
316-45-150	NEW 84-07-037	316-65-090	NEW-P 84-04-081	326-06-040	NEW-E 84-05-034
316-45-170	NEW-P 84-04-081	316-65-090	NEW 84-07-037	326-06-040	NEW 84-09-002
316-45-170	NEW 84-07-037	316-65-110	NEW-P 84-04-081	326-06-050	NEW-P 84-05-033
316-45-190	NEW-P 84-04-081	316-65-110	NEW 84-07-037	326-06-050	NEW-E 84-05-034
316-45-190	NEW 84-07-037	316-65-130	NEW-P 84-04-081	326-06-050	NEW 84-09-002
316-45-210	NEW-P 84-04-081	316-65-130	NEW 84-07-037	326-06-060	NEW-P 84-05-033
316-45-210	NEW 84-07-037	316-65-150	NEW-P 84-04-081	326-06-060	NEW-E 84-05-034
316-45-230	NEW-P 84-04-081	316-65-150	NEW 84-07-037	326-06-060	NEW 84-09-002
316-45-230	NEW 84-07-037	316-65-500	NEW-P 84-04-081	326-06-070	NEW-P 84-05-033
316-45-250	NEW-P 84-04-081	316-65-500	NEW 84-07-037	326-06-070	NEW-E 84-05-034
316-45-250	NEW 84-07-037	316-65-510	NEW-P 84-04-081	326-06-070	NEW 84-09-002
316-45-270	NEW-P 84-04-081	316-65-510	NEW 84-07-037	326-06-080	NEW-P 84-05-033

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
326-06-080	NEW-E 84-05-034	326-30-035	NEW 84-03-005	332-40-010	REP-P 84-13-066
326-06-080	NEW 84-09-002	326-30-040	NEW 84-03-005	332-40-020	REP-P 84-13-066
326-06-090	NEW-P 84-05-033	326-30-050	NEW 84-03-005	332-40-025	REP-P 84-13-066
326-06-090	NEW-E 84-05-034	326-30-060	NEW 84-03-005	332-40-030	REP-P 84-13-066
326-06-090	NEW 84-09-002	326-30-070	NEW 84-03-005	332-40-035	REP-P 84-13-066
326-06-100	NEW-P 84-05-033	326-30-080	NEW 84-03-005	332-40-037	REP-P 84-13-066
326-06-100	NEW-E 84-05-034	326-30-090	NEW 84-03-005	332-40-040	REP-P 84-13-066
326-06-100	NEW 84-09-002	326-30-100	NEW 84-03-005	332-40-045	REP-P 84-13-066
326-06-110	NEW-P 84-05-033	326-30-100	AMD-P 84-03-048	332-40-050	REP-P 84-13-066
326-06-110	NEW-E 84-05-034	326-30-100	AMD-E 84-03-049	332-40-055	REP-P 84-13-066
326-06-110	NEW 84-09-002	326-30-100	AMD-P 84-05-033	332-40-060	REP-P 84-13-066
326-06-120	NEW-P 84-05-033	326-30-100	AMD-E 84-05-034	332-40-100	REP-P 84-13-066
326-06-120	NEW-E 84-05-034	326-30-100	AMD 84-06-017	332-40-160	REP-P 84-13-066
326-06-120	NEW 84-09-002	326-30-100	AMD 84-09-002	332-40-170	REP-P 84-13-066
326-06-130	NEW-P 84-05-033	326-30-110	NEW 84-03-005	332-40-175	REP-P 84-13-066
326-06-130	NEW-E 84-05-034	326-40	NEW-C 84-03-002	332-40-177	REP-P 84-13-066
326-06-130	NEW 84-09-002	326-40-010	NEW-E 84-05-034	332-40-180	REP-P 84-13-066
326-06-140	NEW-P 84-05-033	326-40-010	NEW 84-05-054	332-40-190	REP-P 84-13-066
326-06-140	NEW-E 84-05-034	326-40-020	NEW-E 84-05-034	332-40-200	REP-P 84-13-066
326-06-140	NEW 84-09-002	326-40-020	NEW 84-05-054	332-40-203	REP-P 84-13-066
326-06-160	NEW-P 84-05-033	326-40-100	NEW-P 84-05-033	332-40-205	REP-P 84-13-066
326-06-160	NEW-E 84-05-034	326-40-100	NEW-E 84-05-034	332-40-210	REP-P 84-13-066
326-06-160	NEW 84-09-002	326-40-100	NEW 84-09-002	332-40-215	REP-P 84-13-066
326-08-010	NEW-P 84-05-033	330-01	NEW-C 84-07-008	332-40-220	REP-P 84-13-066
326-08-010	NEW-E 84-05-034	330-01-010	NEW-P 84-03-041	332-40-225	REP-P 84-13-066
326-08-010	NEW 84-09-002	330-01-010	NEW-E 84-03-042	332-40-230	REP-P 84-13-066
326-08-020	NEW-P 84-05-033	330-01-010	NEW 84-07-034	332-40-240	REP-P 84-13-066
326-08-020	NEW-E 84-05-034	330-01-020	NEW-P 84-03-041	332-40-245	REP-P 84-13-066
326-08-020	NEW 84-09-002	330-01-020	NEW-E 84-03-042	332-40-260	REP-P 84-13-066
326-08-030	NEW-P 84-05-033	330-01-020	NEW 84-07-034	332-40-300	REP-P 84-13-066
326-08-030	NEW-E 84-05-034	330-01-030	NEW-P 84-03-041	332-40-305	REP-P 84-13-066
326-08-030	NEW 84-09-002	330-01-030	NEW-E 84-03-042	332-40-310	REP-P 84-13-066
326-08-040	NEW-P 84-05-033	330-01-030	NEW 84-07-034	332-40-315	REP-P 84-13-066
326-08-040	NEW-E 84-05-034	330-01-040	NEW-P 84-03-041	332-40-320	REP-P 84-13-066
326-08-040	NEW 84-09-002	330-01-040	NEW-E 84-03-042	332-40-330	REP-P 84-13-066
326-08-050	NEW-P 84-05-033	330-01-040	NEW 84-07-034	332-40-340	REP-P 84-13-066
326-08-050	NEW-E 84-05-034	330-01-050	NEW-P 84-03-041	332-40-345	REP-P 84-13-066
326-08-050	NEW 84-09-002	330-01-050	NEW-E 84-03-042	332-40-350	REP-P 84-13-066
326-08-060	NEW-P 84-05-033	330-01-050	NEW 84-07-034	332-40-355	REP-P 84-13-066
326-08-060	NEW-E 84-05-034	330-01-060	NEW-P 84-03-041	332-40-360	REP-P 84-13-066
326-08-060	NEW 84-09-002	330-01-060	NEW-E 84-03-042	332-40-365	REP-P 84-13-066
326-08-070	NEW-P 84-05-033	330-01-060	NEW 84-07-034	332-40-370	REP-P 84-13-066
326-08-070	NEW-E 84-05-034	330-01-070	NEW-P 84-03-041	332-40-375	REP-P 84-13-066
326-08-070	NEW 84-09-002	330-01-070	NEW-E 84-03-042	332-40-400	REP-P 84-13-066
326-08-080	NEW-P 84-05-033	330-01-070	NEW 84-07-034	332-40-405	REP-P 84-13-066
326-08-080	NEW-E 84-05-034	330-01-080	NEW-P 84-03-041	332-40-410	REP-P 84-13-066
326-08-080	NEW 84-09-002	330-01-080	NEW-E 84-03-042	332-40-420	REP-P 84-13-066
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326-08-090	NEW 84-09-002	330-01-090	NEW-E 84-03-042	332-40-442	REP-P 84-13-066
326-08-100	NEW-P 84-05-033	330-01-090	NEW 84-07-034	332-40-444	REP-P 84-13-066
326-08-100	NEW-E 84-05-034	332-21-010	NEW-P 84-13-039	332-40-446	REP-P 84-13-066
326-08-100	NEW 84-09-002	332-21-020	NEW-P 84-13-039	332-40-450	REP-P 84-13-066
326-08-110	NEW-P 84-05-033	332-21-030	NEW-P 84-13-039	332-40-455	REP-P 84-13-066
326-08-110	NEW-E 84-05-034	332-21-040	NEW-P 84-13-039	332-40-460	REP-P 84-13-066
326-08-110	NEW 84-09-002	332-21-050	NEW-P 84-13-039	332-40-465	REP-P 84-13-066
326-08-120	NEW-P 84-05-033	332-22-010	AMD-P 84-13-040	332-40-470	REP-P 84-13-066
326-08-120	NEW-E 84-05-034	332-22-020	AMD-P 84-13-040	332-40-480	REP-P 84-13-066
326-08-120	NEW 84-09-002	332-22-030	AMD-P 84-13-040	332-40-485	REP-P 84-13-066
326-08-130	NEW-P 84-05-033	332-22-040	AMD-P 84-13-040	332-40-490	REP-P 84-13-066
326-08-130	NEW-E 84-05-034	332-22-050	AMD-P 84-13-040	332-40-495	REP-P 84-13-066
326-08-130	NEW 84-09-002	332-22-060	AMD-P 84-13-040	332-40-500	REP-P 84-13-066
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326-20-050	AMD-E 84-05-034	332-22-080	AMD-P 84-13-040	332-40-530	REP-P 84-13-066
326-20-050	AMD 84-09-002	332-22-090	AMD-P 84-13-040	332-40-535	REP-P 84-13-066
326-20-060	AMD-P 84-05-033	332-22-100	AMD-P 84-13-040	332-40-540	REP-P 84-13-066
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326-20-180	AMD-E 84-05-034	332-22-120	AMD-P 84-13-040	332-40-600	REP-P 84-13-066
326-20-180	AMD 84-09-002	332-22-130	AMD-P 84-13-040	332-40-650	REP-P 84-13-066
326-20-210	AMD-P 84-05-033	332-22-140	AMD-P 84-13-040	332-40-652	REP-P 84-13-066
326-20-210	AMD-E 84-05-034	332-22-150	AMD-P 84-13-040	332-40-660	REP-P 84-13-066
326-20-210	AMD 84-09-002	332-26-010	NEW-E 84-09-014	332-40-690	REP-P 84-13-066
326-30-010	NEW 84-03-005	332-26-015	NEW-E 84-11-053	332-40-695	REP-P 84-13-066
326-30-020	NEW 84-03-005	332-30-108	NEW-P 84-06-068	332-40-700	REP-P 84-13-066
326-30-030	NEW 84-03-005	332-30-108	NEW-C 84-11-027	332-40-710	REP-P 84-13-066

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332-40-830	REP-P	84-13-066	352-60-040	NEW-E	84-07-030	356-26-030	AMD-C	84-09-049
332-40-840	REP-P	84-13-066	352-60-040	NEW-P	84-08-063	356-26-030	AMD-P	84-10-038
332-40-910	REP-P	84-13-066	352-60-040	NEW	84-11-057	356-26-030	AMD-E	84-10-053
332-41-010	NEW-P	84-13-066	352-60-050	NEW-E	84-07-030	356-26-030	AMD	84-11-091
332-41-020	NEW-P	84-13-066	352-60-050	NEW-P	84-08-063	356-26-060	AMD-P	84-12-080
332-41-030	NEW-P	84-13-066	352-60-050	NEW	84-11-057	356-26-070	AMD-P	84-06-049
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332-41-310	NEW-P	84-13-066	352-60-060	NEW	84-11-057	356-30-065	NEW-C	84-04-019
332-41-350	NEW-P	84-13-066	352-60-070	NEW-E	84-07-030	356-30-065	NEW-C	84-07-003
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332-41-504	NEW-P	84-13-066	352-60-070	NEW	84-11-057	356-30-065	NEW	84-12-079
332-41-508	NEW-P	84-13-066	352-60-080	NEW-E	84-07-030	356-30-080	AMD-P	84-04-073
332-41-510	NEW-P	84-13-066	352-60-080	NEW-P	84-08-063	356-30-080	AMD-C	84-07-003
332-41-665	NEW-P	84-13-066	352-60-080	NEW	84-11-057	356-30-080	AMD-C	84-09-049
332-41-833	NEW-P	84-13-066	352-60-090	NEW-E	84-07-030	356-30-080	AMD	84-12-079
332-41-910	NEW-P	84-13-066	352-60-090	NEW-P	84-08-063	356-30-130	AMD-E	84-04-021
332-41-920	NEW-P	84-13-066	352-60-090	NEW	84-11-057	356-30-130	AMD-P	84-04-073
332-41-950	NEW-P	84-13-066	352-60-100	NEW-E	84-07-030	356-30-130	AMD-C	84-07-003
332-41-960	NEW-P	84-13-066	352-60-100	NEW-P	84-08-063	356-30-130	AMD-E	84-10-007
332-41-970	NEW-P	84-13-066	352-60-100	NEW	84-11-057	356-30-130	AMD	84-10-054
332-41-980	NEW-P	84-13-066	352-60-110	NEW-E	84-07-030	356-30-145	AMD-P	84-08-035
332-41-985	NEW-P	84-13-066	352-60-110	NEW-P	84-08-063	356-30-145	AMD-C	84-12-026
332-41-990	NEW-P	84-13-066	352-60-110	NEW	84-11-057	356-30-230	AMD-P	84-06-049
332-54-010	NEW-E	84-13-034	352-74	NEW-C	84-13-073	356-30-230	AMD	84-10-054
332-54-020	NEW-E	84-13-034	352-74-010	NEW-P	84-12-073	356-30-260	AMD-P	84-06-048
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335-06-040	NEW-P	84-10-035	356-06-010	AMD-P	84-06-049	356-46-130	AMD-P	84-06-049
335-06-040	NEW-E	84-10-036	356-06-010	AMD-C	84-07-003	356-46-130	AMD	84-10-054
335-06-050	NEW-P	84-10-035	356-06-010	AMD-C	84-09-049	356-49-010	NEW-P	84-06-049
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335-06-060	NEW-P	84-10-035	356-06-010	AMD-P	84-10-038	356-49-010	NEW	84-11-091
335-06-060	NEW-E	84-10-036	356-06-010	AMD	84-11-003	356-49-020	NEW-P	84-06-049
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335-06-100	NEW-P	84-10-035	356-06-055	AMD	84-11-091	356-49-040	NEW-C	84-09-049
335-06-100	NEW-E	84-10-036	356-07-020	AMD	84-04-022	356-49-040	NEW	84-11-091
352-04-010	AMD	84-04-035	356-10-040	AMD-P	84-08-035	360-12-015	AMD	84-04-029
352-12-020	AMD-P	84-04-082	356-10-040	AMD-P	84-12-080	360-12-065	AMD	84-03-015
352-12-020	AMD	84-09-045	356-10-045	NEW-P	84-12-080	360-16-025	NEW-P	84-08-080
352-16-020	AMD-C	84-04-036	356-10-050	AMD-P	84-12-080	360-16-025	NEW-E	84-08-082
352-16-020	AMD	84-08-016	356-15-060	AMD-E	84-04-020	360-16-025	NEW	84-12-019
352-28	AMD-C	84-04-037	356-15-060	AMD	84-05-024	360-16-150	AMD-P	84-08-081
352-28-005	NEW	84-08-017	356-15-060	AMD-P	84-10-038	360-16-150	AMD	84-12-020
352-28-010	AMD	84-08-017	356-15-060	AMD-E	84-12-030	360-16-230	AMD	84-03-015
352-28-020	AMD	84-08-017	356-15-100	AMD-P	84-08-035	360-16-240	AMD-P	84-08-080
352-32-035	AMD-P	84-04-082	356-15-100	AMD	84-12-079	360-16-240	AMD-E	84-08-082
352-32-035	AMD	84-09-045	356-15-110	AMD-P	84-08-035	360-16-240	AMD	84-12-019
352-32-250	AMD-P	84-04-082	356-15-110	AMD	84-12-079	360-16-260	REP	84-03-016
352-32-250	AMD	84-09-045	356-18-050	AMD	84-04-022	360-18-020	AMD-E	84-03-017
352-32-290	NEW-P	84-12-074	356-18-070	AMD-C	84-04-019	360-18-020	AMD	84-04-030
352-32-290	NEW-C	84-13-074	356-18-070	AMD-C	84-07-003	360-19-010	NEW	84-03-016
352-32-295	NEW-P	84-12-071	356-18-070	AMD-C	84-09-049	360-19-020	NEW	84-03-016
352-32-295	NEW-C	84-13-071	356-18-070	AMD-C	84-12-026	360-19-030	NEW	84-03-016
352-32-300	NEW-P	84-12-072	356-18-090	AMD-P	84-04-073	360-19-040	NEW	84-03-016
352-32-300	NEW-C	84-13-072	356-18-090	AMD-C	84-07-003	360-19-050	NEW	84-03-016
352-44	REVIEW	84-09-046	356-18-090	AMD-C	84-09-049	360-19-060	NEW	84-03-016
352-60-010	NEW-E	84-07-030	356-18-090	AMD-C	84-12-026	360-19-070	NEW	84-03-016
352-60-010	NEW-P	84-08-063	356-18-100	AMD-E	84-10-008	360-19-080	NEW	84-03-016
352-60-010	NEW	84-11-057	356-18-100	AMD-P	84-10-038	360-19-090	NEW	84-03-016
352-60-020	NEW-E	84-07-030	356-18-105	REP-E	84-10-008	360-19-100	NEW	84-03-016
352-60-020	NEW-P	84-08-063	356-18-105	REP-P	84-10-038	360-36-400	NEW-P	84-06-067
352-60-020	NEW	84-11-057	356-22-070	AMD-P	84-10-038	360-36-400	NEW-C	84-10-064
352-60-030	NEW-E	84-07-030	356-22-070	AMD-E	84-10-053	360-36-400	NEW-C	84-12-021
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360-36-420	NEW-P	84-06-067	388-18-060	NEW-P	84-13-048	388-37-037	AMD-P	84-11-074
360-36-420	NEW-C	84-10-064	388-18-070	NEW-P	84-13-048	388-37-038	AMD-P	84-11-074
360-36-420	NEW-C	84-12-021	388-18-080	NEW-P	84-13-048	388-37-040	AMD-P	84-11-074
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360-36-440	NEW-C	84-10-064	388-24-044	AMD-P	84-06-026	388-37-130	NEW-P	84-11-074
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388-08-00101	REP	84-05-040	388-24-065	AMD-P	84-11-075	388-37-140	NEW-P	84-11-074
388-08-002	REP	84-05-040	388-26-120	AMD-P	84-11-005	388-37-150	NEW-P	84-11-074
388-08-00201	NEW	84-05-040	388-28-400	AMD-P	84-04-003	388-37-160	NEW-P	84-11-074
388-08-00401	AMD	84-05-040	388-28-400	AMD	84-07-019	388-37-170	NEW-P	84-11-074
388-08-006	AMD	84-05-040	388-28-410	AMD-P	84-04-003	388-37-180	NEW-P	84-11-074
388-08-00601	AMD	84-05-040	388-28-410	AMD	84-07-019	388-37-190	NEW-P	84-11-074
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388-08-055	REP	84-05-040	388-28-420	AMD-P	84-04-003	388-42	AMD-C	84-09-070
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388-08-170	REP	84-05-040	388-28-435	NEW	84-07-019	388-42-100	AMD	84-11-071
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388-08-210	REP	84-05-040	388-28-440	AMD	84-07-019	388-42-150	AMD	84-11-071
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388-08-230	REP	84-05-040	388-28-450	AMD	84-07-019	388-54-620	AMD	84-06-014
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388-08-375	REP	84-05-040	388-28-455	REP	84-07-019	388-54-676	AMD	84-06-029
388-08-390	REP	84-05-040	388-28-473	AMD-P	84-04-003	388-54-728	NEW	84-06-015
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